

Land Records Modernization – The Role of Community



M Sunil Kumar

(Land Suneel)

Land Laws Expert, Advocate, LAND Lawyers Chambers

Founder and Partner, Land and Agricultural Laws Practitioners (LAP), the rural law firm

President, Legal Empowerment and Assistance for Farmers Society (LEAFS)

Director, Sadhana Academy of Imperative Law and Life Skills (SAILS)

Founder, Grameena Nyaya Peetam

Adjunct Prof and Advisor, Centre for Tribal and Land Rights (CTLR)



Land is life

Land is Identity

Land is Culture

Land is Courage

Land is Strength

Land gives self respect

Land makes dreams come true

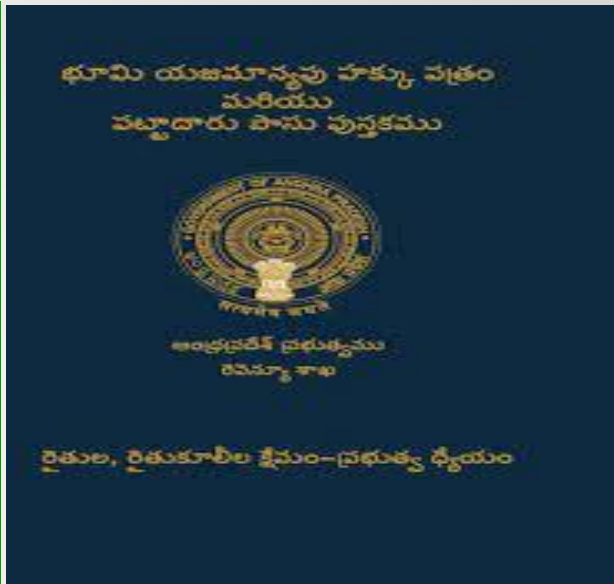
Land gives social and economic security

Secure Land Rights – Possession, Patta & Records



Possession

One can feel secure about one's land rights only when land is in physical possession, patta in hand and name in land records.



Patta

సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్

సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్	సేతువార/ఆర్.ఎస్.ఆర్/ద్రాగట్
1	2	3	4	5	6	7	8	9	10	11	12	13

