

ERRORS IN THE LAND RECORD OF RIGHTS (KHATIAN) AND THE REMEDIAL PROCEDURE IN BANGLADESH: AN ANALYSIS OF EXISTING REGULATORY FRAMEWORK AND FUTURE REFORMS

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ABSTRACT

Keywords:

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Land record of rights (known as *khatian* in Bangla) is an indispensable and integral part of land administration which contains and recognizes the chain of title. It is prepared through surveying and mapping of land plots and updating ownership. It shows all the detailed interests and contains the entire information of the previous and present land owners. However, inappropriate record of rights for example mistakes in land records increases difficulties in every aspect of land tenure. In these circumstances, it is essential to be familiar with record of rights

mechanism while making land records so that no mistake takes place. This paper aims to study the existing categories of land record of rights, types of usual mistakes in the record, reasons for such mistakes, methods of correction of mistakes, and liability for such mistakes in the land record of rights. In addition, this paper intends to assess the categories of core causes of challenges in land survey and records, and provides recommendations to overcome those challenges. This article is based on the primary and secondary sources and descriptive in nature. Secondary data has been collected from text books, journal articles, judicial precedents, websites, reports and so on. In completing this study, mainly qualitative approach has been adopted to make an analytical reasoning in identifying the relevant laws as regards Record-of-rights in Bangladesh. Practical experience as a legal officer and associates of Law Chambers has been reflected in this article.

INTRODUCTION

Bengali word '*khatiyān*' is a '*Persian*' word called '*Record-of-rights*' which is an English term and it is also called '*Sotto lipi*' or '*Porcha*' as traditional term (Billah, 2017). Basically, it is one kind of form showing all the details of rights of '*raiyats*' or '*malik*' relating to ownership. It is prepared under direct control and guidance of the Department of Land Records and Surveys (*DLRS*) and maintains its own '*Settlement press*' with collected in the Register No. 1 which is locally called '*Jamabandi*' Register. Firstly, the Bengal Tenancy Act, 1885 recognized rights over land held by various interests such as landholders, tenure holders and raiyats (Kabir, 1965). Thereafter, it is gradually prepared by operation of the Sylhet Tenancy Act, 1936 and the State Acquisition and Tenancy Act, 1950 which contained the name of the '*Zamindars*' at the upper part and the particulars of the '*Raiyats*' at the bottom part consecutively. Every entry of khatiyān is shown its unique khatiyān no. (taken from *Register No. 1*), plot no. (a part made out of dividing a mouza), bata plot/dag no., area, touzi (P-73), *J.L. (Jurisdiction list)* no., mouza no. (which is usually begins from north west point and ends up to the southeast point), revenue circle no. (only usable in C.S. khatiyān), jote no. (in mutation jote or holding no. is given), names and shares of the possessors and description to their rights and superior interest and so on like the plot (chak) holder's

name and his/her father's name, nature of right, nature of the tenancy, area of the plot and amount of rent. It has been prepared during several surveys such as *C.S., S.A., R.S., and B.S./City Jorip*. A survey map is prepared for every Mouza and contained all the plots marked with individual numbers. All the survey khatiyans of a Mouza are kept according to serial number in a bound volume that is preserved in the 'Collectorate record room' and 'Judge record room' and also in the 'Tahsil/rent collectorate office' for reference.

The paper is going to find out the existing categories of record-of-rights (i.e. survey khatiyans) in Bangladesh, the nature of mistakes usually done in land khatiyans; the methods of correction of mistakes in land khatiyans, the causes of such mistakes and to finally offer some recommendations for overcoming the mistakes and problems made in land khatiyans.

CATEGORIES OF RECORD-OF-RIGHTS OR SURVEY KHATIYANS

Every survey khatiyans maintained a chain of continuity and can trace its source. Section 52A (a) (b) of the Registration Act, 1908 termed the record-of-rights as 'Khatiyans'. These *khatiyans* termed as 'Survey Khatiyans' which was not covering the whole territory and also not conducted at the same time. Survey khatiyans are made through land survey which preserves the history (Raziv, 2018). After the survey this khatiyans are sent to the Department of Land Records and Surveys (DLRS), the Land Record Room of the Deputy Commissioner, the office of the AC (Land), Tahsil office and the record of District Judge. The holder of each plot has a right to get a certified copy of the khatiyans (Ullah, 2021). Latter, it will prevail and get preference over the earlier one. However, the categorizations of 'Survey khatiyans' are discussed below.

