

Country Report 2003

(Based on the PCGIAP- Cadastral Template 2003)

Sri Lanka

Country/state for which the indications are valid:	Sri Lanka
Name of the contact person	K.Thavalingam
Address:	ISM, Diyatalawa, Sri Lanka
Affiliation, Organization:	Institute of Surveying & Mapping
Function, Position:	Director
Email address:	direcism@sltnet.lk

I. Country Report

A. Country Context

Geographical Context

Sri Lanka is a tropical island, lies southeast of the Southern tip of India, and well known to travelers of many nationalities from ancient times. Total area is 65600 km². Major climatic zones are Wet, Dry and Intermediate. Population has increased from 2.76 million in 1881 to the present 20 million, recording a sharp increase particularly after Independence. Population concentrates heavily in the southwest and central regions of the island and in the Jaffna Peninsula. The Dry Zone, in spite of state-aided settlement schemes in recent decades, remains sparsely populated. Sri Lanka's highest point is over 2,524 meters at Pidurutalagala Peak.

Historical Context

From the middle of the first millennium B.C. to well after the first millennium A.D. Sri Lanka sustained an advanced hydraulic civilization centered around village tanks and irrigation schemes. The island was dominated by successive European sea powers beginning with Portugal from the early sixteenth century to the mid-seventeenth, followed by the Netherlands until the end of the eighteenth century, and finally Britain until Independence in 1948. The great majority (75 percent) of the people are Sinhalese. The Tamil population accounts for 18 percent including those in the estate sector, who are descendants of the workers from India brought to Sri Lanka by the British in the nineteenth century to work on plantations. The Moors, mostly Tamil-speaking, form the next largest minority comprising 7 percent of the population. All other minorities, including Burghers (descendants of Dutch and other Europeans), Eurasians, and Chinese, account for less than one percent, but remain as distinct ethnic groups. Most Sri Lankans live in villages. The spoken language of the large majority of the people in Sri Lanka is Sinhala, while Tamil is the dominant language in the north and east regions. Use of English is most widespread among urban and educated classes, while it serves as a link language between different linguistic groups.

Current Political and administrative Structures

The Democratic Socialist Republic of Sri Lanka is a unitary state whose legal and administrative structure is based on its republican constitution. The National Constitution (1978) forms the supreme law under an Executive Presidency and a single house of Parliament. Sri Lanka consists of 25 administrative districts and nine provinces. The hierarchy of regional administrative divisions that supports the central government now consists of Provinces, Districts, divisions and

Grama Niladhari units, in descending administrative order and area. The Thirteenth amendment to the Constitution in 1987 provide for devolution of power to the provinces.

Historical Outline of Cadastral System

After the occupation of the country by the British, several attempts have been made for the establishment of a cadastre based on cadastral surveys. The proclamation by Governor North in the year 1800 for land owners to appear before the 'Land raad' (a judicial official) produce evidence of title and get their lands surveyed is the first attempt. This failed. Systematic cadastral surveys commenced in three sub urban villages within the capital Colombo itself (village names are Dehiwala, Wellawatta and Kirillapone) based on an Act passed in 1877 for the purpose. However, this activity was abandoned in 1891, after three years of operation, mainly due to the high costs involved. Subsequent attempts in the form of several studies, recommendations and draft acts prepared for the purpose have not borne fruit. There is at present, what can be described as, a limited cadastre. About eighty percent of the country is covered by village plans prepared by the Surveyor General demarcating State (Crown) land. These plans are on the scales of 1/3168 (4 chains to an Inch), 1/4000 or 1/6336 (8 chains to an Inch) and those prepared after the year 1910 have the parcel corners marked on ground with statutory monuments. The subdivision within the state lands, by way of alterations, are properly recorded in these plans kept in the offices of the Survey Department and also in the Land Ledgers kept in the offices of the Divisional Secretaries (300 for the whole island). This record can be considered as a legal cadastre for the areas covered by them. The town survey plans prepared by the Surveyor General on the scales of 1/792(1 chain to an Inch), 1/1584 (2 chains to an Inch), 1/1000 or 1/2000 for assessment purposes together with the assessment registers maintained in the Local authority offices form cadastral records for fiscal purposes. Parliament has passed the Act No. 21 of 1998 for registration of Title to land and now it is being implemented. By the powers vested in the Minister, some areas have been declared for operation of the new Act.

