

# Improving Quality of Land Administration in Sri Lanka

## Key Message(s)

- Land administration in Sri Lanka is institutionally and functionally fragmented and geographically incomplete.
- The current situation is an impediment to spatial planning and land and natural resources management with direct impact to economic growth and social development.
- Sri Lanka should embark to an orchestrated and incremental improvement of policies, institutional arrangements and technical solutions to improve clarity, ownership and sustainability of the land administration system and services.

## Key Action(s)

- Short term
  - Clarify the policy, objectives and action plan for establishing a quality land administration system within a reasonable timeframe in Sri Lanka.
- Medium term
  - Digitize and harmonize a unified land register, cadastre and cadastral map as the core elements of the land administration system.
  - Complete a comprehensive land register, cadastre and cadastral map through a systematic fit-for-purpose first registration campaign.
  - Incrementally unify land administration functions and institutions building on the successful effort in digitizing and harmonizing land records and the cadastre.
- Long term
  - Adopt a self-financing model with operational independence under appropriate oversight arrangements to ensure technical and financial sustainability
  - Accompany technical reforms by regulatory reforms to improve the quality, clarity and sustainability of the land administration system.
  - Revise the registration process to ensure feasibility and cost effectiveness.

# 1. Importance of Land Administration

**Land and buildings generally represent between half and three quarters of the national wealth.** Good quality land administration and policies are fundamental for the management of this resource and its impact to growth, environmental protection and social cohesion and security. Effective management of land requires comprehensive and good quality records and geospatial data on land, and on rights, responsibilities and restrictions related to land.

Land provides the source of food and shelter. Basic survival and the enjoyment of a sustainable livelihood are dependent on access to land and related resources such as water, forests and fisheries. Access to rural lands and associated natural resources provides a safety net to people who have migrated to urban areas, as well as to their rural relatives. Beyond providing the platform for food and shelter, land and other natural resources are one of the fundamental factors that shape the social and cultural identities which define who we are and how we are viewed by others. Land and related natural resources are thus closely bound with other factors of identity such as ethnicity, gender, nationality, history and religious belief. Land and other natural resources are also a source of wealth and are important for the economic well-being of families, communities and nations. As a fundamental factor of production, land and other natural resources are used to produce goods and services.

Understanding the latter, the right to an adequate standard of living, including food and housing, was affirmed in the Universal Declaration of Human Rights (UDHR), Article 25, adopted in 1948. A right to own property was affirmed by the UDHR's Article 17 stipulating that everyone has the right to own property alone as well as in association with others; and no one shall be arbitrarily deprived of property. The protection of property rights was subsequently reaffirmed in the Convention concerning Indigenous and Tribal Peoples (Article 16); the International Covenant on Economic, Social and Cultural Rights (Article 11, General Comment 7); the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Article 15); and the Principles on Housing and Property Restitution for Refugees and Displaced Persons ("The Pinheiro Principles") (Principles 5 and 7).

Recently, the Voluntary Guidelines for Responsible Governance of Tenure<sup>1</sup> was adopted to guide among others the national land administration domain in the following areas:

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<sup>1</sup> The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment. They were officially endorsed by the Committee on World Food Security on 11 May 2012. Since then implementation has been encouraged by G20, Rio+ 20, United Nations General Assembly and Francophone Assembly of Parliamentarians.  
<http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

17.1 States should provide systems (such as registration, cadastre and licensing systems) to record individual and collective tenure rights in order to improve security of tenure rights, including those held by the State and public sector, private sector, and indigenous peoples and other communities with customary tenure systems; and for the functioning of local societies and of markets. Such systems should record, maintain and publicize tenure rights and duties, including who holds those rights and duties, and the parcels or holdings of land, fisheries or forests to which the rights and duties relate.

18.1 States should ensure that appropriate systems are used for the fair and timely valuation of tenure rights for specific purposes, such as operation of markets, security for loans, transactions in tenure rights as a result of investments, expropriation and taxation. Such systems should promote broader social, economic, environmental and sustainable development objectives.

19.1 States have the power to raise revenue through taxation related to tenure rights so as to contribute to the achievement of their broader social, economic and environmental objectives. These objectives may include encouraging investment or preventing undesirable impacts that may arise, such as from speculation and concentration of ownership or other tenure rights. Taxes should encourage socially, economically and environmentally desirable behaviour, such as registering transactions or declaring the full sale value.

20.1 Regulated spatial planning<sup>2</sup> affects tenure rights by legally constraining their use. States should conduct regulated spatial planning, and monitor and enforce compliance with those plans, including balanced and sustainable territorial development, in a way that promotes the objectives of these Guidelines. In this regard, spatial planning should reconcile and harmonize different objectives of the use of land, fisheries and forests.

21.1. States should provide access through impartial and competent judicial and administrative bodies to timely, affordable and effective means of resolving disputes over tenure rights, including alternative means of resolving such disputes, and should provide effective remedies and a right to appeal. Such remedies should be promptly enforced. States should make available, to all, mechanisms to avoid or resolve potential disputes at the preliminary stage, either within the implementing agency or externally. Dispute resolution services should be accessible to all, women and men, in terms of location, language and procedures.

In Sri Lanka, the following land-related activities were listed in the Economic Policy Statement by the Prime Minister on 5 November 2015:

- Provision of required concessions and lands to agricultural enterprises for harnessing and developing farmer-based agricultural initiatives.
- Initiation of rural housing projects introducing low cost construction methods.
- Provision of state lands and tax concessions for those who are willing to fund the housing projects in urban and semi-urban areas.
- Provision of state lands for the construction of housing schemes for the middle class.
- Provision of ownership of land to the people who have lived on lands given on permits for over a decade.
- Provision of a small plot of land and house for estate workers who have been living in line rooms for over ten years.

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<sup>2</sup> Depending on the language and legal contexts and culture, the spatial planning is often considered 'land management' rather than 'land administration'. Nevertheless, spatial planning is beyond this paper's focus.

- Bring in new laws to remove the impediments for utilization of lands by investors.

Further, the Prime Minister has adopted an objective to improve Sri Lanka’s ranking in the ease of doing business to be position the country among the top 70 economies in the World. In support, the World Bank provides technical assistance to the Ministry of Development Strategies and International Trade (MODSIT) to enhance the investment climate in Sri Lanka in part measured by the rankings in Doing Business<sup>3</sup> including in Registering Property. Sri Lanka has not made significant changes to the process of registering property in recent years and this reflects in the low ranking (dropping in Registering Property to 155<sup>th</sup> of 190 economies in 2017 from 154<sup>th</sup> in 2016). The Task Force looking at Registering Property has adopted an action plan with 18 actions over 2 years. Four of these activities include legislative reform. Improving the land administration system in Sri Lanka as a whole will require a larger investment over a longer timeframe. This policy paper has been prepared as the basis for discussions on the scope and extent of this possible intervention.

## 2. Land Administration in Sri Lanka

**85% of lands in Sri Lanka belong to the State.** Arable lands account to 2.9 million hectares (of the total 6.6 million ha) and 35% is under agricultural use (see table 1). Private ownership of agricultural land is limited to 50 acres per person and restrictions apply to sales, leasing, and mortgaging and to use of the state lands.

