

KAUTILYA SCHOOL OF PUBLIC POLICY

GITAM (Deemed to be University)

Hyderabad, Telangana (India)

Programme: Master of Public Policy
Course: Public Policy in Practice in India

Land: Policy, Law and Administration

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This is the subtitle that makes it comprehensible

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This is the subtitle that makes it comprehensible

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Data analysis

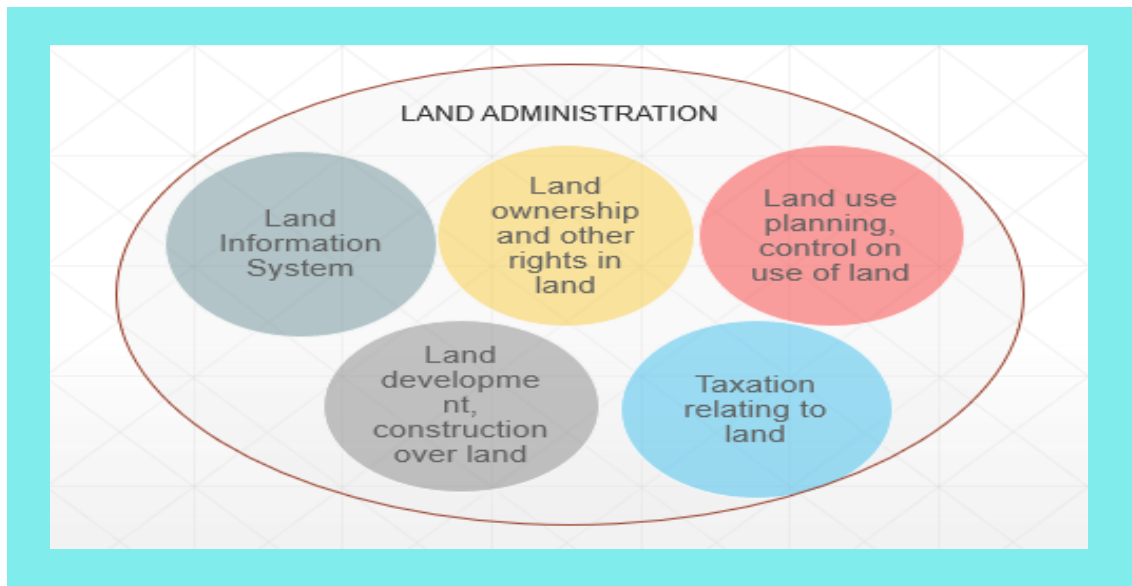
This is the subtitle that makes it comprehensible

“Public policy consists of a set of actions — plans, laws, and behaviours —adopted by a government to achieve certain social and economic goals.”

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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”



Land Administration

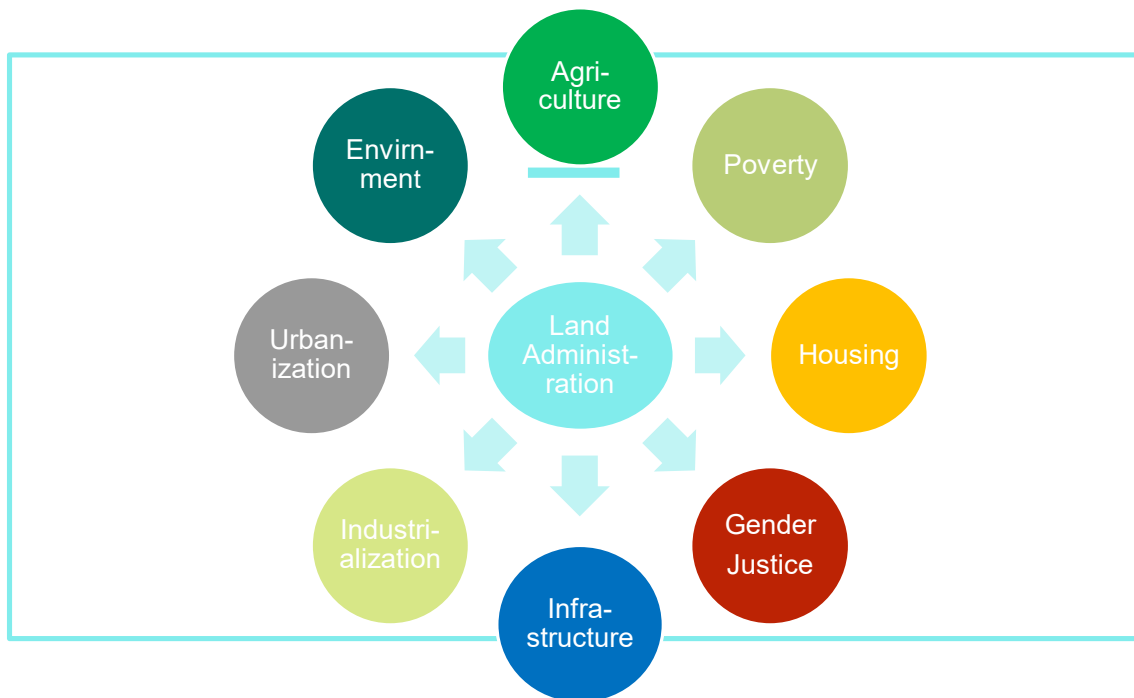
- Laws relating to land and land rights
- Management of Records-of-Rights
- Registration of deeds related to land transactions
- Land Revenue and Property Tax
- Land use and Planning regulations
- Accessibility of information relating to land
- Land Acquisition
- Dispute Resolution

