

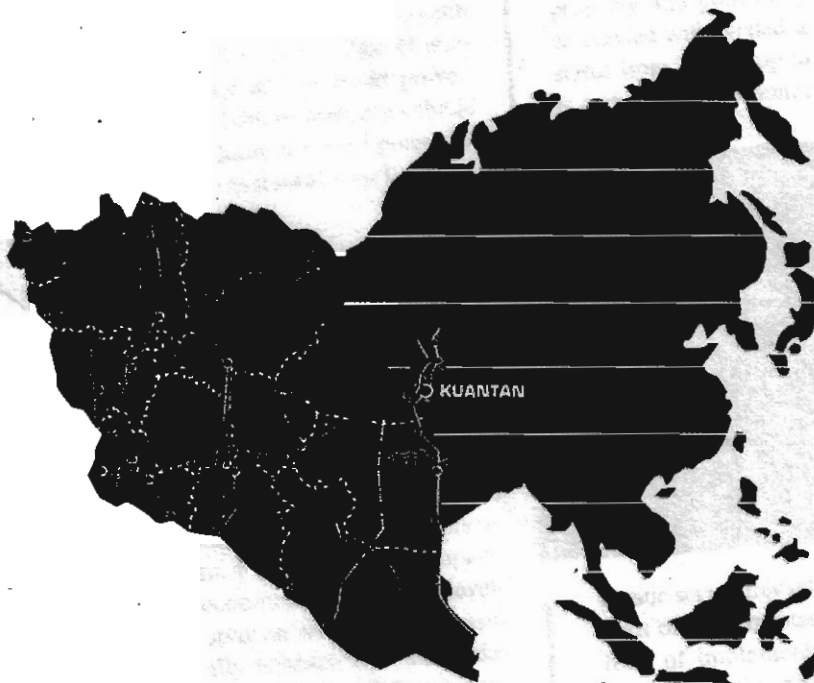
# PAHANG TODAY - *EIG 2000*

**"ECONOMIC AND INDUSTRIAL GROWTH"**

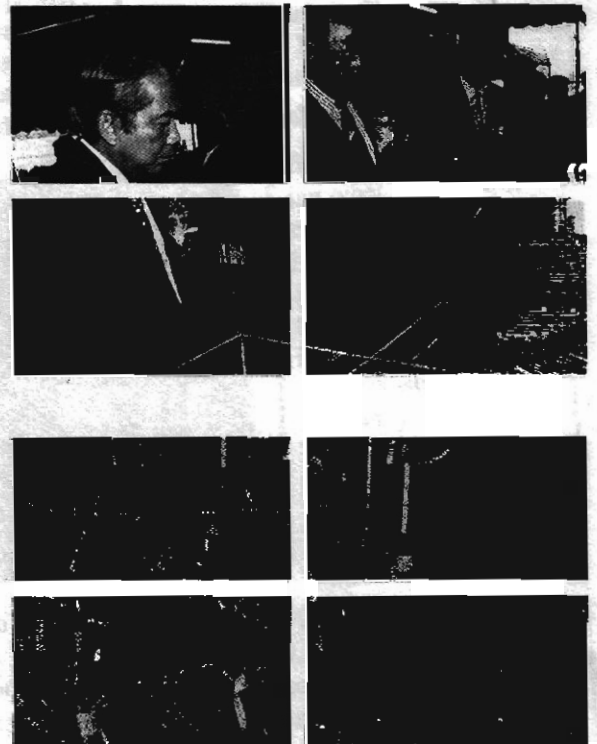
VOLUME 1

SPECIAL EDITION

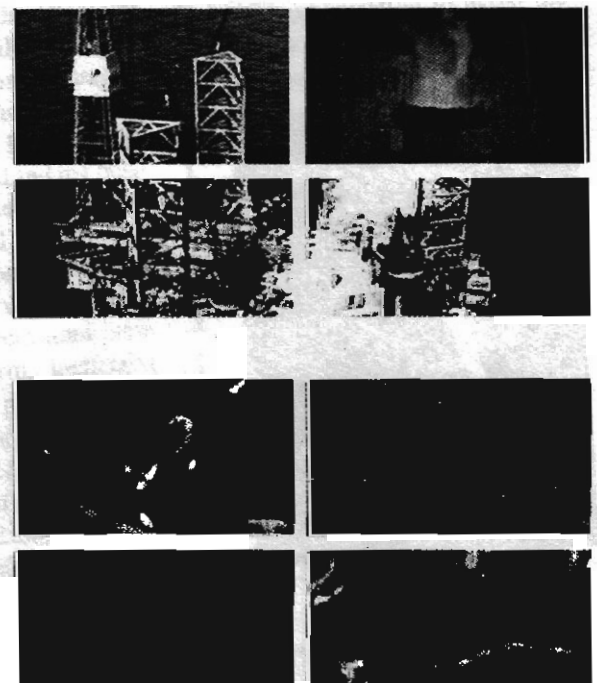
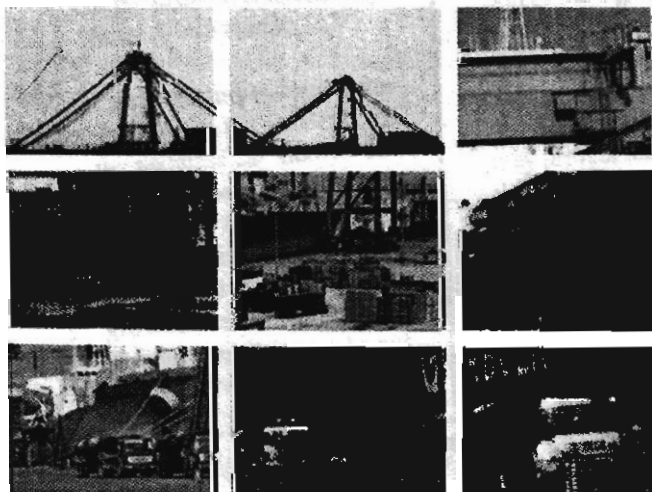
*The Internationalisation Of Pahang*  
*Strategic Location*  
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*PAHANG*  
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## THEORY ON LAND REFORM : AN OVERVIEW

