
DIGITALIZATION IN ACHIEVING VIKSIT BHARAT 2047: A TOOL FOR TRANSPARENCY AND ACCOUNTABILITY IN LAND GOVERNANCE

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ABSTRACT

Digitalization is an inevitable need of the hour and eventually if achieved it will benefit entire population. By adopting digitalization, the state and people can move forward productively, effectively and qualitatively in life without any contradictory legal issues in future with regard to property rights. VIKSIT BHARAT 2047² is the vision of Government of India towards its centenary year which includes transformation with sustainable development goals focused on changing India into stronger economical country by 2047. Digitalization plays a pivotal part in accomplishing this vision, in the meantime one of the challenging zone that practically confronted by Government is digitalization of land records under land governance, which has been initially accomplished through the initiative under Digital India Land Records Modernization Program (DILRMP), which attempt to coordinated the existing land records and related information with individual Aadhaar identification and provide an accurate conclusive data, which also aims at making a centralized, transparent framework over the nations aggravating property disputes, the notion behind empowering online source of land record data is to avoid future conflicts and fraudulent transactions. In India Proprietorship on a land is affirmed based on title and ownership, which is determined based on verification of physical records maintained by different departments and here comes the trouble, when land records of different departments are not correlating with each other and there is no physical verification of possession on a land as per the existing practice, which can lead to unsettling prolonged legal battle to claim on legitimate ownership, To put an conclusion to this India's think tank NITI Aayog has suggested a draft model Act and rules in the year 2020³, which is recommended to be adopted by state governments to transform towards Torren system or Conclusive land Titling, under the draft Act the state government has to verify and consolidate the existing land records from

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² (*Innovateindia.Mygov.in | Ideas for the Vision Viksit Bharat@2047*, n.d.)

³ <https://prsindia.org/billtrack/draft-model-act-and-rules-on-conclusive-land-titling>

various departments and it is duty bound to work on establishment, management and administration of records.

The Draft Act also grant power to the state government to resolve the disputes that arise out of the land records to be heard by the dispute resolution officer and there is an option appeal before the Appellate Tribunal. Ever since the draft Act was suggested by NITI Aayog the Central Government keeps encouraging the state governments and union territories to shift towards the Conclusive land titling method or Torrens system, as an initiative many states commence with digitalization of land records as demanded by DILRMP, the cost incurred for conversion of physical records into digital records is fully sponsored by Central Government, yet there is reluctant approach by few states to adopt to complete digitalization due to pragmatic difficulties in execution, this article focus more on the components involved in the execution of digitalization of land records which the first step towards Conclusive land Titling system and further to analyse whether the digitalization of land records will act as a toll for transparency and accountability in Land Governance.

Keywords: Viksit Bharat, Digitalization, Land Governance, Torrens System, Conclusive Titling

INTRODUCTION:

Land is the subject matter of debate ever since the beginning of private property and it is an unavoidable asset for financial action of any nation like India where land is considered as security resource and any person will intentionally contribute in land an individual can claim title over such land based on ownership and proprietorship as per the legal framework in India specifically hypothetical land titling in this framework where land record are kept up with data around ownership which is decided through subtle elements of past exchanges the land records are kept up with different offices at area or town levels in different division ie registered deeds are under the custody of registration office sketch and maps are preserved in the survey department and property tax receipts are maintained with revenue office in this manner one can set up title through a chain of authentic exchange reports that start from the parent document proprietor the entire responsibility in imposed on the buyer under the caveat emptor principle and the risk of encumbrances has also to be verified by the purchaser of land the actual difficulty comes into play since these records of different departments are not interlinked and there are high chances of modification of records by one office without assent or earlier consent form other division leading to confusions together all this lead to doubtful proprietorship debates which is bombarded in the courts while already subordinate courts are overwhelmed

with cases which is being a greatest challenge to Indian legal system even as per the study conducted by world bank almost two thirds of pending case in courts are related to land issues.

Many of the land litigation are relating to dispute in defective title or related to the legitimacy of land records and legitimate possession to put an end to this long standing issues India's think tank NITI Aayog has conducted a detail inquire about land disputes and suggested that in normal course it will take almost two decades to settle the pending land dispute cases in India⁴, since the system of land records commence long back from the Zamindari period and it has not changed much since then while that being so the present land records have under gone many changes with or without proper documentation sine property can be exchanged from one individual to another through distinctive modes of transactions like sale lease mortgage and gift under the transfer of property act 1882 while it also provides that any right title interest in an immovable property can be transferred only by registered instrument under the Registration Act, 1908, which is the primary law that regulates the procedure of registration of land related documents as per the Act , while registering an immovable property the registrar can verify only the identity of the buyer and seller and the past registration of the property, while the identity of the vender and vendee are verified through various identity proofs such as Aadhaar card, pan card, etc but the physical location of land and the attributes of the land being registered may not be cross checked physically by the registrar, further the registrar cannot question the genuineness of the title of such property as per the prevailing law, the onus of checking the validity of the title is on the buyer alone under caveat emptor principle and not on the government, therefore the entire risk is taken by the buyer while purchasing land under existing laws. while that being so this process of digitalization of land records is much needed and essential to verify the details of land records from the comfortable zone of a buyer and moving towards a system of conclusive land titling system where the state guarantee for ownership in a property and it is for sure the digitalized records will aid in improving the transparency and accuracy of land details.