B. Institutional Framework

Government Organizations

Existing System:- Government Agent is the custodian of state land in the District (25 for the whole country) and a variety of registers under different statutory provisions are maintained by him. The plans in respect of state lands are prepared by the Survey Department. Records pertaining to proceedings under the partition Act and those for declaration of title is filed in the courts. Records pertaining to the Registration of Deeds (and the areas surveyed under the act passed in 1877) are maintained in the Land Registries under the Registrar General.

System under Act 21 of 1998:- Parliament has passed the Act No. 21 of 1998 for registration of Title to land and now it is being implemented. By the powers vested in the Minister, three areas have been declared for operation of the Act in 2002. A Pilot project has commenced and offices have been established in these three places. At present Land Commissioner's Department, Land Settlement Department, Surveyor General's Department, Chief Valuer's Department and Registrar General's Department are involved in the scheme. Land Titles Registry offices are being established, to function under the Registrar General's Department. The Adjudication process is handled by the staff of the Land Settlement Department and the survey work is handled by the surveyors of the Survey Department.

Private Sector Involvement

Presently the cadastral surveys for private lands (except the areas declared under the New Act) are done by the Private Licensed Surveyors. There are about 890 Private Licensed Surveyors handling cadastral surveys in the private sector and the records pertaining to the plans produced by them are kept with the individual surveyors who prepared them. Hence, any subsequent copies have to be obtained from them. According to the new act, the Surveyor General shall be responsible for the preparation and maintenance of all cadastral maps to cover the entirety of Sri Lanka progressively for the purposes of the Registration of Title Act, and for the purposes of any other law. A cadastral surveys for the purpose of the Registration of Title Act shall be conducted by a registered surveyor who is employed in the Survey Department or who pos-

sesses an annual practicing license issued in terms of section 41 and who has obtained a certificate of Accreditation in terms of section 11 of the Act. The registered surveyor duly authorized in that behalf by the Surveyor General shall certify all maps and plans prepared by him based on a cadastral Survey conducted for the purpose of this section.

Professional organization or Association

The Surveyors' Institute of Sri Lanka (SISL) is the professional body representing the Surveying profession in Sri Lanka. It has been existence for over 75 years and is therefore one of the oldest professional institution in the country. It is well established in the international professional community dealing with the subjects of Land Resources Management and Surveying, being a Founder Member of the Commonwealth Association of Surveying and Land economy (CASLE), and a member of the International Federation of surveyors (FIG). Nationally, it is a founder member of the Organization of Professional Associations (OPA). The SISL was incorporated by Act of parliament No. 22 of 1982.

Licensing

Under the Survey Act 17 of 2002, Land Survey Council has been established. The Major functions of the Land Council are; Registration of surveyors, Issue of Annual Practicing Licenses to Surveyors, Maintaining standards and procedures relating to land surveying and inquiries relating to professional misconduct and related matters of registered surveyors. Survey Acts and Regulations in each jurisdiction identify guidelines for licensing and registration of cadastral surveyors and the undertaking of cadastral surveys.