*With the advancement of technology in the agricultural and industrial arena, land reform can be related to the economic development which is frequently identified with economic growth that is the average annual rate of increase in real output per capita*

*By: Hasmah Abu Zarin & Ahmad Ariffian Bujang.*

**L**and is one of the most valuable natural resource of a country. It represents the principal form of wealth and the main source of economic and political power. Land can be seen as a vehicle for human development as well as resource for food production.

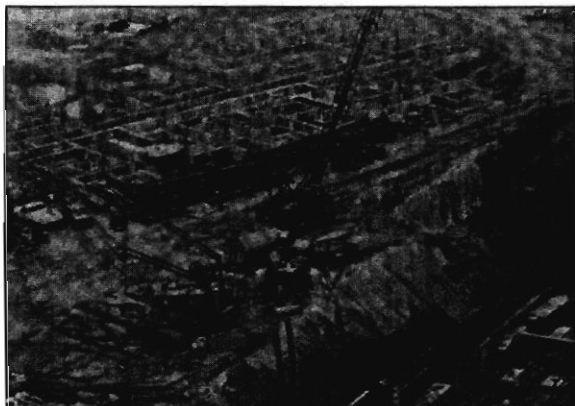
Land tenure institutions have a direct bearing on questions of development and help to shape the pattern of income distribution. Particularly in non-industrialised societies, the land tenure system reflects social class structures and relations. When defects in a tenure system impede economic and social development, land reform is usually necessary to reorganise the institutional framework of tenure structures and to eliminate obstacles to progress. In its traditional and generally accepted sense, land reform always meant the redistribution of property rights in land for the benefit of the landless peasant, small farmers and tenants.

Land reform has been introduced with the existence of the neoclassical theory. Today, with the advancement of technology in the agricultural and industrial arena can be related to the economic growth that is the average annual rate of increase in real output per capita.

### a. Land Reform and Land Tenure

Land reform involved changes in the efficient traditional tenure system. This usually means passing of power, property and political power to be associated with landed interest. In a status from one group to another. It is common for economic and dem-

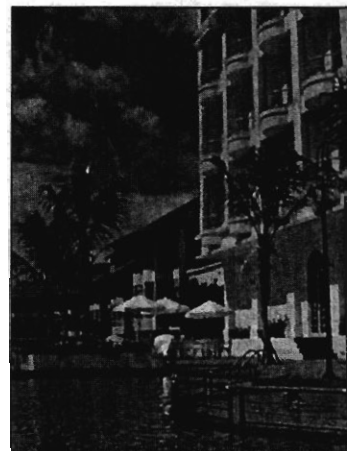
and excessive legalistic procedures and irregular or inadequate financing of the administration body are the few obstacles to land reform. In under-developed countries, the break-out of land and redistribution of land can be one form of land reform. This may be politically desirable but in practice, although it can be a



first step in overcoming other obstacles, it may create small holdings and cannot guarantee a productive land system nor a higher rate of growth. Mere redistribution of land may not transform farm workers into more efficient farmers through the incentive of ownership

ocratic set up, this reform faces problems of implementation. All the efforts of implementation has to be made within the existing political and administrative framework. Also vested interest cannot be ignored totally in a democratic rule. Obstacles arise from the political and financially influential groups. It used to be that, the elected government depends on the vote and financial support of the big landlord and big businesses. There can also be internal obstacles because land reform policy needs active participation of local people. Lack of rural organisation may prevent the efficient administration of any land reform. Ineffective legislation may also pose problems. Lack of specific criteria for land taking, financial disincentives in purchasing expropriated land, preoccupation with consolidating small unit rather than large one, complex

alone. Where land productivity are low, a change in ownership alone cannot result in the accumulation of capital on a scale of sufficient to meet the requirement of agriculture. A sort of field organisation to assist the farmer have to become an integral part of the programme.



### b. Neoclassical Theory and Land Reform

The neoclassical theory of land reform as an integral part of the strategy and policy of economic development. Economic development was frequently identified with economic growth measured by average annual rates of increase in real output or economic per capita. However, economic growth alone may not be the sole factor of development. Other indicators such as poverty, unemployment and inequality in the economy need particular attention to the policy making body. Although the productivity increase indicate growth, the distributional factor of the income generated by the growth may be unequally distributed, and unemployment need not necessarily fall.



