



LBS National Academy Of Administration, Mussoorie

## Land Administration: Global Practices & Indian Systems

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# WHAT IS LAND ADMINISTRATION?

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## DISCIPLINES RELATED TO LAND ADMINISTRATION

- Land Governance
- Land Administration
- Land Markets
- Cadastral Survey
- Geospatial Information Management
- Land Information Systems
- Land Title Register/Records
- Land Management
- Land Laws and Policies
- Land Economics
- Land Tenures
- Land Disputes Resolution
- Real Estate Management
- Real Estate Development

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## LAND ADMINISTRATION

- As per United Nations Economic Commission for Europe (**UNECE**)

“Land Administration is the **process** of **determining**, **recording** and **disseminating information** about **ownership**, **value** and **use of land** and its associated resources. These processes include the determination (sometimes called ‘**adjudication**’) of land rights and other attributes, **surveying** and describing these, their **detailed documentation**, and the provision of relevant information for supporting land markets”

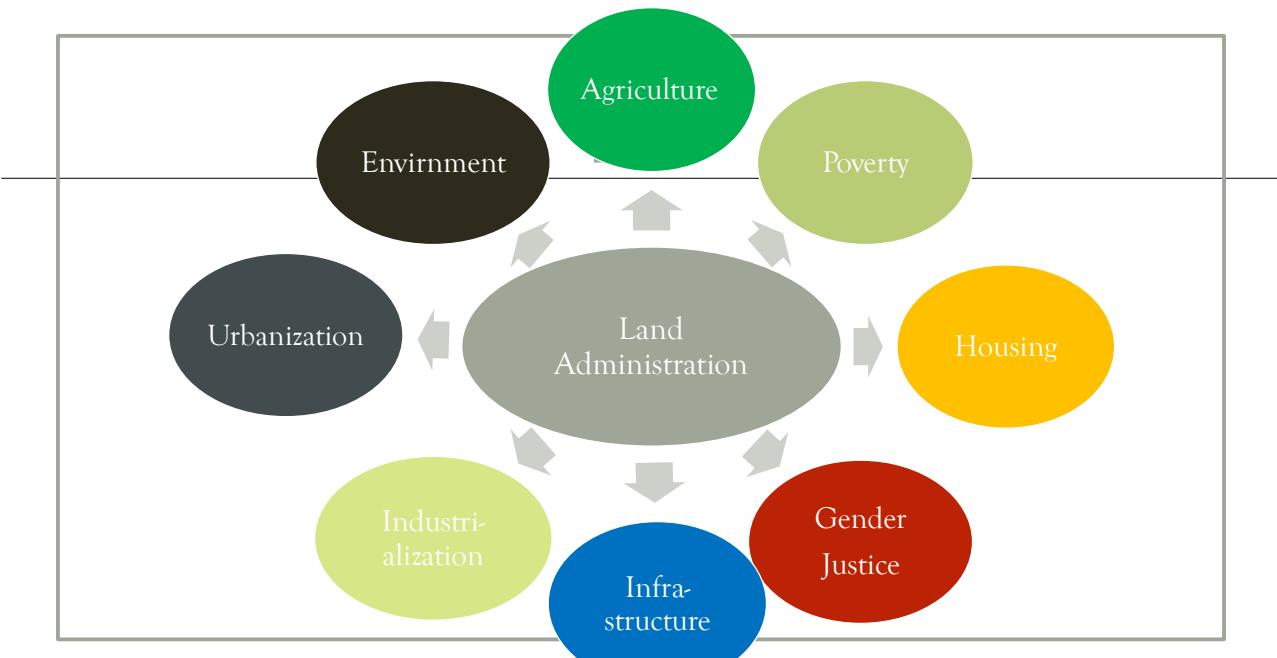
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# LAND ADMINISTRATION

- Survey and description of land parcels
- Recording ownership and other rights on land
- Recording value, use and other attributes
- Enabling transfer of land
- Providing information on the above
- Dispute Resolution



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## LAND ADMINISTRATION & SDG

- Many goals of SDG involve Land Administration.
- SDG 1- No poverty- Target 4- All men and women will have equal rights to ownership and control over land.
- SDG 2- Zero hunger-Target 3- secure and equal access to land for small-scale food producers, women, indigenous peoples etc.

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## LAND ADMINISTRATION & SDG

- SDG 5-Gender equity- reforms to provide women equal rights and access to ownership and control over land.
- SDG 11- Sustainable cities and communities
- Goal 13- Climate action
- Goal 15- Life on land
- Goal 16 -Peace, justice and strong institutions

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# COMPONENTS OF LAND ADMINISTRATION

## Cadastre

- ❖ Created in Europe in 19<sup>th</sup> century for tax purposes
- ❖ Cadastral Survey of entire country
- ❖ More emphasis on parcel boundaries, land use, tax etc.
- ❖ Rights are also recorded
- ❖ In India Record of Rights is equivalent to cadastre

## Land Register

- ❖ Started after industrialization
- ❖ Emphasis on Transactions of rights in land
- ❖ Legal sanctity of rights recorded in land registers
- ❖ Spatial description may be there
- ❖ In India indexes by registrar are equivalent to land register

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## RECORD OF RIGHTS- CADASTRE

