

Conclusive Land Titling

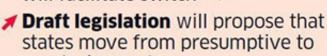
Why in News

Recently, as many States have failed to send in their feedback on a **Model Bill on Conclusive Land Titling**, the Centre has warned that their agreement would be presumed. The Bill was **prepared by the** NITI Aayog.

The Framework

✓ Digital land records will facilitate switch





conclusive system

Unified legal framework being finalised to allow govtbacked land ownership



How will it help?

- **✗ Reduce** land related litigations
- **✗ Farmers** to get easy access to credit
- Land acquisition to get easier
- Real estate transactions to become more transparent
- Title holders to be eligible for compensation from govt



Land Titling:

- It is the generic term used to describe the programs implemented by the government to enable individuals and government to efficiently trade in rights in land and property.
 - Recently, the <u>Supreme Court</u> held that a <u>citizen's right to own private</u> <u>property is a human right.</u>



Current System in India/Presumptive Land Titling:

- About:
 - India currently follows a system of presumptive land titling. It means that land records are maintained, with information on possession, which is determined through details of past transactions.
- Ownership:
 - It is established on the basis of current possession.
- Registration:
 - Registration of land is actually a registration of transactions, such as sale deeds, records of inheritance, mortgage and lease.
 - Holding registration papers does not actually involve the government or the legal framework guaranteeing the ownership title of the land.
- Conclusive Land Titling:
 - About:
 - Under a conclusive land titling system, land records designate actual ownership.
 - Ownership:
 - The title is granted by the government, which takes the responsibility for accuracy.
 - Dispute Settlement:
 - Once a title is granted, any other claimant will have to settle disputes with the government, not the title holder.
 - Compensation:
 - The government may provide compensation to claimants in case of disputes, but the title holder is not in any danger of losing ownership.
- Need and Benefits of Conclusive Land Titling:
 - Reduce Litigations:
 - The conclusive system will drastically lower litigation related to land.
 - According to a 2007 <u>World Bank</u> study on 'Land Policies for growth and poverty reduction', land-related disputes accounted for two-thirds of all pending court cases in India.
 - A NITI Aayog study on strengthening arbitration estimated that disputes
 on land or real estate take an average time of 20 years in the courts
 to be resolved.
 - Reduced Risk:
 - Once conclusive titling is in place, investors who want to purchase land for business
 activities will be able to do so without facing the constant risk that their
 ownership may be questioned and their entire investment may go to waste.
 - Right now, because land titles are based on transactions, people have to keep the entire chain of transaction records, and a dispute on any link in that chain **causes ambiguity in ownership.**
 - Reduction in Black Marketing:
 - Ambiguity in ownership also results in a **black market for land transactions**, which deprives the government of **taxes**.

Speeding up Development:

- Land disputes and unclear titling also create **hurdles for infrastructure development and housing construction**, leading to costly delays and inefficiency. In cities, urban local bodies depend on property taxes that can be levied properly only if there is clear ownership data available.
- Long-running court cases currently create hurdles for investment in many sectors of the economy.

Facilitation of Easy Credit:

- In rural areas, the need is even more acute. Access to agricultural credit is dependent on the ability to use land as collateral.
- Without being able to prove their ownership of land and access formal credit from banks, small and marginal farmers are often left at the mercy of unscrupulous moneylenders, entrenching themselves in a mountain of debt.

Model Bill on Conclusive Land Titling:

Power to State Governments:

It will provide state governments power to order for establishment,
 administration and management of a system of title registration of immovable properties.

Land Authorities:

- Land Authorities to be set up by each State government, which will appoint a Title Registration Officer (TRO) to prepare and publish a draft list of land titles based on existing records and documents.
 - This will be considered a valid notice to all potential claimants interested in the property, who will have to file their claims or objections within a set period of time.
- If disputing claims are received, the TRO will verify all the relevant documents and refer the case to a **Land Dispute Resolution Officer (LDRO)** for resolution.
 - However, disputes which are already pending in courts cannot be resolved in this way.
- Having considered and resolved all the disputed claims, the Land Authority will publish a Record of Titles.

Land Titling Appellate Tribunals:

- Over a three-year period, these titles and the decisions of the TRO and the LDRO can be challenged before Land Titling Appellate Tribunals, which will be set up under the law.
- After a **three-year period**, entries in the Record of Titles will be considered conclusive proof of ownership.

Special Bench of High Court:

 A special bench of High court shall be designated to deal with appeals against the orders passed by the Land Titling Appellate Tribunal.

Challenge:

- The biggest challenge is that land records have not been updated for decades, especially in rural and semi-urban areas.
- Land records are often in the name of the grandparents of the current owner, with no proof of inheritance.
- Unless they are based on updated records, **conclusive land titles could create even more problems.**

Way Forward

- Comprehensive village-level surveys with community involvement are a necessary precursor to the land titling process. Relying on current records or even satellite imagery will not provide the same accuracy as actual, on-the-ground, local surveys.
- It is imperative that the country has **an integrated system or repository of land record for urban and rural areas** which comprehensively covers agricultural, infrastructure, residential and industrial land.

Source:TH

