Land Records Management, Land Dispute Resolution and Land Administration

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State Director, Landesa/RDI


17 December, 2015
Possession
Patta
<table>
<thead>
<tr>
<th>No</th>
<th>Name</th>
<th>Status</th>
<th>Area</th>
<th>Map Code</th>
<th>Area Type</th>
<th>Area Unit</th>
<th>Area</th>
<th>Rate</th>
<th>Sale Price</th>
<th>Purchase Price</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>2</td>
<td>1/1</td>
<td>—</td>
<td>—</td>
<td>7.2</td>
<td>2-68</td>
<td>2-68</td>
<td>50-00</td>
<td>2-68</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>2</td>
<td>—</td>
<td>—</td>
<td>7.2</td>
<td>4</td>
<td>100-00</td>
<td>0-50</td>
<td>50-00</td>
<td>—</td>
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</tr>
</tbody>
</table>

**Notes:**
- Land Records
- Landesa Rural Development Institute
Secure Land Rights

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

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 (Sadabimana) as the application was not made within the prescribed date.
13B certificate is not issued for the land purchased through unregistered sale deed (Sadabimana) even though the application is made within the prescribed date.
13B certificate is not issued for the land purchased through unregistered sale deed (Sadabimana) as the land was purchased after the cut-off date (31.12.2000)
13B certificate is not issued for the land purchased through unregistered sale deed (Sadabimana) as the original land owners or their legal heirs objecting.
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 pahani (village account no 3)
Survey numbers missing in manual / computerized pahani
Errors / Mistakes / discrepancies / name not entered in 1B register
Errors / Mistakes / discrepancies in Pattadar Passbook and Title Deed
Mismatch of details in pahani, 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
Bhoodan land not distributed to the landless poor
Bhoodan land under encroachment
Bhoodan land assigned to the landless poor but Pattadar Pass Book and Title Deed not issued
Bhoodan land assigned but possession not shown
Temporal 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 pahani
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

Acknowledgments

Landesa Rural Development Institute
# Land Problems / Disputes

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2%</td>
<td>Rural land in litigation</td>
</tr>
<tr>
<td>28%</td>
<td>Peri-urban land in litigation</td>
</tr>
<tr>
<td>12%</td>
<td>Murders due to land dispute</td>
</tr>
<tr>
<td>1.3%</td>
<td>GDP loss due to land disputes</td>
</tr>
<tr>
<td>100-200</td>
<td>Land problems per village</td>
</tr>
<tr>
<td>40% - 50%</td>
<td>Land owners have insecure rights</td>
</tr>
<tr>
<td>60-70%</td>
<td>Petitions to District Magistrates are land related</td>
</tr>
</tbody>
</table>

Majority of landowners have insecure, undocumented or inadequately documented land rights.
Archaic Land Records – Root Cause for Land Problems

- Outdated survey and land records. Records do not reflect the field reality

- Unfinished task of land reforms. Non-implementation/ineffective implementation of land Laws

- Land Records are presumed to be correct until contrary is proved. No title guarantee. Registration of documents but not the title
Why better land governance?

- Up-to-date land records and clear land titles are the prerequisite 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

- Reduction in crime

- Law and order

- Social and economic justice
Ideal System

- Modern, comprehensive and transparent land records management system
- Title guarantee
- Single window to handle land records (including the maintenance and updating of textual records, maps, survey and settlement operations and registration of immovable property)
- Land records mirror the ground reality
- Access to land records
- Online mutation
- Efficient land administration systems
- Speedy resolution of land problems/disputes
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

Person with insecure land rights or having no land

Access to land records
Legal empowerment / Literacy

Support Systems

Delivery Systems

Revenue / Land Administration Department
Revenue Courts
Civil Courts
Government Schemes
Market Schemes
Special Courts

Patta & possession
Person having secured rights to land
Name in Land Record
BHOOMI – Karnataka

BHOOMI (meaning land) is the project of on-line delivery and management of land records in Karnataka. It provides transparency in land records management with better citizen services and takes discretion away from civil servants at operating levels.

