

# Land Administration in India: Issues and Challenges

by  
**BK Agarwal**

School of Planning  
and Architecture  
24<sup>th</sup> June 2020

Lecture Series

## LAND MATTERS



For planners, matters related to land really matter - whether it is related to its use; the intensity of activities on it; the underlying economics, environmental and other considerations governing the use; its administration; its assembly or the issues of rights related to it.

This lecture series titled "Land Matters" will see domain experts, from the industry, the third sector and the academia, give talks on topics revolving around any of these (but not limited to) issues concerning Land.

**24th June, Wednesday**  
**11 AM-1 PM**

Join with Google Meet

[meet.google.com/wnw-szrh-ygz](https://meet.google.com/wnw-szrh-ygz)



Organizer: Dr. Chidambara  
[chidambara@spa.ac.in](mailto:chidambara@spa.ac.in)



**Lecture 1**

**Land Administration in India: Issues and Challenges**

**Mr. B. K. Agarwal**

Mr. B.K. Agarwal is currently appointed as the Secretary, Lokpal of India, Government of India. He is a civil servant with an experience of 35 years at senior management positions in Government of India and Government of Himachal Pradesh. During his career in Indian Administrative Service (IAS), he has been dealing with policy making, regulation and implementation of government programs. He has expertise in Land Governance, Urban Development, Rural Development, Food Security, and Tourism. He has authored a book "Land Registration: Global Practices and Lessons for India".

*Celebrating 30 years of Physical Planning!*

ORGANISED BY PHYSICAL PLANNING DEPARTMENT

# Urban Governance and Management

---

## **Unit 5: Land Assembly and Administration**

- Models of land assembly- national and international cases, bulk acquisition, land reconstitution,
- Land administration, methods of land records in rural and urban areas, organisations responsible for land records and land assembly. Examples from different parts of the country.

# Overview of Presentation

---

- Divided into **Four** parts
- **I-** Land Records or Record of Rights in rural and urban areas.
- **II-** Registration of land transactions.
- **III-** Land Information System, Computerization.
- **IV-** Problems and possible solutions

# Land Administration

---

Institutions, Laws, Procedures, Policies, Processes, related to:

- Land ownership and other rights in land
- Taxation relating to land
- Land use planning, control on use of land
- Land development, construction over land

# Land Administration in India

---

- Records-of-Rights
- Registration of land transactions
- Land Information System
- Property Tax
- Planning Regulations, Permissions
- Regulation on Construction, Regulation on Builders etc.

# Terms Used for Land and Property

---

- Land
- Property
- Immovable Property
- Real Property
- Estate
- Real Estate

# Ownership and Rights in Land

---

- Concept of ownership in land is different than other assets
- One owns only a bundle of rights in land
- Rights in land are ‘jus in rem’, i.e. ‘right against the whole world’
- Public record of rights in land is required to prevent disputes

# Part I

---

## Record of Rights

# Record of Rights In India

---

- Introduced by British about 150 years back. Basic system not changed much since then
- Main purpose of ROR was to collect land revenue which was 60% of total revenue in 1841. In 1980 it was 2% only.
- It is most comprehensive parcel-wise record of ownership and other rights over a property.
- It is equivalent to cadastre maintained in many European countries like France, the Netherlands etc.

## Record of Rights In India (Cont.)

---

- It is maintained under laws of respective states which are nearly similar.
- These laws are applicable in cities as well as in villages. Municipal Body maintains only tax records.
- Maintained by Divisional Commissioner, Collector, Tehsildar, Patwari etc. called 'Revenue Officers' .
- Presumption of truth attached to the entries in ROR

# Cadastral

---

International Federation of Surveyors (FIG) defines Cadastral as:

A cadastral is normally a **parcel based** and up-to-date land information system containing a **record of interests in land** (i.e. rights, restrictions and responsibilities). It usually includes a **geometric description of land parcels** linked to other records describing the nature of the interests, and ownership or control of those interests, and often the **value of the parcel** and its improvements. It may be established for **fiscal purposes** (e.g. valuation and equitable taxation), **legal purposes** (conveyancing), to assist in **the management of land and land use** (e.g. for planning and other administrative purposes), and enables sustainable development and environmental protection.