Therefore, a policy which attempt to bring about development should not only consider economic growth but also should take into account the interrelation between these factors. Supporting policy will have to be adopted to deal with these matters of social welfare, the redistribution of gain and losses of society. In short, economic development must be broadly concerned not only on expansion of opportunities and productivity, but also the enhancement of human capabilities needed to exploit them along with a general reduction of mass poverty, unemployment and inequality.



Agriculture development has a vital role to play in economic development. In the early stages of industrialisation, agriculture comprises the major activity of a large proportion of a country's population. Overall, development must include and often must begin with agricultural development. Agriculture not only in the main form of employment, but the rural population forms the bulk of the market for industrial and consumer goods. Apart from supplying good to the population, the surplus income is also to finance capital expenditure. In the transformation process of development, the transfer of manpower to non-agriculture occupation is inherent, and agriculture sector will need to release labour. The land tenure system of the agriculture sector thus play an important part to the process of development. Rural land ownership or other secure form of tenure which assure the farmer of some control over the returns from his labour, is the real and only practical means of participation in the political and economic life of the country.

It is those legal and contractual or customary arrangement whereby people in farming gains access to productive opportunities on the land. Land reform thus means changing and restructuring these rules and procedure in an attempt to make the land tenure system consistent to the overall requirement of economic development.

If land reform is regarded as the changing and restructuring of tenure rules and procedures in an attempt to make the system consistent with overall requirements of economic development, then such new institutional arrangements will only be set up if the private benefits of their creation promise to

exceed the costs. The creating, specifying and enacting of property rights are costly and are affected by the state of technology and organisation. As the potential for private gains to exceed cost gains, effect will be made to reform. From another perspective, any pressure to reform land emerges only as the land resource become increasingly scarce relative to society's wants. Whilst land reform is often essential for providing a stable base for a country's future economic development, it does not follow that reform will guarantee development. This is because land tenure is only one component of an agrarian system and the dimensions and future security of farming opportunities are affected by labour, capital and product markets too. Therefore land reform must be accompanied by changes in the pre-reform structure of supporting services that are agriculture credit, marketing, research and extension, input supplies, processing and storage. Nevertheless, the absence of an efficient land tenure system retards the speed of commercialisation and the elimination of subsistence economics which offer no incentives to raise productivity. In a process of development, labour force must eventually move from agriculture to industry. A controlled release of labour from agriculture may be necessary. The framing of Land Policy its execution depends on the effectiveness of Land Registration of Title. Land Registration of Title must be kept in perspective as it is a device which may be essential to sound land administration, it is part of government machinery and valuable administrative aid to land reform. Land Registration of title has public and private function,

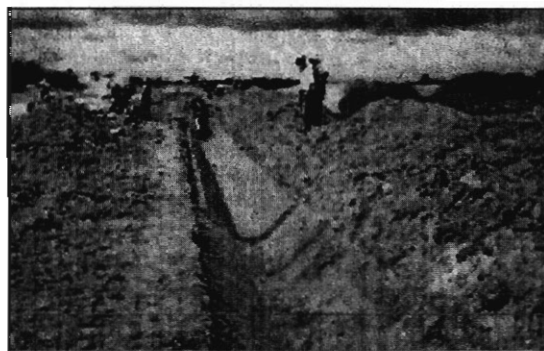
proper land development it simplify conveyancing it ensure proper land development, it simplify conveyancing, it ensure the rights of the owner or occupier of land and enable him to conduct his land transactions safely, cheaply and quickly.

For proper development of land, security of tenure is important. A person has security of tenure if he is secure in his holding of land and for the security to be adequate it must last for a period long enough to serve the purpose for which the land is to be used. This can be achieved through registration of title to that land. Also if good development is to be ensured or in order to promote best use of land, it must be possible for rights in land to be established and adjusted. Not only that but access to for economic use has to be possible and through registration of title that individual property rights can be recognised which in turn ensure access to land through transfer.



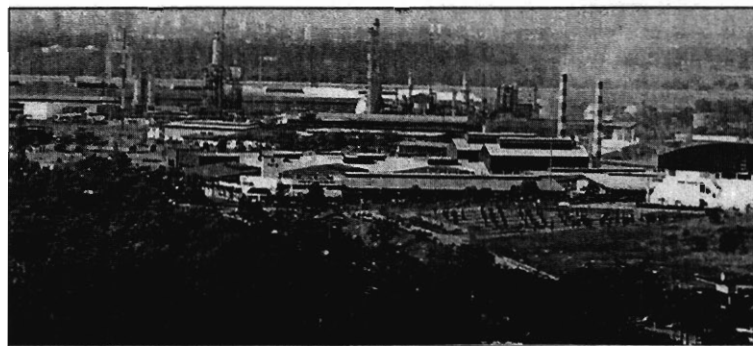
Land is regarded as a commodity capable of being bought and sold, however it has two characteristics, it is immovable and it is everlasting. Land cannot be physically transferred, it cannot be physically increased, decreased or destroyed as can all other forms of wealth.

Due to immobility and undestructibility of land its sale requires more care than the sale of other goods for it demands special safeguards to ensure



- a. that the land being sold is unambiguously defined.
- b. that the seller owns the land he is offering for sale and has the right to sell it.
- c. that the purchaser has knowledge of all the derivative and subordinate interests which may detract from the value of the land or restrict its use and which conditions runs with the land binding a successor in title when it is transferred.

