

Land Administration

India

Overview

March '17

Administration

- Criminal Administration
 - law and order, policing, investigation, prosecution, jails . . .
- Revenue (Land) Administration
 - land tenures, revenue, reforms, records . . .
- Development Administration
 - policies, programmes, projects . . . for development, welfare . . .
- General Administration
 - miscellaneous

'Land' in Indian Federal Set-up

- Union List, State List, Concurrent List
- Entry 18 State List: *Land, that is to say, right in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization*
- Entry 45 State List: *Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues*
- 'Land' is a State subject
 - power to enact laws relating to 'Land' vests in Legislatures of States, and not in Parliament

'Land' in Indian Federal Set-up

- Provisions relating to 'Land' also contained in:
 - Article 239AA: Special provisions with respect to Delhi
 - Article 371A: Special provision with respect to Nagaland
 - Article 371G: Special provision with respect to Mizoram
 - Fifth Schedule: Provisions as to Administration and Control of Scheduled Areas and Scheduled Tribes
 - Sixth Schedule: Provisions as to Administration of Tribal Areas in Assam, Meghalaya, Tripura and Mizoram

'Land' in Indian Federal Set-up

- Each State has its own State-specific Revenue Laws to deal with 'Land' and its administration
- Note: 'Land Acquisition'

Entry 42 Concurrent List: *Acquisition and requisitioning of property*

Parliament as well as Legislatures of States are competent to legislate

Land (Revenue) Administration

- Administrative Functions
- Judicial Functions
 - Land Laws
 - Land Tenures
 - Land Revenue
 - Land Reforms
 - Land Records

Categorization by Operational Holdings

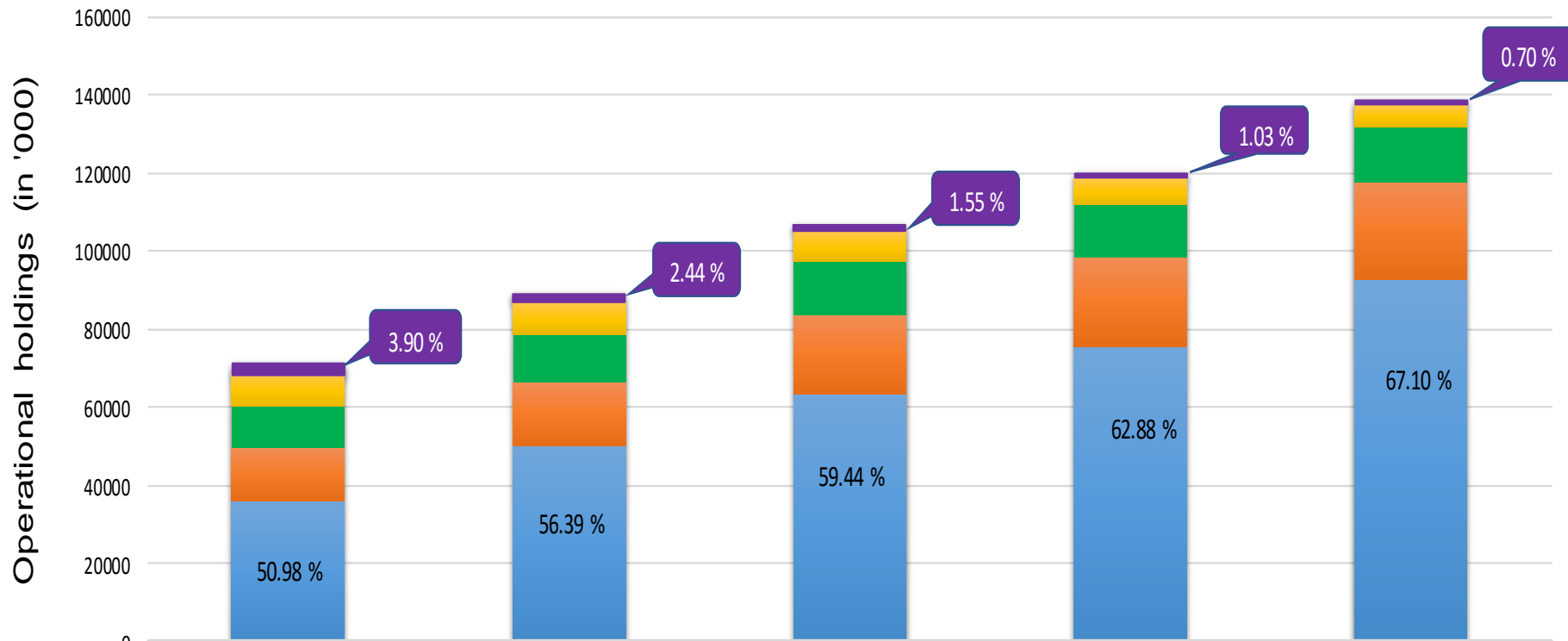
Farmer	Operational Holdings in ha
Marginal	Below 1.0
Small	1.0 – 2.0
Semi-medium	2.0 – 4.0
Medium	4.0 – 10.0
Large	10.0 and above

