



भारत सरकार  
Government Of India  
लक्षद्वीप संघ शासित प्रदेश प्रशासन  
Administration of the U.T. of Lakshadweep  
समाहरतालय (Collectorate)  
कवरत्ती (Kavaratti)

**F.NO. 6/5/2010 -SO/ADM(VOL.1)**

**Dated :23. 10. 2019**

**NOTICE INVITING OBJECTION AND SUGGESTIONS ON THE DRAFT  
PROPOSAL FOR MAKING LAKSHADWEEP LAND TITLING  
REGULATION 2019.**

For the protection of the interests of geographically isolated Scheduled Tribe Community of the Lakshadweep Island, for making regulation to provide for establishment, administration and management of system of title registration of immovable properties, identification against loss due to inaccuracies in title to property to amend relevant acts and matters connected therewith or incidental thereto. A copy of the proposed amendments of Regulations is placed on the Official website of the Lakshadweep Administration and notice board of all government officers. In order to finalize the draft Land Titling regulation 2019, objection and suggestion if any from the General Public on the draft amendments of regulation are hereby invited latest by **30.11.2019**. Suggestion/objection in this regard may be sent by E-mail at [collectorate2@gmail.com](mailto:collectorate2@gmail.com) and [addl.dm-lk@gov.in](mailto:addl.dm-lk@gov.in) or by post addressed to the Deputy Collector(HQ), Collectorate,Kavaratti.

This is issued with the approval of Hon'ble Administrator vide dairy No.3395 dated 23.10.2019.

**( VIJENDRA SINGH RAWAT, IAS)**  
COLLECTOR & SECRETARY (REVENUE)



# **LAKSHADWEEP LAND TITLING REGULATION, 2019**

**Promulgated by the President in the sixty- ninth Year of**

**Republic of India**

**[Regulation No.( ) of 2019]**

A Regulation to provide for establishment, Administration and management of a system of title registration of immovable properties, indemnification against loss due to inaccuracies in title to property, to amend relevant Acts and matters connected therewith or incidental thereto

In exercise of the powers conferred by Article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him.

## **CHAPTER I**

### **(PRELIMINARY)**

#### **1. Short title, extent and commencement:-**

1. This Regulation may be called the Lakshadweep Land Titling Regulation, 2019.
2. It extends to the whole of the Union Territory of Lakshadweep.
3. It shall apply to the immovable properties except the following:
  - (a) Any contract for sale, transfer or conveyance of movable property or any interest in such property.
  - (b) Any class of documents or transactions as may be notified by the Union Territory of Lakshadweep Administration (Lakshadweep Administration) in the official Gazette in this regard.

- (c) Any land notified by the Central Government as required for the purpose of use by the Army, Navy or the Air Force as Cantonment land.

## **2. Definitions:-**

In this Regulation, unless there is anything repugnant to the subject or context,

- (1) **“Administrator”** means the Administrator of Union Territory of Lakshadweep.
- (2) **“Air rights”** means the right to use and develop the empty space above an immovable property.
- (3) **“Alienation”** means the action of transferring property or any interest therein to another person.
- (4) **“Apartment”** apartment means a part of any property intended for any type of independent use, including enclosed spaces located on one or more floors or any part or parts thereof, in a building to be used for residential or official purpose or for the purpose of practicing any profession, or for carrying on any occupation trade or business, excluding shopping malls and multiplexes or for such other use as may be prescribed and with a direct exit to a public street ,road or to a common area leading to such street, road and includes any garage or room, whether or not adjacent to the building in which such apartment is located provided by the promoter for use by the owner of such apartment for parking or as the case may be for the residence of any domestic aide employed in such apartment.
- (5) **“Appurtenant rights”** means any right or restriction which goes with an immovable property such as an easement or covenant.
- (6) **“Assign”** means a person who receives a piece of property by purchase, gift or by a will.

- (7) **“Authority”** means the Union Territory of Lakshadweep Land Authority notified under Section 3 of this Regulation and any officer of the Authority duly empowered.
- (8) **“Biometric authentication”** means a method for uniquely recognizing a human being based on such physical traits as fingerprints, face recognition and iris recognition for the purpose of establishing identity.
- (9) **“Certificate of recording”** means a certificate issued on the basis of entries made in the Register maintained by the Authority.
- (10) **“CERSAI”** The Central Registry of Securitization, Asset Reconstruction and Security Interest of India, a Government Company licensed under section 25 of the Companies Act, 2013 (Act no 18 of 2013) constituted by the Department of Financial Services, Ministry of Finance, Government of India by Notification F.No.56/05/2007-BO-II dated 31<sup>st</sup> day of March, 2011 published in the Gazette of India Extraordinary under Part II of Section 3 of sub- section(i).
- (11) **“Chapter”** means a chapter of this Regulation.
- (12) **“Charge”** for the purpose of this Regulation, Charge means any mortgage, charge or lien created in favour of a person when the immovable property of another person by an act of parties or by operation of law made security for the payment of money to him.
- (13) **“Citizen Facilitation Centre”** means a facility created by the Authority for receiving applications and other documents from the citizens residing within the notified jurisdiction of such a centre and forwarding them to the Central Titling Registry for processing.
- (14) **“Commissioner”** means the Commissioner appointed under Chapter V of the Regulation and as prescribed under this Regulation and the Rules notified under this Regulation.

- (15) **“Community Development Scheme”** means a form of immovable property ownership in which the titleholders own their individual units plus a share in common area of the site or “common” property.
- (16) **“Covenant”** means an agreement by deed between two persons to do one or more things or to give or to prevent or to retain something or an agreement creating an obligation.
- (17) **“Dematerialization”** means the electronic/ digital keeping of records.
- (18) **“Document”** means any matter expressed or described upon any substance by means of letters , figures or marks or by more than one of those means , intended to be used, or which may be used, for the purpose of recording that matter.
- (19) **“Floor area ratio”** means the quotient obtained by dividing the total covered area (plinth area) on all floors by the area of the plot.
- (20) **“Government”** means the Union Government and the Union Territory of Lakshadweep Administration.
- (21) **“ Grant”** means action of granting or bestowing or conferring a right, a gift or assignment of money etc, out of a fund ( Legal Glossary Ministry of Law , Justice and Company Affairs)
- (22) **“Immovable property”** means land, buildings, flats, apartments, any other premises and things attached to the earth, or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass, within the Union Territory of Lakshadweep.
- Explanation:** Immovable property shall not be construed to include plant and machinery.
- (23) **“Indemnification of entries”** means guaranteeing the correctness of the indefeasible title of ownership of immovable property or an interest

therein entered in the Register of Titles and which cannot be altered or voided.

- (24) **“Land Titling Tribunal”** and **“Land Titling Appellate Tribunal”** means the Tribunals established under Chapter VI of this Regulation and as prescribed under the Rules.
- (25) **“Letter of administration”** means the permission granted by a Surrogate Court or probate registry to appoint appropriate people to deal with a deceased person’s estate where property will pass under intestacy Rules or where there are no executors living and will and able to act, having been validly appointed under the deceased’s will.
- (26) **“Lien”** means a right by which a person in possession of the property holds and retains it against the other in satisfaction of a demand due to the party retaining it.
- (27) **“Mortgage”** means a mortgage as defined under section 58 of the Transfer of Property Act, 1882(Act No. 4 of 1882).
- (28) **“Power of Attorney”** shall have the meaning as defined under section IA of the Power of Attorney Act, 1882( Act.No.7 of 1882 as amended by Act No.55 of 1982) , but it shall have to be registered/ submitted to the Union Territory of Lakshadweep Land Titling Authority.
- (29) **“Prescribed”** means prescribed by the Rules notified under this Regulation.
- (30) **“Probate”** means the process of proving a will as valid and thereafter administering the estate of a dead person according to the terms of the Will.
- (31) **“Publish”** means publication in the official Gazettee.
- (32) **“Property”** means immovable property as defined under section 2 (21) and bearing a unique ID number.