Land ownership includes rights, interests in and obligations. Interests in and powers over land may be enjoyed or exercised by persons other than the owner that is third parties. Due to the existence of third parties interests which are legally enforceable, then compulsory registration of title is the only solution where ownership can be proved and where limitation of the right of ownership and any interests which has been granted or otherwise obtained out of it can be shown. For this reasons a register of title is defined as 'an authoritative record kept in public office of the rights to clearly defined units of land as rested for the time being in some of particular person or body and of the limitations if any to which these rights are subject'.



The objective of Registration of Title "is to save persons dealing with the registered land from the trouble and expense of going behind the register in order to investigate the history of their author's title and to satisfy themselves of its validity. That end is

accomplished by providing that anyone who purchase bonafide and for value from a registered proprietor and enters his deed of transfer or mortgage on the register shall thereby acquire an indefeasible right notwithstanding the infirmity of his author's title". Indefeasibility of title implies that the registered proprietor is protected against any adverse claim whatever. The logic of the system dictates that once a person is shown as the registered proprietor then his right as such cannot be disputed. The register proprietor has an indefeasible title that is a title which cannot be upset. Furthermore, the law is not too concerned about how a person came to be the registered proprietor. Once he is there that is it fraud apart, that is. However the exception to this is that where a proprietor become registered as the result of fraud he does not have an indefeasible title. There are two interconnected aspects of the concept of indefeasibility of title:

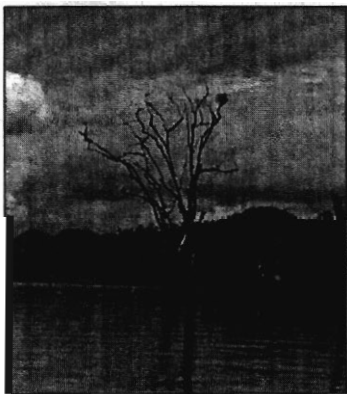
- a. Protection is given against the claims of a competing owner that is person who under the general law would have able to claim the land for example because of some



defect in the proprietor's chain of title.

b. protection is given against incumbrances, liens, estates or interests which are not noted on the register.

Registration of title therefore, gives finality, it does away with the repeated, imperfect and costly examination of past title, it removes the everpossibility of fraud by the duplication or suppression of deeds. Registration of title gives State guarantee safety and the positive security against adverse claims.



The Register of Sasine is a register of deeds which does not guarantee title however it makes it possible to ascertain of registering instruments of Sasines is to secure publicity, security and accessibility. Publicity is secured by the Statutory requirement that incompetent knowledge of the system of land tenure and conveying and of legal business.

The system provides security in that in any competition of claims preference depends on priority of registration. The act also provides facilities for information from the register. A real sight cannot be obtained except through registration is not compulsory by Statute, it has become universal in practice.

Registration under the registration of Deeds consists of Copying all deeds presented for registration. The process follows 4 stages that are:-



1. Entry in the Presentation Book which records the information that a particular writ has been presented for registration.

2. Entry in the Minute Book. The minute states the date and hour of presentation, the nature of the transaction and the names and designation of the parties, description of the property and it discloses whether any exceptions, burdens or servitudes are referred to in the writ.

3. Entry in the Record Volume. The record volume contains copies, assembled in the correct order and bound in the volume of the actual writs.

4. Entry in the Search Sheet for the smooth working of the register. Search Sheet for the smooth working of the register.

The purpose of the Register is to disclose what writs affect particular subjects and that purpose would be defeated if the actual subject cannot be identified.

To ensure proper identification a plan may be annexed to a writ to supplement or elucidate the written description however it does not form part of the Register.

Registration of Deeds appertain more nearly to Registration of title in that the system has been constructively developed into a highly valuable system of land record in such a way that security derived from it is claimed to be absolute.

The keeper on first registration makes up a title sheet for the registered interest and any other registration are made by amending the relevant title sheets. This means that by issuing a Land Certificate, what a keeper does is issuing a relevant title sheet.

Land Certificate consists of:

1. Description of the land.
2. Name and designation of the person entitled to the interest and the nature of the interest.
3. Any inhibition affecting any grant or transfer of the person entitled to the interest and the nature of the interest.



4. Any heritable security over the interest.
5. Enforceable real right pertaining to or subsisting real burden or condition affecting the interest.
6. Other information at the keepers discretion.
7. Any intimated, disclosed or discovered overriding interests.

A title sheet is made up of four sections that are property section, proprietorship section, charges and burdens section. The property section gives the description of the subjects and of any servitude or ancillary rights attached thereto. The proprietorship section shows the name and address



of each successive proprietor, the consideration and the date of entry. The charges section specifies any deal such as few charter or bond and the burdens section list all deeds which imposed burdens on the enjoyment of the subjects. The Title Sheet, except as regards overriding interests remaining undisclosed, contains all the information referred to definition of registration of title. The "plus" items (rights) appear in the Property Section and the "minus" items (the limitations) appear in the charges and Burdens Section.