as used in Agriculture Census

Number of Operational Holdings

1970-71 to 2010-11

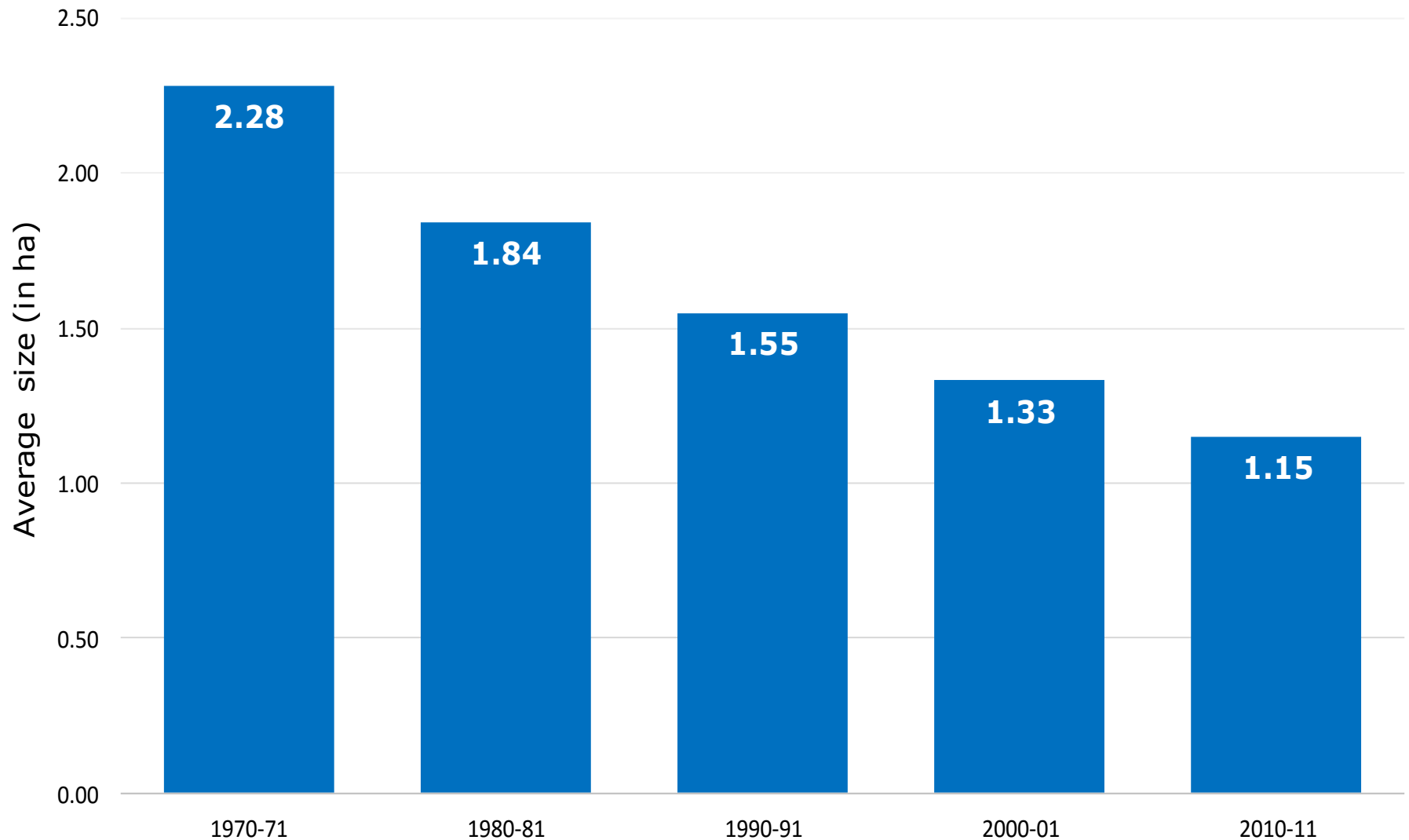
■ Marginal
 ■ Small
 ■ Semi-Medium
 ■ Medium
 ■ Large