Land Administration as Academic Discipline

- 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

Land Administration as Academic Discipline

- 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 Ethiopia-School of Land Administration



Impact of Land Administration

- | | |
|---|--|
| <ul style="list-style-type: none"> · Agriculture and Food Security · Poverty Removal · Housing · Gender Justice | <ul style="list-style-type: none"> · Infrastructure Development · Industrialization · Urbanization · Environment |
|---|--|

Land Administration & Gender Justice

Gender Justice

- The Hindu Succession Act 1956 granted Hindu women an equal right to inherit self-acquired property of parents
- However, it excluded women from being coparceners in ancestral property of Hindu Undivided Family.
- Post 1956, Andhra Pradesh (1986), Tamil Nadu (1989), Maharashtra (1994) and Karnataka (1994) made a daughter also a coparcener.
- Act was amended in 2005 to make women coparceners in HUF

Gender Justice

- Section 4(2) of HSA 1956 left tenancy rights in agricultural land to be inherited as per local laws of the states.
- In 2005 this section was deleted but still inheritance of tenancy is allowed as per local laws in some states.
- HSA 1956 does not apply to Scheduled Tribes who continue to practice their customary laws discriminatory to women.
- As per Sharia if a person dies leaving behind only daughters, a share of his properties shall go to his/her brothers and sisters.
- A Muslim daughter inherits only half of that by the son.

Gender Justice

- inheritance laws do not envisage transgender persons or a change in gender identity. They are based on a binary notion of gender. Individuals must choose between conforming to their assigned gender or not availing their rights.
- Instructions under SVAMITVA Scheme will have long-term effect on gender justice.

Land Administration & Agriculture

Expansion of British Rule in India

- Land Revenue collection rights in Bengal and Bihar in 1765. Establishment of Bengal Presidency.
- Conquests in the south between 1792 and 1801 and establishment of Madras Presidency
- Annexation of large parts of Oudh in 1801

Expansion of British Rule in India

- Defeat of Marathas in 1818 and establishment of Bombay Presidency
- Annexation of Punjab in 1849 after defeat of Sikhs
- Assumption of Power by the British Government in 1858

Land Revenue Systems In British India

- **Zamindari System**- Bengal, Bihar, Orissa, Central Provinces and part of Madras Presidency
- **Raiyatwadi System**-Most areas of Madras and Bombay Presidencies and Assam
- **Mahalwadi System**-North-West Provinces (UP), and Punjab

Impact on Agriculture

- Agriculture contributes 16% to GDP but employs about 42% of the workforce
- Land reforms had the objective of equitable Distribution of land and increasing the efficiency in agriculture
- Due to poor implementation ownership of only 4% of operated land could be transferred to cultivators,
- 97% of this was in — Assam, Gujarat, Himachal Pradesh, Karnataka, Kerala, Maharashtra and West Bengal.