Registration of title has the effect of making a rights and obligations real and is a system which leans backwards to protect the proprietor in goodfaith who is in possession. To achieve this the Act under section 9 allows the Keeper to rectify the register which he can do by an order of the Lands Tribunal or the Court. However the powers of the Keeper, the Land Tribunal and the court are limited in that they can rectify the register under specified condi

If anyone suffers loss because the Register has been rectified or because the Keeper refuses or omits to rectify the Registers, the Keeper will indemnify the person in respect of the loss.

This form of registration is probably only a half way house to registration of title as the statute provides compensation for certain loss caused by its defects.

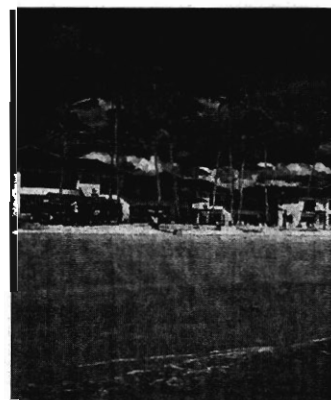
Registration of Title is the natural culminating of land registration. Registration of Title to land was introduced into which was passed to give certainly to the title to real estates and to facilitate the proof thereof and also to render the dealing with land more simple and economical. The present system of registration of title sovereign is empowered by Order in Council to declare that registration of title shall be compulsory on sale in any area. The register forms the only title to registered Land which is recognised by law.

When an area is declared a compulsory area that title to the fee simple must be registered upon the

occassion of the first conveyance on sale there after, the only registrable interests in respect of which title may be registered are legal estates in land that is the fee simple absolute in possession and the term of years absolute.

The land may be registered with an absolute, a qualified, a possessory, or a good leasehold title, depending on the discretion of the Registrar of Titles. Ab

title to freehold land is registered after an investigation by the Registrar and if an absolute title is granted, the title of the proprietor to the fee simple is guaranteed subject to interests re-entered on the register (incumbrances, overriding interest). Qualified title is granted where it appears to the Registrar that the title can be established only for a limited period or subject to excepted estate, right or interest. Where an applicant is unable to establish title in the usual way by title deeds, a title based on possession of land may be granted.



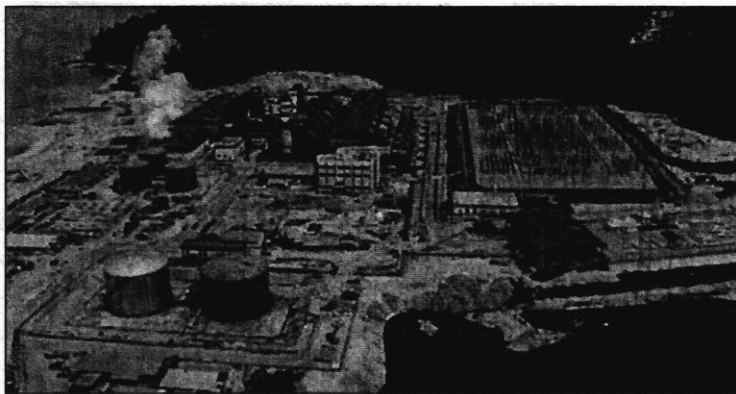
The Registrar may in certain circumstances, later convert a qualified and possessory into an absolute title. A good leasehold title is the same as an absolute title except that it does not guarantee the lessor's title to lease the land.

Once the title to any land has been registered any disposition of the land must itself be registered otherwise it will be ineffective to dispose of legal estate.



Rights against land the title to which has been registered fall into three classes:

1. Registered interests - legal estates the title to which has been registered under the Act.
2. Overriding interests - interests which bind a purchaser of the land whether or not they are noted on the register and whether or not he has notice of their existence overriding interests includes easements, profits, public rights, rights acquired or in the course of being acquired under the limitation Acts, the rights of every person in actual occupation of the land and leases for a term not exceeding 21 years granted at a rent without taking a fine.
3. Minor interests are all interests in registered land other than registered interests and overriding interests. These are interests of beneficiaries under a settlement or trust for sale which are capable of being over-reached and when over-reached do not bind a purchaser even if they been protected by some of entry on the register.



The register is based on a card index system, each card containing information relating to the three parts of the register.

There are the property register which describes the land and the estate. The title to which is registered and any interests such as easements.

In the case of leasehold land there are in addition to a description of property a description of the parties, statements of the rent payable, premium paid, date and term of the land.

The proprietorship register which states the kind of title (absolute) which has been granted and the name and address of the proprietor. It also contains a note of any cautions, inhibition or restrictions which have been entered.

The charges register which consists of entries of mortgages or other interests adverse to the land, notices are also entered in this part of the register.

A Land Certificate is issued to the registered proprietor as a document of title however proof of title is not certificate but the register. A Land Certificate contains a fascimile of the register and of the Plan identifying the land which is based on the Ordinance Map revised to date. The files plan or general plan is deemed to indicate general boundaries only under Rule 278 of The Land Registration Rules 1925. The English System of Registration of Title is secretive in nature.

It is private and not open for public inspection because it is argued that the English Community fear unnecessary and uncalled for disclosure as they believe that no man likes to make his private affairs public and a man has no right to pry into the affairs of another except for some subject in which the latter has given him an interest. Therefore the Act pro-

vides that the register can only be inspected by or under the authority of the registered proprietor or his solicitor.

