



# Land Governance and the Law

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# Secure Land Rights – Possession, Patta & Records



Possession



One can feel secure about one's land rights only when land is in physical possession, patta in hand and name in land records.



Patta

**సేతువార/ఆర్.ఎస్.ఆర్/రైజర్**

సేతువార సంఖ్య	సేతు సంఖ్య	సేతువార సంఖ్య	సేతువార సంఖ్య	సేతువార సంఖ్య	సేతువార సంఖ్య	సేతువార సంఖ్య	సేతువార సంఖ్య	సేతువార సంఖ్య	సేతువార సంఖ్య	సేతువార సంఖ్య	సేతువార సంఖ్య	సేతువార సంఖ్య	సేతువార సంఖ్య
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**1. 29**

**పట్టాదారు పాస్ బుక్**

**వైటింగ్ డిక్**

**పాస్ బుక్/ఆర్డర్ గేజ్**

**ఎస్. ఎమ్. ఆర్/టిఎస్**

Land Records

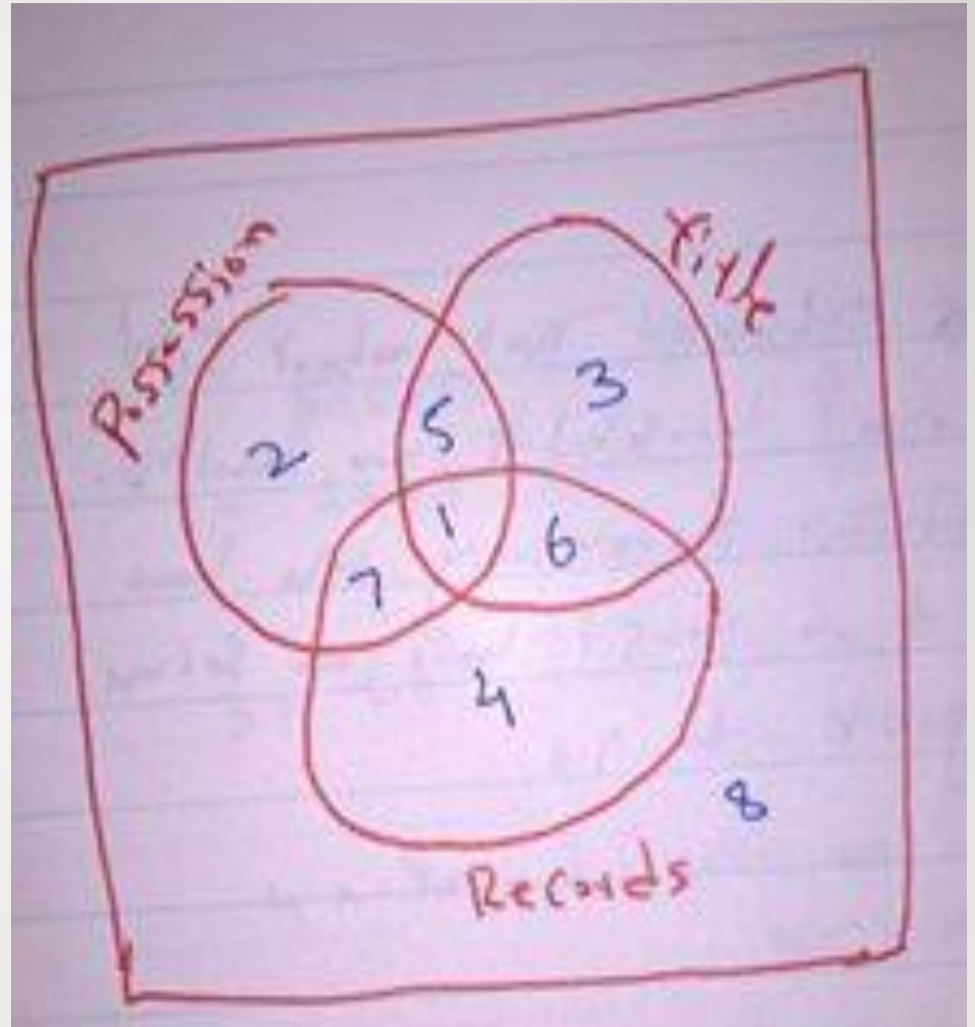
# Insecure Land Rights

P – Possession

T – Title

R – Records

1. P + T + R
2. P without T and R
3. T without P and R
4. R without P and T
5. P and T without R
6. T and R without P
7. P and R without T
8. No – P, T, R