Education

The formal training of surveyors in Sri Lanka began in 1896, when the first training class for Surveyors started on 19th October 1896. Until 1910 the surveyors were trained at the Technical College in Colombo. In 1912 the Survey Department started a training school to train the surveyors attached to the department. With the improvements in the technology the Government decided to upgrade the Department Training school to the Institute of Surveying and Mapping (ISM) in 1967. Afterwards, the Institute has gradually taken over almost all the basic training needs of the Survey Department and few other State Organizations. They have been trained up to Diploma Level in Surveying. Apart from this Diploma Course, a Post Graduate Diploma course in Land Surveying has been conducted for Assistant Superintendent of Surveys since 1971. In 1990, the Ministry of Higher Education upgraded the Institute of Surveying and Mapping to award the Degree in Surveying Sciences. In addition to these courses the Institute conducts several Continuous Professional Development programs for departmental and licensed surveyors. Now the Government commenced a degree course in Surveying Sciences at the University of Sabaragamuwa. Hence today there are two institutions awarding the degree in surveying.

C. Cadastral System

Purpose of Cadastral System

Objective of the cadastral system introduced (as short-term project) recently in Sri Lanka is to build the foundation for a long-term land administration program in Sri Lanka which would encompass the entire country in the next 15 to 25 years. In order to build the foundation for this long-term program, the proposed system would be implemented as a pilot learning and innovation program. The objective of the long-term cadastral program would be to improve the socio-economic and environmental conditions of the people by increasing land tenure productivity. This increased productivity is to be accomplished through a fully developed and functioning system of land administration that is fair, efficient and sustainable. Therefore, the objective of the proposed cadastral system would be to assess and build the methods and techniques, and organizational, legal and policy framework and capacity for making sustainable and comprehensive improvements in the land administration system in the long-run (parcel based cadastre, land titling and title registry).

Types of Cadastral System

In the existing system (except the areas declared under the New Act), Government Agent is the custodian of state land in the District and a variety of registers under different statutory provisions are maintained by him. The plans in respect of state lands are prepared by the Survey Department. Records pertaining to proceedings under the partition Act and those for declaration of title is filed in the courts. Records pertaining to the Registration of Deeds (and the areas surveyed under the act passed in 1877) are maintained in the Land Registries under the Registrar General. The system under Act 21 of 1998 for registration of Title to land, now it is being implemented for three areas support legal land parcel identification of public and private rights. Further, all parcel information will be computerized. Through computerization of all land data, the system is undergoing integration to facilitate wider land management and environmental planning. Today the aim is to delegate with the responsibility of maintaining an up-to date cadastral map of all land parcels connected to the land registration function, with land use management and administration.

Cadastral Concept

In Sri Lanka Survey Department should continue to be the organization responsible for cadastral information. This organization should also collect additional information required on such subjects as land use and buildings on the surveyed parcels. Survey Department has today the responsibility to maintain the cadastral records of state land, but do not have sufficient information about private land. There is a need to make required alteration in existing legislation so that all land parcels will be recorded in a property register. There should also be an office responsible for keeping information about legal rights in land. At present legal rights regarding land matters are registered in an office called District Land Registry, which also register births, marriages, deaths etc. Ideally the registration and survey functions mentioned above should be performed by a single agency. Such an arrangement would guarantee the best co-ordination between the two parts involved in the whole operation. The solution would be to separate the section within Land Registry dealing only with land matters and bring it under the Ministry of Lands. Then it would be possible to amalgamate it administratively with Survey Department.

Content of Cadastral System

Sri Lanka is divided into nine provinces which are divided into in all 25 Districts. It has been estimated that there are over 8.5 million parcels of land that have to be brought into the cadastre which on average will mean more than 350,000 parcels per district. Proposed Sri Lankan Cadastral systems typically comprise the following components:

- Textual component – the land register, maintained in each Title Registry, identifies real property parcels, which includes all land parcels and identifies owners' rights, restrictions, and responsibilities, ownership, easements, mortgages etc.
- Spatial Component – Cadastral maps, prepared by Survey Department, show all land parcels graphically corresponding to the registered title with plan numbers and unique identifiers and accompanied by a schedule. The boundaries of the different parcels unless such form permanent features on ground are defined by landmarks as provided for in the State Land Marks Ordinance.
- Additional legal, valuation, local government, utilities and planning activities are involved in land administration, and are heavily reliant on the fundamentals of the cadastral system. In particular local government rates, land tax and stamp duty (as a result of land transfer) on land parcels is a major revenue raiser for the economy.
- State Lands Management have management and administrative responsibility for public state owned lands.