The Registrar is in a unique position to influence the way in which the system of land registration functions and develops. It is he alone who conducts the whole business of registration under the Act. He has wide discretionary powers (as to class of title, upgrading title, the wording of restriction) as well as wide judicial functions for example the warning of cautions, the ascertaining of putting the mode in which any entry should be made with in the register.



The Registrar acts on his person's opinion in that in he finds a title is not fit for registration as absolute he can refuse to register it as absolute and no appeal lies from his refusal. His action or inaction can only be controlled by mandamus proceedings. He has wide powers to rectify the register and may be agreement resolve claims to an indemnity against loss resulting from rectification or non-rectification.

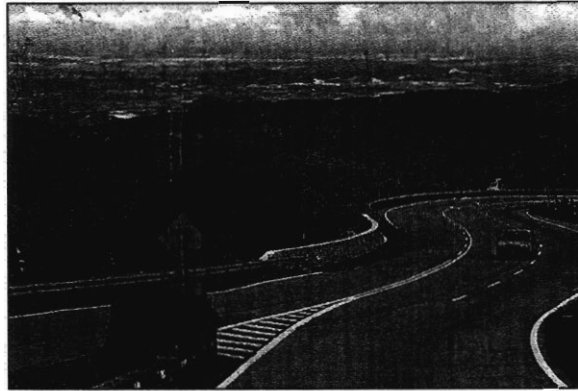
The effect of registration, therefore is to invalidate the purchaser's title notwithstanding defects in the vendor's registered title. The common law rule of "Mon dat qui non habet" was wholly abolished in favour of purchasers of registered title in good faith.

The second object was to provide a register from which persons who propose to deal with land can ascertain all the facts relating to the title the name of the registered proprietor, the nature of the estate which he holds and all the mortgages, or incumbrance to which the land is subject.

Thirdly, the Torrens System aimed to provide a guarantee by the State that the picture presented by the register is true and complete. If this turns out not to be the case compensation is to be paid to any person who sustains loss or damage or who is deprived of any land within the limits prescribed by the Statute.

From these objectives, the principles behind the Torrens System of land registration have been categorised as first the mirror principle as the registered title should reflect all the relevant facts relating to the title, the curtain principle as the registered title draws a curtain over all else so that a person investigating the title should not have to look behind the certificate, the insurance principle as in return for indefeasibility of title the law provides compensation for persons suffering loss as the result of defect in the system.

It has been a fixed principle of English law that all land belonged to the Crown until the Crown chose to grant it. Therefore the procedure under the Torrens System was that all land alienated from the Crown automatically become subject to the system, that is there was requirement of registration



on the alienation of land from the Crown.

One of the mechanics of registration is Plans and Surveys, therefore to ensure precise definition of the parcels of land upon which the records are based, area and boundaries of land are defined by survey plans with high degree of accuracy. Where a land is registered, the certificate of title is issued to the registered proprietor.

This is the first on which of the facts which it contains. The certificate of title to land contains the following:

- a. the legal description of the land.
- b. the area of the lot together with a plan.
- c. name of the registered proprietor and the nature of his estate.
- d. details of charges on the land, for example mortgages as well as other charges and incumbrances such as statutory land charges.
- e. details of any caveats which may have been lodged.
- f. details of easements over the land.

The register has been described as the keystone of the Torrens System, it contains of Crown and Certificate of Title. The grants, certificates of title and other documents constituting the register are bound up to form large volumes. This system has the advantage of security for it is difficult to destroy or remove a folium of the register.

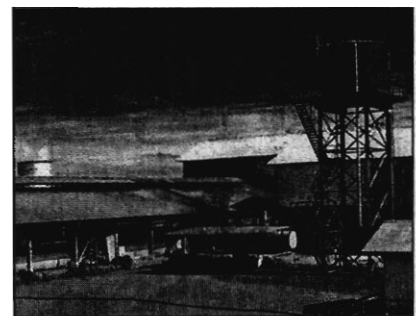
Any person may without payment of any fee, search the register and all registered and deposited instruments and plans, at any time when the Land

Registry office is open to the public. Any person may on payment of the prescribed fee, obtain from the Registrar a certified copy of any registered instrument affecting land.

Under the Torrens System of registration of title like other systems of re-

gistration of title, Registrar has powers and duties. He can correct clerical errors upon evidence as appear to him sufficient to correct errors and supply emissions in certificates of title or other instrument for cancellation or correction where such certificate of title or instrument has been issued in error, or contains any misdescription of land or of boundaries or any grant, entry or endorsement has been fraudulently or wrongfully obtained or retained. A person aggrieved by a decision of the Registrar may appeal to the Registrar General to the Supreme Court, alternatively appeal may lie direct to the Supreme Court for judicial review.

The Court has power to direct the Registrar to cancel or correct such certificate of title or entry as the circumstances of the case require.



