

Minutes of the meeting held on 01.09.2014 under the Chairpersonship of Secretary, Department of Land Resources on Land Titling with the officials of Union Territories without legislature in the Committee Room of Department at NBO Building, Nirman Bhawan, New Delhi.

A meeting with the officials of Union Territories without legislature was held on 01.09.2014 under the Chairpersonship of Secretary, Department of Land Resources in the Committee Room of Department to review the status of implementation of National Land Records Modernization Programme (NLRMP) in order to assess the preparedness of the UTs for implementation of the Land Titling Bill. The list of participants is annexed.

2. In her opening remarks, the Secretary, Department of Land Resources welcomed all the UT representatives and mentioned the purpose of the meeting which was to review the status of implementation of National Land Records Modernization Programme (NLRMP) in order to assess the preparedness the UTs for implementation of the Land Titling Bill. She said that the Centre had drafted a Land Titling Bill for UTs. She mentioned the Vinod K. Agrawal Committee on Land Titling which had recommended formulation of a law on Land Titling for the entire country. However, she said that since the level of preparedness for the implementation of the Land Titling Law in different States is at different stages and States may bring their own laws. The Central Government is ready to formulate a Land Titling Act for the UTs without legislature which will serve as model for the States.

3. Discussing the status of implementation of NLRMP in UTs, she raised the issue that even if the Bill is passed, are the UTs in a position to implement it? The Bill is likely to be passed in a year's time by which the UTs should be prepared to implement it at least in one or two Tehsils. However, the status of implementation of NLRMP with respect to physical progress has not changed since last two years which is a matter of concern.

4. Explaining the Torrens system of conclusive titling, the Joint Secretary (LR) said that this system of indefeasible title guarantees absolute ownership over land and facilitates easy transactions. In India, the system of presumptive title is followed in which titles are obtained only after the orders of the courts with regard to contesting claims over land property. Secretary (LR) explained the principles of conclusive titling namely mirror principle, curtain principle and insurance principle. She said that the mirror principle ensures that the textual record is a mirror image of situation on ground while the curtain principle draws a curtain on all past transactions and ownerships on the land prior to the cut-off date of drawing the curtain. However, if an error occurs in the process, the title holder is guaranteed insurance for it. She stated that initially the proposed law for conclusive titling will be only for UTs without legislature and since it will facilitate smooth property transactions, a demand will be generated in States to move to the system of guaranteed titling. In order to start the system initially, we may aim for the low hanging fruits and implement it for flats and later for land as also recommended by Vinod K. Agrawal Committee.

5. Thereafter, DS (LR) explained clause-wise provisions of the Land Titling Bill. During discussions on the Bill, the representative of Dadra & Nagar Haveli raised the issue of amendment to the IXth Schedule of the Constitution as a requirement to bring in change in laws relating to land and land reforms. He questioned whether the new Law will overwrite the existing land laws. A similar question was raised by the representative from Chandigarh also.

6. The Chandigarh representative suggested that the Collector should also have a role in implementation of the Land Titling. The representative from Delhi mentioned that a Bill on land titling has been drafted for Delhi and requested a meeting for the same. The representative from Lakshadweep submitted that it will be difficult to implement the land titling bill in its present form given the administrative set up in the UT as there is only one Secretary level officer in the UT while the Authority needs to be set up which will be headed by the Chief Secretary/Additional Chief Secretary level officer.

7. Initiating the discussion on status of implementation of NLRMP, the representatives of all the UTs were first requested to validate the physical progress reported under NLRMP. Thereafter, the funds released and utilized under NLRMP and the unspent balance of erstwhile schemes of SRA&ULR and CLR were discussed for each UT. In the discussion, it transpired that the UT of Chandigarh has not taken any fund under NLRMP so far. The state representative mentioned that since the UT is largely urban, funds were not taken. However, after the discussion, Secretary, DoLR requested the UT to avail NLRMP for modernization of land records in about 2300 acres of rural area in Chandigarh.

8. The UT of Lakshadweep had made good progress under NLRMP and the state representative indicated that the UT will be able to fulfil the physical achievements by March, 2015.

9. It was highlighted that the unspent balance lying with Delhi Government is a matter of concern, which is to be utilised at the earliest for different activities of NLRMP.

10. The Secretary, DoLR desired that in the next meeting on the subject, Shri Vinod K. Agrawal be also invited to give detailed presentation on Land Titling and the meeting be held by the end of September, 2014.

11. The meeting ended with a vote of thanks to the chair.