- (33) **“Record”** includes any document, manuscript or file, electronic/digital record, microfilm, microfiche and facsimile copy of a document; any reproduction of image or images embodied in such microfilm( whether enlarged or not); and any other material produced by a computer or by any other device and as defined in the Right to Information Act 2005 ( Act No. 22 of 2005)
- (34) **“Registered Title”** means a record of title entered in the Register of Titles, Disputes, Charges and Covenants.
- (35) **“Register”** means the Register of Titles, Disputes, Charges & Covenants as defined under Chapter II and VII of this Regulation.
- (36) **“Registrar”** means the Registrar and the Sub Registrar appointed under Chapter VIII of this Regulation.
- (37) **“Rules”** means the Rules notified under this Regulation.
- (38) **“Survey”** includes all operations incidental to the determination, measurement and record of a boundary or boundaries or any part of a boundary of immovable property and includes a resurvey of immovable property
- (39) **“Terrace rights”** means the right to use and develop the space on the roof of a building.
- (40) **“Title”** means ownership of an immovable property and stands against the right of anyone else to claim the property and for the purpose of this Regulation, title includes strata title.
- (41) **“Title Holder”** means the person in whom the title to an immovable property vests.
- (42) **“Title Registration Officer”** shall mean a person or persons notified in Chapter II of the Regulation and whose duties are prescribed under the Rules/Administrative Order.

(43) **“Transfer application”** means the form prescribed to be submitted to the Authority for effectuating the transfer of any right or interest in immovable property under Chapter VIII of the Regulation.

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## **CHAPTER-II**

### **CREATION OF RECORDS**

#### **3. Establishment of Authority:**

(1). As soon as may be, after promulgation of this Regulation by the President of India, Union Territory of Lakshadweep Administration shall, by notification in the Official Gazette, constitute the Union Territory of Lakshadweep Land Authority for the purpose of this Regulation in accordance with Chapter V of this Regulation.

(2). The Union Territory of Lakshadweep Land Authority shall exercise and discharge such powers and functions as may be conferred on it, by or under this Regulation, and under any other law that the Union Territory of Lakshadweep Administration may notify.

#### **4. Establishment of System:**

The Union Territory of Lakshadweep Administration may by notification order for establishment of a system of title registration of any class and /or type of immovable properties in such area as may be notified.

#### **5. Appointment of Title Registration Officer:**

(1) The Authority may by notification appoint any person either by name or by virtue of his office to be a Title Registration Officer for all or any of the purpose of this Regulation.

(2) The Title Registration Officer so appointed shall exercise the powers and perform the duties of a Title Registration Officer within such local limit and for such periods of time on such type of property as the Authority may direct.

(3) The Authority may by notification give the power of district registrar under the Registration Act, 1908(Act No.16 of 1908) and the power of Collector under sub-section (8) of section 2 the Indian Stamp Act 1899( Act No.16 of 1899 ) to the Title Registration officer.

## **6. Preparation of Records:**

(1) **Survey:** After issue of notification under section 4, the Authority shall proceed to prepare a record of immovable properties, situated in the area so notified. The record may contain a record of accurate or approximate boundary or boundaries or nay part of boundary of every property duly identified with a distinct Identity Number (ID),

The Authority shall, for the purpose of this section, discharge all the functions and exercise all the powers of the survey officer under various provisions of the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959( Regulation No.4 of 1959).

Provided that any record created by an officer of Union Territory of Lakshadweep duly authorized in this regard under the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959 may be adopted by the Authority as its own record.

(2) **Titling:** A Record of tile over each of the properties in the notified area, a record of charges and covenants and a record of disputes over these properties, in the manner further provided in this regulation shall be maintained by the Authority.

## **7. Notice by the Title Registration Officer:**

(1) When the preparation of Register of Titles is taken up under sub section (2) of Section 6, the Title Registration Officer shall publish a notice in the prescribed manner inviting all persons having any interest in any land or property, to file claim either in person or by an agent duly authorized in this regard at a specified place and time and from time to time thereafter when called upon, for the purpose of disposal of claims and objections.

(2) A notice published under sub section (1) shall be held to be a valid notice to every person having any interest in the title of the property to be included in the Register of Titles.

(3) Upon issue of notification under sub section (1), all persons having any right or interest in any immovable property shall furnish details of such rights and/ or interest along with:-

(a) Pending actions relating to insolvency petition appointing a receiver, or writ or an order affecting immovable properties made by any court for the purposes of enforcing a Judgment or recognizance of any deed of arrangement, arbitration or settlement, if any for making an entry to that effect in the Registers.

(b) Any leasehold right or interests of persons in actual occupation, easements, customary rights, public rights, mines and minerals franchise, a non statutory right in respect of an embankment of sea or river wall, any subsisting power of attorney authorizing the Agent to sell and / or develop and/or construct the property any subsisting sale agreement with or without possession of the property, any subsisting agreement cum General Power of Attorney or any pending suit or appeal under the Specific Relief Act, 1963 (Act No. 47 of 1963), any pending proceedings regarding dissolution,

winding up, bankruptcy before any authority, pending proceedings for recovery of statutory duties, levies, taxes etc.,

#### **8. Land titling to be done in prescribed manner:**

The title Registration Officer shall carry out the process of preparation of Register of Titles in such manner as prescribed by the Authority.

#### **9. Powers of Title Registration Officer in undisputed cases:**

The title registration officer shall determine and record the entry of titleholder of a land parcel or property in the Register of Titles, of which no dispute is subsisting or brought to his notice.

#### **10. Power of Title Registration Officer in disputed cases:**

Where title of a property is disputed, the Title Registration Officer shall make an entry to that effect in Register of Titles and order for an entry in the Register of Disputes and refer the case to the Land Titling Tribunal constituted for this purpose under Chapter VI.

#### **11. Entries in Register of Charges & Covenants:**

While ordering an entry in the Register of Titles or Register of Disputes, if the Title Registration Officer comes across a covenant in the nature of right of easement or a condition which will have a bearing on the absoluteness of the title, he shall order recording of details of such covenant and charges in a separate register called Register of Charges & Covenants and make an entry to that effect in the Register of Titles.

## **CHAPTER-III**

### **COMPLETION OF RECORDS PUBLICATION OF NOTIFICATION**

#### **12. Issue of notification of completion of Record:**

On completion of preparation of Record for whole or part of the area notified has been completed in accordance with section 6 of this Regulation, the Authority shall issue a notification to this effect in the prescribed manner.

#### **13. Entries to attain conclusiveness:**

The entries in Register of Titles so notified under section 12 shall be conclusive evidence of titles after expiry of three (3) years from the date of such notification as and if modified by an order of the Land Titling Tribunal or Land Titling Appellate Tribunal.