There are fundamental differences between the Deeds and the Torrens System. The Deeds System is nothing more than a method of registering instruments which affect the title to land. Under the Torrens System it is the title itself which is registered. Under the Deeds System the legal estate in the land passes on execution and delivery of the Deed. Under the Torrens System the registered estate does not pass until the instrument registered, the registered estate does not pass the act of



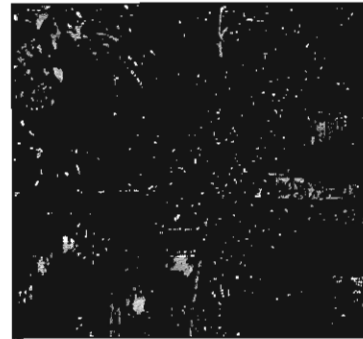
the government official who authenticates the memorial of the transaction in the register. Under the Deed System a mortgage takes effect as a conveyance of the land from the mortgagor to the mortgagee but under the Torrens System a mortgage is only a statutory charge on the land, it has effect as security, but it does not operate as a transfer of the estate or interest charged. Under the Deeds System, a land owner needed to be in possession of all the documents constituting his chain of title, however under the Torrens System there is only one instrument of title to an estate of freehold namely the Certificate of Title.

Both under the Deeds System and Torrens System, title may be acquired by possession. But it is not possible to acquire prescriptive rights over land the title to which is registered under the Torrens System.

Under the Torrens System, register is made up of Crown grants or sub division of Crown grants when they are first made and the subsequent operation of the registry is only a matter of keeping that record up to date by entering all changes in it. The grantee obtains an indefeasible title to his land with the trouble of acquiring it, that is automatic registration.

Under the English System, initial registration is optional over the whole country but is compulsory on sale. No automatic registration because when registration of title was introduced land had been occupied long ago and it was not possible to trace the original grant. Therefore the system of first registration is being followed where each title had to be examined and assessed on its own merits before it could be registered.

Under the Torrens System, since the register is composed of Crown Land and government land is registered in the name of the minister authorized



There is also a difference in the form of register in that a system of loose cards of which can be replaced when necessary by a new addition purged of deed matter is used under English register while Torrens System uses bound volumes which persist to present time preserving in folios running from volume of all entries from the time of first registration.

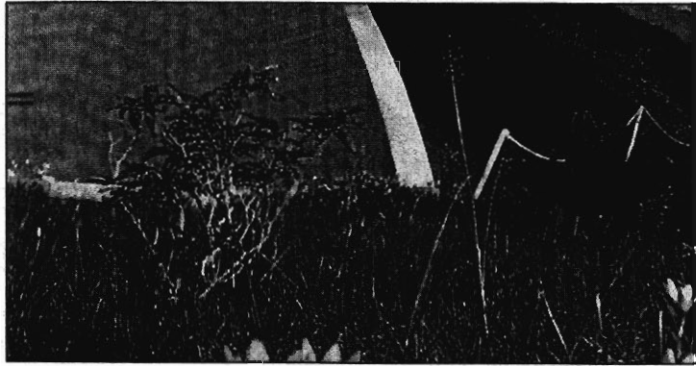
The public right of search is a principle of some importance in the working of the system of registration of title but on this a sharp division of provision is to be found. Under the English system, land register is strictly private the Principle of Secrecy and therefore the register can only be inspected or his solicitor. However the Torrens system and Scottish system have been public from their inception.

The English system encourages postal application and use of the official search procedure, while under Torrens system, persons make their own searches and postal business is discouraged. The Torrens caveat operates to stop transaction until the caveat is removed whereas the English caution merely entitles the cautioner to notice of a projected dealing. The English system allows possessory and qualified titles to be registered whereas Torrens Statutes with the exception of New Zealand as a rule make no provision since the register is built up of original grants and current certificate of title copies of which are issued to



Under the Torrens System, a register shows the state of title up to date and except for overriding interests complete at all times that is the continuous finality of the system. However this special quality is not found under the Deeds System where further investigation becomes necessary in case of any dealing.

to hold it under the provisions of statute. Under the Torrens System, since the register is composed of Crown grants, ungranted land does not appear on it and even granted land which is reacquired by the Crown may be removed from register. As such Torrens register can never become a complete register showing title to all land so long as any land remain ungranted.



the registered proprietors. While the prescribed statutory instrument are required to be under seal in British system, sealing is not required in Torrens system with the exception of New Zealand where a certificate of title has to be signed and sealed. The other principal difference between Torrens and English system is that Torrens titles are often governed by a radically different code of substantive law from that relating to unregistered property while in England the substantive law of real property is substantially similar to both registered and unregistered conveyancing.

No system is perfect as each system has got advantages and disadvantages. The Torrens system wherever applied has been operated infinitely simpler than English registered title, however in English System, there is insurance of title than under the Torrens system and at the same time the simplicity of Torrens system deprive the land of many important dispositionary powers. English titles are freely rectifiable in cases of fraud, duress, adverse possession, illegality and mistake however Torrens titles are so sacrosanct that even the highest courts have little jurisdiction over them.

The superiority of registration of title is universally recognised, however, initially the general adoption especially in England has been chiefly impeded by a failure to analyse and reconcile its essential working requirements objectively

and secure the full collaboration of administrators and legal advisers of the government, land surveyors and land owners that it needed to satisfy them. Also delays in its adoption is due to the costs of providing its essential foundation, plans of sufficient accuracy whereby every parcel registered can be unambiguously identified. Registration of title costs more not only on compilation but its subsequent maintenance involves greater responsibility and so demands more reliable staff. Substantial expenditure is required in areas where unregistered rights in land are already established. Registration of Title is a technical matter with some complexity. It is complex and elaborate in that it is composed of many parts which are to be carefully designed and constructed in every detail.