1. బి

వివరణ/అదంగళ

ఎఫ్. ఎమ్. ఆ/టిఎస్

Land Records

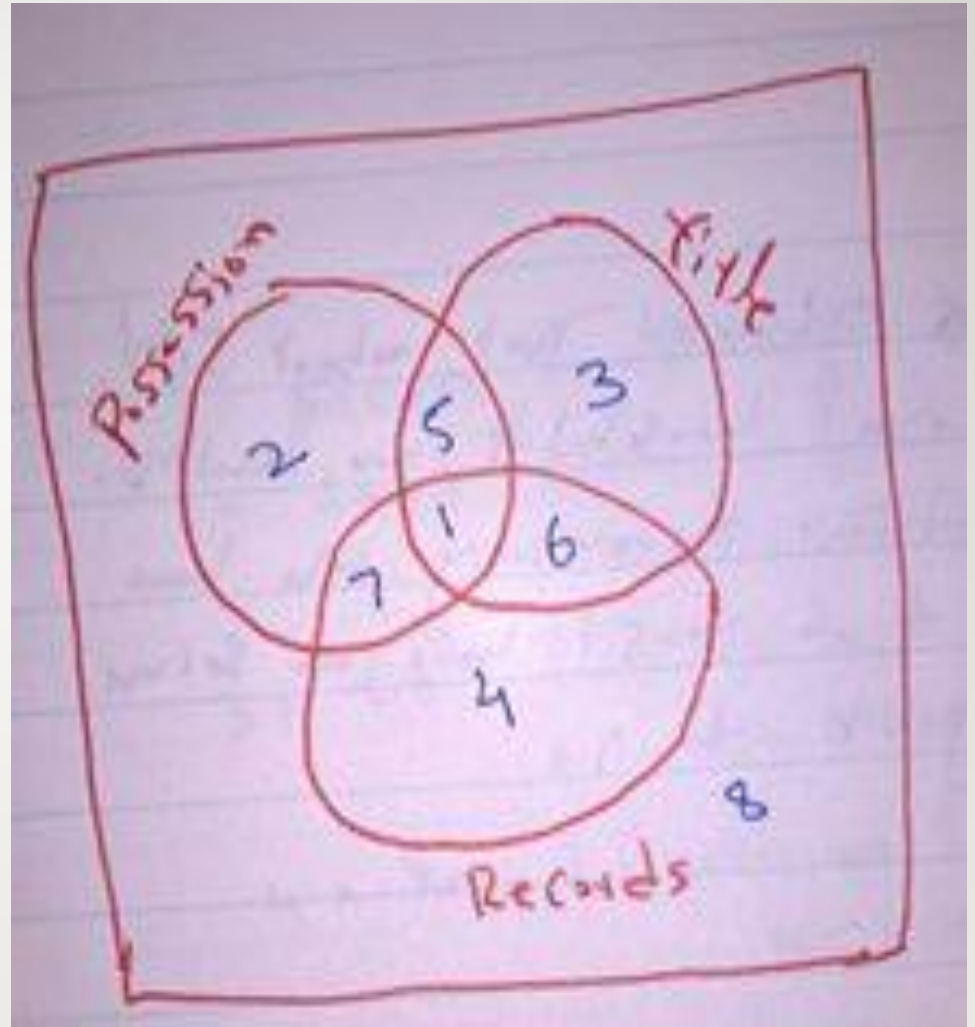
Insecure Land Rights

P – Possession

T – Title

R – Records

1. P + T + R
2. P without T and R
3. T without P and R
4. R without P and T
5. P and T without R
6. T and R without P
7. P and R without T
8. No – P, T, R



Insecure Land Rights – 75 types of land problems

Land insecurities include –

- Having land in possession but no patta and name not entered in the land records; (**land with no patta and no record**)
- Having only patta but not in possession of the land and name not entered in the land records; (**patta with no land and no record**)
- Having only name in the land records but no patta and not in possession of the land; (**record with no land and no patta**)
- Having land in possession and patta but name not entered in land records; (**land and patta with no record**)
- Having land in possession and name in the land records but no patta (**land and record with no patta**)
- Having patta and name entered in land records but not in possession of land (**patta and records with no land**)

More than 75 types of land problems

Not having Pattadar Pass Book and Title Deed for the land obtained through inheritance
Not having Pattadar Pass Book and Title Deed for the land obtained through family partition
Not Having Pattadar Pass Book and Title Deed for the land purchased through registered sale Deed
Same piece of land sold to more than one person by the owner with or without registration.
Errors / Mistakes / discrepancies in sale deed
13B certificate is not issued for the land purchased through unregistered sale Deed (Sadabinama) as the application not made within the prescribed date.
13B certificate is not issued for the land purchased through unregistered sale Deed (Sadabinama) even though the application is made within the prescribed date.
13B certificate is not issued for the land purchased through unregistered sale Deed (Sadabinama) as the land was purchased after the cut-off date (31.12.2000)
13B certificate is not issued for the land purchased through unregistered sale Deed (Sadabinama) as the original land owners or their legal heirs objecting.
Not Having Pattadar Pass Book and Title Deed for the land obtained through gift / pasupukunkuma
Not Having Pattadar Pass Book and Title Deed for assigned land
Not Having Pattadar Pass Book and Title Deed for inam land even after getting Occupants Rights Certificate (ORC)
Not Having Pattadar Pass Book and Title Deed for even after getting 38E Certificate (ORC)
Not Having Pattadar Pass Book and Title Deed for even after getting 13B Certificate (ORC)
Errors / Mistakes / discrepancies / name not entered in pahani (village account no 3)
Survey numbers missing in manual / computerized pahani
Errors / Mistakes / discrepancies / name not entered in 1B register
Errors / Mistakes / discrepancies in Pattadar Passbook and Title Deed
Mismatch of details in pahani, 1B and PPB & TD
Occupants Rights Certificate not given for inam lands
Having Pattadar Pass Book without Title Deed
Having Title Deed without Pattadar Pass Book
Lost Pattadar Pass Book
Lost Title Deed
Title to the land is in dispute
Possession of land is in dispute
Not having Assignment Patta for the government land in cultivation of the landless poor person
Encroachment of government land
Alienation of land assigned to the landless poor person
Assigned land purchased by the poor person
Assignment patta / Laoni patta granted but land is not shown
Same piece of government land allotted to multiple beneficiaries
Assignment land obtained through inheritance / family partition is not mutated in the records
Assignees details not entered in revenue records
Differences between actual land in possession and extent stated in land records
Differences between actual survey number in which land is in possession and the survey number stated in land records
Individual patta not granted in case of request to split Joint Farming Cooperative Societies
Individual patta not granted in case of request to split joint patta
Poor rural households not having land
Assigned taken for public purpose without paying compensation or paying only nominal compensation
Loan Eligibility Card not issued to the licensed cultivator (tenant)
Ceiling surplus land possession is not taken
Disputes over land surrendered / taken under land ceiling
Patta not given for ceiling surplus land assigned to the landless poor
Possession not shown to ceiling surplus land assigned to the landless poor
Land held in excess of the ceiling limits
Bhoodan land not distributed to the landless poor
Bhoodan land under encroachment
Bhoodan land assigned to the landless poor but Pattadar Pass Book and Title Deed not issued
Bhoodan land assigned but possession not shown
Temple land under encroachment
Public auction is not done for lease of temple land
Landless poor cultivating temple land
Pattadar Pass Book and title Deed not given to SCs/STs/poor for the land purchased for them through SC Corporation / ST Corporation / IKP
Survey and Boundaries Disputes
Rastha disputes
Sub-division is not done in revenue / land records for the land obtained through inheritance / partition / sale / gift etc..
No compensation paid for the land acquired
Insufficient compensation paid for the land acquired
Acquired land under the cultivation of the landless poor
Acquired land under the cultivation of the original owner
Title given to the forest land in cultivation of tribal / other traditional forest dweller
Claim for forest land by tribal / other traditional forest dweller rejected
Errors / Mistakes / discrepancies in title granted under Forest Rights Act
Title given under Forest Rights Act only to a portion of forest land under cultivation
Eviction of tribal / other traditional forest dweller from the forest land under their cultivation without settling their claims under the Forest Rights Act
Titles granted under Forest Rights Act not recorded in pahani
Titles granted under Forest Rights Act not being recognized by the bankers
Forest revenue boundary disputes
Unsettled forest issues (deemed forest issues). Preliminary notification issued under forest Act but final notification not issued
Alienation of tribal lands
Non-tribal in possession of land in spite of orders by LTR authorities
Appeals not filed in cases of orders gone in favor of non-tribal
Settlement patta granted to non-tribal in scheduled areas
Tribal not having Pattadar Pass book for the land purchased in scheduled area