Provided that the entries in the Register of Titles, in respect of which any dispute is pending, before Land Titling Tribunal or the Land Titling Appellate Tribunal, or any other court of law or tribunal on the date of expiry of the three years from the date of such notification such entries shall be conclusive only after and in accordance with final resolution of such dispute.

#### **14. Objection to entries in Register of Titles:**

(1) Any person aggrieved by the notified entry in the Register of Titles may file an objection before the Title Registration Officer within three (3) years from the date of such notification.

(2) Upon the receipt of such objection Title Registration Officer shall make an entry to that effect in Register of Titles and in the Register of Disputes and refer the case to the Land Titling Tribunal.



### **15. Disposal of objections by Land Titling Tribunal:**

(1) Upon a reference made under section 10 by the Title Registration Officer or on an objection filed in accordance with section 14 or *suo motu*, the Land Tiling Tribunal shall proceed to hear the parties concerned, conduct an enquiry in the prescribed manner and pass an order to make entry in the Register of Titles in respect of the property about which the reference was filed.

Provided that when the Land Titling Tribunal takes up the case *suo motu* it shall record the reasons and grounds thereof and issue a notice to all the parties concerned including Title Registration Officer before taking up the hearing.

(2) The Title Registration Officer upon receipt of the order of the Land Titling Tribunal passed under sub section (1) and after expiry of the period of appeal shall record or modify an entry of Titleholder in the Register of Titles in accordance with such order and where no appeal is filed, make an entry to that effect in Register or Disputes.

### **16. Appeal before Land Titling Appellate Tribunal:**

(1) A party aggrieved with an order of Land Titling Tribunal may file an appeal before the Land Titling Appellate Tribunal constituted for this purpose under Chapter - VI within thirty (30) days of passing of such an order.

(2) On receipt of an appeal under sub clause (1), the Land Titling Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit including an order confirming or modifying or setting aside the order appealed against.

(3) The Title Registration officer, upon receipt of the order of the Land Titling Appellate Tribunal passed under sub section (2) and after expiry of the period

of appeal thereon, shall record or modify an entry of Titleholder in the Register of Titles in accordance with such order and where no appeal is filed, make an entry to that effect in Register of Disputes.

**17. Appeal to High Court:**

- (1) A special Bench of the High Court Shall be designated to deal with appeals against the orders of the Land Titling Appellate Tribunal.
- (2) A party aggrieved with the order of the Land Titling Appellate Tribunal passed under section 16, may file a second appeal before the High Court within thirty (30) days of passing of such an order.
- (3) Upon receiving an appeal the High Court may after hearing the concerned parties, issue an order upholding or annulling or modifying the orders of Land Titling Appellate Tribunal.
- (4) The Title Registration officer, after upon receipt of the order of the High Court shall record or modify an entry of Title holder in the Register of Titles in accordance with such order and delete the entry to that effect in Register of Disputes.

## **CHAPTER- IV**

### **CONSEQUENCES OF NOTIFICATION**

#### **18. Consequences of Publication of Notification on completion of record:**

Upon notification issued under section 12, no transaction affecting any immovable property notified or situated in the notified area shall take place except in accordance with the provisions contained in Chapter VIII of this Regulation.

#### **19. Compulsory intimation of civil suits or Appeals:**

(1) Upon issue of notification under section 12, it will be incumbent upon the plaintiff or appellant of any suit or appeal, in relation to any rights or interest in an immovable property recorded in the Register of Titles, pending on the date of such notification in any civil Court, High Court, Supreme Court of India or in other Tribunal, to intimate in the prescribed manner about such pendency to the Title Registration Officer concerned, get it recorded and obtain a certificate of recording of dispute and file such certificate before the Court or Tribunal within six (6) months from the date of such notification.

(2) After the date of issue of notification under section 12, if any suit or appeal is filed in any Civil Court, High Court, in the Supreme Court of India or in any other Tribunal in respect of an immovable property recorded in the Register of Titles, it shall be incumbent upon the plaintiff / appellant to intimate in the prescribed manner about filing of such suit or appeal to the Title Registration Officer concerned, get it recorded, and obtain a certificate of recording and file such certificate before the Court or Tribunal within (thirty) 30 days of such filing of suit or appeal

Provided that all such suits and appeals shall commence only on or after the date of submission of such certificate of recording.

(3) Upon receipt of intimation of suit or appeal in accordance with sub section (1) or (2), the Title Registration Officer concerned shall enter it in the Register of Disputes; make an entry to that effect in Register of Titles and issue a certificate of recording to the concerned.

(4) Notwithstanding anything contained in any other law for the time being in force, upon non - filing of certificate of recording of dispute within the time prescribed in the above sub section (1) and (2), as the case may be, the suit or appeal pending or filed before a Court or Tribunal shall cause lapse of the case.

(5) It shall be incumbent upon the decree holder, plaintiff, appellant or any other interested person to intimate, get recorded and obtain a certificate of recording of dispute resolution in respect of a dispute recorded in Register of Disputes within thirty (30) days from date of issue of decree or judgment or order resolving such dispute failing which the decree or judgment or order will not be enforceable.

## **20. Compulsory intimation of proceedings imposing restriction or prohibition:**

(1) Upon issue of the notification under section 12, it will be incumbent upon the Authority competent to impose any restriction or prohibition on any property under any law, to intimate within three (3) months of such notification to the Title Registration Officer concerned in the prescribed manner, the fact of any notification or administrative orders issued imposing such restriction or prohibition in respect of any property notified or situated in the notified area and to obtain a certificate of its recording.

(2) Notwithstanding anything contained in any other law for the time being in force, upon non-obtaining the certificate of recording under sub section (1) within the prescribed time, the notification or administrative order under sub section (1) shall be inoperative till obtaining the certificate of recording.

## **21. Compulsory intimation of Government transaction:**

(1) After the issue of notification under section 12, all the transaction by the Government in respect of immovable properties owned by it e.g., alienations, assignment, regularizations of occupation, sale, grant, lease etc., and all transactions made by the Government in respect any other property shall be intimated to the Title Registration Officer concerned by an Officer of the Government competent to make such transaction and a certificate of recording be obtained.

(2) Notwithstanding anything contained in any other law for the time being in force, all such transactions shall be effective only from the date of issue of the certificate of recording by the Title Registration Officer concerned.

## **22. Compulsory intimation of Agreement relating to deposit of title deeds:**

(1) Upon issue of notification under section 12, all the financial institutions or other bodies or individuals holding agreements relating to deposit of title deeds in respect of any property and government departments like Department of Financial Services and Central Registry of Securitization Asset Reconstruction and Security Interest (CERSAI) shall intimate the fact to the Title Registration Officer concerned and obtain a certificate of recording within three (3) months of such notification failing which the equitable mortgage will be rendered unenforceable.



(2)After the date of issue of notification under section 12, if any agreements relating to deposit of title deeds is created by a financial institution or any other body or individual, in respect of a property located in the notified area, it shall be incumbent upon such financial institution, body or individual to intimate the fact of creation of such equitable mortgage to the Title Registration Officer concerned and to obtain a certificate of its recording.

Provided that, notwithstanding anything contained in any other law for the time being in force, such agreements relating to deposit of title deeds shall be effective only from the date of issue of the certificate of recording.

### **23. Compulsory intimation of statutory charges:**

(1)Upon issue of notification under section 12, it will be incumbent upon the party in whose favour such charge or lien is created, to intimate in the prescribed manner to the Title Registration Officer concerned all the statutory charges and liens including charges registered under Companies Act, 2013 (Act No 18 of 2013) pending as on the date of notification, get them recorded and obtain a certificate of recording within three (3) months of notification, failing which the charge or lien will become unenforceable.