- Land reform laws foisted excessive restrictions on the tenancy of agricultural land.
- About 15 million tenants cultivate 10 million hectares of land on an informal basis.
- In 2015-16, 26.72 million hectares of land were left fallow across India.
- Simply formalizing tenancy and cultivating millions hectares of fallow land can be a game-changer for agriculture in India.
- Once tenants get security of tenure and access to institutional credit, they will have requisite incentives and funds to make long-term investments on their land.
- The National Institution for Transforming India, the premier policy think tank of the government of India, has set the ball rolling by publishing the Model Agricultural Land Leasing Act, 2016, to help the states enact new laws or make required changes to their existing laws on the tenancy. However, until now, only a few states have gone ahead in this direction.

Land Administration & Sustainable Development Goals

Sustainable Development Goals

The Sustainable Development Goals (SDGs), also known as the Global Goals, were adopted by the United Nations in 2015 as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity.

Land Administration & SDG

Many goals of SDGs 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.

Land Administration & SDG

- Goal 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

Land Administration in India

Division of Legislative Powers

Union List

86. Taxes on the capital value of the assets, exclusive of agricultural land,
87. Estate duty in respect of property other than agricultural land.

State List

18. Land, rights in land, relation of landlord and tenant, transfer of agricultural land, land improvement and agricultural loans, colonization.

Concurrent List

6. Transfer of property other than agricultural land; registration of deeds and documents.
7. Contracts, excluding contracts relating to agricultural land.

Division of Legislative Powers

Union List

88. Duties in respect of succession to property other than agricultural land.

State List

45. Land revenue, maintenance of land records, survey for revenue purposes and records of rights.
47. Duties in respect of succession to agricultural land.

Concurrent List

41. Custody, management and disposal of property (including agricultural land) declared by law to be evacuee property.

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Central Laws Related to Land Administration

- The Registration Act 1908
- The Transfer of Property Act 1882
- The Specific Relief Act 1963
- The Hindu Succession Act 1956
- The Indian Succession Act 1925
- The Civil Procedure Code 1908
- The Limitation Act 1963
- Land Acquisition Act
- Forest & Environment Laws

State Laws Related to Land Administration

- Land Revenue Acts
- Land Reforms Acts
- Laws Restricting Transfer Of Land
- Consolidation of Holdings Acts
- Ceiling on Land Holdings Acts
- Laws Related to Common Lands
- Restriction on Use of Land
- Town Planning Laws

3

Important Processes

Record of
Rights

Registration
of Land
Transactions

Adjudication

Record of Rights

- Introduced by the British about 200 years back in 1822
- Main purpose of ROR was to assess land revenue
- Basic system has not changed much since then.
- Parcel-wise record of ownership and other rights.
- Maintained under Land Revenue Acts of States.
- Equivalent to cadastre of European countries.
- Entries in the ROR are presumed to be true.
- A quasi-judicial process to update records

Registration In India

- Deeds of land transactions are registered by the Registrar
- Registration is Compulsory for most land transactions
- A transaction is not effective unless registered
- Some Exemptions- Inheritance, family settlement, court decree, government grant etc.
- Title verified through Search of historical records by buyer
- Granter-Grantee Index and Tract-wise Index maintained by the registrar

Adjudication

- Record of Rights is updated and corrected through a quasi-judicial process
- Government officials are empowered under relevant laws to adjudicate on disputes
- Order of an official can be appealed against before higher officials
- Disputes involving Intricate questions of law are decided by the civil courts.

STATE OF LAND ADMINISTRATION IN INDIA

Goals of Effective Land Administration

- Free and easy transfer as an economic asset.
- All transactions in the property should be registered
- All changes in the rights should be recorded in Record of Rights
- Simple processes of registration and entry in Record of Rights
- Rights should be ascertainable without any ambiguity
- Information on rights in property should be accessible freely
- Minimal litigation related to land

- It is very difficult to search records of the Registrar. Search of multiple records required to ascertain title of a property
- There is no way to know about any litigation pending in court
 - The uncertainty on title poses difficulty in sale-purchase of land
- Record of rights does not exist or is not updated in urban areas
- Existing formats and procedures and procedures of ROR not suitable for urban areas
- No well-defined system of recording ownership of apartments and undivided share of land in such complexes.