	1970-71	1980-81	1990-91	2000-01	2010-11
Large	2766	2166	1654	1230	973
Medium	7932	8068	7580	6577	5875
Semi-Medium	10681	12455	13923	14021	13896
Small	13432	16072	20092	22695	24779
Marginal	36200	50122	63389	75408	92826

source: Agriculture Census 2010-11

Average Size of Operational Holdings 1970-71 to 2010-11



source: Agriculture Census 2010-11

Land Reforms

- Ceiling on landholdings
 - for equitable distribution of land
- Distribution of land for agricultural purposes, residential purposes, cottage industries . . . (to landless / marginal and small farmers / village artisans . . .)
 - land obtained from imposition of ceiling
 - community land with Gram Sabha
 - land with Government
- Abolition of Intermediary between State and Tiller (*Zamindari* Abolition)
 - Permanent Settlement – 1793 – Earl Charles Cornwallis – East India Company - first in Bengal and Bihar (other systems – *Ryotwari* System, *Mahalwari* System . . .)

Land Reforms

- abolition of intermediary between State and tiller
- tenure rights to tiller
 - with transferable rights
 - without transferable rights (inheritable)
 - lessee
 - government lessee
- Eg: Uttar Pradesh Zamindari Abolition and Land Reforms Act 1950 (now subsumed in Uttar Pradesh Revenue Code 2006)
 - to abolish *Zamindari* system which involved intermediaries between the tiller of the soil and the State
 - for acquisition of rights, title and interest of tillers
 - to reform the law relating to land tenure consequent upon such abolition and acquisition

contd...

Land Reforms

- Prevention of fragmentation of landholdings
- Consolidation of landholdings
 - consolidate fragmented landholdings
 - provide land for common / public requirements
 - Eg: Uttar Pradesh Consolidation of Holdings Act 1953
for consolidation of agricultural holdings for
development of agriculture
- Tenancy reforms

Land Records

- Essentially three fundamental records
 - Record of Rights (*Khatauni*) [Textual]
 - Field Book (*Khasra*) [Textual]
 - Cadastral Map (*Shijra*) [Spatial]

contd...

Land Records

- Record of Rights
 - name of tenure-holder / landholder
 - survey or plot number
 - area of plot
 - nature and extent of interest
 - conditions or liabilities attaching
 - revenue payable
 - particulars of land belonging to or vested in State Government, Gram Sabha or local authority
- Field Book
 - “surface” details
 - details of land, soil, crop, irrigation, cultivation . . .
- Cadastral Map
 - village map
 - land parcels, their numbers

Record and Survey Operations

- To create / revise:
 - record of rights and / or
 - field book and / or
 - cadastral map
- Revision of land records or survey / re-survey or both have to be as per the law and procedure prescribed

Digital India Land Records Modernization Programme (DILRMP): Activities

- Computerisation of record of rights
- Digitisation of cadastral maps
- Integration of record of rights (textual) and cadastral maps (spatial)
- Survey / re-survey
- Modern record rooms
- Data centres at tehsil, sub-division, district, state levels
- Connectivity between revenue offices
- Computerisation of registration
- Connectivity between sub-registrar offices and tehsils / revenue offices
- Integration of registration and land records

DILRMP: Progress (14th March '17) (MIS Portal)

- **Computerization of Record of Rights**
 - on-going in 31 [out of total 36] States / UTs
- **Digitization of Cadastral Maps**
 - on-going in 24 States / UTs
- **Integration of Record of Rights (Textual) with Cadastral Map (Spatial)**
 - on-going in 18 States / UTs

Note: Based on information entered by States / UTs on the central MIS portal.

