



## 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 
- **Draft legislation** will propose that states move from presumptive to conclusive system
- **Unified legal framework** being finalised to allow govt-backed 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



### Key Points

- **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 [Supreme Court](#) held that a [citizen's right to own private property is a human right](#).

## ▪ 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 [World Bank](#) 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](#)

PDF Refernece URL: <https://www.drishtias.com/printpdf/conclusive-land-titling>