# Land laws in States

Sr.No.	State	Existing Law	Predecessor Laws
1	Andhra Pradesh	Andhra Pradesh Record of Rights in Land Act, 1971.	Andhra Pradesh (Telangana Area) Land Revenue Act, 1907
2	Bihar	Bihar Land Reforms Act 1950	The Bengal Tenancy Act 1885
3	Delhi	The Delhi Land Revenue Act 1954	1. The Punjab Land Revenue Act 1887 2. The UP Land Revenue Act 1901
4.	Karnataka	The Karnataka Land Revenue Act 1964	The Bombay Land Revenue Code 1879

# Land laws in states

Sr.N o.	State	Existing Law	Predecessor Laws
5	Maharashtra	The Maharashtra Land Revenue Code, 1966.	The Bombay Land Revenue Code, 1879
6	Punjab	Punjab Land Revenue Act 1887	Punjab Land Revenue Act 1887
7	Uttar Pradesh	UP Land Revenue Code 2006	The UP Land Revenue Act 1901
8	West Bengal	The West Bengal Land Reforms Act 1955	The Bengal Tenancy Act 1885

# Important Documents in Record of Rights

---

- **Register of ownership**, possession, area and category of land, tax etc.
- **Mutation Register** to record changes in the ownership
- **Cadastral map** with a distinct number assigned to each piece of land
- **Field Book** having dimensions of parcels





राजस्व विभाग

राजस्व विभाग, हिमाचल प्रदेश - नकल जमाबंदी

जिला : कांगड़ा  
 तहसील : कांगड़ा  
 कानूनगोवत : कांगड़ा-II  
 पटवार वत : कांगड़ा  
 हदवस्त न. : 444/2

मोहाल : उप महाल भवन

साल : 2016-2017

रकबा ईकाई: वर्ग - मीटर

खेत नं.	खतीनी नं.	नाम मालिक व एहवाल	नाम कारतकार व एहवाल	नाम चाह व दीगर वसायल आबपाशी	नम्बर खसरा हाल	रकबा हर खेत व मिजान खाता मय किस्म अराजी मीट्रीक ईकाइयाँ में	हिस्सा या पैमाना हकीयत व तरीका बाछ	कैफियत
1	2	3	4	5	6	7	8	9
285	399	सुरिन्द कुमर पुत्र श्रीमति लकुन्तला	कब्जा स्वयं		3444/2414	293-74	कब्जा व नशत बागह	
280	400	देवी पुत्री रामा राम स्थानिय धारी				जाय सफ्ट	खेत न.(1)	
कयहा खेत न.								
(1)								
13.26								
माल								
13.00								
स्वाई								

# Jamabandi

राजस्व विभाग

राजस्व विभाग, हिमाचल प्रदेश - नकल जमाबंदी

जिला : कांगड़ा  
तहसील : कांगड़ा  
कानूनगोवत : कांगड़ा-II  
पटवार वृत : कांगड़ा  
हुदबस्त नं. : 444/2

मौहाल : उप महाल भवन

साल : 2016-2017

रकबा ईकाई: वर्ग - मीटर

खेवट नं. नाम पत्नी या तरफ मय नाम नम्बरदार मुताबला व शरह मुआमला व हबब	खतीनी नं. लगान जो मुजारा अदा करता है व तफसील शरह तदाद	नाम मालिक व एहवाल	नाम काश्तकार व एहवाल	नाम चाह व दीगर वसायल आबपाशी	नम्बर खसरा हाल	रकबा हर खेत व मिजान खाता मय किस्म अराजी मीट्रीक ईकाइयाँ में	हिस्सा या पैमाना हकीयत व तरीका बाछ	कफियत
1	2	3	4	5	6	7	8	9
285	399	सुविन्द कुमार पुत्र श्रीमति शकुन्तला	कच्चा स्वयं		3444/2414	293-74	कच्चा व नशत बाघ	
280	400	देवी पुत्री रामा राम स्थानिय वासी				जाग सफ्ट	खेवट नं.(1)	
कवहा खेवट नं. (1)								
13.26								
माल								
13.00								
स्थाई								



# Jamabandi After Mutation

After Mutation

राजस्व विभाग, हिमाचल प्रदेश - नकल जमाबंदी

जिला : कांगड़ा  
तहसील : कांगड़ा  
कानूनगोचर : कांगड़ा-II  
पटवार वृत्त : कांगड़ा  
हदबस्त न. : 444/2