Land Problems / Disputes

2%	Rural land in litigation
28%	Peri-urban land in litigation
12%	Murders due to land disputes
1.3%	GDP loss due to land problems
100-200	Land problems per village
40% - 50%	Land owners have insecure land rights
60%-70%	Petitions to District Magistrates are regarding land problems
66%	Cases in civil courts are land disputes
80 thousand crores	Annual expenditure by litigants in both civil and criminal cases (cost incurred to attend court and loss of wages. This does not include court cost and lawyers fee)

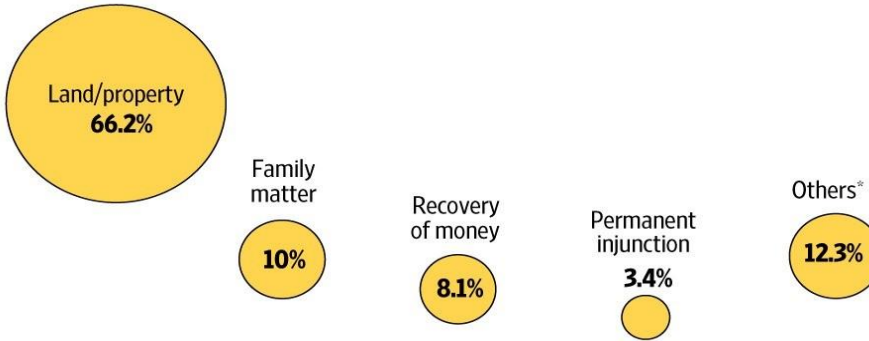
Majority of landowners have insecure, undocumented or inadequately documented land rights.

Land Litigations

LAND/PROPERTY DISPUTES ACCOUNT FOR TWO-THIRDS OF CIVIL CASES

For this survey, Daksh interviewed about 9,300 litigants across 170 districts, with a near-equal division of cases between civil and criminal courts. As many as 66% of respondents in civil courts were fighting cases directly related to land and property matters. Land and property might also be a thread through some of the other categories of civil cases.

TYPE OF CASE



*Includes labour (1.9%), intellectual property (1.3%), service (0.7%) and education (0.2%), among others

Source: Access to Justice Survey 2015-16, Daksh

THE POOR AND THE MARGINALIZED DOMINATE LITIGANTS IN LAND CASES

The Indian legal system poses significant barriers to accessing justice, especially to the poor and the marginalized. Yet, they make up the majority of litigants. In land and property matters, 90% of respondents had an annual income of below ₹3 lakh, 80% had not studied beyond school, 65% were from backward castes, and 55% were either involved in agriculture or labour.