CHALLENGES FACED IN TRADITIONAL LAND RECORD SYSTEM:

The conventional method of land documenting systems face multiple challenges like, lack of transparency, lack of updating and inaccurate contents, which are vulnerable to fraud and effortless material alteration making it further complex in tracing the ownership. It is to be

⁴ (Khetan, 2024)

noted that these kind of fraudulent transfers leads to multiple civil suits claiming for title, while the genuineness of such documents are difficult to be established due to poor documentation, corruption, inadequate scrutiny mechanisms as well as the limited access to information. All this often culminate in legal stumbling blocks and hindering efficient property transactions. Since this conventional system of land record relies heavily on manual work with physical storage of records by various departments under the existing practice, admittedly this methods has been in practice for centuries and it is plagued by irreparable errors and demands a need for a modern digital land record method there is a necessity to stand on par with the global demand and digital land record system is a clear one that intend to provide accurate reliable and accessible information to all necessary parties from their comfortable zone. Meantime traditional way of preserving land records has many disadvantages since every paper is maintained manually in a large physical registers or ledgers, it is rarely updated and revised whenever there is a change in land title possession or boundaries entire details ,which are stored in local government offices is recovered from cramped and poorly maintained records and there are possibilities of damage accidentally or intentionally in case of missing records they are retrieved manually by searching through physical registers or ledgers.

The right to access for any information regarding land is yet another task, the landowners or interested parties have to submit a request before the authority to access land records, which are then verified by local authorities before issuing a certified copy of such record. It is an admitted fact that physical record maintenance can lead to errors, inconsistencies or false information's since the manual land record can be tampered easily with material alteration, minor corrections or damaged in such situation the original content may not be easily accessible to all stakeholders, particularly those who are in rural areas and out skirts. Therefore the influential persons can easily alter the land records to grab the land of poor downtrodden people. It is apparent that paper-based systems are prone to manual errors during data entry and record keeping, therefore when there is lack of standardization, inconsistent data formats and the change in practices across different location may also lead to much more confusion in tracing the details of ownership, this was the key challenge in traditional method of land record it is to be remembered that more ambiguous records will lead to more legal complexities.

DIFFICULTIES IN DIGITALIZING THE PRESENT LAND RECORDS SYSTEM:

As the current system of granting title over land does not make any probe into the past

ownerships, intermediate possessions, previous transactions and litigation history, the buyer faces several encumbrances over the land after purchase. Apparently the land records system is not one and the same in each state of India, they are different by means and rules to maintain and manage the land records in their own respective state language, therefore when land purchase takes place across the state boundaries the risk faced by the buyer is double the time. Even though Government has initiated lot of efforts in order to improve the quality of land records, and make them more accessible, under the Constitution of India land falls within the jurisdiction of states (Item 18 in state list) and it is up to the state government to execute the change in land titling system. The Draft Model Act proposed on Land Titling by NITI Aayog has invited problems in implementation of conclusive land titling within states with the present land records system and the process of digitalization is difficult since there is many apparent difference in land records of various department. It is to be noted that there are existing practise of transfer off the record, since law permits non mandatory registration for transaction such as acquisition of land by the government, property leased out for less than a period of 11 months, family partitions arrangements are not reflected in deed, these factors leads to difficulties in reaching accuracy of land records.

PROCESS OF DIGITALIZATION UNDER (DILRMP):

It has been a long time demand towards conversion of physical records in to digital records regarding land governance initiated by DILRMP, which is reframed subsequent to the national land record modernization program, the process of digitalization is completely funded by the union government, its main object is to consolidate all the available land records and integrate the records between different departments. Digitalized records will be accurate as well as highly transparent in land administration. DILRMP being an initiative on an integrated land record administration in land governance supports and promotes towards complete digitalization. It intended to address the need of updated land information along with optimize records on actual possession details which will assure confirm title on landowners and further protect the innocent purchaser the digitalization will considerably minimize further litigations on land reduces any fraudulent transfers and unwanted physical examination on the property with the support of data sharing from various departments and judiciary indeed the progress in digitalization of land records under the initiative of DILRMP has almost reached 95 % of total land records many of the state have completed the process of computerization covering about 626 lakh villages along with digitalization of cadastral maps has also reached 68.4% of land

in nation, in addition to that 87 of sub-registrar offices have been integrated with land records the initiative of DILRMP has been extended further 2025-26, the process of digitalization by adding new features like Aadhaar integration with land records and integration of land records with judiciary will solve much quantity of future complications and computerization of revenue courts will be an aid to sought out pending litigations.