(2)After the date of issue of notification under section 12, all actions relating to appointment of receiver in insolvency petition, writ or an order affecting immovable properties made by any court for the purpose of enforcing a judgment or recognizance of any deed of arrangement, arbitration, settlement or if any statutory charge or lien including charge under Companies Act,2013 (Act No.18 of 2013) is created, it shall be incumbent upon the party in whose favour such charge or lien is created to intimate the fact in the prescribed manner to the Title Registration Officer concerned, get it recorded and obtain a certificate of its

recording within 15 fifteen days of such creation of charge / lien failing which it will be rendered unenforceable.

(3)Notwithstanding anything contained in any other law for the time being in force, the said charge, statutory charge or lien will be effective only form the date of issue of certificate of recording.

#### **24. Compulsory intimation of Pending action:**

(1) Upon issue of notification under section 12, it will be incumbent upon the petitioner to intimate in the prescribed manner to the Title Registration Officer concerned, all the pending actions as on the date of notification, like appointment of receiver in any insolvency petition, or writ or an order affecting an immovable property made by any court for the purpose of enforcing a judgment or recognizance of any deed of arrangement / arbitration / settlement, get it recorded and obtain a certificate of its recording within three (3) months of notification, failing which such pending actions will be rendered unenforceable.

(2) After the date of issue of notification under section 12, all actions relating to appointment of receiver in any insolvency petition, or writ or an order affecting immovable properties made by any court for the purposes of enforcing a judgment or recognizance of any deed of arrangement /arbitration/ settlement/merger-demerger shall be intimated in the manner prescribed to the Title Registration Officer concerned, by the petitioner concerned, get it recorded and obtain a certificate of recording, within fifteen (15) days of such action, failing which it will be rendered unenforceable.

Notwithstanding anything contained in any other law for the time being in force, such pending actions in sub- section (1) and sub-section (2) above shall be enforceable only from the date of issue of certificate of recording.

## **25. Issue of certificate of recording:**

Upon receipt of information under section 19, 20, 21, 22, 23, 24, or 25 the Title Regulation Officer concerned shall enter the details in prescribed manner in the Register of Charges and Covenants, make a mention in the Register of Titles about it and issue a certificate of its recording, within a period of 7 days.

## **26. Power of Attorney to be compulsorily intimated:**

(1) Upon the issue of notification under section 12, it will be incumbent upon the parties concerned, to intimate in the prescribed manner to the Title Registration Officer concerned all the subsisting power of attorney authorizing the agents to sell or develop or construct the immovable property and all the subsisting agreements cum General powers of attorney, get them recorded and obtain a certificate of its recording within three (3) months of the notification.

(2) After issue of notification under section 12, it will be incumbent upon the person executing any power of attorney including an Agreement cum General Power of Attorney authorizing an agent to sell/ develop or construct upon an immovable property located in a notified area, to intimate in the prescribed manner to the Title Registration officer concerned, the fact of execution of such power of Attorney/ Agreement cum General Power of Attorney, get it recorded and obtain a certificate of its recording within 7 days of such execution.

(3) Notwithstanding anything contained in any other law for the time being in force, such power of attorney or Agreement cum General Power of attorney shall be effective only from the date of issue of the certificate of recording by the Title Registration Officer concerned under Sub-section (3).

## **27. Procedure for entry of succession in the Register of Titles:**

(1) In case of death of an individual whose name is entered as Title holder in the Register of Titles, Charge holder in the Register of Charges and Covenants and / or disputing party in Register of Disputes, the legal heirs of such deceased shall file an application in the prescribed manner to the Title Registration Officer concerned for grant of Succession and for replacing the name of the deceased with their names in the aforesaid Registers.

(2) The concerned Title Registration Officer upon receipt of an application under sub-section (1) shall issue a public notice in the prescribed manner calling for claims and objections and after conducting such enquiry as may be prescribed, pass an order granting or refusing to grant succession in favour of any individual or individuals.

(3) Appeal against an order of the Title Registration Officer concerned under sub section (2) shall lie to the Appellate Authority as prescribed within thirty (30) days of passing of the order.

Provided that if the Title Registration Officer concerned is of the opinion that a substantive dispute exists in respect of the succession to the deceased's title, the Title Registration Officer shall not grant the succession but refer the matter to the Appellate Authority in the prescribed manner for adjudication along with the record of enquiry, claims and objection petitions.

Provided further that where a reference is made by the Title Registration Officer concerned under this sub clause, entry will be made and certificate of recording be issued in accordance with sub- section (3) of section 19.

(4) Upon granting of succession under sub section (2) and where no appeal is filed, the Title Registration Officer concerned shall proceed to replace the entries in the relevant registers after expiry of the appeal period.



## **CHAPTER-V**

### **LAND AUTHORITY**

#### **28. Union Territory of Lakshadweep Land Authority:**

The Union Territory of Lakshadweep Land Authority shall be a body Registered by the name aforesaid, having perpetual succession and a common seal, with powers subject to the provisions of this Regulation to acquire, hold and dispose of property, both movable and immovable, and to contract and to sue or be sued by the said name.

#### **29. Jurisdiction and Offices:**

(1)The head office of the Authority shall be at such place as the Union Territory of Lakshadweep Administration may notify.

(2)The Authority may establish offices at such other places as may be necessary within or outside the Union Territory of Lakshadweep.

#### **30. Composition of the Authority:**

(1)The authority shall consist of a Chairperson, and two other Members, preferably having experience in the field of land related matter, to be appointed by the Administrator to assist Chairperson in discharge of his duties as provided in this Regulation.

(i)The Chairperson shall be appointed by the Administrator from amongst the officers of Indian Administrative Service serving in the UT of Lakshadweep.

Provided that the Administrator may also appoint a retired person who has held the post of Chief Secretary or Special Chief Secretary or any other equivalent

post in the Central or State Government or Union Territory Government before retirement.

Provided further that the no such appointee, chairperson, or member shall hold office after he has attained the age of sixty five (65) years.

(ii) The Chairperson and Members shall hold office for such term as the Administrator may provide, but not exceeding three years and shall be eligible for reappointment not more than once.

(iii) The Administrator may, by order, remove the Chairperson or members from the office if such person;

(a) Is, or at any time has been, adjudged as an insolvent; or

(b) Has been convicted of an offence which in the opinion of the Administrator of Union Territory of Lakshadweep, involves moral turpitude; or has so abused his position as to render his continuance in office prejudicial to the public interest;

(iv) The remuneration, other terms and conditions of service, of the Chairperson and members shall be such as may be prescribed.

(2) The Commissioner will be a full time functionary appointed by the Administrator from amongst the officers of Union Territory of Lakshadweep Administration not below the rank of a Block Development Officer.

(3) Members of the Authority will be appointed from among the officers of NCT of Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman & Diu and Dadra & Nagar Haveli Civil Service (DANICS) serving in the UT of Lakshadweep Administration dealing the subject such as law, land administration, Registration, Survey and Settlement and management of land record.

(4) The Commissioner will be the chief Executive of the Authority.

(5) Powers and responsibilities of the Chairperson, members and the Commissioner shall be as prescribed.