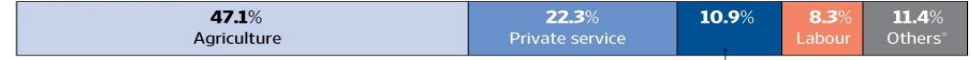
BY ANNUAL INCOME



BY EDUCATIONAL QUALIFICATION



BY OCCUPATION



* Includes homemaker (3.5%), government service (2.2%), unemployed (1.2%), retired (1.0%), student (0.2%), among others

BY CASTE



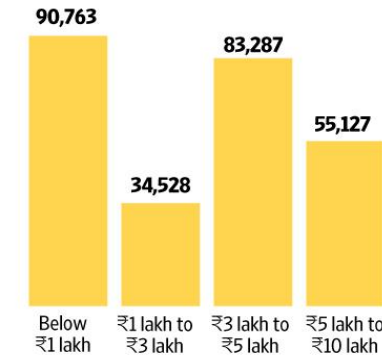
SC: Scheduled castes. ST: Scheduled tribes

DESPITE ENDURING MANY KINDS OF COSTS, THEY PLAN TO FIGHT ON

Among those fighting land/property cases, respondents earning below ₹1 lakh a year had spent nearly ₹90,000 so far—the highest among all income sets. Overall, as many as 67% were taking leave from work and 53% were suffering loss of business/pay/leave due to court hearings. Despite the tangible and intangible costs, two-thirds said they would appeal in the high court if they lost.

AMOUNT SPENT

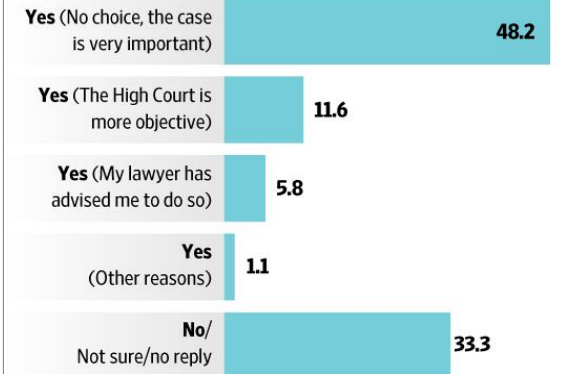
Average amount spent so far (₹)



Source: Access to Justice Survey 2015-16, Daksh

APPEAL IN THE EVENT OF LOSS

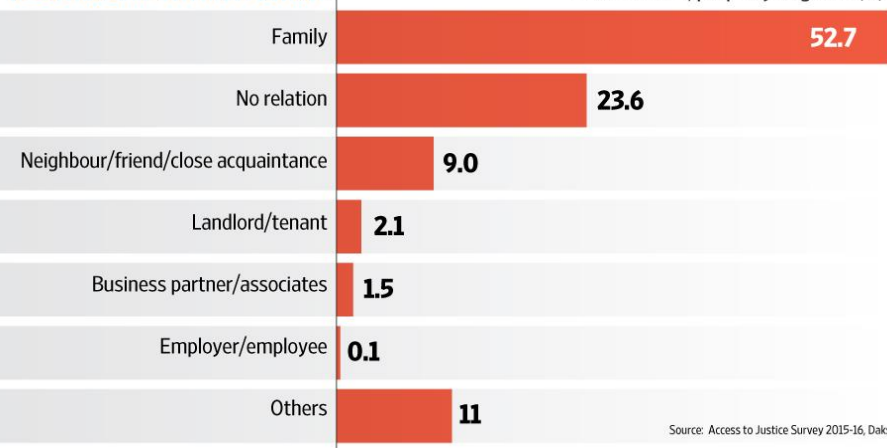
Share of land/property litigants (%)



IN HALF THE LAND CASES, IT'S FAMILY VERSUS FAMILY

More than half the land and property cases were a family dispute. And in another 9% of land and property cases, the other party was a neighbour, friend or close acquaintance.

RELATIONSHIP WITH OPPONENT



Source: Access to Justice Survey 2015-16, Daksh

Why better land records?