Table 1:

Land Class/Use	Area (m ha)	%
State Agricultural Land allocated to private farmers	1.38	21.0%
Private Agricultural Land	0.88	13.4%
Private Urban Land	0.05	0.8%
Urban State Land	0.01	0.2%
Other State Lands (forests, parks, protected areas, sparsely used land, reserves etc.)	4.24	64.6%
<b>Total</b>	<b>6.56</b>	<b>100.0%</b>

**Source:** World Bank (2001)

### *Institutions and Institutional Mandates*

**There are many institutions that are involved with land administration as per a complex set of legislation.** The key institutions involved, their institutional roles and

<sup>3</sup> <http://www.doingbusiness.org/> and <http://www.doingbusiness.org/data/exploretopics/registering-property>.

responsibilities, their key legislative basis and their organization structure is set out in the table in Annex 1. The Ministry of Lands and Land Development plays a key role in land administration with the associated Land Settlement, Land Commissioner General's, Survey and Land Use Policy Planning Departments and the Land Reform Commission. The Registrar General's Department in the Ministry of Public Administration and Management plays a key role in registering rights under both the deeds and title registration systems. The Valuation Department provides compensation values for the land acquisition and suggests lease levels for the government including to Provincial Councils and Local Authorities. The Valuation Department also prepares tax assessments for local authorities other than the Colombo Municipal Council. The Urban Development Authority formulates land use policy and plans and acquires and develops property in areas under its jurisdiction (there are 14,020 grama niladhari (GN) in Sri Lanka and a total of 6,955 GN have been declared under the UDA).<sup>4</sup> The Mahaweli Authority administers land in areas declared for the Mahaweli Ganga Development Scheme (about 39% of Sri Lanka has been declared). There are 50-100 laws that relate to some aspect of land administration in Sri Lanka, with the key ones listed in Annex 2. Many of these laws have a long history. The existing legislative framework is complex, inconsistent and fails to address the current and future needs of society.

	Alienation of State Land	Approving and recording land transactions	Land acquisition	Valuation of property	Clarification of rights with respect to protected	Land management
Ministry of Lands and Land Development						
Survey Department						
Land Settlement Department						
Land Commissioner General's Department						
Land Use Policy and Planning Department						
Land Reform Commission						
Registrar General's Department						
Urban Development Authority						
National Physical Planning Department						
Valuation Department						
Mahaweli Authority						
National Land Commission						

<sup>4</sup> 795 in Municipal Councils; 1,141 in Urban Centres; and 5,019 in Pradeshiya Sabha  
[http://www.uda.gov.lk/images/downloads/SL\\_Declared\\_Maps/SL\\_Declared\\_2016\\_Summary.pdf](http://www.uda.gov.lk/images/downloads/SL_Declared_Maps/SL_Declared_2016_Summary.pdf)



**Case A.** There is a long process to resolve land matters. The land officer goes to the GN and collects names of those lacking documents. Based on this information, he makes a proposal to the Divisional Secretary for a Land Kachcheri. This proposal is sent to the Provincial Land Commissioner who then sends it on to the Land Commissioner General for approval. Once approved, the Provincial Land Commissioner informs the Divisional Secretary who then calls a Land Kachcheri. In the Land Kachcheri information is gathered, a list of land holders is prepared and publicly posted in the community. Once any disputes or claims are settled, the information is sent to the Provincial Land Commissioner who checks and then sends to the Land Commissioner General for approval. The permits and grants used to be produced in locally but they are now all produced centrally by the Land Commissioner General's Department using special paper with watermarks. The whole process from the start of the Land Kachcheri to the distribution of permits and grants can take 12 months. If the authority was delegated to the Provincial Land Commissioner it could be done in less than a month.

### *Registration of rights*

**There is a dual system of registering private rights to immovable property in Sri Lanka.** There are 45 Land Registries in Sri Lanka managed by the Registrar General's Department of the Ministry of Public Administration and Management (MOPAM). The Land Registry records deeds, mortgages, leases and other documents on land and property. The deeds registration system dates back to the British colonial administration and covers approximately 7 million land parcels (of the estimated total of 13 million land parcels in Sri Lanka). Registration is not mandatory and there is no legal guarantee on the rights that are registered. Over 1.1 million deeds were registered in 2015. Although improvements have been made to the deed registration system over time, the system suffers from a number of problems. There is no certainty that a registered deed is valid. There are no maps in the land registries and there is therefore uncertainty on boundaries and the risk of gaps and overlaps in the parcels with rights recorded in registered deeds. If a deed does not correctly refer to a previous deed there is the chance that the new deed will be registered as a new property and the risk of duplicate records of rights. There are also claims of fake deeds and land grabbing by manipulation of the system (see Case B).

**Case B.** The biggest problem in the Trincomalee land registry is the fact that the system is manual and open to fraud. There are many cases where someone living abroad with a registered property is identified and a fraudulent deed is registered for the property. There is no way for the Registrar to check this. Family members are also forging the signature of family members living outside the District and it is impossible for the Registrar to verify signatures. A lot of the fraud is by staff and lawyers. Before 2007 documents were stolen during working hours by staff and there are 10-15 land register books that are missing. There have also been complaints that staff have identified the property of people living abroad and then 'sub-divided' the property and sold the 'new' parcels. There is a court case for such a complaint. Many land owners have lost their documents during the war. When they seek to get information on a registered property they often have no documents and cannot recall the name of the lawyer or notary. This makes it almost impossible to find the deeds in the land register and there is no evidence to refute fraudulent records. Therefore the land owner has lost the land as well as the documents.

**A title registration system was introduced under the Registration of Title Act No. 21 of 1998 but this has not progressed as intended.** This Act was put in place to address the problems with the deeds registration system. This Act sets out a process to demarcate and survey property boundaries and to adjudicate the rights over these properties and register this information as titles with state guarantee. Title registration is being implemented by the Survey and Land Settlement Departments. The title register is maintained by the Registrar General's Department. By 2014 405,813 titles had been registered under the National Land Titling Program (Bim-Saviya). The Survey Department has developed a national Cadastral Map in SLG99 for title registration and by the end of 2014 had surveyed close to 1 million land parcels. In 2015 the Registrar General's Department recorded 25,500 transactions for titles. Title registration was intended to replace deeds registration, but the implementation of title registration has taken longer than anticipated and there are clearly issues in both survey and adjudication processes in acquiring title.

**In 2017 the Doing Business assessment Sri Lanka was ranked 155<sup>th</sup> of 190 economies on the scale of ease of Registering Property.** The assessment found that registering the property transfer in Sri Lanka required 9 steps, took 51 days and cost 5.1% of the property value. In part the number of steps and days required to register property are the result of caution on the part of the legal profession and their lack of faith in the system. The additional steps include the confirmation of information in the local authority assessment registers and the local authority records on buildings and development approvals. These steps are not required by law.

#### *Urban/Rural Land Management and Administration*

**Land management is implemented by competing institutions.** A number of institutions have defined roles for different types of land and these roles often overlap or are inconsistent. In the urban sector the Municipalities and Urban Centres have a defined role in land management, land use planning and the approval of developments. The Urban Development Authority also has a role in areas that have been declared under its jurisdiction. Urban land has also been vested in agencies and often this land is not being used as intended (see Case C).