C.S. (Cadastral Survey 1888-1940) or D.S. (District Survey) khatiyans

The word 'Cadastral' is relating to the records of a cadastre. Cadastre means a public register showing the details of ownership and value of land; made for the purpose of taxation (Rajaram, 2024). Cadastral Survey conducted and prepared under the provisions of Section 101 of the Bengal Tenancy Act, 1885, Section 117 of the Sylhet Tenancy Act, 1936 and the Survey Act, 1875. It is also known as District Survey under the Bengal Tenancy Act, 1885 commenced in 1888 in Chittagong and ended in 1943 in Dinajpur (Hussain, 1995). The Bengal Tenancy Act 1885 is now replaced by section 80 and the schedule of the State Acquisition and Tenancy Act, 1950. The scale of the map is 16 inches to 1 mile for provinces and 32 inches to 1 mile for large cities. This record is not available in every part of Bangladesh. Basically, this survey started from Ramu of Cox's Bazar upazila on 1888 and ended on 1940 in Dinajpur which was operated by Mr. Charles Allen (Hossain, 2020). The khatiyans

shows 'Zamindars' at the upper part and particulars of the 'Raiyats' (dag no. and portion of the land) at the bottom part.

R.S. (Revisional Survey 1923-1952) khatiyani

After 50 years of C.S. khatiyani another survey was held on. The purpose of the survey was to update the portion of land, owner's name and possessor's name. It is more authentic than the C.S. khatiyani. R.S. khatiyani was prepared under the provisions of Section 101 of the Bengal Tenancy Act, 1885 in some parts of Bengal. It was conducted to revise C.S. Record-of-rights. It was commenced in 1923 in Chittagong and ended in 1952 in Bakerganj which was operated by Mr. J.H. Kindersly (Islam, 1972). In areas of Sylhet district, the C.S. Record-of-rights was not revised. Thereafter, it started in 1965 for Dhaka, Rajshahi, Chittagong and Pabna district. Currently; the results of the R.S. land survey is managed by DLRS as printed matters, and is distributed to local government offices. This khatiyani shows particulars of the raiyats at the first page and portion of land with dag no. at the second page.

S.A. (State Acquisition 1954-1965) or P.S. (Pakistan Survey) khatiyani

S.A. Khatiyani maintained chain of continuity with the previous C.S. Khatiyani. The S.A. Record-of-rights was prepared after the State Acquisition Survey conducted under the provision of sections 17 to 31 of the State Acquisition and Tenancy Act, 1950 (Jamil, 2006). Under this Act raiyats or tenants were made the owner under direct control of the government and enrolled their name under rules of 18-19 of the State Acquisition Rules, 1951. Section 82 (8) of this Act declares them as 'Malik'. It was commenced in 1954 in Patuakhali and ended in 1965 in Faridpur which is also known as P.S. (Pakistan Survey) khatiyani or M.R.R. (Modified Record-of-rights) or modified rent roll or P.R.R (Provisional rent roll) or locally called 'Record of the year 1962'. This is not an authentic khatiyani and contains a lot of errors (Ullah, 2021). Actually, this is not a practical survey or is not based on field survey. This khatiyani was made on the information was given by the 'Zamindar' or 'Landlord'. Different forms were used in different parts of the country and mostly recorded in a landscape paper and are in two pages: the first page is containing the particulars of 'raiayats' referring previous C.S. khatiyani no. i.e. 'Sabek' and present S.A. khatiyani no. i.e. 'Hal' and the second page containing the particulars of the land. For example, in Mymensingh district S.A. khatiyani is termed as R.O.R. (Record-of-rights) and in district of Cox's Bazar, M.R.R. (Modified Record-of-rights) is available instead of S.A. Khatiyani. In that time the 'Zamindars' owned only 375 bighas properties and the residual properties were included as the Government 'Khas land'.