### **31. Divisions of the Authority;**

There will be four divisions of the Authority viz. (1) Title Registry, (2) Survey (3) Settlement and Land Information and (4) Property Valuation, Legal Services & Title Guarantee. The work of these divisions shall be done in a manner as may be prescribed.

### **32. Powers of the Authority;**

(i) For the purpose of this Regulation, the Authority shall exercise the powers of Inspector General of Registration under the Registration Act, 1908 (Act No.16 of 1908). It may delegate its powers to Land Titling Officer or any other officer.

(ii) For the purpose of this the Authority shall exercise the powers of Chief Controlling Revenue authority under the Indian Stamp Act, 1899 (Act No.2 of 1899). It May delegate its powers to Land Titling Officer or any other officer.

(iii) The Authority may also set up administrative divisions required for its proper functioning such as information technology, administration, finance and any other divisions in the manner as may be prescribed.

### **33. Officers and other employees;**

The Authority may appoint or call in deputation such government officers and other employees, as may be necessary and stipulate terms and conditions of their service and entrust them with such powers and responsibilities as deemed necessary.

### **34. Finances;**

(1) The Authority may prescribe, levy and collect a fee for any of the services rendered, documents issued, licenses granted or information provided by it or by any of its officers. A table of such fees prescribed from time to time will be notified and sent in all the concerned officers of the Authority.

(2) The Expenditure of Authority shall be financed by way of grant-in-aid by the government.

(3) The Authority may receive an interest on its deposits and returns from its investments. All these receipts shall be applied towards the expenditure of the Authority.

(4) A head of the account shall be opened by the Union Territory of Lakshadweep Administration.

### **35. Collection of Duties, Taxes & Fees etc:**

The Authority may collect any duty, tax, fee or levy for or on behalf of any Government or local body and remit it to such Government, local body after deduction of fee or collection charge as prescribed for services rendered in such collection.

### **36. Budget and Accounts**

(1) **Budget:** A budget shall be prepared in such form and at such time in a financial year as stipulated for the next financial year showing the estimated receipts including grants and expenditure which shall be approved by the Authority. All the expenditure will be in accordance with this budget.

(2) **Accounts** : (i) All income and expenditure of the Authority shall be accounted for on continuous basis in the double entry book keeping system. The books shall be closed at the end of the financial year and will be audited by an Auditor appointed by the Authority.

(ii) The Auditors for the financial year will be appointed by the Authority before the close of such financial year.

(iii) The accounts and funds of the Authority will be subject to audit by the Comptroller & Auditor General of India.

(3) The Authority shall prepare, approve and put in place a suitable system of internal auditing.

### **37. Furnishing of reports:**

(1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies of the report shall be forwarded to the Union Territory of Lakshadweep Administration.

(2) A copy of the report prepared under Sub -section (1) shall be made available, as soon as may be after it is received, before the Ministry of Home Affairs, Government of India.

### **38. Acts of Authority not to be called in question:**

No act done by the Union Territory of Lakshadweep Land Authority shall be called in question on the ground only of any defect in the constitution of, or the existence of any vacancy in the Union Territory of Lakshadweep land Authority.



**CHAPTER-VI**  
**TITLE REGISTRATION OFFICER, LAND TITLING TRIBUNAL AND**  
**LAND TITLING APPELLATE TRIBUNAL**

**39. Powers to Summon:**

(1). The Title Registration officer, Land Titling Tribunal and Land Titling Appellate Tribunal appointed under this Regulation for the purpose of holding an enquiry in the process of preparation and updating of registers (Register of Title, Register of Disputes and Charges & Register of Covenants) under this Regulation, will have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act 5 of 1908) when hearing an objection or dispute in respect of the following matters namely:-

- (i) Summoning and enforcing the attendance of applicants, Witness and examining them and taking evidence on oath and compelling discovery and production of documents and material objects;
- (ii) Requiring the discovery and production of documents;
- (iii) Receiving the evidence on affidavits;
- (iv) Issuing commissions for the examination of witnesses and of documents;
- (v) Subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, (Act No 1 of 1872), requisitioning any public record or document or copy of such record or document from any office;
- (vi) Examining claims on the basis of laws applicable ,and
- (vii) Any other matter, which may be prescribed.

(2)The Title Registration Officer may inspect or summon the production of any of the following documents /records/ registers in respect of immovable property within the notified area, during the process of holding an enquiry before ordering an entry in the Registers (Register of Titles, Register of Disputes and Register of Charges & Covenants) viz:

- (i) Revenue records ;
- (ii) Registration documents;
- (iii) Records maintained under the Laccadive, Minicoy and Amindivi Islands Land Revenue and Tenancy Regulation, 1965 (Regulation No.6 of 1965);
- (iv) Records of government grants;
- (v) Records of Panchayats (Revision register, assessment/demand registers etc);
- (vi) Records of Urban Local Bodies (Assessment /construction, permission registers etc.);
- (vii) Records of sub-Registrars/District Registrars of Registration & Stamps department;
- (viii) Registers and records of other Government departments/local bodies/ corporations/ courts and other quasi- government organization;
- (ix) Such other documents/ records/registers that may be required or prescribed by the Authority.

#### **40. Land Titling Tribunal:**

(1) The Authority may, with the approval of the Administrator, by notification in the official Gazette appoint and notify one or more retired or serving officers not below the rank of Deputy Collector of the District or may notify officer of any

other equivalent rank as Land Titling Tribunal to dispose objections filed under sub section (1) of section 14 of the Regulation.

(2) The officer so appointed shall exercise the powers and perform the duties of the Land Titling Tribunal within such local limits and for such period of time as Authority may direct.

#### **41. Land Titling Appellate Tribunal:**

(1)The Authority shall, with the approval of the Administrator, by notification in the official Gazette establish one or more Land Titling Appellate Tribunals to hear the appeals filed under Section 16 of the Regulation for the areas notified under section 4. A serving or retired Judicial Officer not below the rank of District Judge shall be appointed as Land Titling Appellate Tribunal.

(2)The Land Titling Appellate Tribunal so appointed shall exercise the powers and perform the duties of the Land Titling Appellate Tribunal within such local limits, for such period of time as Authority may notify.

(3)The judicial officer appointed as Land Titling Appellate Tribunal shall hold office for a term of three (3) years from the date on which he enter into Office or until he attain the age of 65 (sixty five) years, whichever is earlier.

(4)The salaries, allowance and other terms and conditions of the Land Titling Appellate Tribunal shall be as prescribed by the Authority.

#### **42. Proceedings of Land Titling Tribunal and Land Titling Appellate Tribunal:**

(1)The Land Titling Tribunal and Land Titling Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure,1908, (Act No.5 of 1908) but shall be guided by the principles of natural justice.

Subject to the provisions of this Regulation and Rules, the Land Titling Tribunal and the Land Titling Appellate Tribunal regulate its procedure, including duration of oral hearings, when adjournments to be granted and time of its inquiry, as may be prescribed.

(2)All proceedings before the Land Titling Tribunal and Land Titling Appellate Tribunal shall be deemed to be judicial proceedings, within the meaning of section 193 and 228 and for the purpose of section 196 of the Indian Penal Code, 1860 (Act No 45 of 1860) and the Land Titling Appellate Tribunal, shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974).

#### **43.Bar of jurisdiction of Civil Courts:**

No civil court shall have jurisdiction to entertain any proceedings in respect of any matter, which any Title Registration Officer appointed, Land Titling Tribunal and Land Titling Appellate Tribunal established under this Regulation, are empowered by or under this Regulation to determine.