**Case C.** In 1984 1,975 ha (about 4,900 acres) of land in the Town and Gravets Division in Trincomalee was vested in the Port Authority. A lot of people have encroached on this land and many have been there for 2-3 generations. Some have permits and some have deeds. An inventory has established that there are 3,257 lots in the land vested in the Ports Authority. Some of the lots are for residences and some are for public use such as schools, hospitals etc. Two Tsunami housing schemes have been constructed on the land. The occupants of these residences have housing certificates but not land certificates.

In the rural sector the forest and wildlife authorities have been active in demarcating and gazetting protected areas. This demarcation is typically undertaken without any consultation with other agencies and the community. There are many cases where land that has been settled for many

decades, often under permits, has been gazetted as forest land, particularly in the North and East where land holders were displaced for extended periods during the war. This is creating disputes (see Case D). The Land Reform Commission is administering nearly 1 million acres of land under the Land Reform Act number 1 of 1972, but 60-70% of this land has been allocated to two plantation companies.

**Case D.** There have traditionally been two categories of forest land: (i) forest reserves; and (ii) other state forests. In the past the District Secretaries could allocate land classified as other state forests, In Circular 2001/5 issued by the Ministry of Environment it was stated that land classed as other state forests could only be allocated by the Forest Department. In 2012/13 the Forest Department started demarcating, surveying and gazetting forest land without consultation with other agencies or the community. The land gazetted as forest land covered land occupied under permits. This included 7 villages in Vavuniya District which were all declared as forest land. To resolve this issue a District Forest Clearing Technical Committee has been formed. The matters discussed by the District committee are sent to the Presidential Secretary for resolution. The Presidential Secretary has formed a National Forest Clearing Technical Committee charged with making a decision on any changes to gazetted forests.

**There is great difficulty in mobilizing land for investment, development and allocation/resettlement.** There are many laws in place to make land available for development, investment and for social purposes such as the allocation of land to the landless and resettlement. These laws are set out in Annex 4 and the number and scope of these laws highlights the importance of the issue and the failure of the overall system to address needs. Many of these laws are based on the process set out in the Land Acquisition Act No. 9 of 1950. Acquiring land for development or other purposes is a serious issue and delays in land acquisition have and continue to seriously impact on many Government programs. Factors that complicate land acquisition include difficulties with land tenure and the lack of clarity in rights.

**There are many land disputes.** Most land related disputes in Sri Lanka relate to land acquisition compensation levels and take excessive times to be adjudicated in the local courts. The share of land disputes in litigation in Sri Lanka is not known, but it is assumed to be substantial, and the local courts lack expertise to settle technical and legal disputes over land, which both fall to their jurisdiction as there are no administrative processes to settle ownership, boundary or land compensation cases.

#### *ICTA's Program on eGovernance*

Land is among the key pillars of the government's eGovernance policy. In this context, the Information and Communication Technology Agency (ICTA) has overseen a Business Process Re-engineering (BPR) activity in the Land Sector and initiating the digitization of land records. Most Land Registers are literally land registry books in paper form, but MOL is supporting the Registrar General's Department in the scanning of the Land Registers (the scanning of the land registers in 15 land registries has been completed) with the aim of completing digitization of all land

registries by the end of 2017. MOL and ICTA also are collaborating in developing an “e-Land” digital land registry application for web-based land registry services.

ICTA is also working on the Lanka Inter-operability Framework (LIFE) initiative that focusses on data standards and in 2014 produced the National Spatial Data Infrastructure Strategy 2020 (NSDI 2020) which aims at establishing a Sri Lanka National Spatial Data Infrastructure (SL-NSDI) based on a single authoritative National Map Portal. Following on, the Survey Department is working on an NSDI baseline survey and is preparing to lead the implementation of the NSDI 2020.<sup>5</sup> The National Map Portal will unify standardized geospatial datasets to a joint access point to facilitate viewing, overlaying and eventually many other electronic services.

### 3. Land Administration International Best Practice and Trends

#### *Basics of Quality Land Administration*

**Common challenges preventing quality land administration include complexity and costs of establishing comprehensive land records and maps although advanced surveying and ICT technologies have made prospects cheaper and faster than ever before.** However, instead of technologies, the main obstacles usually relate to legal hurdles, institutional fragmentation and understandable resistance to change. There are many success stories globally to learn from, but each country the land tenure system is unique and thus there are no one-size fits all approaches that can be applied. Each solution needs to be tailor made to the context. Technical solutions need to be fit-for-purpose and governance of institutions needs to be sound. Finally, high quality land administration requires sustainable financing and institutional structures to implement and maintain the reform and support the development of new solutions.

**Technical features of quality land administration are well known.** Land records systems need to be comprehensive and capable of identifying the location and extent of a property in a seamless cadastral map, which links unambiguously to information that records the legal entity or individuals having defined rights, responsibilities and restrictions over the property. Typically land records systems increase in sophistication and expand over time to record a broader set of information and serve a broader set of needs such as land use planning and development, valuation and taxation, and public land management. Survey accuracy is a secondary matter, which can be initially be low and gradually increase in response to increasing land use density and value of land. Sustainable land registration systems requires registration of all changes in rights, responsibilities

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<sup>5</sup> The National Spatial Data Infrastructure Framework (NSDIF) is under preparation for defining the core standards, formats, coordination and arrangements for access, sharing and exchanging geospatial data in the NSDI.

and restrictions, which relates to functionality, ready access and public confidence in the system, which provides incentives for the property holder to pursue registration.

**Land valuation is an important part of quality land administration.** Land valuation systems are beneficial beyond taxation as they increase access to real property market information, improve the accuracy of corporate and public asset values, and provide a benchmark for fair compensation and land leasing. Mass valuation systems are possible when a country has comprehensive land records and good valuation infrastructure (education, professions, standards and tools). With a proper infrastructure in place property taxes based on assessments of market values can be designed to be economically efficient and equitable. They can play important role in particular in financing local governments.

#### *Advanced Features of Quality Land Administration*

**Sustainable land administration requires viable institutional solutions and efficient dispute resolution.** Land administration organizational setups (unified or separate cadastre and land registry agencies) and business models (fee financing, state budget financing or their combination) are key policy issues that need to be in place to ensure sustainable governance of the cadastre and land registry agencies. Single agencies that combine the cadastre and registration services and collect their income from service fees have been seen more efficient and less costly than public budget funded dual agency systems. Yet also alternative models work when the operational environment is enabling, predictable and sustainable. The key to sustainable governance of cadastre and land registry agencies lies in ensuring a clear division between management and supervision bodies of the agency and allowing a high degree of operational autonomy to the agency's management. Finally, public trust in the land administration system depends on access to justice that is non-discriminatory and capable of reaching a decision in a reasonable timeframe at an affordable cost.

**Sustainable Land Administration System in Lithuania:** The Centre of Registers (Centre) administers the Real Property Cadastre and Register, the Address Register, the Register of Legal Entities and a mass property valuation system for Lithuania. The Centre has fully automated paperless systems. The Cadastre and Register cover the entire country and all private properties (more than 6 million properties) are registered to the land registry and recorded in the cadastre maps. The Centre is financed from fees and programmatic funds allocated by the Ministry of Justice from the State Budget and is a profitable operation that may retain 5% of annual profits in a reserve fund. Registering a property in Lithuania is fast and simple. Parties to the transaction do not need to go the Centre of Registers, but instead to the notary, who sends a property data verification request electronically to the Centre of Registers. The request is cleared by the Centre of Registers in few hours. Once the request has been cleared and the notary has been notified he/she can proceed to prepare the sale purchase agreement and register the transaction electronically.