# Insecure Land Rights – 75 types of land problems

Land insecurities include –

- Having land in possession but no patta and name not entered in the land records; (land with no patta and no record)
- Having only patta but not in possession of the land and name not entered in the land records; (patta with no land and no record)
- Having only name in the land records but no patta and not in possession of the land; (record with no land and no patta)
- Having land in possession and patta but name not entered in land records; (land and patta with no record)
- Having land in possession and name in the land records but no patta (land and record with no patta)
- Having patta and name entered in land records but not in possession of land (patta and records with no land)

## More than 75 types of land problems

Not having Pattadar Pass Book and Title Deed for the land obtained through inheritance  
Not having Pattadar Pass Book and Title Deed for the land obtained through family partition  
Not Having Pattadar Pass Book and Title Deed for the land purchased through registered sale Deed  
Same piece of land sold to more than one person by the owner with or without registration.  
Errors / Mistakes / discrepancies in sale deed  
13B certificate is not issued for the land purchased through unregistered sale Deed (Sadabinama) as the application not made within the prescribed date.  
13B certificate is not issued for the land purchased through unregistered sale Deed (Sadabinama) even though the application is made within the prescribed date.  
13B certificate is not issued for the land purchased through unregistered sale Deed (Sadabinama) as the land was purchased after the cut-off date (31.12.2000)  
Not Having Pattadar Pass Book and Title Deed for the land obtained through gift / pasupukunkuma  
Not Having Pattadar Pass Book and Title Deed for assigned land  
Not Having Pattadar Pass Book and Title Deed for inam land even after getting Occupants Rights Certificate (ORC)  
Not Having Pattadar Pass Book and Title Deed for even after getting 38E Certificate (ORC)  
Not Having Pattadar Pass Book and Title Deed for even after getting 13B Certificate (ORC)  
Errors / Mistakes / discrepancies / name not entered in pahami (village account no 3)  
Survey numbers missing in manual / computerized pahami  
Errors / Mistakes / discrepancies / name not entered in 1B register  
Errors / Mistakes / discrepancies in Pattadar Passbook and Title Deed  
Mismatch of details in pahami, 1B and PPB & TD  
Occupants Rights Certificate not given for Inam lands  
Having Pattadar Pass Book without Title Deed  
Having Title Deed without Pattadar Pass Book  
Lost Pattadar Pass Book  
Lost Title Deed  
Title to the land is in dispute  
Possession of land is in dispute  
Not having Assignment Patta for the government land in cultivation of the landless poor person  
Encroachment of government land  
Alienation of land assigned to the landless poor person  
Assigned land purchased by the poor person  
Assignment patta / Laoni patta granted but land is not shown  
Same piece of government land allotted to multiple beneficiaries  
Assignment land obtained through inheritance / family partition is not mutated in the records  
Assignees details not entered in revenue records  
Differences between actual land in possession and extent stated in land records  
Differences between actual survey number in which land is in possession and the survey number stated in land records  
Individual patta not granted in case of request to split Joint Farming Cooperative Societies  
Individual patta not granted in case of request to split joint patta  
Poor rural households not having land  
Assigned taken for public purpose without paying compensation or paying only nominal compensation  
Loan Eligibility Card not issued to the licensed cultivator (tenant)  
Ceiling surplus land possession is not taken  
Disputes over land surrendered / taken under land ceiling  
Patta not given for ceiling surplus land assigned to the landless poor  
Possession not shown to ceiling surplus land assigned to the landless poor  
Land held in excess of the ceiling limits  
Bhoo dan land not distributed to the landless poor  
Bhoo dan land under encroachment  
Bhoo dan land assigned to the landless poor but Pattadar Pass Book and Title Deed not issued  
Bhoo dan land assigned but possession not shown  
Temple land under encroachment  
Public auction is not done for lease of temple land  
Landless poor cultivating temple land  
Pattadar Pass Book and title Deed not given to SCs/STs/poor for the land purchased for them through SC Corporation / ST Corporation / IKP  
Survey and Boundaries Disputes  
Rastha disputes  
Sub-division is not done in revenue / land records for the land obtained through inheritance / partition / sale / gift etc...  
No compensation paid for the land acquired  
Insufficient compensation paid for the land acquired  
Acquired land under the cultivation of the landless poor  
Acquired land under the cultivation of the original owner  
Title given to the forest land in cultivation of tribal / other traditional forest dweller  
Claim for forest land by tribal / other traditional forest dweller rejected  
Errors / Mistakes / discrepancies in title granted under Forest Rights Act  
Title given under Forest Rights Act only to a portion of forest land under cultivation  
Eviction of tribal / other traditional forest dweller from the forest land under their cultivation without settling their claims under the Forest Rights Act  
Titles granted under Forest Rights Act not recorded in pahami  
Titles granted under Forest Rights Act not being recognized by the bankers  
Forest revenue boundary disputes  
Unsettled forest issues (deemed forest issues). Preliminary notification issued under forest Act but final notification not issued  
Alienation of tribal lands  
Non-tribal in possession of land in spite of orders by LTR authorities  
Appeals not filed in cases of orders gone in favor of non-tribal  
Settlement patta granted to non-tribal in scheduled areas  
Tribal not having Pattadar Pass book for the land purchased in scheduled area