Inconsistencies / incongruities in the data being taken up together with the State Governments / UT Administrations for ensuring error-free updated information in real-time.

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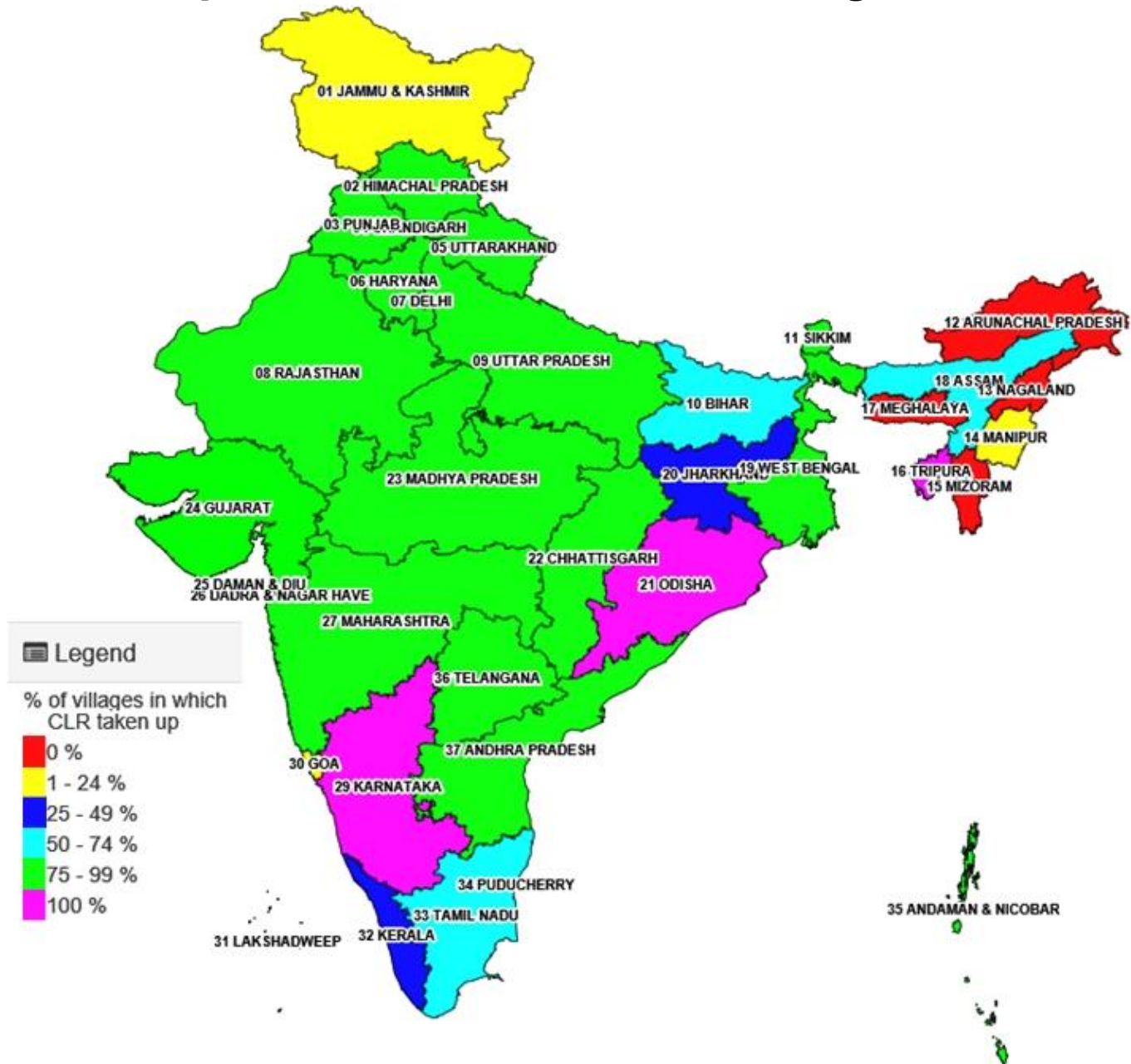
DILRMP: Progress (14th March '17) (MIS Portal)

