

# LAND TITLING

## A Road Map for India



**Vinod K. Agrawal, I.A.S.**

*Principal Secretary, Revenue (R&S), Govt of A P*

# Guaranteed Titling System

- Public record of titles: conclusive
- Entries need to be always correct and true
- Entries in this record are guaranteed
- 3 Principles - **Curtain**  
- **Mirror**  
- **Insurance**

**Torrens**

## **Where are we**

- **Insecure Title : Loss of GDP**
- **Title & Boundary Disputes : Costly litigation**
- **Single Task-Multiple Processes**
- **Land Records in pathetic condition**
- **Difficult accessibility to public and interest groups**
- **Revenue centric records**

## Pre-Requisites

- **Reasonably accurate description of property**
  - **Boundaries and location: cadastral surveys**
  - **Unique ID**
  - **Unified graphical and textual data**
- **A central register of titles for all properties**
  - **Final and conclusive: unassailable or indefeasible**
- **Transfer of property only by ‘registration’**
- **Auto updation**
  - **Change in record integral to transaction ( no mutation)**

# Various models of Titling

- **Systematic Titling**
  - **First registration of title suo moto**
  - **In a campaign mode.**
- **Incremental – Compulsory**
  - **Compulsory certification of title before transfer**
  - **Entry into Register of Titles**
  - **Subsequent transfers under title registration system**
- **Incremental – Optional**
  - **First registration on application : optional**
  - **Subsequent transfers under TRS**
  - **Both title and deed registration systems exist parallelly**

## Land Titling Models -Pros and Cons

	<b>Systematic</b>	<b>Incrmtl. – Com.</b>	<b>Incrmtl.- optional</b>
<b>Time</b>	Short 10 - 20 years	Long 100 - 150 years	Very long > 200 years
<b>Cost</b>	Least	Higher	Highest
<b>Incidence</b>	Suo-Motu	Only when property comes for transfer	Only on application
<b>Coverage</b>	All properties	Imperfect titles : illegal transfer	Title/Deed registrations run parallel

# Recommended model

## .....Systematic Titling

- History of systematic settlements and resurveys  
**Settlement process upgraded is Titling**
- Low cost and time  
**One time operation**
- Resurvey and Titling can go hand in hand :  
**Cost and time further reduced**

## **A fourth model-Systematic Selective**

- **Resurvey not mandatory : only Unique id enough**
- **Titling of properties with clean history: virgin titles**
  - **Flats, Government allotments, UDAs etc.**
- **Government suo motu creates title register**
- **Subsequent transfers : under TRS**
- **Less cost, time & effort to implement**
- **Only partial coverage**
- **Unique id : an issue**



# Administrative Set up

- **Available options**
  - **An Independent Department**
  - **Independent Authority**
  - **Corporation**

*Recommended Independent Authority*
- **National Land Titling Authority**
  - **Lays down broad parameters, methodology & contents**
  - **Provides technical & policy support**
  - **Monitors implementation & utilization of funds**
- **State level authorities.**
  - **Work under over all supervision of NLTA**
  - **Detailed planning, designing & implementation**
  - **Subsequent maintenance, operation & updation**

## **Legal changes: Necessity**

- **No record of Titles: Caveat emptor**
- **Revenue records – Presumptive - Indian Evidence Act**
- **Registration of deeds – Registrar to register whatever is executed**  
**Indian Registration Act**
- **Transfer of property by ‘contract’ and not by ‘regn’** -  
**Transfer of Properties Act**
- **Much information having bearing on title not in public domain**  
**GPA, equitable mortgages, succession ,etc**
- **Information in public domain - not easily accessible**  
**e.g. Civil disputes, L.A. notifications, pending actions etc**

# Legal changes: options

## Two options

- Amend all the relevant Acts

**Transfer of Properties Act, Indian Evidence Act, Indian Registration Act, RoR Act, Others – ( L.A.Act, Negotiable instruments Act, Civil court Procedures ,etc)**

- Enact a new law with overriding provisions – Land Titling Act

**Advantages:**

- a. Convenient
- b. Definitive
- c. Less time taking

# Legislative competency

<b>Subject</b>	<b>Domain</b>	<b>Constitutional provn.</b>
<b>Land including rights in and over Land</b>	<b>State Govt</b>	<b>Entry 18 in list - II of seventh schedule</b>
<b>Maintenance of Land records and survey for revenue purposes and RoR</b>	<b>State Govt</b>	<b>Entry 44 in list - II of seventh schedule</b>
<b>Transfer of property... - Registration of deeds and documents</b>	<b>Union + state Govt.</b>	<b>Entry 6 in list - III of seventh schedule</b>

# Legislation: options

- A. State legislates – President gives assent - Art. 254 (2)
- B. Two or more states request Parliament - Art. 252 (1)
  - Parliament makes a legislation
  - States adopt through their legislatures.
- C. GOI makes model law –
  - States legislate & President gives assent
  - only facilitates states in drafting the law

*Option 'B' is recommended*  
*Ready states can start with 'A'*

## Legal frame work

- - Legislation : broad, all encompassing , substantive
- Procedural part : rule making power of states
- Futuristic in nature
- Enabling provisions for future add-ons  
**Guarantee , Insurance etc**
- - Allow modular implementation
- Flexibility of both the options – systematic + selective

# ROADMAP- states

- - Issue in-principle approval
- finalise model and design
- Proposal to GOI with detailed estimate
- Pass the Law and send to President for assent
- Decide administrative set-up
- Establish land titling centre
  - To be R&D centre and knowledge repository
  - Organise think tank meetings
  - Technical advise and expertise
  - Communications & awareness building

# **ROADMAP – G o I**

- **Declare national priority : allocate resources**
- **Enact the Law**
- **Set up admin infrastructure : National LT Authority**
- **R & D and capacity building: Set up National Institute**
- **Identify pilots**
- **Build awareness : create demand**
- **Rewrite processes : write software**
- **Take up large scale resurveys**



# Till the new law comes

1. **Make Registration Dept nodal point for all information**
  - A. **Information not in public domain**
    - **GPA's, Eq mortg., Successions, Mutations, Statutory Charges etc.**
  - B. **Information in public domain but dispersed**
    - **Civil Disputes, LA notn.s, Pending actions, Govt. transactions (alienations, assignments, regularizations, lease etc.)**
2. **Survey / Sub-division record - compulsory for regn.**
  - **Problems of urban survey record..... Google photos ?**
3. **Use only unique ID of the property**
  - **Layouts to be incorporated in survey records**
4. **Bring copy of RoR to Registrar**



# Thank You

[vinodk.agrawal@rediffmail.com](mailto:vinodk.agrawal@rediffmail.com)