## Land Problems / Disputes

<b>2%</b>	Rural land in litigation
<b>28%</b>	Peri-urban land in litigation
<b>12%</b>	Murders due to land disputes
<b>1.3%</b>	GDP loss due to land problems
<b>100-200</b>	Land problems per village
<b>40% - 50%</b>	Land owners have insecure land rights
<b>60%-70%</b>	Petitions to District Magistrates are regarding land problems
<b>66%</b>	Cases in civil courts are land disputes
<b>80 thousand crores</b>	Annual expenditure by litigants in both civil and criminal cases (cost incurred to attend court and loss of wages. This does not include court cost and lawyers fee)

Majority of landowners have insecure, undocumented or inadequately documented land rights.

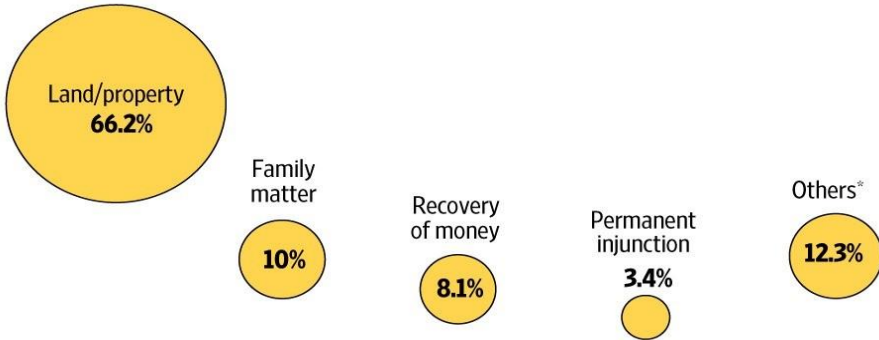
# Land Litigations

## LAND/PROPERTY DISPUTES ACCOUNT FOR TWO-THIRDS OF CIVIL CASES

For this survey, Daksh interviewed about 9,300 litigants across 170 districts, with a near-equal division of cases between civil and criminal courts. As many as 66% of respondents in civil courts were fighting cases directly related to land and property matters. Land and property might also be a thread through some of the other categories of civil cases.

### TYPE OF CASE

Share of civil cases (%)



\*Includes labour (1.9%), intellectual property (1.3%), service (0.7%) and education (0.2%), among others

Source: Access to Justice Survey 2015-16, Daksh

## THE POOR AND THE MARGINALIZED DOMINATE LITIGANTS IN LAND CASES

The Indian legal system poses significant barriers to accessing justice, especially to the poor and the marginalized. Yet, they make up the majority of litigants. In land and property matters, 90% of respondents had an annual income of below ₹3 lakh, 80% had not studied beyond school, 65% were from backward castes, and 55% were either involved in agriculture or labour.