मौजाल : उप महाल भड़न

साल : 2016-2017

रकबा ईकाई: वर्ग - मीटर

खेवट नं.	खलीनी नं.	नाम मालिक व एहवाल	नाम काश्तकार व एहवाल	नाम चाह व दीगर वसायल आबपारी	नम्बर खसरा हल	रकबा हर खेत व मिजान खाता मय किस्म अराजी मीट्रीक ईकाइयाँ में	हिस्सा या पैमाना हकीयत व तरीका बाछ	कफियत
1	2	3	4	5	6	7	8	9
285	399	सुरिन्द कुम्बर पुत्र श्रीमति शकुन्तला	कमला स्वयं		3444/2414	293-74	कमला व पदम कसरा	1693 बी
280	400	देवी पुरी छना राम स्थानिय बासी				जाम मीटर	खेवट न(1)	लोट अरफ इ न 1693 बी खाला इला का लम्बा खसरा 3444/ 2414/1 रकबा लखड़ी 152-92 वर्ग मीटर मिना जलिय सुरिन्दर कुमार पुत्र श्रीमति शकुन्तला देवी कसरी श्रीमति खलीनी देवी पुरी रकबा इलाका उप मिर्पारी लाल विष्णु व श्रीमति विष्णु देवी पुरी मुनीश कुमार विष्णु कसरा दिनांक 17-01-2020 को सं 20/21

वसायत नं. (1)  
13.26  
माय  
13.00  
स्वाई

# Register of Ownership

---

- Main register called with different names in different states
- Updated with different periodicity (1 to 5 years) in different states.
- Records ownership, possession, area and category of land, land revenue etc. against each parcel of land

# Register of Ownership in Various States

S. No.	State	Name of Register
1.	Andhra Pradesh	ROR 1B
2.	Bihar	Chalu Khatiyani, चालू खातियान
3.	Delhi	Khatoni, खतोनी
4.	Karnataka	RTC Book
5.	Maharashtra	7-12 (combination of Form 7 and 12) सात-बारह
6.	Punjab	Jamabandi, जमाबंदी
7.	Uttar Pradesh	Khatauni, खतौनी
8.	West Bengal	Khatiyani, खातियान

# Mutation Register

---

- Succession, sale, purchase, court orders etc. cause change in ownership
- Mandatory for everyone to report acquisition of a right
- All the changes in the ROR are first recorded in this register
- A changes in ROR can be made only after inquiry and order by a competent authority recorded on this register
- A person dissatisfied with such an order can file appeal before higher authority.

# Cadastral Maps

---

- **Topographical maps** are made by Survey of India -Largest scale available in public domain 1:25000
- **Cadastral maps** by revenue departments of state governments. These are mostly not aligned with Survey of India maps.
- Except in southern states cadastral maps are on the scale of 1:5000 to 1:500
- In southern states maps of individual parcels called ‘Tippan’ are made. An index map on smaller scale is made for reference purposes.
- Unique identification number is assigned to every parcel of land.

# Concept of Presumption of Truth

---

- Sec.157 of Maharashtra Land Revenue Code

‘An entry in the record of rights, and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.’

- Sec. 44 of Punjab Land Revenue Act 1887

‘An entry made in a record-of-rights in accordance with the law for the time being in force, or in an annual record in accordance with the provisions of this Chapter and the rules there under, shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.’

## Part II

---

# Registration of Land Transactions

# Land Registration

---

- Registration: recording a private transaction in public record
- Need of registration of rights in land
  - Difference in ownership of land and other properties
  - Character of rights in land
  - Notice to the world
  - Priority in case of disputes
  - Facilitates title search

# Systems of Land Registration

---

□ Deed Registration

□ Registration of Title

( Registration of Title is also referred to as Torrens System, Conclusive Title or Guaranteed Title)

# Systems of Land Registration (cont.)

---

- Registration of Deeds or Recording System
  - ❖ Transfer of title through a transfer deed
  - ❖ Registration of deed for record purposes
  - ❖ Registration does not guarantee good title
  
- Registration of Title (Torrens System)
  - ❖ Transfer of title by registration
  - ❖ Registered title is indefeasible
  - ❖ State indemnity against any defect in title