- **Economic Development:** Up-to-date land records and clear land titles are the pre-requisite for economic development and optimum utilization of the land by its owners.
- **Reducing Land Litigation:** Land records which do not reflect the field reality, unclear or undocumented land titles lead to land disputes hampering the growth and development
- **Reducing Crime:** land disputes are the root cause for most of the criminal cases
- **Ensuring Benefits to Farmers:** better land records ensures providing input subsidies, crop insurance, crop damages, Institutional Credit and other benefits to eligible farmers.
- **Ease of Doing Business:** better land records is one of the critical element for better ranking in ease of doing business

Digital India Land Records Modernization Programme



Digital India Land Records Modernization Programme - MIS 2.0

Department of Land Resources (भूमि ससाधन विभाग)

Ministry of Rural Development, Government of India (ग्रामीण विकास मंत्रालय, भारत सरकार)



[Home](#) [Contact us](#) [Map for Components](#) [Dashboard](#)

DILRMP is aimed to - Modernize management of land records; Minimize scope of land/property disputes; Enhance transparency in the land records maintenance system; Facilitate moving eventually towards guaranteed conclusive titles to immovable properties in the country.

The main objective of the DILRMP is to develop a modern, comprehensive and transparent land records management system in the country with the aim to implement the conclusive land-titling system with title guarantee. **DILRMP is expected to be completed by 2021 with a cost of RS.11000 crores.**

Earlier NRLMP scheme has been re-named as Digital India Land Records Modernisation Programme (DILRMP). In order to ensure economics of scale in the implementation of centrally sponsored schemes, the DILRMP has been restructured as Central Sector Scheme, and from financial 2016-17 it would be 100% funded by the Central Government.

Challenges and Concerns

- The key stakeholder – land owner – should be the focal point and involved
- Community involvement is must
- Technology is great supplement but not a complete replacement of human involvement – revenue machinery active involvement is must
- Legal awareness
- Technology challenges
- Barriers in accessing records

Their Land, Their Right: Community-driven Land Records Updation pilot

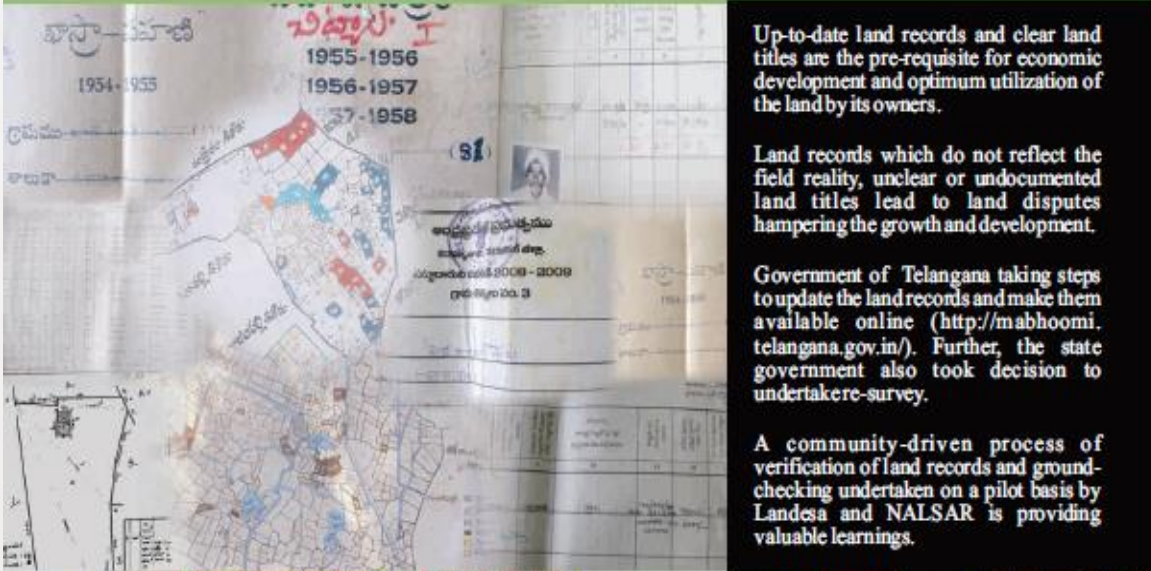
Door-to-door survey: visited every house and collected the details of land owned by them after verifying the documents they have

Details from land records: Collected details from land records

Visit to land: visited every parcel of the land and prepared rough sketch

Data correlation: data collected from household survey, land records and field verification is correlated and list of land problems are prepared and entries in land records which needs updation identified

Updating Land Records, Resolving Land Problems And Securing Clear Land Titles Through The Community-Driven Process Involving Local Youth









Up-to-date land records and clear land titles are the pre-requisite for economic development and optimum utilization of the land by its owners.