### BY ANNUAL INCOME

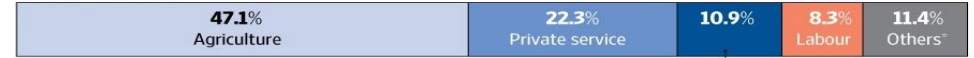
Share of land/property litigants (%)



### BY EDUCATIONAL QUALIFICATION



### BY OCCUPATION



\* Includes homemaker (3.5%), government service (2.2%), unemployed (1.2%), retired (1.0%), student (0.2%), among others

### BY CASTE



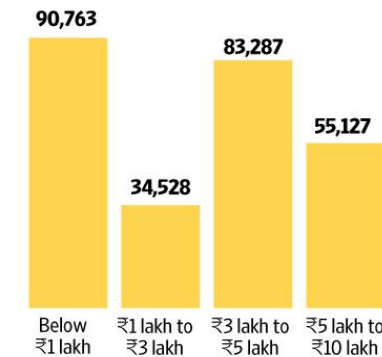
SC: Scheduled castes. ST: Scheduled tribes

## DESPITE ENDURING MANY KINDS OF COSTS, THEY PLAN TO FIGHT ON

Among those fighting land/property cases, respondents earning below ₹1 lakh a year had spent nearly ₹90,000 so far—the highest among all income sets. Overall, as many as 67% were taking leave from work and 53% were suffering loss of business/pay/leave due to court hearings. Despite the tangible and intangible costs, two-thirds said they would appeal in the high court if they lost.

### AMOUNT SPENT

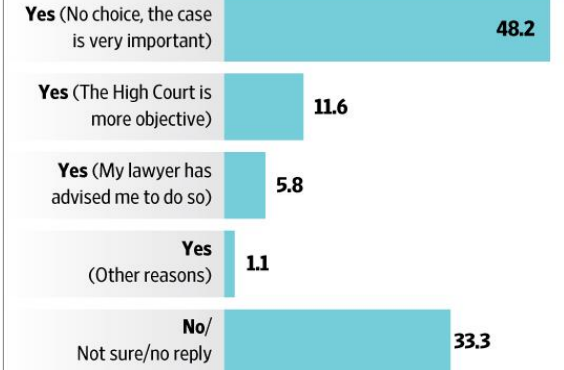
Average amount spent so far (₹)



Source: Access to Justice Survey 2015-16, Daksh

### APPEAL IN THE EVENT OF LOSS

Share of land/property litigants (%)

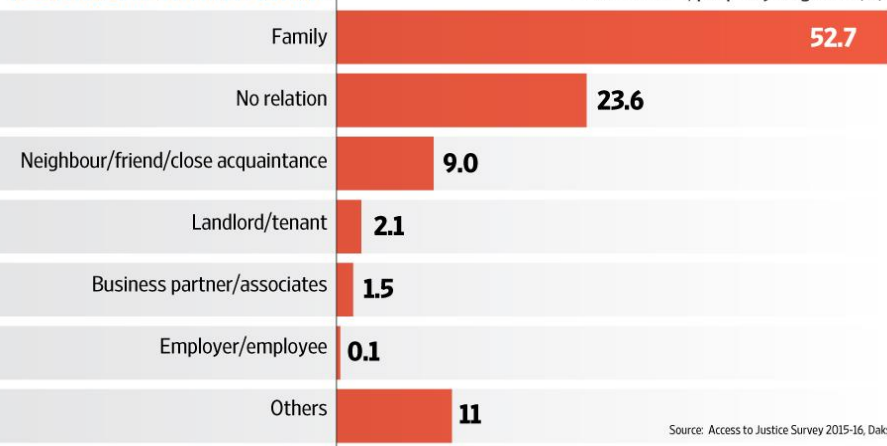


## IN HALF THE LAND CASES, IT'S FAMILY VERSUS FAMILY

More than half the land and property cases were a family dispute. And in another 9% of land and property cases, the other party was a neighbour, friend or close acquaintance.