# International Practice

---

- Almost equal following of both systems
- Among top ten economies:
  - The USA, Japan, Italy, France, India, Brazil-  
Deed Registration
  - Germany, the U.K. – Title Registration
  - Canada- Both Systems are prevalent
  - China – Title Registration in the Process of  
adoption

# Registration In India

---

- India follows deed registration system
- Deed Registration Under Registration Act 1908
- Registration Compulsory for most of the land transactions
- Some Exemptions- Inheritance, Court Decree, Government Grant etc.
- Title verified through Search of historical records by buyer
- Granter-Grantee Index and Tract-wise Index maintained by registrar

# Process of Registration In India

---

- Agreement to sell between the parties
- Payment of consideration
- Handing over of possession
- Recording of transaction in a deed
- Payment of stamp duty
- Registration of deed and payment of registration fee
- Change of ownership in records of rights

# Legal Standing of Registration

---

- Legal principle of '*Nemo dat*' "no one gives what he doesn't have"
- Registration only an evidence of transaction, not a conclusive proof of title
- Validity of transaction not examined by registrar
- A transaction is invalid unless registered but registration is no guarantee of validity.
- An unregistered deed is not admissible in court as evidence.

# Part III

---

## Land Information System

# Land Information System

---

- **Traditional Information System:**
  - Maps, cadastre and other registers with revenue officers
  - Periodical reports, abstracts sent to higher offices
  - Indexes maintained by the Registrar
- **Modern Information System**
  - Digitized maps and cadastre
  - Online access to all stakeholders

# Digital India Land Records Modernization Programme (DILRMP)

---

Main aims of DILRMP :

To usher in a system of updated land records, automated and automatic mutation, integration between textual and spatial records, inter-connectivity between revenue and registration, to replace the present deeds registration and presumptive title system with that of conclusive titling with title guarantee.

# Digitization of Land Records

---

Computerization of Land records and associate processes

- Computerization of ROR and Cadastral Maps
- Computerization of registration process
- Web enabled services to common citizen
- MIS for better land administration
- Updating of records, writing of ROR through computer
- Flow of information between different government entities

# Digitization of Land Records

---

- Progress has been very slow. There are very few states which have fully computerized
- Business Process Reengineering (BPR) has not been done
- Almost no change in 150 year old law has taken place
- It has automated certain operations but has not made a real difference in the service to people
- Substantial changes in the law are immediately required.

# Part IV

---

## Problems and Possible Solutions

# Problems with Existing System

---

- Land disputes dominate civil litigation in India
- Access to Justice Survey 2015-16 estimates 2/3 of cases relate to land disputes.
- Plethora of disputes before revenue officers regarding, inheritance, correction of ROR and demarcation of boundaries
- Ownership recorded in ROR is not conclusive proof of title
- In urban areas record of rights are not updated regularly

# Problems with Existing System(cont.)

---

- Existing formats and procedures of ROR not suitable for urban areas
- Search of multiple records required to ascertain title of seller
- Registration of deed is no assurance of valid title
- There is no way to know about any litigation pending in court
- Transactions appear in ROR and registration records after considerable gap of time.

# What should be done?

---

- Some experts suggest switching over to Title Registration System will solve our problems.
- Title registration appears good in policy but difficult to implement
- Since 2008 GOI has this policy but no state has adopted Title Registration till now.
- It is preferable to improve the existing system.
- France, the Netherlands and the USA have made improvements in deed registration as per their requirements.

# Possible Improvements

---

- Remove all exemptions from registration
- Reduce time allowed for registration and entry in ROR
- Description of property on the basis of ROR
- Name of seller must appear in ROR or similar records
- Registrar to verify prima facie proof of ownership at the time of registration.

# Possible Improvements (Cont.)

---

- Compulsory registration of wills
- Compulsory registration of court decrees
- Compulsory registration of pending litigation
- No transfer of share without making new map of the property. Involve private surveyors.
- Prompt disposal of disputes by revenue officers. Remove multiple appeals, review and revision.

# Possible Improvements (Cont.)

---

- Separate record of ancestral and self-acquired property.
- Computerization of records along with business process re-engineering
- Single authority for registration and ROR in urban area.
- New formats of ROR for urban areas.
- Automatic alert to land owner regarding any change in his land record

# Thanks

---