- Computerization of Registration
 - on-going in 27 States / UTs
 - 3266 sub-registrar offices out of 5093 offices in the country computerized
- Integration of Land Records and Property Registration
 - on-going in 18 States / UTs
 - 2148 sub-registrar offices out of 5093 integrated
- Entering of Aadhaar number (unique ID) in Record of Rights
 - being entered *suo motu* in 8 States / UTs

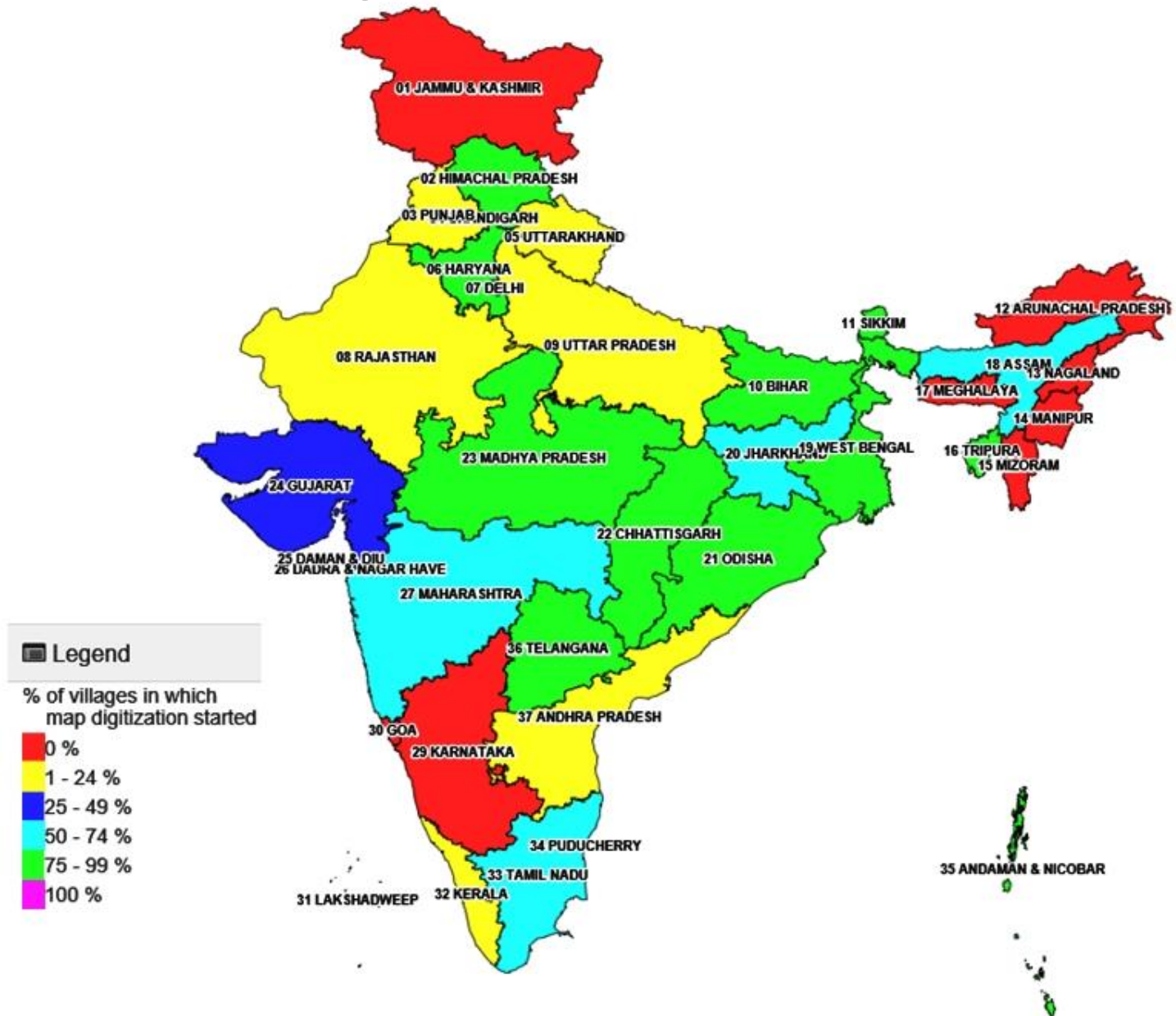
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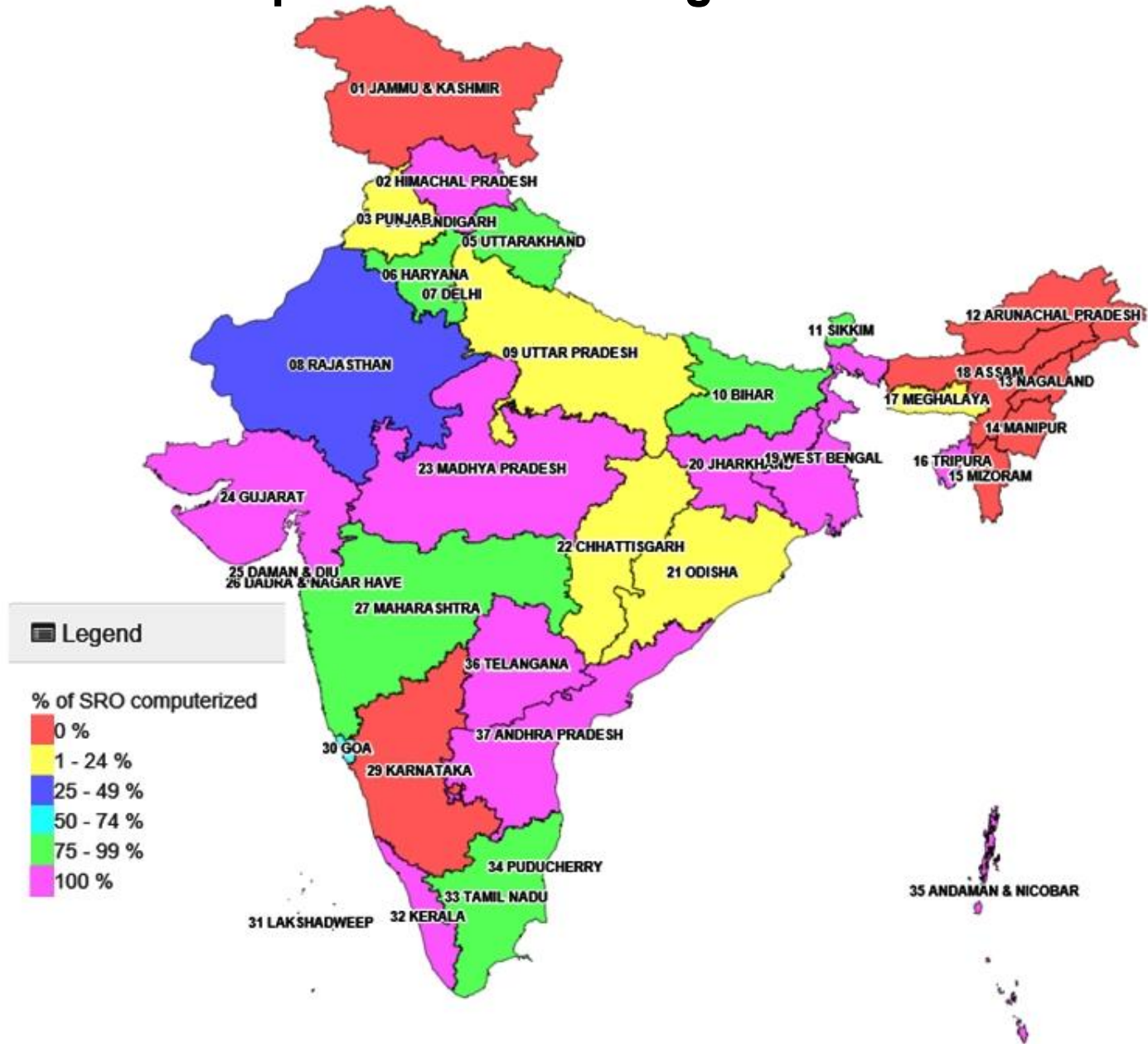
Computerization of Record of Rights (MIS Portal)



Digitization of Maps (MIS Portal)



Computerization of Registration (MIS Portal)