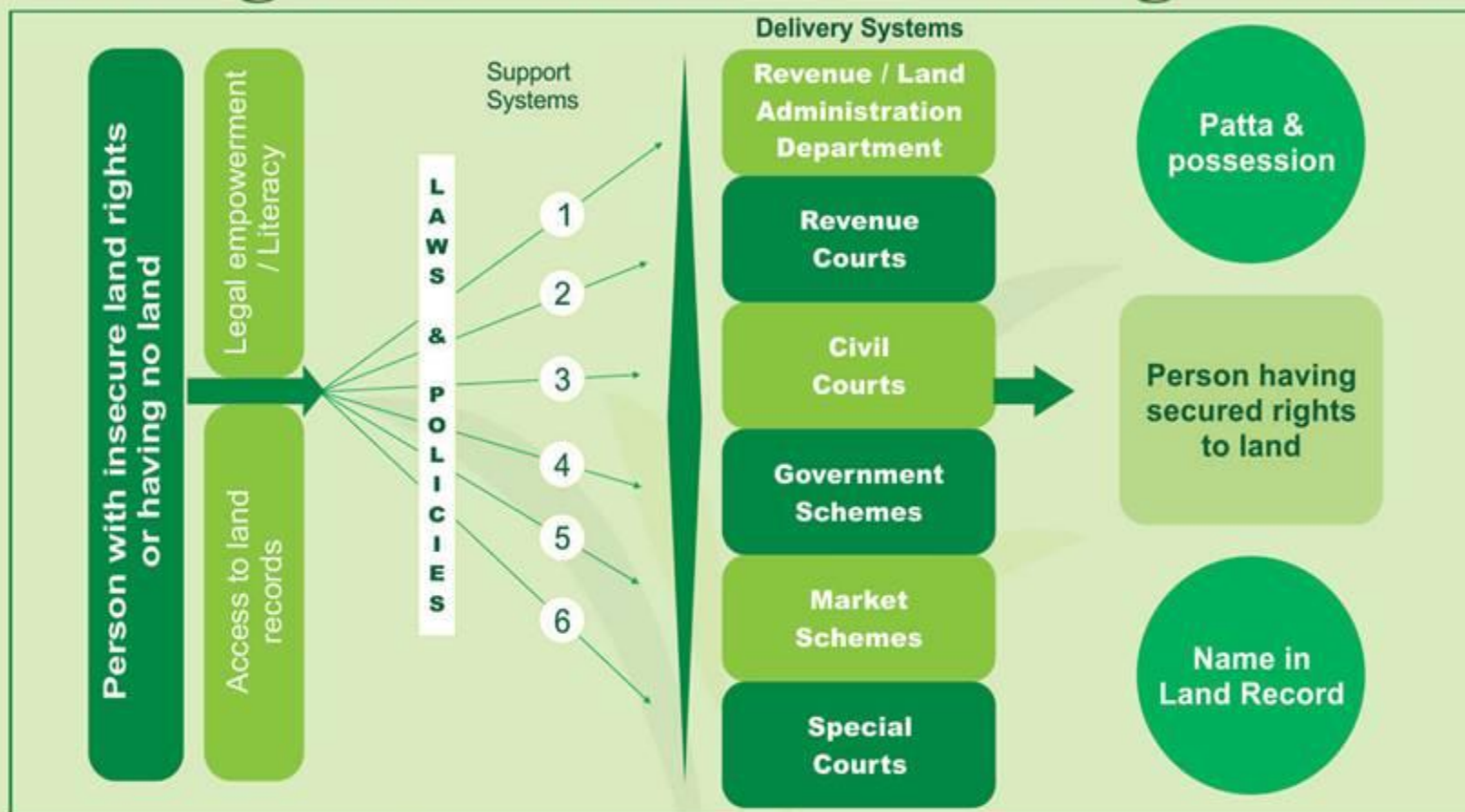
### RELATIONSHIP WITH OPPONENT

Share of land/property litigants (%)



Source: Access to Justice Survey 2015-16, Daksh

# Enabling Access to Land and Rights over it



1. Initiatives by Government    2. Peoples own Initiatives    3. Community - based Organisations  
4. NGOs and Civil Society Organisations    5. People Representatives    6. Legal Services Authorities





## Why better land records?

- **Economic Development:** Up-to-date land records and clear land titles are the pre-requisite for economic development and optimum utilization of the land by its owners.
- **Reducing Land Litigation:** Land records which do not reflect the field reality, unclear or undocumented land titles lead to land disputes hampering the growth and development
- **Reducing Crime:** land disputes are the root cause for most of the criminal cases
- **Ensuring Benefits to Farmers:** better land records ensures providing input subsidies, crop insurance, crop damages, Institutional Credit and other benefits to eligible farmers.
- **Ease of Doing Business:** better land records is one of the critical element for better ranking in ease of doing business