Despite these difficulties in its establishment registration of title has been accepted and adopted widely as an essential device designed to benefit the individual landowner and as far as developing countries are concerned the system can be even beneficial to the state. A system of Registration of title has got six features, being the advantages of the system, these are:

- a. security.
- b. simplicity.
- c. accuracy expenditure.

d. cheapness and suitability.

Once registered, a title becomes indefeasible and is guaranteed by the State. The proprietor of the registered land is secure in the knowledge that he unless has acted fraudulently he cannot be left without either the land or its value. The continuous finality of the register is its unique characteristic in that at all times it shows the legal position of the land therefore anybody dealing on the evidence of the register need not

have fear of ejectment. Where title is registered, the process of tracing rights back to a good root of title is unnecessary. Also since the register show the legal situation of the land, it abolishes the retrospective examination of title which in turn reduce costs of conveyancing. A plan attached or drawn on the register apart from reducing costs it also simplify conveyancing as it provides brief and easy identification of the land.

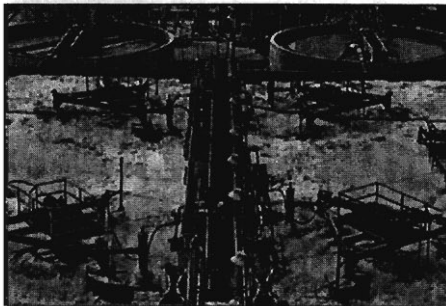
Conveyancing is also simplified through the Certificate of title in that sine a certificate of title gives the official name of the proprietor and number of his land, it enables its register to be easily found in case of any dealing with that land. A certificate of title is valuable for



the prevention of fraud because it must be produced before the register can be altered or rectified.

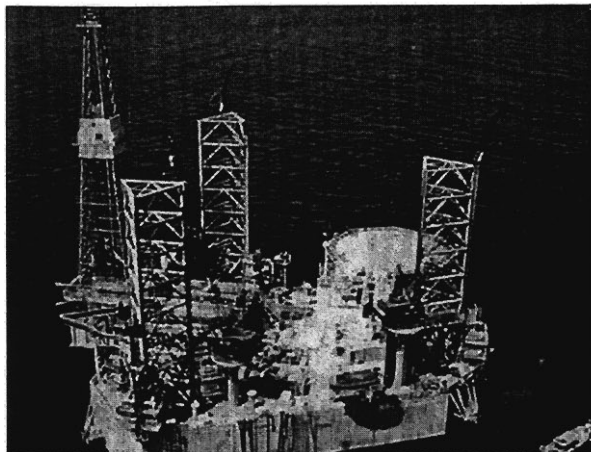
The continuous finality of the register secure the ownership of the land and even safe guards subordinate or derivative interests such as the right to use land belonging to someone else by leasing it or

by exercising a right of way over it (overriding interests). A registered title has got a certainty therefore it makes a reliable security. The social and economic importance of security of title can hardly be over-emphasized. Any society which recognises the ownership estates and interests in land, security of title is fundamental to the soundness and development of the economy. No former can be expected to devote his working life to clearing and developing a block of land unless he has a good title to it, no man will spend his savings on the purchase of a house unless he is confident that he is secure in the possession of it, and no industrialist or a financier will recommend the laying out of the large sums of money necessary to build factories or offices if there is a danger of the money being lost through the insecurity of the title to the land.



It is understood that there have been occasions upon which the World Bank has insisted on the establishment of a satisfactory system of registration of a title as condition precedent to making a loan to a developing country.

Registration of title can be used as a means to improve land law. For example Torrens system of registration of title was used to get rid of the obscurity and complexity inherent in English Land Law. In developing countries, registration of title can be used to unify law applying to titles granted by the government and those titles which have developed under customary law. Registration of title can be used as an instrument of government as a useful assistance in the collection of rates or land taxes. For example in Tanzania the Registrar cannot register any transfer instrument unless a land rent and service charges clearance certificate from internal revenue officer and capital gains clearance certificate from the commissioner



of income tax have been produced showing that land rent on which the property is situated has been paid up to date and a tax for an income gained from such disposition has been paid.

Registration of title can be used as a means of land reform in developing countries. Most developing countries aim at rapid development of agriculture and this can be achieved only if land tenure system can facilitate wealth increase. One condition under which a tenure system can facilitate wealth increase is that there must be clear definition and allocation of property rights in land that is property rights must be well established and allocated to specific owners, be individuals or groups. Such rights must have legal and tenure certainty. Customary land tenure lacks these essential requirements. Land reform through confirmation category can be used with the purpose to settle land title on those who have a demonstrable claim to them and who left to custom or traditional practice would have more than a precarious and indeterminate hold on the land they call their own.

Confirmation is conversion of a defacto possession and long user of land into de jure registration of title is the only measure for acquiring legal rights in the property - land, it is an essential tool of administration which every developing country should use as an effective substitute where land dealing is developing in areas of customary tenure. There are political, sound and economic benefits to be obtained from confirmation, these include the attraction of private and public capital for the development of private land for agriculture, forestry and other rural enterprises and it is essential to establish unequivocal titles to property in land.

Though registering of title to land is an enormously expensive, time consuming and cumbersome exercise for a State to undertake however it is worthy to accept and adapt it as it ensure political, social and economic development in any society.