R.S. (Revisional Survey 1965 to till date) khatiyani:

In different parts of Bangladesh S.A. Record-of-rights have been revised based on Revisional Survey (Ullah, 2021). This survey has been conducted under section 144 (1) of the State Acquisition and Tenancy Act, 1950. This Record-of-rights started from the day when the S.A. khatiyani ended i.e. from 1965 it started in Dhaka and Rajshahi and then continued in Chittagong in 1970-1971, Kushtia in 1975-1976, Pabna in 1975-1976 and the last in Mymensingh and Jamalpur in 1978-1997 (Malek, 1996). This khatiyani was recorded in a portrait paper but in several districts this was in two pages. The first page shows particulars of the 'Raiyats' and the second page contains the particulars of land with dag no.

B.S. (Bangladesh Survey 1970-continuing) or City Jorip (1985-continuing) khatiyani

After 1984, the Bangladesh government installed the Zonal Settlement Office (ZSO) to conduct surveys quickly (Islam, 2013). B.S. surveys continue to be conducted regularly and it is more authentic than all other khatiyans (Islam, 2005). This survey operated by settlement officer Mr. M. A. Kader Meah & others. It was prepared after independence of Bangladesh, but this survey operation started prior to the independence of Bangladesh under section 144 of part V of the State Acquisition and Tenancy Act, 1950 (Annual Report, 2015). It has generally been made on a scale of 64 inches, 32 inches and 16 inches of a mile. In Dhaka city, this is known as 'Mahanagar Jorip' or 'City Jorip' and is being prepared on a plot to plot. This khatiyani is recorded in a portrait or horizontal paper in a single page where all columns are mentioned in front of this khatiyani and this paper is computer printed. The hand writing copy of this paper is called the D.P. (*Draft Publication*) khatiyani.

Mutation khatiyani

Generally, every survey khatiyani is made through survey (jareep) but survey does not always take place. In this case, property may be transferred in-between two jareeps. Then, the change of ownership needs to be reflected in the Khatiyani through mutation proceedings is known as mutation khatiyani. According to *Shahera Khatun v. State* (53 DLR 2019), it is a proof of present possession. Where any part of the property transferred on account of any succession or transfer at the same time, a 'bata' number for the new khatiyani supposed to take the number and the Revenue officer or the field Kanungo must sign on the certificate in the remark column of Register II (Land Administration Manual, 2003). The AC (Land) office issues this khatiyani which is mostly hand writing or printed. In this khatiyani, a jote or holding number is given and is taken from the demand and talabaki i.e. Reg. No. II (Islam, 2008).

Other Record of rights or Survey khatiyani

There are some other khatiyans including Khanapuri khatiyani (regulated by Rule 24 of the State Acquisition Rules, 1951), D.P. (draft publication) khatiyani (regulated by Rule 29 of the State Acquisition Rules, 1951),

Bujharat khatiyani (regulated by Rule 25 of the State Acquisition Rules, 1951), Tashdik (attestation) khatiyani, Petty khatiyani (diara settlement office performs this act for certain mouza), Deyara Settlement (1963 Dhaka, P-70 sheet) and so on. These khatiyans are named after the names of different stages of preparation of revisions of the khatiyani.

It is noted that, original survey khatiyani can be purchased at the record room of Deputy Commissioner by submitting application and on payment of court fees of TK. 5. Also, it can be collected from the Department of Land Records and Surveys. The AC (Land) or Tahshilder can give original khatiyans but they are not empowered to issue this. Civil Courts usually accept these copies if it is found that the copy of khatiyani has already been damaged and shall be signed by the authorized person.

TYPES OF USUAL MISTAKES IN LAND KHATIYAN

The following usual mistakes can be made while preparing land khatiyans:

1. Non-amalgamation, consolidation and sub-division of holding of Land
2. Clerical mistakes
3. Bonafide mistakes by land officers
4. Errors due to inheritance
5. Mistakes due to fraudulent entry
6. Errors done during mutation by the land office
7. Errors done negligently by the land officers

The above types of mistakes are usually made by the land officers or the land owners and such mistakes cause a lot of problems for the land owners (Hossain, 2015). To correct those mistakes, the landowners need to file cases in the AC Land Tribunals and the tribunals usually take three to six years to decide the cases. Hence, the land owners undergo a lot of harassment, a long time loss and huge amount of money expenditure to pay as court fee and lawyers' fees (Barkat and et al., 2010). Hence, it is imperative that the land officers should be given proper training so that they can complete land record registration works without any mistakes.