# Digital India Land Records Modernization Programme



## Digital India Land Records Modernization Programme - MIS 2.0

Department of Land Resources ( भूमि संसाधन विभाग )

Ministry of Rural Development, Government of India ( ग्रामीण विकास मंत्रालय, भारत सरकार )



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DILRMP is aimed to - Modernize management of land records; Minimize scope of land/property disputes; Enhance transparency in the land records maintenance system; Facilitate moving eventually towards guaranteed conclusive titles to immovable properties in the country.

The main objective of the DILRMP is to develop a modern, comprehensive and transparent land records management system in the country with the aim to implement the conclusive land-titling system with title guarantee. **DILRMP is expected to be completed by 2021 with a cost of RS.11000 crores.**

Earlier NRLMP scheme has been re-named as Digital India Land Records Modernisation Programme (DILRMP). In order to ensure economics of scale in the implementation of centrally sponsored schemes, the DILRMP has been restructured as Central Sector Scheme, and from financial 2016-17 it would be 100% funded by the Central Government.

**Government of Telangana requested an amount of Rs. 256.49 crores in 2014-15. GoI sanctioned Rs.139.75 Cr and released Rs. 83 Crores.**

# Challenges and Concerns

- The key stakeholder – land owner – should be the focal point and involved
- Community involvement is must
- Technology is great supplement but not a complete replacement of human involvement – revenue machinery active involvement is must
- Legal awareness
- Technology challenges
- Barriers in accessing records

# Telangana Land Records Updation Programme

- In all 10.9 K villages
- Special teams constituted
- Six months drive – correcting the records to reflect the field reality
- Updated land records published in the village
- New title deeds to all the land owners
- Farmers input subsidy scheme based on updated land records



# Impact

## భూరికార్డుల ప్రక్షాళన గణాంకాలు

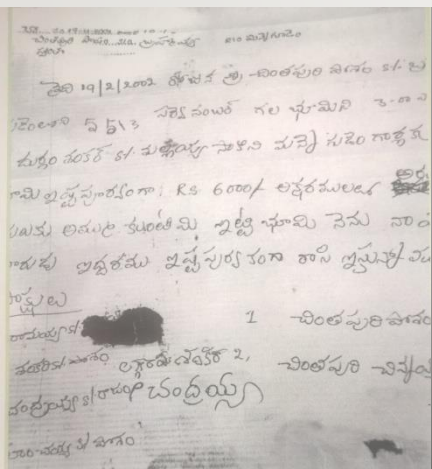
తెలంగాణ రాష్ట్రంలో మొత్తం భూభాగం	<b>1,12,077</b> చదరపు కిలోమీటర్లు
తెలంగాణ రాష్ట్రంలోని మొత్తం భూమి	<b>2.80</b> కోట్ల ఎకరాలు
ఎలాంటి వివాదాలు లేని వ్యవసాయ భూమి	<b>1.42</b> కోట్ల ఎకరాలు
కోర్టు కేసులు, వివాదాలు, చిక్కులు కలిగిన భూములు	<b>17.89</b> లక్షల ఎకరాలు
రైతుల వద్ద ఉన్న వ్యవసాయేతర భూములు	<b>11.95</b> లక్షల ఎకరాలు
చెరువులు, కుంటలు, కాలువలు, రైల్వే లైన్లు, సబ్ స్టేషన్లు, విద్యాసంస్థలు, ఆసుపత్రులు, ఇతర ప్రభుత్వ ఆస్తుల కింద భూములు, కోర్టు కేసుల్లోని అటవీ భూమి	<b>84</b> లక్షల ఎకరాలు
పట్టణాలు, గ్రామాల నివాస ప్రాంతాలు, వివాదాలు లేని అటవీ భూమి	<b>24</b> లక్షల ఎకరాలు
పరిశీలించిన భూమి విస్తీర్ణం	<b>2,56,70,814</b> ఎకరాలు
స్పష్టత వచ్చిన భూమి విస్తీర్ణం	<b>2,39,81,994</b> ఎకరాలు (93 శాతం)
స్పష్టంగా తేలిన ఖాతాలు	<b>72,12,111</b> ఎకరాలు