- A large number of disputes before revenue officers regarding, inheritance, correction of ROR and demarcation of boundaries
 - Hereditary rights are a major source of litigation because of complex succession laws.
 - Procedure for transfer and entry in Record of Rights are complex, time-consuming, ambiguous and unfriendly
 - Transactions appear in ROR after a considerable gap of time.
 - Land disputes dominate civil litigation in India
 - Main focus should be on improving the efficiency of the administration and giving better services to citizens.
 - Very little attention has been paid to changes in the law and procedures to utilize the full potential of computerisation.
- All the transactions in the property are not registered due to many exemptions

INTERNATIONAL BEST PRACTICES

International Best Practices

- Merger of Cadastre and Registry in the Netherlands
- In Estonia, the e-Land Register system was created. It allows free-of-charge viewing of land registry documents, authorizing another person to view documents and request a service.
- Georgia and Estonia have adopted Blockchain Technology in land registration. Sweden, Ukraine, Brazil and Ghana are actively considering it.
- The Ontario Province in Canada has been successfully running a land registration system on Public-Private Partnership (PPP) model. New South Wales and South Australia states in Australia are also operating very effective and modern land registries on the PPP model.
- Many countries like the Netherlands, Canada, and Scotland have implemented e-conveyancing.

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International Best Practices

- Switzerland records about 17 Public Law Restrictions (PLR) into the cadastre.
- Civil Resolution Tribunal in British Columbia conducts an end-to-end dispute resolution process for disputes including those related to housing and property. The Smartsettle platform is a private platform in the United States on which disputes including real estate disputes are sought to be settled online.
- In Denmark, chartered surveyors perform most of the work relating to cadastral maps like a survey of changes in the boundaries, demarcating boundaries on the ground, and mediating in case of boundary disputes among neighbours.
- Norway, Sweden, the Netherlands, and Germany are moving towards 3-D cadastre.

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TOWARDS BETTER LAND ADMINISTRATION

Towards Better Land administration

- Instead of copying a foreign model, improvements should be made to our system
- Creation of ROR for urban areas with revised formats.
- Integration of deed registry and ROR system
- Computerization of records along with Business Process Re-engineering
- Easy access of ROR to landowners like their bank accounts
- Quick dispute resolution
- Involvement of the private sector in providing land-related services

Possible Improvements

- Remove all exemptions from registration
- Reduce time allowed for registration after transaction
- Description of property on the basis of ROR
- Registrar to verify prima facie proof of ownership at the time of registration.
- Compulsory registration of wills
- Compulsory registration of court decrees
- Compulsory registration of pending litigation
- Deed Registration on PPP Model

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Possible Improvements(Cont.)

- No transfer of share without making new map of the property. Involve private surveyors.
- Implement Electronic Conveyancing
- Online filing of application for mutation
- Incorporation of phone, current address in records. Summons through mail, SMS.
- Separate record of ancestral and self-acquired property.
- Record public law restrictions and court orders in ROR

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Possible Improvements(Cont.)

- Prompt disposal of disputes by revenue officers.
- Remove multiple appeals, review and revision.
- Adopt online dispute resolution processes
- New formats of ROR for urban areas.
- Allow landowners to change their profile details like a bank account.
- Computerization of records along with business process re-engineering
- Allow private sector to develop applications for land related services

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Thanks!

Does anyone have any questions?

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THANKS

Maybe you need to divide the content

MERCURY

Mercury is the closest planet to the Sun and the smallest one in the Solar System—it's only a bit larger than our Moon. The planet's name has nothing to do with the liquid metal since it was named after the Roman messenger god, Mercury

VENUS

Venus has a beautiful name and is the second planet from the Sun. It's terribly hot—even hotter than Mercury—and its atmosphere is extremely poisonous. It's the second-brightest natural object in the night sky after the Moon

Maybe you need to divide the content

Mercury is the closest planet to the Sun and the smallest one in the Solar System—it's only a bit larger than our Moon. The planet's name has nothing to do with the liquid metal since it was named after the Roman messenger god, Mercury

Venus has a beautiful name and is the second planet from the Sun. It's terribly hot—even hotter than Mercury—and its atmosphere is extremely poisonous. It's the second-brightest natural object in the night sky after the Moon

49

A picture always reinforces the concept

Images reveal large amounts of data quickly, so remember: use an image instead of long texts. Your audience will appreciate that.

Venus has a beautiful name and is the second planet from the Sun. It's terribly hot—even hotter than Mercury—and its atmosphere is extremely poisonous





And here too!

