

A CRITICAL STUDY OF THE REGISTRATION OF TITLE AND ITS IMPACT ON AGRARIAN LANDS: A PRAGMATIC COMPARATIVE STUDY WITH SPECIAL REFERENCE TO SRI LANKA

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Land registration in Sri Lanka can be considered and identified as a property right of tenure and clear tenancy increase the commercial and financial marketability of the land. Land registration system in Sri Lanka, can be recognized in two ways as Registration of Documents and Registration of Title. The Registration of Document system was introduced to Sri Lanka in 1863 and it prevailed throughout the country. The Registration of title programme implements systematic methodical title registration procedure since 2002 based on the Registration of Title Act No.21, enacted in 1998. In present situation of Sri Lankan law, Registration of title is implemented in rural areas by the government.

Basically, Sri Lankan economy is based on the rural agriculture and more than 70% of the people living in rural areas are engaged in the agricultural sector. At present a significant number of farmers develop their cultivation in lands owned by the state without a clear ownership of the lands. Therefore non allowance to mortgage or convey a non clear tenancy is a serious issue faced by the Sri Lanka farmers. By introducing the Registration of title, it removes the risk and will be given an invaluable security to land tenancy.

The objectives of this study are to critically evaluate the impacts and the guilt-edge security to the agricultural lands, through the implementation of the law of registration of title, identify the practical difficulties in the existing system and finally to provide recommendations.

Though registration of title gives the impression that it is a fair and equitable method of acquisition of ownership of the agricultural lands in rural areas. It contains deep and primary principles. Sri Lanka has a mixed jurisdiction with a basis of Roman Dutch Common Law and it plays a major role in the Land Law. This research is basically a qualitative one but for the purpose of assessing the impact of implementing title registration, mixed approach is used by analyzing case studies.

The study reveals that the advantages of acquire the clear tenancy through the Registration of title because the owner of tenure of the parcel of the land receives an ownership certificate under the law enacted in 1998 by the government. Therefore the study concludes that there will not be aroused a vulnerable existence and this system may be operated smoothly without any conflict and increased the security of the tenure of agricultural lands.

Key words: Registration of Title, Tenure, Agricultural, Impacts, Implement.