D. Cadastral Mapping

Cadastral Map

Cadastral Maps for Registration of Title are required to fulfill the requirements of section 11 of the Registration of Title Act No. 21 of 1998. According to this Title Act, the registration of Title to

every land shall be in accordance with the cadastral map prepared for that purpose by the Surveyor General. Registration of Title is done systematically over an area such as Province District or Division or any other administrative area, which the Hon. Minister of Lands may from time to time specify and publish in the Govt. Gazette. Once such area is gazetted the Surveyor General will take action to prepare Cadastral Maps to cover the declared area. Depending on the size of the area, each village covering a cadastral map, may be divided into two or more separately identified blocks. An area of about 50 Ha. or of about 100 land parcels (which ever is small) may be considered as a desirable area to be covered by one block. Once the initial compilation of the Cadastral Map is completed for a village or part of a Village in such declared area a certified copy is submitted to the Commissioner of Title Settlement (CTS). The ownership of each land parcel and any determined by the CTS after making the necessary investigations.

As a Cadastral map is a map prepared to fulfill the requirements of the cadastre. It consists essentially of two parts, viz graphic record and textual record. The graphic record essentially consists location and boundaries and identification number of every land parcel showing individual ownership. The textual record consist of the identification number, area the details of persons having ownership and other legal interests and land use of each land parcel. This cadastral map will eventually be the base for a parcel based Land Information System to be established for systematic management of land in the country. All the old statutory surveys that have been carried out for statutory purposes up to the time of preparation of Cadastral map will be utilized for the preparation of cadastre map.

The first step would be to have an analogue map, which later on can be digitized. The Cadastral Index Map should show the boundary around the village, the boundaries between the different parcels as well as the parcel designations. This map has to be kept up to date to show the existing parcels and their boundaries. The plotting will be in the national grid system. Existing control points should also be shown in the map. Every point which has been co-ordinated should be numbered. Attached to the map or separately in a special register there should be a co-ordinate list for every village with unique numbers for the village.

Example of a Cadastral Map

Role of Cadastral Layer in SDI

The development of Spatial Data infrastructures (SDI) has increasingly recognized the inherent role of linking land parcel components as the fundamental layer underpinning the SDI model. The data is all linked to standard parcel identifiers in the cadastral layer correlating information from each of the data sets. The content of digital drawing file is given below.

Content of digital drawing file.

Layer Name	Feature(s)
Bound-gen	Boundary lines
Bound-hydro	Boundaries of streams and water bodies
Bound-road	Boundaries of roads
Bound-points	Boundary points Boundary point descriptions
Lot-numbers	Lot numbers
Text	Boundary descriptions Road directions Road descriptions Names of streams and water bodies Flow directions of streams
Cont-points	Control/Traverse points

Other

Boundary point numbers,
Control/Traverse point numbers,
etc.

E. Reform Issues

Cadastral Issues

The basic law under which both the Adjudication and the Land Titles Registry operate is the Registration of Title Act, which was approved by Parliament in March 1998. There are a number of problems with this Act and amendments to it should have been made before titles were registered and certificates issued. Proposals for an initial set of "highly critical" amendments to the Act have been drafted.

There are numerous other laws that require amendment to facilitate land titling activities. Some are more closely related than others. As a first stage, several laws, including the Registration of Documents Ordinance, the Land Development Ordinance and the Notaries Ordinance, will be amended as these directly affect the recognition of rights and the ability to make transactions. Proposed amendments to these laws have been prepared. In order for the Registration of Title Act to be used, a series of Regulations and Office Procedures need to be developed.

The Survey Act is closely related to the Registration of Title Act as it provides the authority and direction for conducting the survey work required to produce the cadastral maps which are an integral part of the Land Titles Registry records. Regulations to accompany the Survey Act will start to be developed.