Images reveal large amounts of data quickly, so remember: use an image instead of long texts. Your audience will appreciate that

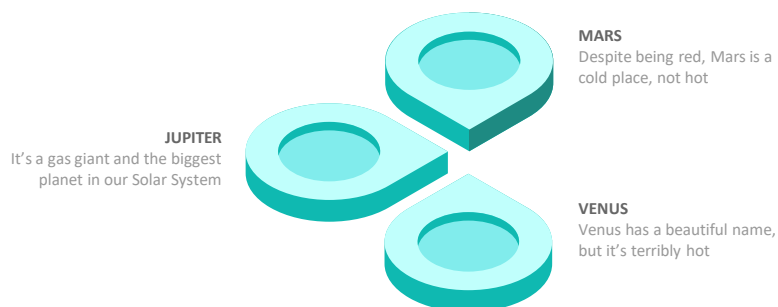


Awesome words

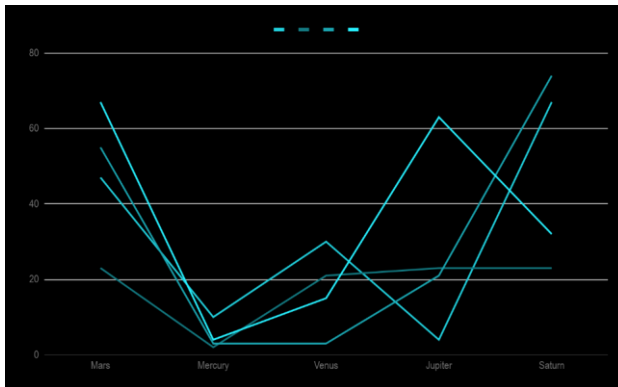
Because key words are great for catching your audience's attention

53

Infographics make your idea understandable...



54



If you want to **modify this graph**, click on it, follow the link, change the data and replace it

MERCURY

Mercury is the closest planet to the Sun and is only a bit larger than our Moon

JUPITER

It's a gas giant and the biggest planet in our Solar System

MARS

Despite being red, Mars is a cold place, not hot. The planet is full of iron oxide dust

VENUS

Venus has a beautiful name, but it's terribly hot, even hotter than Mercury

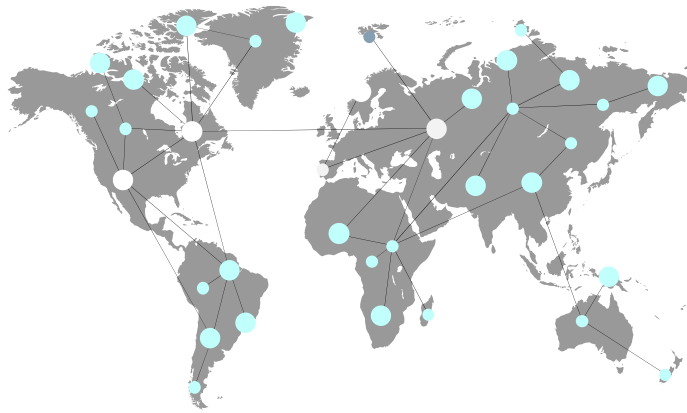
55

... and the same goes for tables

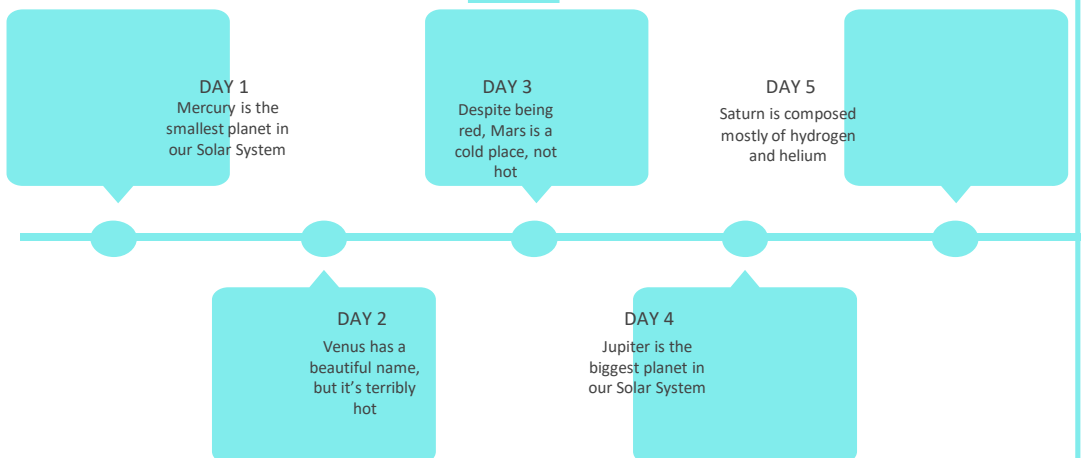
	MASS (earths)	DIAMETER (earths)	SURFACE GRAVITY (earths)
MERCURY	0,06	0,38	0,38
MARS	0,11	0,53	0,38
SATURN	95,2	9,4	1,16