METHODS OF CORRECTION OF LAND RECORD-OF-RIGHTS OR SURVEY KHATIYANS

In any stage of survey, the Record-of-rights can be corrected by the land management authority but after the final publication it can only be corrected by the Land Survey Tribunal or Civil Courts (Akter, 2023). The land management authority can make the Record-of-rights up to date or modified. On the other hand, in the Civil Court the Record-of-rights can be corrected by two ways firstly, suit for direct correction of the record and secondly, suit for declaration of title or possession. The methods of correction of Record-of-rights are given below:

Correction by the Land Management Authority

(a) Correction of mistakes due to amalgamation, consolidating and sub-division of holdings.

Amalgamation means the merging of more than one holding subject to separate tenancies belonging to one person situated in the same village (Section 116, The State Acquisition and Tenancy Act 1950). On the other hand, consolidation is when two or more holdings belonging to more than one raiyats' situated in the same or different villages' (Section 119, The State Acquisition and Tenancy Act 1950). Any tenant can make an application to the Revenue officer for amalgamation and consolidating his/her property. Conversely, a judgement was made in *Md. Khairullah Bhuiyan v. Amena Khatun* (33 DLR 412) that a step may be taken on the application by co-sharer tenants or by the Revenue-officer and prior notice must be served on the parties' concerned. In this regard, total number of separate plots has been reduced and merged which have been prepared or finally published. According to section 134 of the SAT Act, 1950, "no Civil Court shall entertain any application of suit concerning any matter relating to consolidating of holdings of raiyats dealt with this Chapter." Section 117 (c) also says about sub-division that for the purpose of sub-division of a joint tenancy for distribution of rent thereof, on an application made to him by one or more co-sharer tenants. If there is no objection, the Revenue-officer may order for amalgamation or consolidation on his own initiative (Section 117(I) (a) & (b), The State Acquisition and Tenancy Act 1950).

(b) Correction for clerical mistakes

Section 143 of Chapter XVII of the SAT Act, 1950 derives the procedure of correcting the clerical mistakes in the Record-of-rights i.e. mistake of names, inserting portion of shares, inserting plot no. any many more. This section empowers the collector (AC land) to maintain and to correct the Record-of-rights in the prescribed manner. Under this section changes may be brought by transfer or sell. According to the Rule 23 (4) of the Tenancy Rules, 1965 Revenue-officer can also correct records which are wrongly obtained earlier. In addition, the Revenue-officer with the additional designation of Settlement-officer shall have inherent jurisdiction to correct obvious errors, e.g., arithmetical or clerical errors before final publication of the Record-of-rights (Rule 42B, The Tenancy Rules 1955).

(c) Correction for bonafide mistake by the Board of Land Administration (BLA)

Section 149 (4) of the SAT Act, 1950 states that correction of bonafide mistake by the Board of Land Administration. The Board of Land Administration may at any time order the correction of any entry in a Record-of-rights maintained under this part or in a settlement rent-roll prepared and finally published under this part which it is satisfied that has been made owing to a *bona fide* mistake. But this order shall not revise if

an appeal has been preferred against such order and reasonable notice must be served to the parties.

(d) Correction of mistakes in inheritance land records

People acquire immovable property by inheritance acceding to their personal laws. It will affect amicably partition deed which is being signed by all the concerned parties. It will also be registered under section 17 (1) (f) of the Registration Act, 1908. In this regard, Revenue-officers shall revise the khatiyans in accordance therewith so that no mistake occurs yet again.

(e) Correction for fraudulent entry before final publication

The Revenue-officer, with the additional designation of 'Settlement-officer' shall, on receipt of an application or on receipt of an official report for the correction of an entry that has been procured by fraud in record-of-rights before final publication thereof, after consulting relevant records and making such other enquiries as he deems necessary, direct excision of the fraudulent entry and his act in doing so shall not be open to appeal (Rule 533, The Bengal Survey and Settlement Manual 1935). At the same time, the Revenue-officer shall make the correct entry. After giving the concerned parties hearing and recording his findings in a formal proceeding, he should correct the mistakes in land records.