**Quality land dispute resolution stems from effective utilization of both administrative and judicial means, and ensuring proper resourcing and capacity of the judicial system to**

**resolve land disputes:** In many countries, land-related litigation make up a large share of disputes in informal and formal justice systems. Often the most effective way of preventing future land disputes is to ensure a clear legal and regulatory framework with efficient, transparent processes to vet the accuracy of land records. Also, managing existing disputes requires effective mechanisms of dispute resolution that are accessible, affordable, timely and consistent. Land conflicts can have disastrous effects on individuals, groups and even entire nations. Many conflicts that are perceived to be clashes between different cultures are actually conflicts over land and related natural resources. Evidence suggests that technical land disputes should not be left to clog the court systems, they should be solved initially at an administrative level and be subject to court ruling only if parties disagree with the administrative solution. Global evidence also suggests that local courts are not always capacitated to handle land and property disputes. Many countries have made use of particular Lands Tribunals, or other specialized courts to handle land and property disputes, as a way of solving land disputes while the land administration system has yet to reach a full level of maturity.

**Efficient Land Dispute Resolution System in New South Wales of Australia:** The Land and Environment Court of New South Wales (the Court) is the first specialist environmental superior court in the world. It was established on 1 September 1980 by the Land and Environment Court Act 1979 (the Court Act). The Court's jurisdiction includes merits review, judicial review, civil enforcement, criminal prosecution, criminal appeals and civil claims about planning, environmental, land, mining and other legislation. In 2015 merits review and other civil proceedings finalized comprised 80% of the Court's finalized caseload (1,242) in 2015. The means of finalization in 2015 were 66% pre-trial disposals (including by use of alternative dispute resolution processes and negotiated settlement) and 34% by adjudication by the Court. The NSW Government introduced legislation in 1990 to assist the owners of properties to resolve boundary disputes in an administrative process. This power was given to the Registrar-General because of the existing powers in relation to property ownership already contained in the Real Property Act. In the period to 2010 there were only four significant appeals to the Land and Environment Court and in each of these appeals the court has vindicated the approach taken by the Registrar-General to resolve the dispute. Overall the legislation has been very successful and has achieved what it set out to do.

**Digital records, online access, common standards and geospatial base, integration and interlinking are the keys to achieving transparency in land administration:** Digital data, automation and digital solutions are the foundations for modern land administration systems. In the best systems there are clear standards for geospatial data and this data is shared widely to facilitate the provision of electronic services. Advanced applied services such as Mass Valuation Systems and State Land Management applications are readily developed and this readily accessible, standardized data promotes innovation. Global and regional best practices show that high potential benefits result from the sharing and integration of geo-referenced data from multiple sources and enhanced open access to intelligent, interactive unified maps through a spatial data infrastructure. There is a global vision of capitalizing on the existing digital cadastral and registry data to deliver sustainable economic development and more efficient government decision-making by building an NSDI. A complete NSDI consists of a framework of policies and laws, institutional arrangements, technologies, spatial data, and a community of data and service providers and users

that enable the exchange, sharing, effective use and management of geospatial information and technologies. NSDI improves data quality, reduces duplication of efforts and resource waste among government actors; lowers costs to society while making spatial data more accessible; increases the benefits of using and re-using available spatial data; and establishes partnerships at international, central and decentralized levels between government actors, academia, and the private sector.

**Successful Improvement of Quality in Land Administration in the Republic of Korea:** Korea digitalized and unified its land information systems over the last decade to have comprehensive data on rights, parcels, and use of land. The Parcel Based Land Information System (PBLIS) and the Land Management Information System (LMIS) were integrated in 2006 to become the new Korea Land Information System (KLIS) with efficient services and easy access for clients. The KLIS became a key pillar of the Republic of Korea's e-government system, which has been internationally recognized as one of the best information systems globally. KLIS has 35 million parcels, 750,000 digital maps, and a unified One Map, that has brought transparency, efficiency, reliability, and better services for Korean citizens in a cost-effective way.

**Increasing geographical coverage of land administration records is an economically beneficial investment:** The utility of even the most reliable and transparent land administration system will be limited if it covers only part of a country's economically relevant land. This does not require the same standards to be applied uniformly over the entire country; Recognition of communities' rights in rural areas may be sufficient if boundaries of such land, right holders, and decision-making mechanisms are specified and known locally. An incomplete land administration results in tenure insecurity, constrained real property markets, asymmetric access to credit markets, inequitable property taxation, over and under-exploitation of natural resources, environmental degradation, lost investments, poor public infrastructure, marginalization and poverty. The tangible benefits alone expected from the required investment out-weigh the costs of this essential investment. The overall project benefits are derived from three main channels: (a) new land right-holders who will benefit from the waiver of the registration fees; (b) investors from benefits in improved market volume, value, and transparency; and (c) the Sri Lankan government which will be able to increase its tax collection base. Of these three benefits, the third—increase in fiscal revenue—is the most direct and easily measurable impact of an investment to land administration. Economic benefits from the other two categories—new land right-holders and investors—are also significant.

**Quick Increase in Land Administration Coverage in Rwanda:** In 2004 Rwanda adopted a land policy and an organic land law in 2005 which established the institutional and administrative structures for land management and administration. This policy, law and institutional arrangement provided the basis for a country-wide Land Tenure Reform (LTR) project. From 2007 to 2010 pilots were undertaken to register about 15,000 parcels in four localities reflecting the diversity of the country. A process for systematic low cost demarcation and adjudication using aerial photography or high resolution satellite imagery was designed and implemented through trained local para-surveyors. Demarcation was undertaken in public in the presence of neighbors and local authorities. Data was computerized and results displayed publicly for a period of at least one month in which objections could be raised and corrections made as needed. Titles and lease certificates were issued at the central level and distributed to land holders. Refinement of processes based on a thorough review of the pilot experience allowed rapid scale-up and roll-out as a national program. In less than 3 years, the Rwanda Natural Resource Authority (RNRA) demarcated over 11.3 million out of an estimated 11.5 million land parcels in the country in a participatory way and at a unit cost of less than USD 6 per parcel (Nkurunziza 2015), setting a new standard for first time registration of land rights that many countries are endeavoring to emulate.

**Quality land administration systems provide equal access, service and regard to each property owner, lessor or user regardless of the ethnicity, gender, sexual orientation and age.** Secured property rights raise women’s status in the household as well as the community, and this translates into greater bargaining power within the family. Married women often have access to land for farming through their husbands. However, land becomes a particularly critical resource for a woman when the household breaks down - that is, for example, in the event of male migration, abandonment, divorce, polygamous relationships, or death. In the event of a divorce or widowhood, women may continue to use the land but do not inherit the control of the land. In implementing land administration reforms, priority issues include: the legal (both formal and customary) framework regarding women’s rights to land; the process for identifying rights holders on the ground; education and training during implementation of the project, and the actual formalization and adjudication of land rights. In addition, there is the critical issue of monitoring and evaluating project activities and outcomes during the life of the project in order to ascertain whether gendered activities and procedures are effective and to introduce midstream adjustments where needed.