	ఎకరాలలో..	శాతాల్లో..
స్పష్టత వచ్చిన భూమిలో వ్యవసాయ భూమి విస్తీర్ణం	<b>1,43,15,767</b>	<b>55</b>
రైతుల వద్ద ఉన్న వ్యవసాయేతర భూమి విస్తీర్ణం	<b>11,99,489</b>	<b>4.7</b>
ప్రభుత్వ ఆస్తులున్న భూమి విస్తీర్ణం	<b>13,85,192</b>	<b>5.4</b>
అసైన్డ్ దారుల వద్ద ఉన్న ప్రభుత్వ భూమి	<b>20,13,868</b>	<b>7.8</b>
ఖాళీగా ఉన్న ప్రభుత్వ భూమి	<b>7,12,264</b>	<b>2.8</b>
అటవీభూములు	<b>42,35,682</b>	<b>16.3</b>
దేవాదాయ భూములు	<b>74,155</b>	<b>0.3</b>
వక్స్ భూములు	<b>45,570</b>	<b>0.2</b>
స్పష్టత రాని భూమి విస్తీర్ణం	<b>16,88,976</b>	<b>7</b>
పిఎల్ కోర్టు వివాదాల్లో ఉన్న భూమి	<b>1, 11,196</b>	<b>0.4</b>
రెవెన్యూ కోర్టు వివాదాల్లో ఉన్న భూమి	<b>42,318</b>	<b>0.2</b>
అటవీ, రెవెన్యూ హద్దు వివాదాల్లోని భూమి	<b>2,04,729</b>	<b>0.9</b>
అసైన్డ్ ల్యాండ్ వివాదాలు	<b>2,41,749</b>	<b>0.9</b>
శివాయి జమీందార్ భూములు	<b>1,63,264</b>	<b>0.6</b>
పాదా బైనామా వివాదాలు, అభ్యంతరాలు	<b>2,45,974</b>	<b>1.0</b>
ఎల్.టి.ఆర్ కేసులు	<b>95,214</b>	<b>0.4</b>
కుటుంబం, కాస్తు, సరిహద్దు, రద్దు బదిలీ వివాదాలు	<b>2,73,843</b>	<b>1.6</b>
వక్స్ డెడ్ ఖాతాలు, భూదాన్, సీలింగ్ తదితర వివాదాలు	<b>3,10,684</b>	<b>1.6</b>



# Land Initiatives of Telangana State Government

- Sada bainama Regularisation – 6.10 L benefited
- Land to Scheduled Caste Families – about 6K families got land
- Review of Land Laws
- Changes to RoR Act
- Re-assignment of purchased assigned land to he landless poor purchaser

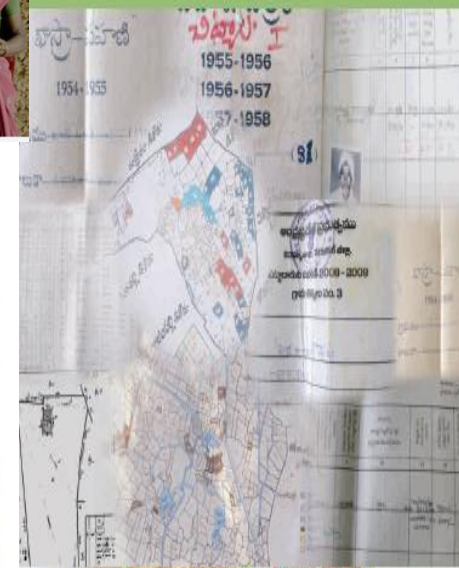




# Their Land, Their Right: Community-driven Land Records Updation pilot in 8 villages



Updating Land Records, Resolving Land Problems  
And Securing Clear Land Titles  
Through The Community-Driven Process  
Involving Local Youth



Up-to-date land records and clear land titles are the pre-requisite for economic development and optimum utilization of the land by its owners.

Land records which do not reflect the field reality, unclear or undocumented land titles lead to land disputes hampering the growth and development.