CHALLENGES IN SHIFTING TO CONCLUSIVE LAND TITLING:

The successful conversion towards the Torren system or conclusive title is contingent upon the existence of unparalleled land records, However India faces numerous challenges regarding its land records consequently without addressing the persistent legal conflicts within land governance an effective execution Torren system remains unattainable although the towards mission digital India has been successfully ongoing and the land record modernization program dashboard indicates that nearly 95% of villages have undergone computerization, since many of the physical record are not updated adequately and due to corruption resulting in discrepancies between the content in record and physical land conditions it is important to recognize and extend our support towards conclusive land records it is important to make a robust progress in digitalization of existing land record system there are many successful examples among the world countries where Torren system is followed, since the conclusive land title can clearly give details about title as well as possession in a property by integrating all the available records once a conclusive title is granted with unique identification number then it becomes the final and official record to confirm the ownership and possession there after the state is responsible for the issued titles and ensuring their correctness and accuracy in case of any future disputes on such title the state must get it resolved with the titleholder and even compensate for any damages caused to innocent purchaser acting in good faith.

DIGITALIZATION AS A TOOL FOR TRANSPARENCY AND ACCOUNTABILITY:

Digitalization will definitely act as a tool for transparency and accountability. For a good governance one of the key feature is transparency which act as a check to corruption. India has been ranked as 96 out of 180 countries in the Global Corruption Perceptions Index (CPI) of the year 2024, as its overall score has dropped a point to 38 according to Transparency International Report released on February 11, 2025⁵ and at the same time it important to notice

⁵ <https://www.thehindu.com/news/national/india-ranks-96-out-of-180-countries-in-corruption-perceptions-index-2024/article69213911.ece>

that India has made a remarkable leap forward in JILLS Global Real Estate Transparency Index in the year 2024 by reaching the transparent Tier I, for the first time which showed that India's Tier-I markets have entered into the transparent zone for the first time with a composite score of 244 that is India ranks 31st in the list of 89 countries on transparency and accountability in land governance refers to the practice of managing land administration systems with open and accessible information where all actions and decisions related to land ownership usage and distribution are clearly documented and subject to public scrutiny ensuring that those involved in land management can be held responsible for actions minimizing corruption and promoting equitable land access to all class citizens essentially making land-related transactions much transparent and accountable to the public. The zone of land governance involves huge funds and there are possible chance of bribe and alteration of records to grab lands therefore transparency is critical in ensuring land ownership and possession making the parties accountable with rights and liabilities only then the legal right of individuals can be defended and protected.

The consequences of a lack of transparency lead to the difficulty in unlocking the encumbrance on the land as an asset potentially leading to a misallocation of land rights and opaque in nature keeping the land administration systems a closed mechanisms exacerbates corruption by land officials from petty corruption as citizens try to undertake illegal transactions make alteration of records proceed to under value the property to evade the payment of stamps and this may lead to major political corruption in land management including land grabbing activities purchase in name of Ostensible owner or Benami and such as the illegal sale or lease of state land by public officials are in practice, which comes to the limelight after several decades of land grabbing phenomenon.

Land governance was so weak earlier, which lead to transfer of state owned lands without information about the existing status of the land with the support of intermediaries in many case the innocent purchaser of land is put to hardship by eviction. In many cases the public have no way to advocate for protection of land rights or fight for personal rights against government, despite the fact that there is a clear need for transparency in land governance the data correlation from different departments can only lead to accuracy in land records. The potential form of open data that is available for access and share to fill in these gaps will be

⁶https://economictimes.indiatimes.com/news/india/india-ranks-31st-in-jills-global-real-estate-transparency-index/articleshow/112835407.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

helpful to avoid any future complication in title disputes and it will lead to conclusive land titling, which is the intension behind digitalization. There is implied obligation on the government to be accountable towards the information provided to the public to be more particular with government land data, which should provide integrated information about cadastral maps and ownership information with intermediate possessions and encumbrances in a property only then there can be accuracy of land title.

CONCLUSION:

It is the need of the hour to adopt with changes in every phase of development the evolution of land records system was dilatory process so for therefore a sudden shift in land titling system will invite new challenges among various departments dealing with land records and it is to be noted that the enhancement of available administrative structure is inevitable before the implementation of conclusive land titling system in state of tamil nadu further integration of land records depends on collectively correlated documents of land departments which needs to be addressed first since there are several departments maintaining land records in tamil nadu a comprehensive village level survey should be carefully carried out before preparing land records this conclusive land titling system will reduce the number of legal issues arising out of land ownership in future if the hurdles in preparing comprehensive land records are rectified before implementing the same transparency and accountability are two sides of a good land governance this enables the citizens it prevent corruption and enhance the trust upon government institution the authenticity of information and its accuracy under right to information under land governance have made the administration more transparent and accountable strengthening the land information system and integration of records will enhance the citizen participation and confidence over the system the journey towards a more transparent and accountable land governance is still an ongoing phenomena but with sustained efforts and constant updating of land records frequently will definitely resolve the long standing land disputes leaving the citizen with conclusive land titles the mission of achieving the VIKSIT BHARAT 2047 as a self-sustaining nation with digitalization and good governance is truly possible with benefiting the citizens of India.

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