Principles of Conclusive Titling

- **Single Agency** to handle land records
- **Mirror Principle** - at any given moment land records mirror ground reality
- **Curtain Principle** - record of title is true depiction of ownership status; mutation is automatic following registration; no need to probe into past title transactions; title is conclusive proof of ownership
- **Title Insurance** - title is guaranteed for its correctness and title-holder/owner is indemnified against any loss arising because of inaccuracy in this regard

Concerning Conclusive Titling

- A single agency would require to be created
- First-time registration would necessitate some form of prior publication / notice, inquiry and speaking order i.e. the initial registration itself would be a quasi-judicial proceeding and be subject to judicial scrutiny
- In a commodity like land, which is transferable, the record of rights / title will always be dynamic (and never static) i.e. even after registration with a single agency the position will keep on changing with time.
 - in subsequent transfers some form of a mutation exercise will have to be undertaken as per a due process and the same cannot be just “automatic”.

Registration of Title in England and Wales

- In England and Wales registration of title with a Land Registry (not 'title by registration')
 - title-holder may opt for registration of title to avail facility / benefits of such registration
- Registration on payment of prescribed charges and after due inquiry
- Charges paid by title-holders meet establishment costs of Land Registry office as well as indemnity costs etc.
- Orders of Land Registry in terms of allowing or denying registration or indemnity etc. subject to appeal before prescribed appellate authority as well as to judicial scrutiny by law courts

Concerning Transfer and Mutation

- Mutations are judicial proceedings, necessitating:
 - publication / notice
 - opportunity of hearing and
 - speaking orders (subject to higher judicial scrutiny)
- Mutation cannot be “automatic following registration”; the due process has to be followed
- What is feasible and desirable:
 - information of registration of land immediately and automatically communicated by sub-registrar office to tehsil / revenue authority
 - publication / notice for mutation as prescribed under applicable revenue law immediately and automatically issued
 - as soon as mutation proceedings decided by competent court (after the due process), the Order immediately and automatically incorporated in the land record database
- Land is transferable (by sale, succession, etc.) contd...

Concerning Transfer and Mutation

- Transfer by sale (registered) covers limited gamut (major bulk of transfer is by succession)
- In certain States like Uttar Pradesh mutation in undisputed and clear succession cases carried out by revenue officers in the routine in the field (i.e. court proceedings in designated revenue court not necessary)
- Mutation cases filed in designated revenue court due to sale or due to disputed succession or due to undisputed succession not being recorded by revenue officers in the field etc. require affording opportunity of being heard and furnishing evidence and need to be decided by passing speaking orders on facts and law
- Order of succession under revenue law different from that under civil law

Fair Situation

- Record and survey operations duly conducted wherever land records destroyed / damaged / outdated . . .
- Record of rights and cadastral maps computerized / digitized and integrated
- Registration computerized and connected and integrated with revenue offices
- Information of registration immediate and automatic to tehsil / revenue authorities
- Publication / notice for mutation by tehsil / revenue authorities immediate and automatic on receipt of information of registration
- As soon as mutation proceedings completed, immediate and automatic incorporation of Order of mutation in land record database
- Position of land disputes before revenue courts depicted on land record database

contd...

Fair Situation

- Circle rate depicted on land record database
- Land record database connected and integrated with banks
- Position of mortgage, loan / credit or any other encumbrance with banks depicted on land record database
- Aadhaar number (unique ID) of landholder integrated in land record database
- This would:
 - not require creation of separate / new agency or *de novo* registration of rights / title or inquiry etc. or charges etc., which are inherent in “conclusive titling” regime
 - provide an at-a-glance fair comprehensive position of any plot of land in question
 - be more relevant and doable in the Indian context in the immediate future at the least