Current Initiatives

In order to get the full benefit of having clear title it is important to remove existing restrictions to the land market. One aspect is to enable land users with existing permits and leases to have full ownership rights. This work will be carefully conducted under the Policy Formation sub-component and will require specific legislative changes to the existing State Lands Ordinance and Land Development Ordinance. Some work has already been done by the Land Commissioner's Department and this will be continued and draft revisions for the laws will be prepared by the end of year 1.

A range of other laws that affect land titling activity or that will be affected by the above changes also need to be reviewed.

References

II. Questionnaire

1. Cadastral Principles

Deed or title registration

- 1.1 Is your cadastral system based on deeds registration or on title registration ?
- deeds registration
 - title registration
 - other:

Registration of land ownership

- 1.2 By law, is registration of land ownership compulsory or optional ?
- compulsory
 - optional
 - other:

- 1.3 If felt necessary, please, comment on the actual practice and the legal consequences.

Approach for the establishment of the cadastral records

- 1.4 Are landowners required to register their properties systematically during the initial establishment of the cadastre or is registration sporadic, i.e. triggered only by specific actions (such as for example sale) ?
- systematic
 - sporadic
 - both
 - all properties are already registered
 - other:

2. Cadastral Statistics

Population

2.1 What is the **population** of your country ?

19,238,500

2.2 Please, estimate the **population distribution** between urban and rural areas.

urban:	...25... %
rural:	...75... %
<hr/>	
total:	...100... %

Number and distribution of land parcels

2.3 Please, estimate the approximate **total number of the smallest uniquely identified land units**, often called "land parcels" in your country, including urban and rural areas ?

8.5 million

The total number would include all freehold and state owned land, regardless of registered, non-registered or informal holding.

2.4 What is the approximate **total number of registered strata or condominium units** ? This number would be in addition to the number of land parcels indicated in 2.3 ?

10,000

2.5 For **URBAN areas**, please, estimate the **distribution between the smallest uniquely identified land units, often called "land parcels"** (i) that are legally registered and surveyed, (ii) that are legally occupied but not registered or surveyed, and (iii) that are informally occupied without any legal title (this may include illegal occupation or squatting).

legally registered and surveyed:	...90... %
legally occupied, but not registered or surveyed:	...5... %
informally occupied without legal title:	...5... %
<hr/>	
total:	...100... %

If the estimation is too difficult or complex using land parcels, you may base your estimation alternatively on the number of people occupying these forms of land parcels.

2.6 For **RURAL areas**, please, estimate the **distribution between the smallest uniquely identified land units, often called "land parcels"** (i) that are legally registered and surveyed, (ii) that are legally occupied but not registered or surveyed, and (iii) that are informally occupied without any legal title (this may include illegal occupation or squatting).

legally registered and surveyed:	...63... %
legally occupied, but not registered or surveyed:	...25... %
informally occupied without legal title:	...12... %
<hr/>	
total:	...100... %

If the estimation is too difficult or complex using land parcels, you may base your estimation alternatively on the number of people occupying these forms of land parcels.

Number of professionals

Please estimate the total number of *academic professionals* that are active within the cadastral system and the proportion of the time that they actually commit for cadastral matters (as opposed to work outside of the cadastral system) ?

2.7	Total number of professional land surveyors , such as licensed surveyors active within the cadastral system:	1,500
2.8	Proportion of the time that these land surveyors commit for cadastral matters:	55%
2.9	Total number of lawyers/solicitors or equivalent active within the cadastral system or land market:	4,000
2.10	Proportion of time that these lawyers/solicitors commit for cadastral matters or land market:	65%

Remarks and Comments

Please, identify the best aspect of this questionnaire ?

Simple way of providing information

Please, suggest the area in the questionnaire that could be improved ?

In Sri Lanka most of the land parcels are surveyed but not registered. So, paragraph like " Land Surveyed but not registered" to be included in the questionnaire.