56

This is a map



A timeline always works fine



4,498,300,000

Big numbers catch your audience's attention

59

333,000.00

earths is the Sun's mass

24h 37m 23s

is Jupiter's rotation period

386,000 km

is the distance between the Earth and the Moon

60

Sometimes, reviewing concepts is a good idea

MERCURY

Mercury is the closest planet to the Sun and is only a bit larger than our Moon

VENUS

Venus has a beautiful name, but it's terribly hot, even hotter than Mercury

MARS

Despite being red, Mars is a cold place, not hot. The planet is full of iron oxide dust

JUPITER

It's a gas giant and the fourth-brightest object in the sky

SATURN

Yes, this is the ringed one. It's a gas giant, composed mostly of hydrogen and helium

NEPTUNE

Neptune is the farthest planet in our Solar System and the fourth-largest

61

Sometimes, reviewing concepts is a good idea

VENUS

Venus has a beautiful name and is the second planet from the Sun. It's terribly hot

MARS

Despite being red, Mars is a cold place, not hot. The planet is full of iron oxide dust

SATURN

Yes, this is the ringed one. It's a gas giant, composed mostly of hydrogen and helium

NEPTUNE

Neptune is the farthest planet in our Solar System and also the fourth-largest

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Your services



MERCURY

Mercury is the closest planet to the Sun and the smallest one in the Solar System—it's only a bit larger than our Moon. The planet's name has nothing to do with the liquid metal since it was named after the Roman messenger god, Mercury



VENUS

Venus has a beautiful name and is the second planet from the Sun. It's terribly hot—even hotter than Mercury—and its atmosphere is extremely poisonous. It's the second-brightest natural object in the night sky after the Moon

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More services

MARS

Despite being red, Mars is a cold place, not hot. It's full of iron oxide dust, which gives the planet its reddish cast

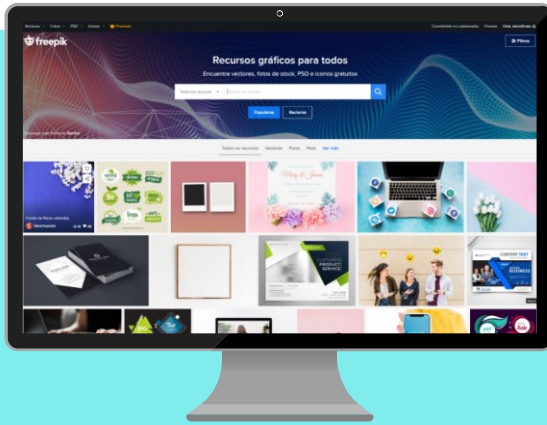
JUPITER

It's a gas giant and the biggest planet in our Solar System. Jupiter is the fourth-brightest object in the sky

VENUS

Venus has a beautiful name and is the second planet from the Sun. It's terribly hot—even hotter than Mercury

64

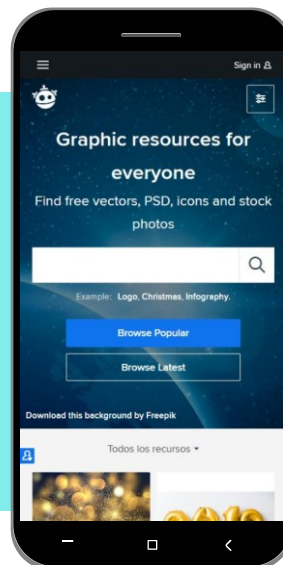


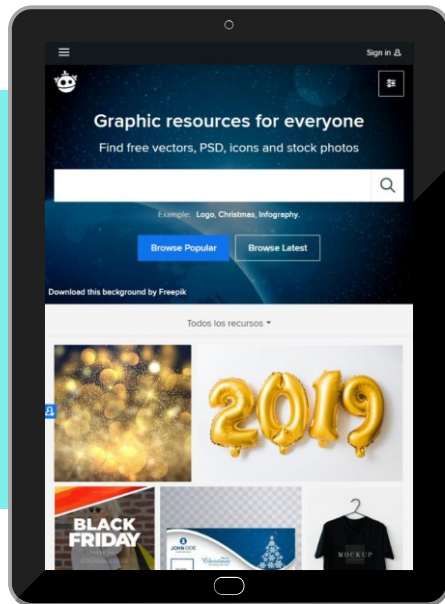
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Tablet App

