



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- **Old and outdated, incomplete and inaccurate cadastral records – graphical + textual**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 essa 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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Till the new law comes

1. Make Registration Deptt nodal point for all information

A. Information not in public domain

GPA's, Equitable mortg., Successions, Mutations, Statutory Charges etc.

B. Information in public domain but dispersed

Civil Disputes, L.A. notifications, Pending actions, Govt. transactions (alienations, assignments, regularizations, sale, grants lease etc.)

2. Survey / Sub-division record to compulsory for regn.

Problems of urban survey record..... google photos ?

3. Use only unique ID of the property

Layouts to be incorporated in survey records

4. Bring copy of RoR to Registrar

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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**