(f) Correction during mutation

The Revenue-officer on receipt of the notice under section 89 of the SAT Act 1950 (manner of transfer) shall open a file for mutation of record of rights and shall issue notice to the co-sharers of the holding for mutation. Thereafter, for this purpose the Revenue-officer means Assistant Commissioner (Land) shall fix a date for objection (if any). If no objection is raised within the stipulated period, the Revenue-officer shall correct the record of rights accordingly. But if any objection is filed by any co-sharer of the holding, then the Revenue-officer shall fix a date for the hearing from both the parties. After hearing, the Revenue-officer shall pass an order stating the reasons thereof, and the record-of-rights shall be corrected accordingly. This is called 'miscellaneous case' or 'mis case'.

(g) Revision of Record-of-rights or survey khatiyans

Where records are present and making an overall new record is called 'revised' record of rights. Section 17 of the SAT Act 1950 provides the provision of preparation of revised record of rights and the rules of such preparation of revised record of rights are found in Rules 18-19 of the State Acquisition Rules, 1951. Section 17(1) of the SAT Act 1950 empowers the government to make an order for preparing of record-of-rights and for revision of record of rights which was prepared and published under the provisions of the Bengal Tenancy Act, 1885. Furthermore, section 144 of the SAT Act 1950 provides the provisions for revision of the record of rights. The government may make an order

directing that a record of rights in respect of any district, part of a district or local area should be prepared or revised by a Revenue Officer in accordance with such rules as may be made by the government in this behalf (Rule 26, The Tenancy Rules 1955).

In particular, the government may make such orders in any of the following cases, namely: (a) where not less than one-half of the total number of tenants applies for such an order; (b) where the preparation or revision of such a record is calculated to settle or avert a serious dispute existing or likely to arise amongst the tenants; and (c) where a settlement of rent is being or about to be made in respect of any district, part of a district or local area.

In this regard a notification in the official gazette of an order shall be conclusive evidence that the order has been duly made. Therefore, when an order is made the Revenue-officer shall record in the record-of-rights to be prepared or revised in pursuance of such order or such particulars as may be prescribed. The Revenue-officer shall also assess or re-assess rent on land. When a record-of-rights has been prepared or revised so as to contain or include therein the particulars and the rents assessed or re-assessed. The Revenue-officer shall publish a draft of the record-of-rights so prepared or revised in the prescribed manner and for the prescribed period and shall receive and consider any objections which may be made to any entry therein or to any omission there from during the period of such publication. Any person aggrieved by an order passed by the Revenue-officer on any objection may prefer an appeal to the prescribed Revenue Authority not below the rank of an Assistant Settlement Officer.

When all such objections and appeals have been considered and disposed of according to such rules as the government may make in this behalf, the Revenue-officer shall finally frame the record and shall cause such record to be finally published in the prescribed manner. The publication shall be conclusive evidence that the record has been duly prepared or revised under this section. Revenue-officer shall, within such time as the Director of Land Records and Surveys may fix in this behalf, make a certificate stating the fact of such final publication and the date thereof and shall date and subscribe the same with his name and official title. However, section 17 of the SAT Act 1950 states that where no Record-of-rights is made either under the Bengal Tenancy Act, 1885 or under the SAT Act 1950 newly Record-of-rights will be prepared.

CORRECTION BY THE LAND SURVEY TRIBUNAL OR CIVIL COURTS

The government issued an official gazette in September 2012 where 12 Land Survey Tribunals and later in November 2012 42 Land Survey Tribunals (LSTs) and a separate Tribunal for Dhaka were constituted. After the final publication of the revised khatiyā, every suit arising out of such publication shall be laid down to the Land Survey Tribunal, not to the Civil Court (Ali, 2020). But where there is no Tribunal, there will be a suit

in the Civil Court. The procedures of correction by the Land Survey Tribunal and the Civil Court are discussed below:

Firstly, according to section 145A(8) of the State Acquisition and Tenancy Act 1950, the tribunal shall be competent to declare the impugned record-of-rights as incorrect and further can direct the concerned land office to correct the record-of-rights in accordance with its decision, and may also pass such other order as may be necessary. In this regard, any aggrieved party directly may file suit for correction to the Land Survey Tribunal.