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Talk about your TEAM



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Some words about this person



CREATIVE

Some words about this person



PHOTOGRAPHER

Some words about this person



VIDEO EDITOR

Some words about this person

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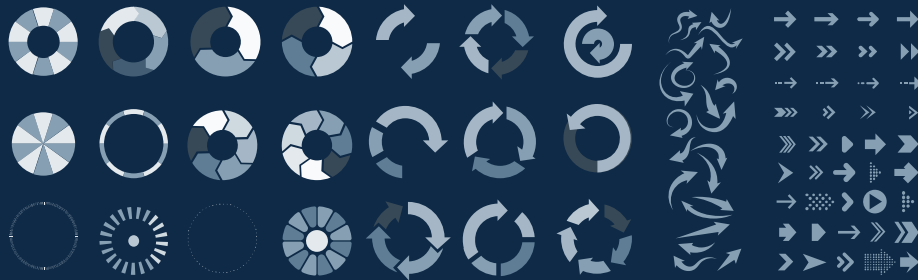
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#81ececff

#ffffff

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Business Icons

The icons are arranged in a 4x12 grid. The first 12 icons are outlined, while the remaining 36 are solid white. The icons represent various business concepts such as finance, technology, marketing, and operations.

Avatar Icons



Creative Process Icons



Educational Process Icons



Help & Support Icons



Nature Icons

The icons are organized into four rows and twelve columns. The first two rows feature white line-art icons on a dark blue background, while the last two rows feature solid blue icons on a light blue background. The icons represent a wide variety of natural elements, including:

- Plants and Flowers: Various types of trees, flowers, leaves, and mushrooms.**
- Animals:** Rabbits, birds, bears, foxes, snakes, owls, deer, and insects like bees, butterflies, and beetles.
- Weather and Celestial:** Sun, moon, clouds, rain, and a compass rose.
- Other Nature Elements:** A fish, a mountain, a water drop, a leaf, and a small house.

SEO & Marketing Icons

The image displays a collection of 48 white line-art icons on a dark blue background, arranged in a 4x12 grid. The icons are organized into four identical rows of 12 icons each. The first two rows are identical and represent various concepts like links, analytics, social media, and SEO. The last two rows are identical and represent various concepts like documents, SEO, social media, and analytics.

The icons include:

- Link icon (chain link)
- Funnel icon
- Group of people icon
- Person with speech bubble icon
- Network diagram icon
- Search magnifying glass icon
- Gear icon
- Pie chart icon
- Search magnifying glass icon
- Document with list icon
- Play button icon
- Flask icon
- Hand pointing to screen icon
- Megaphone icon
- Envelope icon
- Person with speech bubble icon
- Document with pencil icon
- Target icon
- Bug icon
- SEO icon
- Handshake icon
- Briefcase icon
- Network diagram icon
- Location pin icon
- Shopping cart icon
- Trash can icon
- Document with shield icon
- Database icon
- Document with list icon
- Hand pointing to screen icon
- Target icon
- Lightbulb icon
- Document with speech bubble icon
- Globe icon
- Document icon
- Calendar icon
- Monitor with diamond icon
- Person with speech bubble icon
- CD icon
- Monitor with list icon
- Hand pointing to screen icon
- Database icon
- Monitor icon
- Document with list icon
- Document with shield icon
- Database icon
- Document with list icon
- Hand pointing to screen icon
- Target icon
- Lightbulb icon
- Document with speech bubble icon
- Globe icon
- Document icon
- Calendar icon
- Monitor with diamond icon
- Person with speech bubble icon
- CD icon
- Monitor with list icon
- Hand pointing to screen icon
- Database icon
- Monitor icon
- Document with list icon
- Document with shield icon
- Database icon
- Document with list icon
- Hand pointing to screen icon
- Target icon
- Lightbulb icon
- Document with speech bubble icon

Teamwork Icons