**Gender mainstreaming in Cambodia.** In the Cambodia, within a systematic land registration program that started in 1998 and has registered more than 4 million land titles to date, a conscious effort was made to include women, especially women-headed households. The project plan stated to assist the adversely affected and most vulnerable segments of the population (e.g., the rural poor, women heads of households) attention is required to: (1) inequality in land holdings, (2) landlessness, (3) insecure tenancy, (4) land conflicts, and (5) encroachment on urban lands by squatters. Women’s groups were targeted in the stakeholder analysis of the Social Assessment and the systematic adjudication to encourage project participation. The approach proved very successful and today over 50% of properties registered in the Cambodian land registry belong to female owners while before the new approach most properties were registered under the ‘head of household’ only, who were predominantly men.

**Three Key Success Factors in Improving Quality of Land Administration are Clarity, Ownership and Sustainability.** The World Bank’s global experience suggests that successful improvement of land administration quality adheres to the following three key principles: (i)

**Clarity;** Land administration development needs to have well defined objectives, activities, and indicators, and should focus on what is achievable, building on successes. Broader scopes and ambitious policy, legal, and institutional agendas may work at times, but mainly cause problems, as the political decisions over land administration institutional settings are unpredictable and typically beyond the powers or influence of staff implementing land sector projects. It is better to invest in improving land sector technical infrastructure, personnel capacity, performance standards, monitoring, service orientation, and business planning. Institutional arrangements evolve naturally together with improved working environments, performance, staff morale, client perception, and political awareness of the services provided by the land agency. **(ii) Ownership:** The pace of institutional development correlates with the level of government ownership in land administration improvement. More concretely, the existence of a political champion to steer projects correlates with their success in institutional development. **(iii) Sustainability.** When land institutions serve the needs of real estate markets efficiently and transparently, direct revenues can easily overcome direct costs. Still, all too often governments' policies and regulations prevent land registration operation agencies from operating on a business basis, and the agencies retain old structures, nominal incomes, and underpaid personnel, perpetuating the poor state of land governance and high levels of petty corruption.

## 4. Conclusions and Recommendations for Improving Land Administration Quality in Sri Lanka

**Access to land in general and access to State Land in particular is among the key challenges in improving Sri Lanka's competitiveness.** Land tenure, land administration and land management arrangements need to be particularly well sorted out in Sri Lanka where the State owns most lands and efficient use cannot be solely sorted by markets. Thus, it is even more critical than commonly elsewhere to have functioning a land administration system Sri Lanka.

**In comparison to international best practices, land administration in Sri Lanka is institutionally and functionally fragmented and geographically incomplete.** Land is registered in the deeds registry and in local governments, and managed and monitored by multiple national, rural and urban authorities. The rights on land are registered in the registry of titles and in the local governments. The valuation services are provided by separate national and local institutions and the stamp duty valuation is vested to a third party. Less than half of all the properties are registered in the deeds registry, and only approximately 3% are titled, and only the titles (and not the deeds) can be linked to a seamless cadastral map. The recording and management of state lands is vested to multiple institutions and parallel systems to plan, develop and monitor urban areas exist. Digitization and integration of land and geospatial data and services has started, but is incomplete and no interlinking or integration of public datasets has happened and no joint services have emerged. Financial sustainability of the current land administration system is unclear due to its

complexity and fragmentation, but given the incompleteness of various reforms and initiatives, it is obvious that constraints in financing and institutional capacity are issues.

**Quality land administration in Sri Lanka requires clarity over policy, services and institutional mandates of land administration.** Key questions include a) what, where and by whom maintained, are the land register, cadastre, cadastral map and land valuation function, and b) how is the land administration system financed ensuring quality services, good governance and able personnel with reasonable remuneration. However, policy and regulatory improvements take time and meanwhile important progress can be made by applying pragmatic technical solutions and approaches within the current policy and regulatory framework.

In the short term, **the key technical improvement is provided by digitation, integration and harmonization and increased comprehensiveness of land and geospatial records.** Following the key trend globally in land administration our time, Sri Lanka needs to aim for a fully digital and web-based land administration system and integrated and interlinked services and data. Key technical priority will be establishing a unified and seamless cadastral map linking the land registry objects (state land data, deeds and titles) to location (land parcels). This requires also the establishment of a unified legal register on land and land rights (regardless of the whether right on land is established through a deed or title system), and it is foreseen that a systematic registration campaign will be needed for completing the data coverage. In parallel, access to records and services needs to be facilitated online and eventually the land register and cadastre will become the key registers of the eGovernance system in Sri Lanka.

**Also in the short term the NSDI should be populated with existing datasets.** The NSDI strategy should be implemented nationwide on an incremental basis relying on digitalization, geo-referencing and conversion and interlinking to a common access (Geoportal) point implementing common standards and coordination mechanism.

**Improving the valuation infrastructure should start in the short term, but progress can be incremental.** A rudimentary land value map should be made first on the economically active areas, which will be easy once there is a seamless cadastral map with link to deeds/titles became available as the base. Ultimately, integrated and comprehensive land registry and cadastral data could be used for automated mass valuation systems and services. Improved property valuation infrastructure will improve the efficiency and equity in raising revenue from land and simplify the process of determining compensation for the purposes of land acquisition.

**In the midterm, also other register folios/documents should be digitized.** The deeds and documents should be digitized selectively under a mass campaign streamlining the costs per document. Parallel digitization programs should focus to all other public land and geospatial data

such as the local authority assessment, building and street-line registers be linked to the eLand Registry, NSDI and other eGovernance portals and services.

**Also in the midterm, the title registration needs to be made feasible.** The Title Registration system nationwide needs a simpler, less accurate and less costly along the lines of Fit-for-Purpose Land Administration. Similarly, a simple process of the adjudication of titles is needed. More generally, property registration processes should be re-engineered based on the improved access to information to allow electronic submissions by lawyers, notaries and surveyors.

**Eventually, the quality land administration requires institutional integration in Sri Lanka,** but the change can be incremental. After having established unified digital records, One (Cadastral) Map and a linked common information system, institutional reforms can follow. The use of common technologies and systems will demonstrate the benefits of integration and validation of datasets and allow for easier alignment of priorities between the different agencies. Multiple solutions are possible, but eventually the Sri Lankan land administration system should aim to become independent by relying solely on registration fees and service income, while maintaining comprehensive unified records and maps serving online all private and public land users, and retaining able and technically qualified staff through reasonable remuneration. Changes to the current structure will require an institutional reform that is best implemented through a multi-agency task force<sup>6</sup>. The task force could focus initially on quick wins in implementing digitation and interlinking of datasets, systems and services, and then build towards the establishment of a new governance structure, informed by international best practice.

**In the long term, Sri Lanka could consider creating a new independent land agency from the merger of key land sector agencies** (possibly including the Registrar General's Department, Survey Department and the Land Title Settlement Department). A self-financing business model could be applied allowing the agency to collect the majority of its income from registration fees and electronic services – with the necessary safeguards. Institutional integration and cost recovery through service fees provide an internationally tested means for sustainable land administration.

**Finally, all technical reforms need to be accompanied by process and regulatory reforms to improve the quality and clarity of the land administration system.** The full reform can be expected to take time. Meanwhile, progress can be made on technical quality, integration and services that will demonstrate the value of the proposed reforms and contribute to the emergence of stakeholder buy-in.