Secondly, section 42 of the Specific Relief Act 1877 deals with declaratory decree accompanied by a consequential relief (i.e. an order to cancel or rectify the record) which does not confer any new rights and these rights is also declared in favour of the plaintiff. Under this situation, he/she is required to file the suit seeking declaration of title within six years from the date, the person in whose name has been wrongly prepared and finally published denying his/her claim on the basis of wrong record (*Gov. of Bangladesh v. AKM Abdul Hye & others*, 56 DLR (AD) 53). It can be enforced by the execution of decree and also its nature is inherent in the grant of injunction. Subsequently, after getting declaration under the Specific Relief Act 1877, the concern Revenue-Officer of the Settlement Office shall make such alterations in the records-of-rights or make the Compensation Assessment-roll as may be necessary according to section 54 of the State Acquisition and Tenancy Act 1950. This provision can only be availed where the Land Survey Tribunal has not yet been established in a district or part of the district or any local area.

Thirdly, when the time limit has expired under section 29(2) of the Limitation Act 1908 and no other efficacious remedy is available, one can go to the High Court Division by invoking its writ jurisdiction.

LIABILITY FOR MISTAKES IN LAND RECORD

We have seen that mistakes in preparing land maps and land records, the land officers and surveyors are making mistakes, mostly unintentionally. Most of the time they are making mistakes negligently and the land owners are suffering a lot. Sometimes they also make mistakes intentionally. They need to apply to the Land Survey Tribunal for correction of the mistakes or to file a suit to the civil court. Such suits continue for many years and the land owners are needed to spend a lot of time and money to pay the lawyers. So, the land owners are being harassed for the mistakes of the land officers. To make them cautious while making land records or land survey or land maps, government may insert provisions in the SAT 1950 for the liability of the land officers for making such negligent and intentional mistakes in the land records or land maps. Such provisions will save the land owners from filing suits in the Land

Survey Tribunal or in the civil court and to spend money and precious time. The land owners may also file tortious suits against the concerned land officers for making mistakes in land records or in land maps for compensation. Such suits will make the land officers careful while making land records, land survey or land maps.

FINDINGS OF THE RESEARCH

The authors have tried to find out the relevant points of findings of the research which are as follows:

- During the land surveys or the time of deed writing, the surveyors or deed writers can erroneously record or insert any name or dag number of land in the survey khatiyān or deed but in reality the land owner's real possession is in another place. Thus, such mistakes originate disputes between the co-sharers of the land.
- The methods of land survey, drawing of land maps, maintenance of all land records and information management are still done manually for which people friendly services cannot be delivered and mistakes are happening. Besides, monitoring of field activities of the land officers is largely remaining unattended.
- Most of the land owners in the villages are not educated on land survey, land laws, land administrative processes, different land related fees and land fair at district and upazilla levels. As a result, many problems are occurring to them related to their lands.
- During the land surveys, dominating land owners pay bribe to the land survey officers to make unlawful alterations in the land records and convince them not handing over of '*mat-parcha*' in the field as per rule.
- There is no sufficient government budgetary allotment in land survey sector for implementing land digitalization initiatives, developing of infrastructure, procuring modern equipment and technologies.
- There are various types of corruptions committed by land surveyors during field surveys. Social influential people also show up self-interests during review process in land records and create barriers to the acts of the land surveyors.
- On behalf of the government, the land surveyors make survey khatiyāns without proper investigation and in the absence of tenants which may result in errors in land records and such errors may invalidate the land titles.

- There are no sufficient Land Survey Tribunals in Bangladesh and the number of adjudicatory members is also inadequate. The adjudicatory members in the Land Tribunals are to be recruited from judiciary, settlement department, land administration and new rules must be formulated for determining land suits.

RECOMMENDATIONS

Under this situation, it is not possible to change the current scenario overnight to solve all issues related to land records. Considering various difficulties, some of the solutions appear to be long term and some are short term which is involved with it. Authors of this paper have tried to find out the relevant points of recommendations which are given below:

- During the land survey and at the time of deed writing, the survey officers must be cautious to determine actually whose name is inserted or written in the '*Survey khatiyān*' or '*deed*' as an owner and where his/her actual possession is.
- A long-term strategic plan for digitalization of entire land management, registration and land surveys have to be ensured for welfare of the people of Bangladesh.
- The regular training sessions for the land survey officers need to be organized to overcome these obstacles by the concerned Ministry. The Ministry should also increase adequate manpower in the land survey department and civil courts and take other suitable steps as and when required.
- To stop bribery in land survey and records, the concerned law enforcement agencies must take appropriate legal action against the accused.
- Sufficient budgetary allotment in the land survey sector needs to be ensured to implement digitalization initiatives, developing necessary infrastructure, procuring modern equipment and technologies.
- Strong and efficient accountability mechanisms in the land management and record sector have to be ensured by the concerned authority.
- The Government needs to establish an adequate number of Land Appellate Tribunals in Bangladesh.

