

# Remembrance

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## Land Registration: Global Practices and Lessons for India

**Oishani Nandi reviews this book to see the best global practices and how Indian can learn from them with respect to registration of land.**

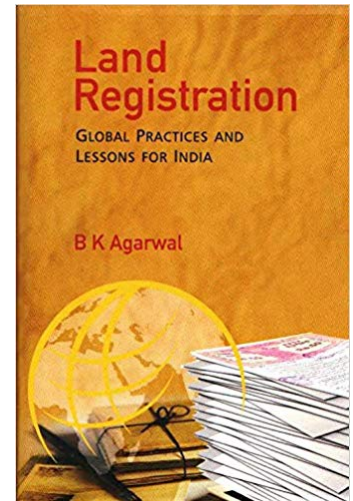
- **Land Registration by B.K. Agarwal**

“Modern problems, require modern solutions.” The cornerstones of all economically developing countries around the world are land and property, yet many countries struggle to reform their land registration laws to adapt to generational changes. This book review is a critical appraisal of Brij Kumar Agarwal’s treatise on reforms India needs to take with respect to Land Registration.

48% of the Indian population is estimated to move into urbanised spaces by 2051, causing a massive demographic shift in the rural-urban property ratio. This along with India’s status of being the world’s fastest-growing economy necessitates more effective property and land management in India. Given that 1/3 of the cases in the lower court are property disputes, transactions in land and industrial development are facing a gridlock. These contentions on property, discourage stakeholders such as financiers and developers from investing in projects which include land and property resources which will inevitably stagnate India’s economic growth. While in 1989, the central planning commission of India decreed the replacement of the deed system with the title system, it has not been implemented on the state-level basis. The deed system can be defined as a land management system whereby all important instruments which relate to the common law title to parcels of land are registered on a government-maintained register. On the other hand, a title system can be defined as n which a state creates and maintains a register of land holdings, which serves as the conclusive evidence (aka. indefeasibility) of the title of the person recorded on the register as the proprietor, and of all other interests recorded on the register.

Marking his claims in this contentious debate for an effective land registrations system in India, Indian Administrative Service officer Brij Kumar Agarwal harps upon his realtime experience in the Himachal Pradesh and other states’ civil sectors. Agarwal has conducted extensive research on this topic, culminating in his thesis - “Conclusive Land Title System for India” lending him the credibility to offer an educated perspective to this debate. The book “Land Registration: Global Practices and Lessons for India” effectively addresses the two options of land registration in question, and delineates for the keen inquirer of land and property law a well documented and critical exploration rooted in the Indian context. The author brings an unprejudicial and well-thought cogent argument to the table, in a time where the media disseminates anything but.

Agarwal builds his thesis in eight neatly defined chapters, wherein all aspects and intricacies of the disputed topic have been ventured into. The author constructs his premise in the introduction highlighting the significance of land resources acting as the backbone of India’s developing economy. Agarwal does this by contextualising India’s developing economic module which has opened up doors for not just the investors but also for the indigenous landowners who can now explore the full remunerative potential of their land and property. However, financial proceedings



involving land often deter successful undertakings due to ownership disputes that are increasingly attached to this traditional economic resource. In the first chapter, Agarwal sets up the prerequisites and basic tenets to the understanding of the two systems involved in the next chapter, wherein he explores the fine line between the *Deed Registration System* and *Title Registration system*. Very aptly, in the next chapter, he proceeds to explore the international real-life applications of the Deed Registration system. The United States of America, the Republic of France and the Kingdom of Netherlands are three notable countries wherein deed registration has been successfully implemented to expedite the transfer of title of the land. Logically crafting his argument, In Chapter 3, Agarwal discusses the implementation of the counterpart - the *Title Registration system* in Australia, the United Kingdom of Britain, and the Federal Republic of Germany, which explore the states' role in facilitating the transfer of powers in landholdings. He then discusses the Mirror principle (The idea that the due registration of a land title must reflect all the important and significant details that a purchaser must know before buying the land), curtain principle (The concept that land registration may allow certain equitable interests attached to the land hidden from a purchaser's view.) and insurance principles (refers to the guarantee secured by the State that any loss incurred by a registered land resulting from reliance on the conclusiveness of the land Registry by a land purchaser will be compensated through a statutory indemnity system.) The book thereafter centres the premise around title registration, its implications and its practicability. The next chapter plunges deeply into *Land Registration* and the *Record-of-Rights* in India. It explores the method in place for the registration of deeds and titles, the maintenance of the record-of-rights (gives various information about the particulars land. The assessment of land revenue payable, disputes regarding land are determined in the light of the record of rights.) It traverses on the existing Indian law on Transfer of Property (The person may include an individual, company or association or body of individuals, and any kind of property may be transferred, including the transfer of immovable property.) In Chapter 6, Agarwal, in his inimitable unbiased fashion, enlightens the reader on not only the strengths but also the everpresent problems in the present Indian system on Land registration. Very aptly, in the next chapter Agarwal gives his educated and informed insight amid the current palaver by opining against the call for a radical shift in India's land registry system. He explicitly states that a change-over to the Torrens system is neither advisable nor feasible in the current Indian socio-economic fabric. To conclude his treatise, the author collates his knowledge on the issue to substantiate an effective list of recommendations for the improvement of the system and the law of land registration in India. The book culminates with an appendix of researched analysis citing the diverse Record-of-Rights from four different states in the four different parts of the country ranging from Punjab in the north to Karnataka in the south, and from Maharastra in the west too, West Bengal in the south.

As ex-president of the United States of America once famously said, "What would this country be without this great land of ours?" Land and property are the fundamental backbones of any growing economy, and India is no exception to this statement. Agarwal effectively opines on the unnecessary, of a radical change in property law i.e. the Torrens system, rather slight modifications in the present systems in place that can effectively bring India's property laws back to fruition. This book lays the foundation for more functional and effective property laws. A key feature of this book is not only Agarwal's vast experience and knowledge in this field but his ability to present his arguments objectively and impartially.

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