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<sup>6</sup> Such as the task force mandated with increasing Sri Lanka's rank on the registration of Property sub index of the Doing Business Index.

## **5. How the World Bank Group Can Help?**

The World Bank has significant experience working with many countries worldwide on national land registration, cadastre and land administration programs. This experience includes completion of land register and cadastre records, establishment of land administration ICT systems and NSDIs, property valuation and taxation systems, and implementing institutional reforms for achieving sustainable land administration systems. From this basis the Bank could provide technical assistance for conducting a systematic analysis on the quality of land administration and recommending a plan of actions systematic and incremental modernization of the entire land administration system in Sri Lanka. The World Bank financing of such an initiative could also be among the alternatives for financing required investments.

## **Annex 1: Quality of Land Administration in Sri Lanka – registration of property sub index**

In addition to measuring the efficiency of registering property, Doing Business assesses the quality of land administration using a check-list that sums the score in the dimensions of: reliability of the infrastructure; transparency of information; geographic cover; land dispute resolution and access to property rights. The quality of land administration index ranges from 0 to 30 and in 2017 Sri Lanka was assessed with an index of 3.5, significantly lower than the South Asia average index of 7.8 and the OECD average of 22.7.

**Reliability:** Sri Lanka did not score in the reliability dimension. This was largely due to the fact that the existing records were mainly manual records which limited the ability to check and access data and the databases were not integrated and did not have common identifiers.

**Transparency:** Information on land ownership can be obtained in the land registries administered by the Registrar General's Department and the list of documents that were required to register a transaction and the schedule of fees for registration are available online. Sri Lanka scored 1.5 in the dimension of transparency of information. However the land registry cannot provide a legally binding document that proves property ownership and there was no mechanism to file complaints and no publicly available information tracking the number of transactions. There are also no maps in the land registries.

**Coverage:** Sri Lanka scored no points for geographic cover as the rights for all privately held land in Sri Lanka and Colombo were not registered and were not mapped on cadastral maps.

**Disputes:** The legal system in Sri Lanka requires control of the legality of the documents necessary for property transactions and verifies the parties in a transaction resulting in Sri Lanka scoring a point in the dispute dimension. However the law does not require that property transactions are registered, there is no state guarantee nor any mechanism to compensate for losses incurred by parties acting in good faith. It also took more than 3 years to obtain a decision in the first instance court.

## Annex 2: Matrix of Land Sector Institutional Roles and Responsibilities

Agency	Major Institutional Roles and Responsibility	Major Acts	Organisational Structure
Ministry of Lands and Land Development	Land Policy formulation and dissemination. Land acquisition. Issuing long term and short term leases for public use of State lands. Issuing grants to ensure the ownership of State lands. Issuing and registering Title Certificates. Surveying, mapping and development of a geospatial database.	Land Development Ordinance – No. 19 of 1935 as amended Land Grants (Special Provisions) Act – No. 43 of 1979 Crown Land Ordinance – No. 08 of 1947 (amended No. 13 of 1949) State Land (Recovery of Possession) Act – No. 07 of 1979 as amended Land Acquisition Act – No. 09 of 1950 as amended Land Settlement Ordinance – No. 20 of 1931 as amended Registration of Title Act – No. 21 of 1998	Based in Battaramulla. Headed by Secretary, with three additional Secretaries: (i) Administration and Finance; (ii) Land responsible for Land, Land Acquisition, and Policy and Planning; (iii) BimSaviya, or title registration.
Survey Department (under Ministry of Lands)	Standardization and production of all Surveying and Mapping in Sri Lanka Establish and administer the National Geodetic Control Network Produce and maintain records of topographic, thematic and special purpose maps Provide land surveying, land information and related services. Establish and administer a system of accreditation for registered surveyors Receive, approve and maintain, cadastral surveying records Establishing the National Cadastre under the Land Titling Program	Survey Act - No.17 of 2002 Registration of Title Act – No. 21 of 1998 Partition Act – No. 21 of 1977 as amended Departmental Survey Regulations, 5 <sup>th</sup> Edition 2015 Survey Department Standing Orders, 13 <sup>th</sup> Edition UDA Regulations for the Sub-Division of Land	Survey Department is led by the Surveyor General and has a total workforce about 6000 personnel, including approximately 750 surveyors supported by about 5000 Survey Field Assistants. The Department has Provincial Offices headed by Provincial Surveyor Generals, District Offices and Divisional Survey Offices each of which covers 2-3 Divisional Secretariat divisions. There are 94 Divisional Survey Offices servicing the 334 Divisional Secretariats.
Land Settlement Department (under Ministry of Lands)	Determination of ownership of lands under the Land Settlement Ordinance. Calling for claims, conducting investigations and other activities under the Registration of Title Act Develop and maintain an efficient and reliable land information system Build public cooperation and trust in Title investigation and Determination.	State Lands Encroachments Ordinance No. 12 of 1840 as amended Land Settlement Ordinance No. 20 of 1931 as amended Registration of Documents Ordinance – No. 23 of 1927 as amended. Registration of Title Act – No. 21 of 1998 Title Registration Circulars (2005-01 to 2005-04)	The Land Settlement Department is led by the Commissioner General of Land Title Settlement based in Battaramulla with: (i) Commissioner Land/Administration; and (ii) Commissioner BimSaviya responsible for legal, registration, investigation and the regional offices. The Department provides title investigation services through 43 Regional Offices headed by Deputy/Assistant Commissioners at the Divisional Secretariat level.

Agency	Major Institutional Roles and Responsibility	Major Acts	Organisational Structure
Land Commissioner General's Department (under Ministry of Lands)	<p>Planning, implementation of resettlement schemes and issuing grants for the distributed lands.</p> <p>Distributing land under grants for long term permits for housing, agricultural, industrial and commercial use, special and independent grants, issuing temporary deeds for Temples and releasing land for use by Government Departments, Statutory Boards and Local Government bodies.</p> <p>Conservation of State lands and reserves</p> <p>Providing directions and guidance to Provincial Land Commissioners and Divisional Secretaries</p>	<p>Land Development Ordinance – No. 19 of 1935 as amended</p> <p>Land Grants (Special Provisions) Act – No. 43 of 1979</p> <p>Crown Land Ordinance – No. 08 of 1947 as amended</p> <p>State Land (Recovery of Possession) Act – No. 07 of 1979 as amended</p> <p>Land Acquisition Act – No. 09 of 1950 as amended</p> <p>Land Reform Act – No. 1 of 1972 as amended</p>	<p>The Department is headed by the Land Commissioner General and is based in Battaramulla. Divisional Offices headed by a Deputy Land Commissioners office have been established at Ampara, Mahiyanganaya, Polonnaruwa, Anuradhapura and Trincomalee. Offices heads by an Assistant Land Commissioner have been established in Kanthale as a sub office of Trincomalee Division and in Moneragala as a sub office of Debarawewa Division.</p>
Land Use Policy Planning Department (under Ministry of Lands)	<p>Formulation of the national Land Use Policy and necessary legislations and regulations to implement the Policy.</p> <p>Preparation of Land Use plans at National, Provincial, District, Divisional, Village and Land Parcel Levels (plans are not available at all levels). The Department also vets applications to alienate state land.</p>	<p>A draft Land Use Policy Planning bill has been prepared to support the activities of the Department but this document has not been passed on to the Legal Draftsman.</p>	<p>The Department is headed by a Director General and is based in Battaramulla with a Deputy Director responsible for land use planning, agronomy, sociology, agricultural economics, information systems and District land use. The Department has 25 District offices headed by an Assistant Director and 330 Divisional Secretariat field data collectors.</p>
Land Reform Commission (under the Ministry of Lands)	<p>Under the Land Reform Act, the Land Reform Commission has the following responsibilities:</p> <ul style="list-style-type: none"> <li>• To fix a ceiling on the extent of agricultural land that may be owned by persons.</li> <li>• To vest of lands owned in excess of such ceiling in the Land Reform Commission and with such land to be held by the former owners on a statutory lease from the Commission</li> <li>• To prescribe the purposes and the manner of disposition by the Commission of agricultural lands vested in the Commission</li> <li>• To provide for the payment of compensation to persons deprived of their lands.</li> </ul> <p>The Land Grants (Special Provision) Act provides for the Minister to vest in the State land held by the Land Reform Commission to enable the transfer free of charge to the landless.</p>	<p>Land Reform Act – No. 1 of 1972, as amended by (No. 39 of 1975, No. 14 of 1981, No. 39 of 1981, No. 12 of 1983, No. 14 of 1986 and No. 18 of 1986)</p> <p>Land Grants (Special Provision) Act – No. 43 of 1979</p>	