The Revenue Department in Karnataka, with the technical assistance from National Informatics Centre (NIC), Bangalore, has built and operationalised the BHOOMI system throughout the state. The BHOOMI has computerized 20 million records of land ownership of 6.7 million farmers in the state.

BHOOMI has reduced the discretion of public officials by introducing provisions for recording a mutation request online. Farmers can now access the database and are empowered to follow up. In the BHOOMI project, a printed copy of the RTC can be obtained online by providing the name of the owner or plot number at computerized land record kiosks in 177 taluk offices, for a fee of Rs.15. A second computer screen faces the clients to enable them to see the transaction being performed. A farmer can check the status of a mutation application on Touch Screen Kiosks. If the revenue inspector does not complete the mutation within 45 days, a farmer can now approach a senior officer person with their grievance.

Visitor Number : 1058781

With effect from : 01/06/2012
Computerisation of Land Records and E-Dhara

Land records are being maintained for various purposes including levy and collection of various taxes and land revenue, which was the principal source of revenue for the states. Cadastral survey was completed in the year 1960 for the entire state. This survey served as the basis of the land records. Transfer and changeover take place over lands due to Sale, Inheritance, Hier, and Distribution etc.. These changeovers are considered as mutations are brought in records by way of updating the land records manually by Talati at the Village.
Challenges and Concerns

- The key stakeholder – land owner – should be the focal point and involved
- Community involvement
- Technology is great supplement but not a complete replacement of human involvement
- Legal awareness
- Technology challenges
- Barriers in accessing records
<table>
<thead>
<tr>
<th>No.</th>
<th>Name of the Owner</th>
<th>Name of the Land</th>
<th>Area (in Acres)</th>
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<tbody>
<tr>
<td>1</td>
<td>John Doe</td>
<td>Farm Field 1</td>
<td>0.45</td>
</tr>
<tr>
<td>2</td>
<td>Jane Smith</td>
<td>Farm Field 2</td>
<td>0.98</td>
</tr>
<tr>
<td>3</td>
<td>Michael Brown</td>
<td>Farm Field 3</td>
<td>0.32</td>
</tr>
<tr>
<td>4</td>
<td>Sarah Johnson</td>
<td>Farm Field 4</td>
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<tr>
<td>5</td>
<td>David Lee</td>
<td>Farm Field 5</td>
<td>0.21</td>
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<tr>
<td>6</td>
<td>Emily Davis</td>
<td>Farm Field 6</td>
<td>1.15</td>
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<tr>
<td>7</td>
<td>William Martin</td>
<td>Farm Field 7</td>
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<tr>
<td>8</td>
<td>Emily Davis</td>
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<tr>
<td>9</td>
<td>John Doe</td>
<td>Farm Field 9</td>
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</tr>
<tr>
<td>10</td>
<td>Michelle Moore</td>
<td>Farm Field 10</td>
<td>0.41</td>
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Access to Land Records

Landesa
Rural Development Institute
Community-driven Land Records Purification

**Door-to-door survey:** visit to every house and collecting the details of land owned by them after verifying whatever documents they have

**Details from land records:** Collecting details from land records

**Visit to land:** visiting every parcel of the land and preparing rough sketch

**Data correlation:** data collected from household survey, land records and field verification is correlated and list of land problems are prepared

**Discussion in gram sabha:** Data discussed in gram sabhas

**Land records updation:** Steps taken to get the land records updated based on the information obtained

**Resolving land problems:** Petitions are filed to resolve land problems. Free legal services are provided to the poor and needed assistance is given to land revenue officers

**Copies of land records to owners:** Copies of updated land records are given to all the land owners
Land Dispute Resolution

• Revenue courts to e-revenue courts
• Land petitions – acknowledgements, notices, orders etc.
• Using technology in providing speedy land justice
Land Legal Literacy

Material on Land Laws and Land Records
Thank You

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