## **CHAPTER-VIII**

### **REGISTERS**

#### **44. Register of Titles:**

(1) A Register of Titles shall be maintained by the Title Registration Officer or any other officer authorized by the Authority in this behalf, which shall contain in respect of each of immovable property, the following particulars;

- (i) Unique Identity number of the property.
- (ii) Area/ extent of property with particulars of the built-up area, there on, if any.
- (iii) Names of all the persons who are owners or title holders with their respective extent of owner ship.
- (iv) Details of transfers of property including transfers due to succession.
- (V) Information, if any, on covenants or charges standing against the property.
- (vi) Information, if any, on pending disputes about the property.
- (vii) Such other particulars as may be prescribed.

(2) Notwithstanding anything contained in the Registration Act, 1908 (Act no 16 of 1908) the Register of Titles shall contain the records of all immovable properties in notified areas of the Union Territory of Lakshadweep including-

- (i) Existing title of government over immovable properties,

- (ii) Titles of immovable properties acquired by the Union Territory, after the commencement of this Regulation.

#### **45. Register of Disputes:**

- (1) The concerned Title Registration Officer shall indicate in the Register of Titles, in the manner prescribed, the fact that there is a pending dispute, with respect to an entry, if the immovable property to which it relates, is the subject matter of dispute in a civil court, before the Union Territory of Lakshadweep Land Titling Tribunal or the Union Territory of Lakshadweep Land Titling Appellate Tribunal.
- (2) Any entry in the Register of Titles, against which it is indicated that a dispute is pending shall be entered in the Register of disputes, along with the particulars of the dispute as prescribed.
- (3) There shall be maintained a Register of Disputes by the Title Registration Officer or any other officer authorized in this behalf by the Authority which shall contain:
  - (i) Details of all the cases referred to the Land Titling Tribunal under Section 10;
  - (ii) Details of objections or appeals filed under section 14 , 16 and 17;
  - (iii) Details of all the suits and appeals intimated under Section 19;
  - (iv) Such other particulars as may be prescribed .
- (4) The Register of Disputes shall also comprise of :
  - (i) Details of the parties involved in the dispute;

- (ii) Details of the forum where such dispute is pending;
- (iii) Details of attachments of property under court decrees, injections and order of any court or tribunal or statutory authority;  
And
- (iv) Other particulars as prescribed in this regard.

#### **46. Register of Charges & Covenants:**

(1) There shall be a Register of Charges & Covenants maintained by the Title Registration Officer or any other officer duly authorized by the Authority in this behalf, in respect of all the immovable properties located on the area notified under section 4, which shall contain the following particulars:

- (i) Covenants and charges against any immovable property, ordered under section 11 of this Regulation;
- (ii) Intimation given to the Authority under section 20,21 and 22;
- (iii) Particulars of all statutory charges including charges under Companies Act, 2013 (Act No 18 of 2013) as intimated to the Authority under Section 23,;
- (iv) Special rights, covenants, or easements created by any parties at the time of transfer, succession, partition or lease etc.

(2) The Register of charges and covenants shall also contain the following particulars:

- (i) the date of creation of the charge ;
- (ii) the immovable property to which the charge pertains;

- (iii) the amount secured by the charge;
- (iv) Short particulars of the Charge;
- (v) the persons in whose favor the charge has been created;
- (vi) such other particulars as may be prescribe by the administrative order.

#### **47.Maintenance of Registers:**

The Register of Titles, Register of Disputes and Register of Charges & Covenants shall be maintained and updated in such manner and in such format as may be prescribed.

#### **48.Updating of entries in registers:**

The concerned Title Registration Officer or any other officer authorized in this behalf by the Authority, may change, alter, amend, modify and update any entry in respect of any immovable property in the Register of Titles, Register of Disputes, Register of Covenants & Charges in such manner as may be prescribed.

#### **49.Rectification of entries in registers:**

(1) A persons aggrieved by any clerical error, such as spelling mistake, error in recording the address etc, in the Register of Titles or Register of Disputes or Register of Charges & Covenants may file an application for its correction with the Title Registration Office, within three months of occurrence of such error in that register.

(2) The concerned Title Registration office, after such inquiry as may be prescribed shall pass appropriate order, after duly recording the reasons thereof.



**50. Registers to be Electronic form:**

All registers to be maintained by the Authority shall be maintained in electronic form, in the manner and subject to safeguards, as may be prescribed by the Authority in this regards.

**51. Evidence of Title:**

(1) An entry recorded in the Register of Titles in accordance with the provisions of this Regulation, read along with the Register of Disputes and Register of Charges & Covenants shall be conclusive evidence of title.

(2) The Authority shall through a notification in this regard, prescribe the issuance and use of electronic certificates of Registered Title, from the date mentioned in such notification.

## **CHAPTER-VIII**

### **REGISTRATION PROCESS**

#### **52. Application for Transactions**

(1) Notwithstanding anything contained in Transfer of Property Act, 1882, (Act No 4 of 1882) the Registration Act, 1908 (Act No 16 of 1908) and any other law for the time being in force, all owners or title holders of immovable property notified or located in a notified area shall file the transfer applications to the Title Registration Officer, along with report on transactions in such manner as may be prescribed in respect of all agreements, acts or transactions relating to such immovable property including the transactions detailed hereunder:

(i) any act which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, in immovable property;

(ii) the creation, declaration, assignment, limitation or extinction of any right, title or interest effected through the receipt or payment of any consideration ;

(iii) sale;

(iv) gift;

(v) lease of immovable property, or reserving a yearly rent, or periodic premiums;

(vi) transfer or assignment of any decree or order of a court or any award when such decree, order or award purports or operation to create, declare,

assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, to or in immovable property;

(vii) any decree, order or award passed by a Civil Court, including any decree, order or award passed, on consent of the defendants or on circumstantial evidence;

(viii) any rectification of title done by the Title Registration Officer, Land Titling Tribunal or Land Titling Appellate Tribunal;

(ix) Easement rights, appurtenant rights, terrace rights, air rights;

(x) Sale, Construction, Development agreements relating to immovable property;

(xi) Powers of attorney relating to immovable property authorizing the Agent to sell/construct/develop such immovable property;

(xii) Agreements cum-General Power of Attorney relating to immovable property;

(xiii) all mergers / amalgamations, demergers of companies involving immovable property;and

(xiv) all transfer of immovable property after dissolution of partnership firms.

(2) Notwithstanding anything contained in the Indian Stamp Act, 1899 (Act No. 2 of 1899) or any other law for the time being in force, an application or a report in accordance with Chapter-VIII of this Regulation shall be considered to be an 'instrument' under the Indian Stamp Act, 1899 ( Act No 2 of 1899) for the purpose of levy of stamp duty under that Act.

**53. Compulsory reporting of transaction:**

Without prejudice to anything contained herein before, the information regarding the following acts and transactions in relation to immovable property shall be reported to the Land Titling Officer for recording in prescribed manner.

- (i) charges created by unregistered transactions;
- (ii) probates and letters of administration;
- (iii) all attachments of property made through court decrees, injunctions or orders of any court or tribunal or statutory authority; and
- (iv) any other matter as prescribed.

**54. Presentation of Transfer Application or Report on transaction:**

The transfer application or report on transaction along with all prescribed forms and documents relating to the act or transaction on immovable property shall be presented to the Title Registration Officer concerned.