Record / Survey Operations

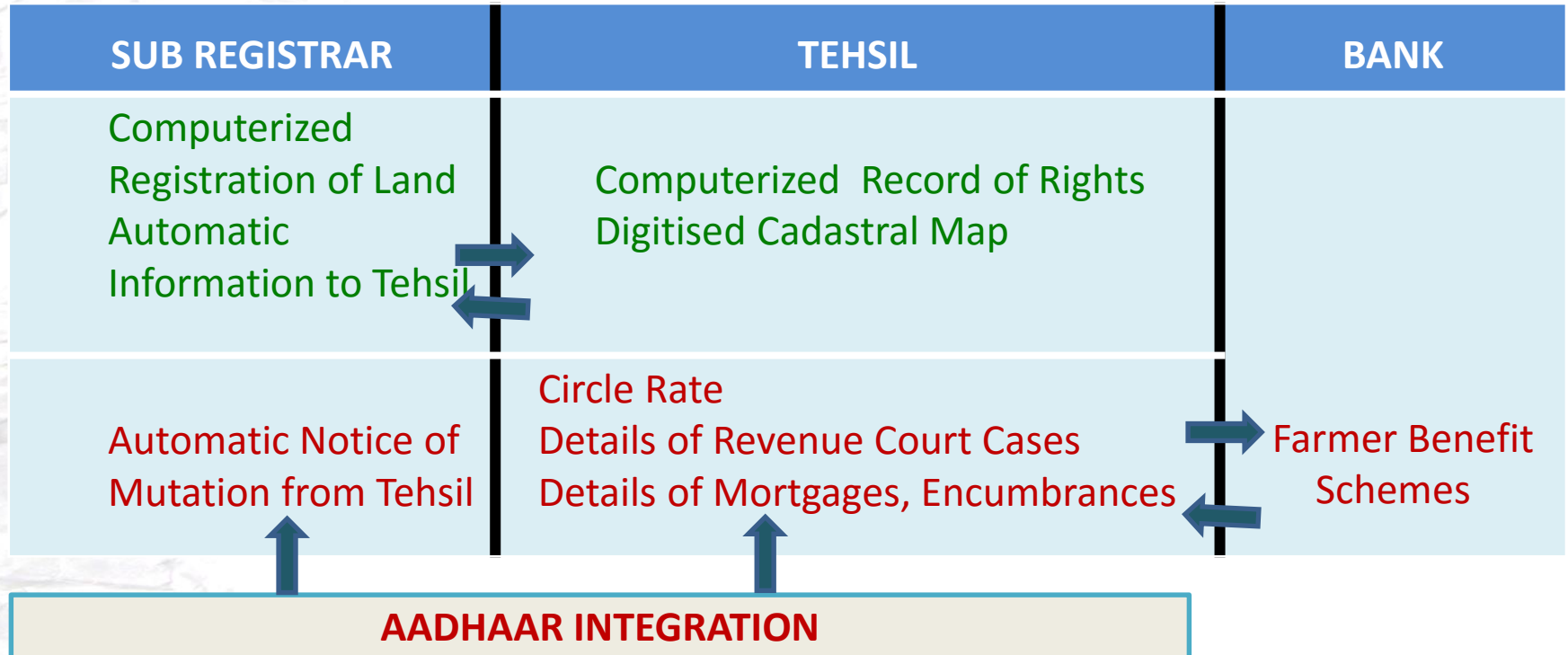
- Policy Circular issued on 8th Dec '16 to ordinarily carry out record or survey / re-survey operations from DILRMP funds only in places where record of rights or field book or map are not available or have been destroyed / damaged / outdated etc. and not to have unnecessary surveys / re-surveys when land records are available as per the normal
 - Exact one-to-one co-relation between the area recorded in the record of rights and in the map not readily feasible, nor albeit absolutely necessary
 - If area differs, the area recorded in the record of rights prevails (map-correction duly undertaken if area materially differs)

Integrated Land Information Management System

- Policy approved in-principle (Oct '16):
 - position of land disputes before revenue courts be depicted on land record database
 - circle rate be depicted on land record database
 - connect and integrate land record database with banks, so that, on one hand, information on mortgage, loan / credit or any other encumbrance with banks becomes available on land record database, and, on other hand, farmer welfare schemes implemented through banks are facilitated
 - connect and integrate Aadhaar number with land record database
- *Will inter alia:*
 - improve real-time information on land
 - optimize use of land resources
 - benefit both landowners & prospectors
 - assist in policy & planning

contd...

Integrated Land Information Management System



Existing

Proposed

Thank you

Dinesh Singh secylr@nic.in

For future reference, may please contact:

Mr. Hukum Singh Meena

meenahs@ias.nic.in

Mr. Gopal Krishna Dwivedi

jsac-dolr@gov.in