

# CONCLUSIVE LAND TITLING

## Why is conclusive land titling needed?

- Litigation**
  - It will drastically lower litigation related to land.
  - Disputes on land take an average time of 20 years in the courts to be resolved.
  - Land-related disputes accounted for two-thirds of all pending court cases in India.
  - People have to keep the entire chain of transaction records, and a dispute in that chain causes ambiguity in ownership.
- Infrastructure**
  - Investors will purchase land without facing the risk that their ownership may be questioned or investment may go to waste.
  - The idea is to promote an active land market.
  - Unclear titling also create hurdles for infrastructure development leading to costly delays and inefficiency.
- Revenue**
  - In cities, urban local bodies depend on property taxes that can be levied properly only if there is clear ownership data available.
  - Ambiguity in ownership also results in a black market for land transactions, which deprives the government of taxes.
- Agricultural Credit**
  - In rural areas, access to agricultural credit is dependent on the ability to use land as collateral.
  - Small and marginal farmers are often left at the mercy of unscrupulous moneylenders.
- Urbanisation and housing shortage**
  - Land use is also changing due to urbanisation and further expansion of such urban areas.
  - The housing shortage in urban areas is expected to increase to two crore units by 2022.
  - With the inner cities getting more crowded, new housing is now being provided at the city boundaries.
- Benami transaction**
  - Unclear land titles mean several of these new housing projects may get into land ownership disputes.
  - generation of black money through benami transactions could be pre-empted and eliminated

Land Authorities to be set up by each State government. They will appoint a Title Registration Officer to publish a draft list of land titles based on existing records.

## What does the model bill propose?

- This will be a valid notice to all potential claimants, who will have to file their objections within a set period.
- TRO will then verify all the relevant claims 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.
- Over a three-year period, these titles and the decisions can be challenged before Land Titling Appellate Tribunals.
- After a three-year period, entries in the Record of Titles will be considered conclusive proof of ownership.
- Further appeals can only be taken up in High Courts.

## What are the difficulties?

- Land records are often in the name of the grandparents of the current owner, with no proof of inheritance.
- Land records have not been updated for decades, especially in rural and semi-urban areas.
- Unless they are based on updated records, conclusive land titles could create even more problems.
- Record of rights being undertaken is primarily for agricultural land while responsibility for urban land lies with urban departments etc. still exist.

## Way forward

- Comprehensive village-level surveys with community involvement are a necessary precursor to the land titling process.
- Creation of a land record repository.
- Digitisation and integration of all records relating to titles and encumbrances.
- Local governments have to be provided with the resources or manpower to conduct such surveys.
- Institutional framework for leasing of land is required to be put in place.
- Country should have an integrated system or repository of land record for urban and rural areas.
- Formalising cadastral maps of all plots of land.
- Defining a structured timeline for timely resolution of property disputes and making public land disputes data etc.
- States should agree to the draft legislation.

## Introduction

- The Centre wants to reform the country's land markets through a fundamental legal and procedural shift in how land titles are awarded.
- In 2020, NITI Aayog sent a Model Bill on Conclusive Land Titling to States.

## Background

- Land reforms in India are a State subject.
- Under the Digital India Land Records Modernization Programme, the government has achieved more than 90% digitisation of land records.
- The Centre is in the process of implementing the Digital India Land records implementation programme 2.0.
- A scheme for mapping of land parcels in rural inhabited areas using Drone technology is also underway.
- Objective is to ensure that phase-wise manner of mapping of land parcels across the country should be completed by 2024.

## What is the current system?

- India currently follows a system of presumptive land titling.
- Land records are maintained, with information on possession, which is determined through details of past transactions.
- Ownership, then, is established on the basis of current possession.
- 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.

## Why are land titles in India unclear?

- Land titles are presumptive
- The cost of registering property is high
- Registration of property is not mandatory for all transactions
- Poor maintenance of land records
- Records do not reflect the position on the ground
- Multiple entities deal with land registration and records

## What will change in the new system?

- Under a conclusive land titling system, land records designate actual ownership.
- The title is granted by the government, which takes the responsibility for accuracy.
- Any other claimant will have to settle disputes with the government, not the title holder.
- Government may provide compensation to claimants in case of disputes, but the title holder is not in any danger of losing ownership.