Agency	Major Institutional Roles and Responsibility	Major Acts	Organisational Structure
Registrar General's Department (Ministry of Public Administration and Management)	Registration of legal documents pertaining to immovable and movable property and power of attorney Registration of title pertaining to immovable property Registration of births, deaths and marriages Preservation and custody of notarial duplicates and other documents Issuing certified copies of documents	Registration of Documents Ordinance – No. 23 of 1927 as amended. Sannases and Old Deeds Ordinance – No. 6 of 1866 (amended by No. 13 of 1867) Registration of Old Deeds and Instruments Ordinance – No 35 of 1947 Land Registers (Reconstructed Folio) Ordinance – No. 18 of 1945 Notaries Ordinance – No. 1 of 1907 as amended. Registration of Title Act - No. 21 of 1998 Powers of Attorney Ordinance – No. 4 of 1902 as amended. Condominium Management Authority Act – No. 10 of 1973 as amended. Stamp Duty Act – No. 43 of 1982 as amended. Finance Act as amended	The Registrar General's Department head office is in Battaramulla. The Department manages a central record room, 7 Zonal Offices and 45 land registries and supports 330 Divisional Secretariats. Registers in six of the land registries have been computerised (Colombo, Delkanda, Gampaha, Attanaglla, Jaffna and Mannar). The Department has 960 approved positions, but only 760 staff.
National Physical Planning Department (was established under Ministry of Urban Development, Construction and Public Utilities).	Formulation of a national physical plan policy Preparation of a national physical plan Formulation of implementation strategy for national physical plan Preparation of physical planning guidelines to be adopted by regional or local physical planning authorities. Preparation of regional and local physical plans or assist Provincial Councils and local authorities to do so.	Town and Country Planning Ordinance - No. 13 of 1946 and amendments to this Ordinance: (No. 9 of 1950, No. 29 of 1953, No. 10 of 1955, No. 22 of 1955, No. 57 of 1981 and No. 49 of 2000)	
Urban Development Authority	Formulate and implement urban land use policy. Undertake the preparation of development plans for the declared areas and to undertake capital investments plans ( <a href="http://www.uda.gov.lk/images/downloads/SL_Declared_Maps/declare_Area_SL_2016.jpg">http://www.uda.gov.lk/images/downloads/SL_Declared_Maps/declare_Area_SL_2016.jpg</a> ) Execute development projects and schemes approved by the government. Develop environmental standards and prepare environmental improvement works. Acquire and hold any movable or immovable properties or dispose of any movable property or immovable properties. Formulate and execute housing schemes, clearing of slum and shanty areas and to undertake development of such areas.	Urban Development Authority Act - No. 41 of 1978, as amended (No. 70 of 1979, No. 4 of 1982, No. 44 of 1984, No. 49 of 1987, No. 41 of 1988 and 392-9-1986). Urban Development Projects (Special Provisions) Act, No. 2 of 1980	The UDA head office is in Colombo. UDA has 8 Provincial Offices (Western in Battaramulla, Eastern in Trincomalee, Central in Kandy, North Western in Kurunegala, North Central in Anuradhapura, Northern in Jaffna, Uva in Badella and Sabaragamuwa in Rathnapura. UDA has district offices in Gampaha, Matara, Hambantota, Vavuniya, Nuwara-Eliya, Monaragala, Galle, Kegalle, Polonnaruwa, Ampara, Batticaloa, Kalmunai and Dambulla.

Agency	Major Institutional Roles and Responsibility	Major Acts	Organisational Structure
Valuation Department	<p>The Department provides services to Government and semi-government institutions including Provincial Councils and Local Authorities, in the sphere of Valuation and Property Management.</p> <p>Prepares valuation rolls based on annual value at the request of Local Government Authorities</p> <p>Issuance of Assessment Numbers.</p>	<p>Rating and Valuation Ordinance - No. 30 of 1946</p> <p>Land Acquisition Act - No.9 of 1950 as amended</p> <p>Institute of Valuers of Sri Lanka Act – No. 33 of 1975</p> <p>Finance Act as amended</p> <p>Land Betterment Charges Act – No. 28 of 1976</p>	<p>The Valuation Department is led by the Chief Valuer and the head office is in Colombo. The Valuation Department has Regional Offices for Colombo Metropolitan in Colombo, Western Central in Colombo, Western North in Gampaha, Western South in Kaluthara, Central in Kandy, Sabaragamuwa in Rathnapura, North Western in Kurunegala, North Central in Anuradhapura, Eastern in Batticaloa, Southern in Matara, Uva in Badulla and Northern in Jaffna.</p>
Mahaweli Authority	<p>To plan and implement the Mahaweli Ganga Development Scheme including the construction and operation of reservoirs, irrigation distribution system and installations for the generation and supply of electrical energy;  <a href="http://mahaweli.gov.lk/en/pdf/CorporateDocuments/statistics/2011/Land.pdf#pagemode=bookmarks#zoom=100">http://mahaweli.gov.lk/en/pdf/CorporateDocuments/statistics/2011/Land.pdf#pagemode=bookmarks#zoom=100</a></p> <p>To foster and secure the full and integrated development of any Special Area;</p> <p>To optimize agricultural productivity and employment potential and to generate and secure economic and agricultural development within any Special Area;</p> <p>To conserve and maintain the physical environment within any Special Area;</p> <p>To further the general welfare and cultural progress of the community within any Special Area and to administer the affairs of such area.</p>	<p>Mahaweli Authority of Sri Lanka Act – No. 23 of 1979 as amended by No. 59 of 1993</p> <p>Mahaweli Regulations - 26-12-1980</p>	<p>The Director General is the Chief Executive Officer in the Authority. Four executive directors in the fields of Technical, Development, River Basin Management and Administration and 20 subject specialized Directors. MSAL head office is sited in Colombo. There are 17 site offices located in Northern, North-Central, Eastern, Central and Southern provinces. They are Welioya, Thambuttegama, Dambulla, Huruluwewa, Moragahakanda, Bakamuna, Medirigiriya, Welikanda, Dehiattakandiya, MaduruOya, Mapakada, Randenigala, Victoria, Digana, Kotmale, Embilipitiya and Rambakenoya.</p>
National Land Commission (13 <sup>th</sup> amendment to Constitution – not established)	<p>Formulation of National Policy with regard to the use of State land based on technical aspects.</p>		<p>The 13<sup>th</sup> Amendment to the Constitution in 1987 devolved land policy to the Provincial Councils and provided for a National Land Commission with representatives of all Provincial Councils supported by a Technical Secretariat representing all relevant disciplines. Parliament has not yet established the commission or the secretariat.</p>

