

Ministry of Panchayati Raj
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SVAMITVA Scheme

Brief on Land Laws and Administrative
Systems

B. K. Agarwal

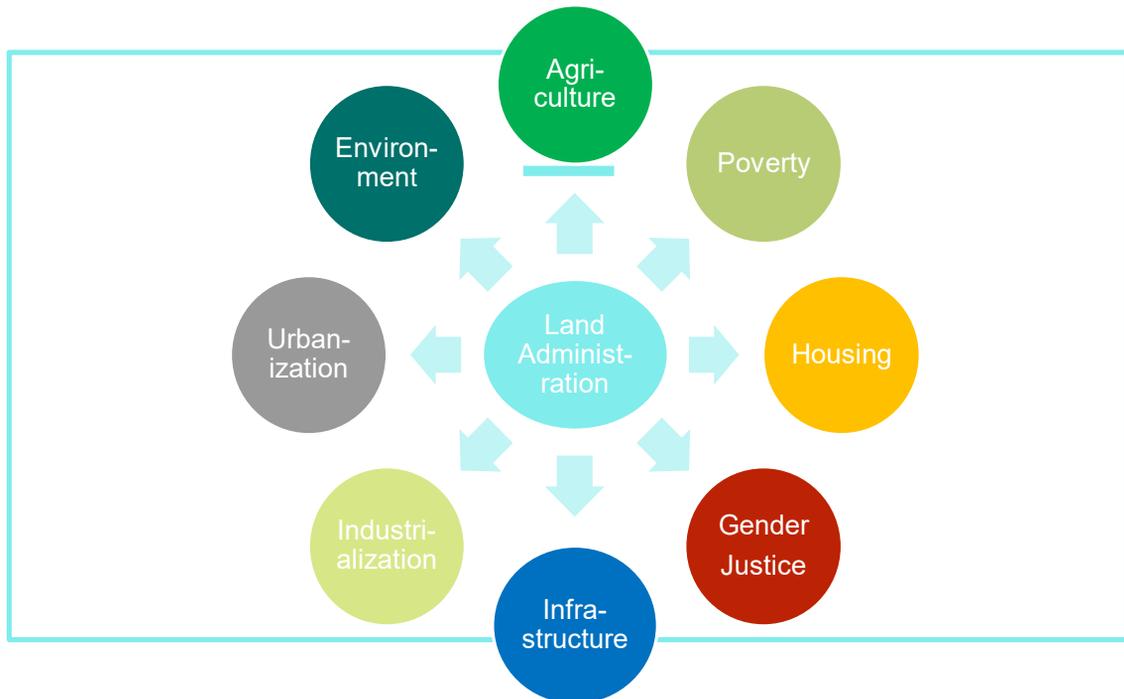
<https://www.bk-agarwal.com/>

<https://www.linkedin.com/in/bkagarwal/>

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Land Administration

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



Components of Land Administration

Cadastre

- ❖ Started by Napoleon in Europe in 19th century
- ❖ Created for tax purposes
- ❖ Covers whole country
- ❖ More emphasis on parcel boundaries, land use, tax etc.
- ❖ Rights are also recorded

Land Register

- ❖ Started after industrialization
- ❖ Emphasis on recording rights transactions in land
- ❖ Legal sanctity of recordings
- ❖ Spatial description may or may not be there

Global Practices

- No cadastre in the USA, the UK and Australia
- Germany, France, the Netherlands, Spain, Portugal and most other countries of Western Europe have well-established cadastres
- India and many Asian countries maintain cadastre

1

Land Register

Deed Registration System

- Transfer of title through a transfer deed
- Parcel-wise ownership Record not maintained
- Registration of deed with Registrar for record
- Registration is an evidence of transaction but does not guarantee a good title

Land Register

Title Registration, Conclusive Title, Torrens System

- Parcel-wise land register is maintained
- Legal validity of transaction is examined by registrar before registration
- Registration is conclusive proof of title
- State compensates for monetary loss to a party due to any defect in the title register

Global Practices

- Almost equal following of both systems in the world.
- Among top ten economies:
 - The USA, Japan, Italy, France, India, and Brazil- Deed Registration
 - Germany, the U.K., China – Title Registration
 - Canada- Both Systems are prevalent in different provinces
- Spain and Portugal have Title Registration System

Central Laws Related to Land Administration

- The Registration Act 1908
- The Transfer of Property Act 1882
- The Hindu Succession Act 1956
- The Muslim Personal Law(Shariat)Application Act
- The Indian Succession Act 1925
- Land Acquisition Act (RFCTLARRA 2013)
- The Real Estate Regulation & Development Act (RERA) 2016

1

State Laws Related to Land Administration

- Land Revenue Acts
- Survey and settlement laws
- Land Reforms Acts
- Consolidation of Land Holdings Acts
- Ceiling on Land Holdings Acts
- Restriction on Use of Land
- Laws Related to Common Lands

Record of Rights- Cadastre

- Introduced by the British in 1822
- Created to assess and collect land revenue
- Cadastral Maps showing boundaries of parcels
- Parcel-wise record of ownership and rights
- Maintained under Land Revenue Acts of States.
- A quasi-judicial process to update records
- **Entries in the ROR are presumed to be true.**

Registration In India

- Introduced in India in 1793
- Compulsory registration of most transactions under Registration Act 1908
- Exemptions- Inheritance, family settlement, court decree, agricultural leases, government grant etc.
- Purchaser Responsible for verification of title

Legal Standing of Registration

- Unregistered transaction is not valid
- Legality of transaction not examined by Registrar
- Registration is 'evidence' but not 'proof' of title
- Any defect in seller's title passes to buyer.

Thanks!

Website: bk-agarwal.com
Email: brijkumaragarwal@gmail.com
LinkedIn Page: [linkedin.com/in/bkagarwal](https://www.linkedin.com/in/bkagarwal)