In addition, the liability provisions should be included in the SAT Act 1950 against the land survey officers for making intentional and negligent errors in land records and maps.

CONCLUSION

After analysing the land record of rights closely, it has been clearly revealed that many attempts have been made to update land records through survey but mistakes in land records of rights still exist. It is also required because of continuous changes in land ownership by way of purchase, sale, gift, waqf, mortgage, partition, will, due to alluvion, diluvion, inheritance and so on. Through the time however it has been proved inefficient and the purpose of it became frustrated because whole process of survey and procedure for correction was manual, laborious and time-consuming. Government's progressive initiatives are needed to avoid these circumstances. Integration of all ownership information and to allow all related agencies to share the same up-to-date information is needed. Conversely, for maintaining up-to-date records of all related data, keeping in an integrated manner, and a broader land information system (LIS) needs to be developed to overcome all land related problems. At the same time, the fraudulent and negligent mistake-makers should be punished by way of compensation or if necessary by imprisonment to stop making of such mistakes with an intention to give peace of mind to the landowners.

REFERENCES

- Akter, N. (2023). Prospects of Modern Technology in Land Record System: Safeguarding the Land Rights of the Landowners in Bangladesh (Masters Dissertation, East West University).
- Ali, M. A. (2020). Settlement of land disputes in Bangladesh: legal issues and challenges. *Southeast University Journal of Law*, 3.
- Barkat, A., Halim, S., Osman, A., Hossain, I., & Ahsan, M. (2010). Status and Dynamics of Land Rights, Land Use and Population in Chittagong Hill Tracts of Bangladesh. *Human Development Research Centre*.
- Billah, S. M. (2017). The politics of land law: Poverty and land legislation in Bangladesh (Doctoral dissertation, Herenga Waka-Victoria University of Wellington). P. 178.
- Hossain, A. (2020). Land and Human Rights Situation of Indigenous Peoples of the Plain Land in Bangladesh. *Nagorik Uddyog*, Dhaka.
- Hossain, M. (2015). Improving land administration and management in Bangladesh. Final Report. *Bangladesh Institute of Development Studies (BIDS)*, Dhaka.
- Islam, M. A. (2013). Mutation and updating of land records in Bangladesh: a study at Gazipur sadar upazila (Masters Dissertation, BRAC University).
- Islam, M. M. (1972). Agricultural development of Bengal: a quantitative study, 1920-1946. University of London, School of Oriental and African Studies (United Kingdom).
- Islam, M. T. (2005). The Development of Land Laws and Land Administration in Bangladesh: Ancient Period to Modern Times. *Dhaka University Studies*. Part F, 16. P. 203.
- Jamil, A. (2006). Verification of Documents of Land: Legal Issues and Complications. *Dhaka University Studies*. Part F, 17. p. 179.
- Kabir, L. (1965). The Rights and Liabilities of the Bengal Raiyats Under Tenancy Legislation from 1885 to 1947. University of London, School of Oriental and African Studies (United Kingdom).

- Malek, M. A. (1996). Law of Khatiyān. (Khohitur Nahar Rozy, Dhaka). P. 14.
- Khan, M. N. I. (2008). Land Law Made Easy (Research Initiatives Bangladesh, Dhaka). pp. 163-5 (In Bengali).
- Rajaram, P. K. (2014). Of Law and Land: Producing Peasants and Landlords in Bengal. In *Ruling the Margins*. Routledge. pp. 61-84.
- Raziv, M. M. H. (2018). Test Methods of Land in Bangladesh: An Overview. *BiLD Law Journal*, 3(2), pp. 82-99.
- Hussain, T. (1995). Land Rights in Bangladesh (University Press Limited, Dhaka). P. 127-130.
- Ullah, K. (2021). The role of Record of Rights (Khatian) in determining title or possession: An overview, *IIUC Studies*, 15, 33-46.