Government of Telangana taking steps to update the land records and make them available online (<http://mahaboomi.telangana.gov.in/>). Further, the state government also took decision to undertake survey.

A community-driven process of verification of land records and ground-checking undertaken on a pilot basis by Landesa and NALSAR is providing valuable learnings.



HANS@INDIA  
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## Sunday Magazine

HYDERABAD  
23 APRIL 2017 | PAGES: 24  
feature@thehansindia.com

IN CHAMPARAN'S CENTENARY YEAR, INDIAN FARMERS AWAIT ANOTHER GANDHI!

Story on Pages: 14,15

### A Never-Ending Saga

## Lords of all they survey

More than 200 SC and ST farmers in Telangana have for the first time in the last 70 years got legal rights over their land, thanks to a land rights project. And community participation was the mantra that made it possible

Story on Pages: 12,13



Selection and Training  
of Local Youth

Household  
Survey

Land Records  
Verification

Field  
Verification

Analysis of the  
Information

Updating Land  
Records & Resolving  
Problems



# Land Laws in Scheduled Areas

- Forest Rights Act

- Land Transfer Regulations





# STRUGGLE FOR JUSTICE

## Saga of a tribal woman getting justice after 37 years

- Mankubai – a tribal in Adilabad district.
- Her father mortgaged land to a non-tribal – refused to return the land
- decisions by several courts
- It took 37 years to get back the land – still fighting for justice in revenue courts



# Legal Aid Still Eludes the Poor

Legal aid is a sine qua non for justice.

Legal Aid is a fundamental right guaranteed by the constitution

Article 39A of the Constitution directs the state to provide free legal aid.

The Legal Services Authorities Act is enacted in 1987 which came in to force from 1995.

Legal Services Authorities constituted under the Act are making efforts to provide free legal services to the poor and needy.

But, still legal aid and access to justice is an unfulfilled dream for the majority of poor and tribals in the country. In matters of land and forest, legal aid to the poor is practically not available.

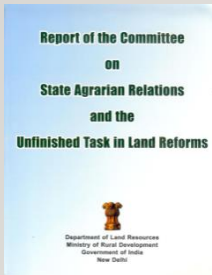




*Nothing rankles more in the human heart than the feeling of injustice. Those who suffer and can't get justice because they are priced out of legal system, lose faith in the legal process.....a feeling begins to overtake them that democracy and rule of law are merely slogans or myths intended to perpetuate the dominance of the rich and powerful and to protect the establishment and vested interests."*

**– Justice P. N. Bhagavathi**

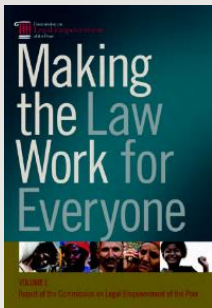
# Enabling access to justice: recommendation of various committees



The Committee appreciates the Access to the Land Movement (paralegal programme) of Andhra Pradesh and recommends its adoption by other States with such modifications as may be deemed proper to suit the local environment ( Report of The Committee on State Agrarian Relations and Unfinished Task of Land Reforms, 2008).



Where litigation has been responsible for loss of rights, free legal aid of beneficiary choice should be provided (Report of the Expert Group on Developmental Challenges in Extremist Affected Areas).



Access to justice rests in great part on reasonable access to legal services... (this can be achieved by) designing efficient legal aid systems, which may entail greater emphasis on legal assistance provided by paralegals and law students, and the bundling of legal aid with other services (Report of the UNDP's Commission on Legal Empowerment of the Poor, 2008)

# Existing Experiences...



A low-cost, high-impact community-based paralegal model was launched in 2004 by SERP to provide access to land by providing legal aid services to families that needed assistance in securing their land rights.



Seeking to provide legal aid to the rural poor in Andhra Pradesh, the State Legal Services Authority introduced the Paralegal Volunteers Program in 2006. This scheme was subsequently scaled across the country by the National Legal Services Authority.



Community Resource Persons Programme in Odisha



A photograph of a man in a white shirt and a pink turban plowing a muddy field with two brown oxen. In the background, other people are working in the field under a cloudy sky.

Land is life

Land is Identity

Land is Culture

Land is Courage

Land is Strength

Land gives self respect

Land makes dreams come true

Land gives social and economic security

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Thank You