Land records which do not reflect the field reality, unclear or undocumented land titles lead to land disputes hampering the growth and development.

Government of Telangana taking steps to update the land records and make them available online (<http://mahhoomi.telangana.gov.in/>). Further, the state government also took decision to undertake re-survey.

A community-driven process of verification of land records and ground-checking undertaken on a pilot basis by Landesa and NALSAR is providing valuable learnings.

					
Selection and Training of Local Youth	Household Survey	Land Records Verification	Field Verification	Analysis of the Information	Updating Land Records & Resolving Problems

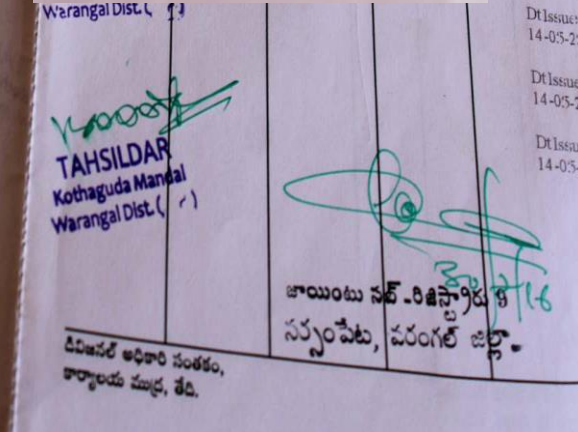
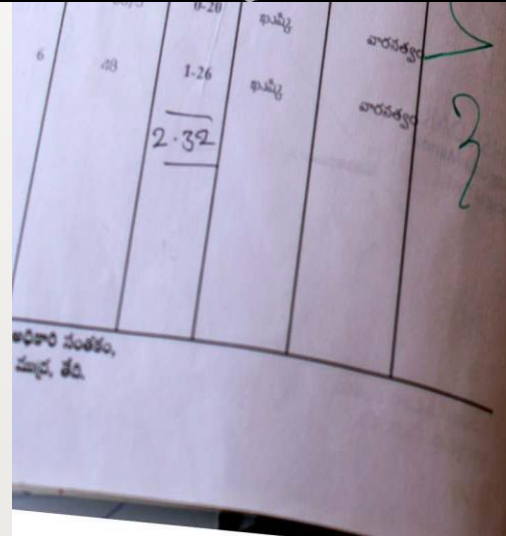
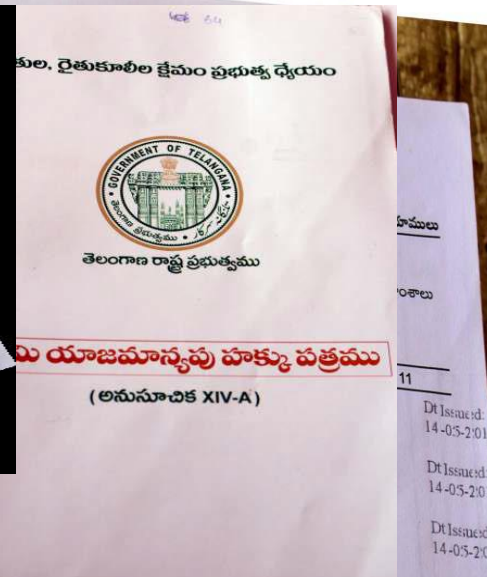
Process

Discussion in gram sabha: Data discussed in gram sabhas

Land records updation: Steps taken to get the land records updated based on the information obtained

Resolving land problems: Petitions are filed to resolve land problems. Free legal services are provided to the poor and needed assistance is given to land revenue officers

Copies of land records to owners: Copies of updated land records are given to all the land owners



My Land – My Right: Impact of the Pilot

- ✓ All land problems identified in 8 villages – majority of 1828 landowners have land problems
- ✓ A tribal village (Puttalabhupati) became free from land problems. Land Records updated. 73 tribal families received land records kits containing PPB, TD, Phani, IB, Proceedings copy and tippan. They have got about 22 L crop loan from the local bank
- ✓ 50 SC families in Gopalagiri (village with predominant SC population) got pattas
- ✓ 60 families in Kannayapally received pattas





Thank You

Cell: 9000222674

Email: landsunilindia@gmail.com

YouTube: @bhoomisanghathulu

Twitter: @amicuspopuli