- Introduced by the British in 1822 for collecting land revenue
- Presently, maintained for providing land-related services to the people and government agencies
- Contains cadastral maps showing boundaries of parcels
- Parcel-wise record of ownership and rights
- A quasi-judicial process to update records
- Entries in the ROR are presumed to be true until the contrary is proved

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# REGISTRATION IN INDIA

- Under the Registration Act 1908
- Purpose of registration is to create evidence of transaction for the future.
- Compulsory registration of most transactions under Registration Act
- Exemptions- Inheritance, family settlement, court decree, agricultural leases, government grant etc.
- Purchaser Responsible for verification of title of seller

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## ACTIONS BY REGISTRAR

- Ensures that document presented as per Registration Act
- **Verifies identity** of persons appearing for registration
- Enquires about **execution of documents** by all executants
- Issues **certificate of registration**, as **evidence of the transaction**.
- Can't refuse registration even if transaction is legally invalid
- Verification of identity and execution is unique to the Indian system

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## LEGAL IMPLICATIONS OF REGISTRATION

- Unregistered deed, unless exempted, is not valid evidence of transaction
- Legality of transaction not examined by Registrar
- Registration is ‘evidence’ of transaction but not ‘proof’ of title
- Any defect in seller’s title passes to the buyer.

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## STATE OF LAND ADMINISTRATION



### PATWARI JOKES



- A Chief Secretary on visit to his home state never missed calling on the Patwari of his village and regularly sent Diwali gifts to him.
- When an SDM did a long pending work of an old village lady, she blessed him to get promoted as Patwari
- Only four authorities are important Patwari, Thanedar, DM and CM

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## STATE OF LAND ADMINISTRATION

- Ease of Doing Business Index rank-142 in 2014 to 63 in 2020
- Ease of Registering Property rank- 121 to 154 in the same period
- International Property Rights Index of India -56 in 2020 to 58 in 2024.
- Access to Justice Survey 2015-16 estimates 2/3 of court cases relate to land disputes.
- Large Pendency of cases with Revenue Officers specially Appellate Courts

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## GOALS OF GOOD LAND ADMINISTRATION

- Socially responsive laws, procedure and guidelines written in simple language
- Maintenance of [updated records of rights](#), encumbrances, boundaries and transactions in land
- Easy [access to this information](#) for people and government agencies
- [Expeditious, inexpensive, transparent and corruption-free](#) processes for land transactions and updating land records
- Minimal [litigation](#) related to land
- Easy availability of [land-related services](#) to the people.

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# WHAT CAN WE DO ?

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## UPDATED RECORDS

- All land transactions to be written and registered
- Description of Land strictly as per records of rights
- Name of transferor must appear in ROR
- Transfer of a share only after partition and new maps
- Automatic mutations in most cases of sale, gifts, mortgages, leases etc.

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## UPDATED RECORDS

- Entry of pending litigation in record of rights
- Authority to multiple agencies to record encumbrances on land, e.g. sale contract, Mortgage, charge etc.
- Recording of Public Law Restrictions like land acquisition notice, town planning restrictions, environment restrictions etc.

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## PROCESS TRANSFORMATION

- Online application for mutations
- Electronic Conveyancing
- Participation of Private Sector in Land Administration
- Merger of Deed Registration and Record of Rights agencies

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## EASY ACCESS TO INFORMATION

- Incorporate phone, email, current address, Aadhar in records
- Use of email, SMS, WhatsApp for summons and notices
- Alerts to right-holders regarding any activity related to their land
- Land account of each land owner
- Awareness Campaign through Panchayats, and NGOs Self Help Group.
- Allocate a part of DILRMP budget for IEC activities

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## REDUCE LITIGATION

- Digitisation of management of court work
- Exclusive officers for quasi-judicial work, at least for appellate cases
- Remove provisions for multiple appeals, review and revision
- Implement Alternative Dispute Resolution (ADR) mechanism
- Adopt Online Dispute Resolution (ODR)

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## CIVIL COURT VS REVENUE OFFICER

- No conflict in powers of civil court and Revenue Officer
- Revenue Officer decides entry to be made in ROR which gives a presumption of truth to rights in land.
- Civil Court decides actual rights and passes order to restore those rights.
- Entry in ROR gives presumption of truth. Order of Civil Court confers title.
- Supreme Court and High Court can pass any order under writ jurisdiction.

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## ACADEMIC COURSES IN LAND ADMINISTRATION

- United Nations University-School for Land Administration Studies, **Tokyo**
- Ludwig-Maximilian University, **Munich**-B. Sc. Land Management
- Technical University **Munich**-Master's in Land Management
- University of **Melbourne**-Land Administration Systems
- University of **South Australia**-Cadastral Concepts and Land Administration

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## ACADEMIC COURSES IN LAND ADMINISTRATION

- University Teknologi **Malaysia** -M.Sc. Land Administration
- Visayas State University **Philippines**- M.Sc. Land Administration
- Northern Light College, **Canada**-Land Administration Course
- **Namibia** University-Bachelor of Land Administration,
- **Kathmandu** University, Nepal-Master's in Land Administration
- University of the **West Indies**-PG Dip. in Land Administration
- Woldia University **Ethopia**-School of Land Administration

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## THANKS

Further Readings:

Book- **Land Registration: Global Practices and Lessons for India**

Chapter- 'Technology in Land Administration' in the book, Technology and Analytics for Law and Justice.

Available for download at <https://www.bk-agarwal.com/publications>

Blog: **Land Law & Administration**

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