Agency	Major Institutional Roles and Responsibility	Major Acts	Organisational Structure
Provincial Land Commissioner's Departments (9)	Land is the responsibility of the Provincial Council with a few provisions. The national Government can utilise State land in a Province after consulting with the Provincial Council, The Government makes State land available to the Provincial Council so that it can administer it. State land is alienated or disposed of by the President on the advice of the relevant Provincial Council. The national Government retains responsibility for inter-Provincial irrigation and land development projects including Mahaweli Development projects. The principles and criteria for the size of agricultural land holdings is determined by the national Government in consultation with the Provincial Councils.	Constitution, Schedule 9, Appendix II (inserted by the 13 <sup>th</sup> Amendment to the Constitution in 1987)	There are 9 provinces specified in the Constitution. The structure of the Department in each provinces varies in line with the policy adopted by the respective Provincial Councils. For example, in Western Province the Department of Land Commissioner is in the Provincial Ministry of Agriculture. In the Northern Province the Department of Land Administration is in the Chief Minister's Ministry.
Divisional Secretariats (331 Divisional Secretariats under the Ministry of Public Administration and Management)	Provides a range of government services to citizens. The land related services include provision of State land by grant, lease or purchase.	Constitution, Schedule 9, Appendix II (inserted by the 13 <sup>th</sup> Amendment to the Constitution in 1987) Transfer of Powers (Divisional Secretaries) Act – No. 58 of 1992.	Structure and services varies. Web page for Colombo Divisional Secretariat: <a href="http://www.gic.gov.lk/gic/index.php?option=com_org&amp;Itemid=4&amp;id=9&amp;task=org&amp;lang=en">http://www.gic.gov.lk/gic/index.php?option=com_org&amp;Itemid=4&amp;id=9&amp;task=org&amp;lang=en</a>

## **Annex 3: Major Laws for Land Management and Administration**

1. Prevention of Frauds Ordinance – No. 7 of 1840 (as amended)
2. State Lands Encroachment Ordinance – No. 12 of 1840
3. Sannases and Old Deeds Ordinance – No. 35 of 1866 (as amended by No. 13 of 1867)
4. Powers of Attorney Ordinance – No. 4 of 1902 (as amended)
5. Notaries Ordinance – No. 1 of 1907 (as amended)
6. Registration of Documents Ordinance – No. 23 of 1927 (as amended)
7. Land Settlement Ordinance – No. 20 of 1931 (as amended)
8. Land Development Ordinance – No. 19 of 1935 (as amended)
9. Land Registers (Reconstructed Folios) Ordinance – No. 18 of 1945
10. Town and Country Planning Ordinance – No. 13 of 1946 (as amended)
11. Rating and Valuation Ordinance – No. 30 of 1946
12. Crown Lands Ordinance – No. 8 of 1947 (amended by No. 13 of 1949)
13. Registration of Old Deeds and Instruments Ordinance – No. 35 of 1947
14. Land Acquisition Act – No. 9 of 1950 (as amended)
15. Land Reform Act – No. 1 of 1972 (as amended)
16. Condominium Management Authority Act – No. 10 of 1973 (as amended)
17. Partition Act – No. 21 of 1977 (as amended)
18. Urban Development Authority Act – No. 41 of 1978 (as amended)
19. State Land (Recovery of Possession) – No. 7 of 1979 (as amended)
20. Mahaweli Authority of Sri Lanka Act – No. 23 of 1979 (as amended by No. 59 of 1993)
21. Land Grants (Special Provisions) Act – No. 43 of 1979
22. Stamp Duty Act – No. 43 of 1982 (as amended)
23. Registration of Title Act – No. 21 of 1998
24. Survey Act – No. 17 of 2002

## **Annex 4: Major Laws Involving Land Acquisition**

1. State Lands Encroachment Ordinance No 12 of 1840 as amended
2. Prescription Ordinance No. 22 of 1877 as amended
3. Land Resumption Ordinance No. 4 of 1887 as amended
4. Housing and Town Improvement Ordinance No. 19 of 1915 as amended
5. Flood Protection Ordinance No. 4 1924 as amended
6. Land Settlement Ordinance No. 20 of 1931 as amended
7. State Land (Claims) Ordinance No. 31 of 1931 as amended
8. Land Development Ordinance No. 19 of 1935 as amended
9. Town and Country Planning Ordinance No. 13 of 1946 as amended
10. Irrigation Ordinance No. 32 of 1946 as amended
11. Municipal Councils Ordinance No. 29 of 1947 as amended
12. Special Areas (Colombo) Development Ordinance No. 40 of 1947 as amended
13. Land Acquisition Act, No. 9 of 1950 as amended
14. Requisitioning of Land Act No. 33 of 1950 as amended
15. Soil Conservation Act No. 25 of 1951 as amended
16. National Housing Act No. 37 of 1954 as amended
17. Sri Lanka State Plantation Corporation Act No. 4 of 1955 as amended
18. Estate Bazaars (Compulsory Acquisition) Act No. 19 of 1958 as amended
19. Tourism Development Authority Act No. 14 of 1968 as amended
20. Atomic Energy Authority Act No. 19 of 1969
21. Land Reform Act No. 1 of 1972 as amended
22. National Water Supply and Drainage Board Act No. 2 of 1974 as amended
23. River Valleys Development Board Act No. 4 of 1975 as amended
24. Board of Investment Act No. 4 of 1978 as amended
25. Sri Lanka Land Reclamation and Development Corporation Act No. 27 of 1978 as amended
26. Urban Development Authority Act No. 41 of 1978 as amended
27. State Lands (Recovery of Possession) Act No. 7 of 1979 as amended
28. Mahaweli Authority Act No. 23 of 1979 as amended
29. Sri Lanka Ports Authority Act No. 51 of 1979 as amended
30. Urban Development Projects (Special Provision) Act No. 2 of 1980
31. Road Development Authority Act No. 73 of 1981
32. Predeshiya Sabhas Act No. 15 of 1987 as amended
33. Agrarian Development Act No. 46 of 2000 as amended
34. National Housing Development Authority Act No. 17 of 2002 as amended
35. Tourism Act No. 38 of 2005
36. Resettlement Authority Act No. 9 of 2007 as amended
37. Strategic Development Projects Act No. 14 of 2008 as amended
38. Urban Settlement Development Authority Act No. 36 of 2008

39. National Thoroughfares Act No. 40 of 2008

40. Sri Lanka Electricity Act No. 20 of 2009 as amended