- (i) by a person executing such transaction or claiming such transaction pursuant to a decree or order issued by a competent Court or Tribunal or Authority, or;
- (ii) by the agent of such person/representative/assignee duly authorized by a power of attorney.

Explanation: For the purpose of this Regulation, a power of attorney duly executed in accordance with the Power of Attorney Act, 1882 ( Act No. 7 of 1882 as amended by Act No. 55 of 1982) and registered under this Regulation in the prescribed manner shall constitute due authorization.

## **55. Registration process:**

(1) The Title Registration Officer shall there upon:

(i) enquire and satisfy himself whether or not such application, if filed by the persons by whom it purports to have been filed;

(ii) Verify and satisfy himself whether nay stamp duty, transfer duty and any other applicable duty or fee is paid in respect of the transaction/application and collect the differential , if any;

(iii) Satisfy himself:

(a) As regards the identity of the presentants in a manner as may be prescribed by the authority.

(b) That the transaction is not in violation of any enactment in force.

(c) the transfer application/report on transaction is in prescribed form and contains all the required information.

(d) That the subject property under the transaction is duly described in its entirety by the distinct ID assigned by the Authority under section 6 (1) of this Regulation.

(2)The Title Registration Officer shall not accept the transfer application or report on transaction if he is not satisfied in respect of any of the above conditions mentioned in sub section (1) above.

(3) Upon satisfying himself that the transfer application/report on transaction is in accordance with sub section (1), the Title Registration Officer shall proceed to affect that transfer of title or record the transaction on title as the case may be, in the Register of Titles and / or Register of Charges and Covenants in the manner prescribed.

**56. Reason for refusal to be recorded in writing:**

(1) Every Title Registration Officer refusing to accept a transfer application /report on transaction shall make an order to that effect duly recording the reasons thereof and give a copy thereof to the presentant.

(2) An appeal shall lie against an order of a Title Registration Officer under sub section (1) above to the Appellate Officer as prescribed within fifteen (15) Days from the date of the order.

(3) Every Appellate Officer on receipt of an appeal shall enquire in to the facts and pass an appropriate order either refusing or accepting the appeal.

(4) An appeal shall lie against an order of the Appellate Officer under sub clause (3) to the Appellate Authority as may be prescribed within thirty (30) days from the date of the order.

(5) If the order of the Appellate Officer/Appellate Authority directs the transaction to be registered and the transfer application is duly filed for registration within fifteen (15) days of the making of such order, such registration shall take effect as if the transfer application form had been registered when it was first duly submitted for registration.

(6) The order of the Appellate Officer can be challenged only in the High Courts.

**57. Power of the Title Registration Officer:**

(1) The Title Registration Officer shall have the power to summon any other person, who the Title Registration Officer believes has information relevant to the

transaction to give statements or deliver relevant documents as may be necessary for registration under this Regulation.

(2) The Title Registration Officer may for the purpose of any enquiry summon and enforce the attendance of witness and compel them to give evidence, as if he were a civil court and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908. (Act 5 of 1908).

(3) The Title Registration Officer may, at his discretion accept the Transfer Application or Report on transaction at the private residence or hospital or jail from a person who is unable to attend the office, after recording the reasons thereof in writing in the manner prescribed.

#### **58. Effect of entries in the registers:**

An entry made in the Register of Titles or Register of Charges and Covenants in pursuance of a Transfer Application or Report on Transaction has effect of transfer of Title or recording of transaction from the time of accepting of the application by the Title Registration Officer.

#### **59. Liability of void transfers-**

If any right/interest in immovable property is retransferred, re-granted, or recreated because of a failure to comply with the requirement of registration, the transferee or grantee or as the case may be, the mortgagor-

- (a) Is liable to the other party for all the proper costs of and incidental to the retransfer, re-grant or recreation of the right or interest in the immovable property ;and
- (b) Is liable to indemnify the other party in respect of any other liability reasonably incurred by him because of the failure to comply with the requirement of registration.

**60. Effect of non-compliance of requirement of recording:**

Notwithstanding anything contained in any other law for the time being in force no agreement, transaction or act relating to immovable property required to be registered or recorded under this Regulation shall be effective, unless it has been registered or recorded under the provisions of this Regulation.

Explanation:- If the requirement of registration or recording under this Regulation is not complied with, the agreement, transfer, grant or creation of right or interest becomes void.



## **HAPTER – IX**

### **ELECTRONIC TRANSACTION**

#### **61. Transfers to be in electronic form:**

The Authority may, by notification in this regard, appoint a date from which, all rights or interests relating to immovable property in any or all of the areas notified under section 4, shall be executed only in the electronic format in the manner prescribed.

#### **62. Security Procedures:**

(1) The computer system of the Union Territory of Lakshadweep Land Authority shall be a protected system for the purpose of the Information Technology Act, 2000 (Act No.21 of 2000).

(2) The Authority shall for the purpose of this Regulation prescribe appropriate systems of security having due regard to prevailing commercial circumstances and,

- (i) the nature of transaction;
- (ii) the level of sophistication of the parties with references to their technological capacity;
- (iii) the volume of similar transaction engaged in by other parties;
- (iv) the availability of alternatives offered to but rejected by any party;
- (v) the cost of alternative procedures;
- (vi) the procedures in general use for similar types of transaction or communication;

**63.Evidentiary value of Electronic records:**

Notwithstanding anything contained in any other law for the time being in force, sections 3,17, 22 A,34,35,39,47 A,59,65 B,73 A, 81 A,85 A, 85 B, 85 C, 88 A, and 90 A, of the Indian Evidence Act, 1872 (Act No.1 of 1872) shall be applicable to all electronic records under this Regulation.

**64.Extract of Electronic record to be issued:**

Any interested person may request the Authority for an extract of Register of Titles, which shall be the extract from the electronic record of title, containing information as in Register of Titles, Register of Disputes, Register of Charges & Covenants on the date and time of issue of such extract.

**65. Indemnification of Entries in the Register of Titles:**

The Authority may, by notification in this regard, introduce a system of indemnifying the entries in its records, from such date and for such area as notified.

Provided that the system of indemnifying shall be in the manner as may be prescribed. The Principle of indemnity can be ;

(1)by payment from a fund maintained by the Authority; or

(2)through an insurance company; or

(iii) by any other methods as the Union Territory may finds suitable.

**66. Powers to appoint licensees etc.**

The Authority may, by notification in this regard, engage an individual or a body as its licensee, surveyors, representative or agent to carry out any part of its duties and responsibilities on such payment, terms & condition as it may prescribe.

**67. Levy of fee for information:**

The Authority may permit use or dissemination of any information contained in its records in its original form or in modified form, by any individual or a body on payment of such fees or levy as it may consider necessary.

## **CHAPTER –X**

### **MISCELLANEOUS**

#### **68. Penalties:**

(1) Any individual responsible for providing any information under this Regulation shall be personally liable for failure to furnish the information within the period specified therein, and the penalty thereof shall be as prescribed.

(2) In case of willful concealment of information or deliberate furnishing of false information to the Authority, the person or persons responsible shall be punished with penalty as prescribed.

(3) If any officer or employee appointed by the Authority, charged with any responsibility under this Regulation, discharges it in the manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code, 1860 (Act No 45 of 1860) to any person, shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both.

Provided that no action will be initiated under this sub-section except with the prior sanction of the Authority.

