



A case for Guaranteed Titling System



a presentation by

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What ails our System

- **No title records: Revenue records presumptive**
- **Deed Registration System: Registration doesn't convey title**
- **Urban records & Registration: separate systems**
- **Multiple handling agencies – lack of coordination**
- **Old and outdated, incomplete and inaccurate cadastral records – graphical + textual**
- **Non updating : Gaps among various records**

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Where are we

- **Insecure Title : Loss of GDP**
- **Title & Boundary Dispute : Costly litigation**
- **Single Task-Multiple Processes**
- **Land Records in pathetic condition**
- **Resurvey – Not done in last 90 years**
 - Records don't represent ground reality
- **Difficult accessibility to public and interest groups**
- **Revenue centric**

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Solution.....

Guaranteed Titling System

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Guaranteed Title System: components

- A public record of titles: conclusive
 - Entries need to be always correct and true
 - Entries in this record are guaranteed
 - 3 Principles
 - **Curtain**
 - **Mirror**
 - **Insurance**
- Torrens**

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Guaranteed Title : Pre-requisites

- **Accurate description of property**
 - Boundaries and location- Cadastral surveys
 - Unique ID
 - Unified graphical and textual data
- **A central Register of Titles for all properties**
 - final and conclusive
- **Title Registration System**
- **Auto updating system**
 - change in record integral to transaction (no mutation)

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Action Needed

- **Describe all properties accurately**
 - Resurvey/ supplemental survey, unique ID
- **Create Register of titles: two alternatives**
 1. Systematic Titling
 2. Incremental Titling – (A) Compulsory or (B) Parallel
- **Provide ‘conclusivity’ – New law**
- **Introduce Title Registration System – New law**
- **Create unified delivery system – one agency to handle ‘records’, ‘registration’ and ‘survey’**
- **One system for all properties - urban and rural, agricultural and non agricultural**
- **Re engineer the processes**

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Challenges

New to India : not much of knowledge

Technology & Manpower limitations

High cost : Rs 20,000 Crs for the whole country

Long gestation period : 8 - 10 years for the country

Needs high political and administrative will -

Land is sensitive issue – High security for Digital data

Legal enactment – New law

Communication & Awareness

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Legal changes: Necessity

- No record of Titles : caveat emptor
- Revenue records – presumptive - Indian Evidence Act
- Registration of deeds – Registrar to register whatever is executed
- Indian Registration Act
- Transfer of Title by ‘agreement/contract’ and not by ‘regtn’
– Transfer of Properties Act
- Much information not in public domain
GPA, equitable mortgages, succession ,etc
- Information in public domain dispersed- not easily accessible
e.g. civil disputes, L.A. notifications, pending actions etc.,
- Dual role of Revenue Deptt – protector of Govt lands and adjudicator of rights against Govt. *Nemo debet esse judex in propria causa*

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Legal changes: options

- **Law: Two options**

1. **Amend all the relevant Acts**

Transfer of Properties Act, Indian Evidence Act, Indian Registration Act, RoR Act, Others – (L.A.Act, Negotiable instruments Act, Civil court Procedures ,etc,etc)

2. **Enact a new law with overriding provisions –**
AP Land Titling Act (under enactment)

- **Enactment: Two options**

- **Enactment by GOI –adoption by states**
- **Enactment by state – Presidential concurrence**

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How to go forward

- **Declare National Priority : allocate resources**
 - Rs 20,000 Crs in 10 years
- **Enact the Law**
- **Take up large scale resurveys / supplemental surveys**
- **Set up admin infrastructure : National & State LT Authorities**
- **Rewrite processes : write software**
- **R & D and capacity building: set up National Institute**
- **Build awareness : create demand**

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Thank You

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What is Bhu Bharati

- Every Square inch of land will be mapped and described
- Description of all the attributes of land and its owner
- Record of Conclusive Title – Title Registration System
- Ownership recorded will be ‘conclusive’ not ‘presumptive’
- Fool proof identity of property owner (Biometric)
- e-conveyance: [auto updation](#)
- Omnipresent and digital, integrated record
- Operated by a single dedicated agency
- Self financing mechanism
- Single Task-Single Process-Single Agency
- Citizen centric
- Leveraging the Modern survey technologies

A.P. Land Titling Act.

Objectives :

- Establishment, administration and management of a system of Title Registration of immovable properties.
- Maintenance of record of title by the state – all the infm. effecting title of all properties recorded .
- Indefeasibility of title : conclusivity
- Maintenance of record in electronic form with an efficient security system.
- Creation of a Land Authority to administer the entire system.



Record of Title

- **Register of Titles** – Three stage creation process
 - **Title Registration Officer** – orders entries in undisputed cases. Disputed cases refers to LTT.
 - **Land Titling Tribunal** - officer of Joint Collector rank - to decide disputes referred by TRO + objections filed on entries in Register of Titles.
 - **Land Titling Appellate Tribunal** - Senior civil judge-appeal against the orders of LTT.
 - Further appeal to High Court
- **Register of Disputes** - All cases before LTT + appeals thereon.
- **Register of Charges and Covenants** – Record of charges, all covenants & special rights etc.

RoT + RoD + RoCC = Complete record of title



Title Registration System

- **On completion of Record of Title : Notification**
 - Three years to file objections against entries in Register of Titles.
 - All transfers to be registered under this Act
 - Only Title holder to ‘transfer’
 - Compulsory intimation of
 - Government assignments / alienations
 - Notifications/declarations/awards under L. A. Act.
 - Power of Attorney
 - All pending & arising civil suits/appeals in courts & tribunals

- **Conclusive evidence of title after three years**



Conclusive Title

- **Entries RoT in conclusive evidence of title**
(after expiry of the period for objection = 3 years)
- **Auto updation**
 - Changing the 'registry'- incidental to transfer
 - 'Sub division' to precede transfer (Licensed Surveyors)
- **Electronic register to be authentic record**
- **Issue of extract of electronic record – as at a particular point of time**



Add ons

- **Indemnification of entries - Compensation-Torrens System**
- **E conveyance**
- **Private Intermediaries**
- **Bio-metric identification: IRIS diagram – fingerprint**