#### **69. Removal of Difficulties:-**

(1) If any difficulty arises in giving effect to the provisions of this Regulation, the Authority may, at any time, by notification make such provisions not inconsistent with the provisions of this Regulation as appear to it, to be necessary or expedient for removal of difficulties.

**70. Access to Registers:**

(1) All records under the Registers shall be a matter of public record open to inspection as may be prescribed.

(2) Subject to such rules as may be framed in this behalf, the Registers shall be open to inspection of the public at reasonable hours on all working days.

(3) Any interested person may approach the Authority for an extract of any information contained in the Registers maintained under this Regulation, and all such extracts and copies shall bear the seal of the Authority or any officer authorized in this behalf, on payment of such fees as may be prescribed by the Authority.

(4) A copy or extract from the Registers, given by the Authority or any officer authorized in this behalf, under its seal, shall be admissible as evidence, for the purpose of proving the contents of a transaction relating to the immovable property comprised in the extract.

**71. Immunity for acts done in good faith:**

No legal proceeding or any other claim or action, shall lie against any person for anything done in good faith under this Regulation or the Rules and notifications made there under.

**72. Power of the Union Territory to make administrative orders:**

(1) The Union Territory of Lakshadweep Administration may, by notification in the Official Gazette, make Rules to carry out the provisions of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing powers, such Rules may provide for the:

- (i) manner of preparation, compilation, maintenance and amendment of the Registers, and prescribing the forms in which they are to be compiled or maintained, the places at which, and the officer by whom Registers have to be maintained, and the officer by whom the said entries are to be verified and amended;
- (ii) maintenance of other records, registers, accounts, maps and plans to be maintained for the purpose of this Regulation and the manner and forms in which they shall be prepared and maintained;
- (iii) inspection of records, registers and documents maintained under this Regulation and the fees for the grant of copies thereof or extracts there from;
- (iv) Procedure to be followed in making enquiries and hearing of appeals under this Regulation;
- (v) manner of transferring immovable property and any rights contained therein;
- (vi) Procedure for appointment of various officers under this Regulation;
- (vii) Salaries and terms of appointment of various officers under this Regulation;
- (viii) method of inquiry by the Title Registration officer before making entries in the Register of Titles;
- (ix) hearing of objections and public consultation;
- (x) Publication of notices;
- (xi) method for obtaining and filing of a Certificate of Dispute;

- (xii) issuance of notices;
- (xiii) use of biometric authentication or other identification;
- (xiv) recording of charges, easementary rights and such other rights on the  
immovable property;
- (xv) Prescribing fines, penalties and other actions to implement the provisions of this Regulation;

(3) All administrative orders made by the Union Territory of Lakshadweep Administration under this section and any orders relating to delegation of power to the Authority shall be brought to the notice of the Ministry of Home Affairs, Government of India, as soon as after it is made;

### **73. Powers of Authority to delegate & issue executive instructions:**

(1) The Authority may delegate any of its powers to any of its members or officers.

(2) The Authority may issue executive instructions in furtherance of various provisions of this Regulation and Rules made there under in order to achieve the aims and objectives of this Regulation, so long as they are not inconsistent with such provisions. If necessary, a community development scheme and a citizen facilities centre can be established.

### **74. Amendment of relevant laws:**

(1) the Indian Stamp Act, 1899 (Act No 2 of 1899) as applicable to the Union Territory of Lakshadweep shall stand amended in the manner prescribed in Part I of the Schedule to this Regulation.

(2) the Registration Act, 1908 (Act No 16 of 1908) , as applicable to the Union Territory of Lakshadweep shall stand amended in the manner prescribed in Part II of the Schedule to this Regulation.

(3)the Limitation Act, 1908 (Act No.16 of 1908) shall be amended in the manner specified in Part-III of the Schedule to this Regulation.

(4)the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959 ( Regulation No.4 of 1959) shall be amended in the manner specified in Part-IV of the Schedule to this Regulation.

(5)the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) as applicable to the Union Territory of Lakshadweep shall stand amended in the manner prescribed in Part -V of the Schedule to this Regulation.

## **75. Repeal and Savings:**

(1) For the removal of doubts, it is hereby stated that, in case of any inconsistency between the provisions of this Regulation and any other, Act or Regulation, the provisions of this Regulation shall prevail.

(2) Notwithstanding anything contained in sub section (1);

(i) all directives issued, before the commencement of this Regulation, by the Union Territory of Lakshadweep Administration under the prevailing enactments specified in the Schedule shall continue to apply for the period for which such directions were issued by the Union Territory.



(ii) the provisions of the enactments specified in the Schedule, not inconsistent with the provisions of this Regulation, shall apply to the Union Territory of Lakshadweep.

(iii) the Ministry of Home Affairs, Government of India may as and when considered necessary by notification, amend the Schedule.

## **SCHEDULE**

### **PART-I**

#### **Amendments to the Indian Stamp Act, 1899**

1. Section 2, sub-clause 12 shall be substituted by  
*Section 2(12)-‘Executed’ and ‘execution’ used with reference to instruments, mean ‘signed’ and ‘signature’*

*The terms ‘signed’ and ‘signature’ also include an electronic record which can be attributed to the originator,*

- a) if it was sent by the originator himself;*
- b) by a person who had the authority to act on behalf of the originator in respect of that electronic record; or*
- c) by an information system programmed by or on behalf of the originator to operate automatically.*

2. Section 2, sub-section 14 shall be substituted by  
*Section 2(14)- Instrument includes every document by which any right or liability is, or purports to be created, transferred , limited, extended, extinguished or recorded.*

*The term document also includes any electronic record, meaning data, record or data generated, image or sound stored, received or sent in an electronic form or microfilm or computer generated microfiche.*

## PART-II

### Amendment to the Registration Act, 1908

Section 21(5) shall be added as follows;-

*In respect of registration of immovable properties located within an area notified under section 4 of the Lakshadweep Land Titling Regulation, 2019 ( Regulation No....of 2019), no testamentary or non-testamentary document shall be accepted for registration, unless it is accompanied by the Certificate of provisional or conclusive registration, in the manner as may be prescribed.*

## PART-III

### Amendment to the Limitation Act, 1963

In the Schedule to the Limitation Act, 1963, the Period of Limitation in relation to item 65 of the Act shall be amended to 'five' years.

## PART- IV

### Amendment to the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959

Section 4A shall be added as follows;-

Section 4A- (1) *The Union Territory of Lakshadweep Land Authority shall direct the survey of all immovable property, portions and boundaries thereof in the Union*

*Territory of Lakshadweep. The Union Territory of Lakshadweep Land Authority may duly publish a notification, in the Official Gazette designating appropriate person in this regard.*

*(2) Notwithstanding the generality of sub-section (1), the officer or authority to whom the power is delegated under sub-section (1), shall direct the survey of all buildings, flats and individual households and such other portions of immovable property, in the manner prescribed.*

*(3) The person designated by the Union Territory of Lakshadweep Land Authority under sub-section (1) shall exercise all the powers of a survey officer appointed under section 3.*

## PART-V

### Amendment to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

In Section 11, the following shall be added as sub-section (6).

*(6). With respect to the acquisition of land under this Act in areas covered under a notification issued under section 4 of the Lakshadweep Land Titling Regulation, 2019 (Regulation No....of 2019), the Collector shall notify to the Land Titling Authority established under that Regulation the details as specified in section 47 of the Act.*

