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# **THE EFFECTS OF ADVERSE POSSESSION** **ON PROPERTY RIGHTS**

AUTHORED BY - SUHANI PANDEY

## **AN INTRODUCTION TO ADVERSE POSSESSION**

### **HISTORICAL TRACING**

“Squatters’ Rights” being widely used as a synonym for adverse possession, it becomes clear at the outset who the primary beneficiaries of these laws are. A squatter may be described as “one who settles on another’s land, particularly on public lands, without a title”,<sup>1</sup> though in this paper, the focus will primarily be on occupation of private property. General public conceptions about squatters steers towards the negative; they are perceived as “criminally inclined, unemployed, and not interested in working.”<sup>2</sup> The focus of this paper is not on dispelling this notion, but it must be acknowledged that the people gaining most benefit from these laws are as much citizens as the ones who may bear losses due to it, and certainly as much as the ones decrying the idea entirely, and hence it is crucial that all interests be carefully considered before reaching any conclusions about the necessity of adverse possession. To start with, a historical tracing is crucial to lay the basis for the social importance and longevity of this notion. The famous expression that “possession is nine-tenths of the law” is also worth considering for this discussion.

The concept of squatter’s rights predates the modern understanding of property laws, finding mention as far back as in the Code of Hammurabi in 2250 BC, with a passage declaring: “*If a man give a field to a gardener to plant as an orchard and the gardener plant the orchard and care for the orchard four years, in the fifth year the owner of the orchard and the gardener shall share equally: the owner of the orchard shall mark off his portion and take it.*”<sup>3</sup> The implication underlying this law can be interpreted as a view in favour of the one actually maintaining a property, even if he not be the actual owner of the same.

Similarly, as with much of the legal system, influences in the present understanding of adverse

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<sup>1</sup> BLACK’S LAW DICTIONARY 1403 (6th ed. 1990).

<sup>2</sup> Sachar R, *The Realization of Economic, Social and Cultural Rights: The Right to Adequate Housing* (U.N. Commission on Human Rights [Sub-Commission on Prevention of Discrimination and Protection of Minorities]), 46th Sess., Provisional Agenda Item 8, U.N. Doc.

<sup>3</sup> THE CODE OF HAMMURABI Section 60 (2250 BC)

possession laws are found in the ancient Greco-Roman tradition, though the laws present here are considerably weighed in favour of actual owners of property, the wealthy land-owning classes. The concept of *precarium* was present among the Roman property laws, under which the actual owner could allow another person to cultivate the land belonging to him, and that cultivator would then acquire rights in the property as against any third party, but not against the actual owner himself.<sup>4</sup> Thus, in both of these ancient ideas, though there was respect for the notion that the one taking care of a property should be able to reap benefits from it, his rights in the land were ultimately only equal, if not inferior to, the rights of the one who had paid for the land. Ownership rights by purchase were given primacy and consequently the interests of the land-owning classes were naturally bolstered.

In the Common Law Tradition developed in England, post feudalism strong property rights were formed for the protection of individual liberty, where it was not the state in control of the individual's right to possess and alienate his property.<sup>5</sup> Under this system, the concept of adverse possession was first identified as a doctrine in the Statute of Westminster in 1275,<sup>6</sup> later modified in the Statute of Limitations in 1623,<sup>7</sup> which set a 20-year limitation for a plaintiff in a suit claiming a property as his own to establish adverse possession claims. This time period was later changed to 12 years by an amendment in 1833.<sup>8</sup> Similar laws regarding adverse possession were found in early American systems, as well as in many legal systems in former British colonies.

### **PRESENT UNDERSTANDING**

Present laws regarding adverse possession can be clearly identified within the wider historical context, as updated, modified versions of old British laws, with ancient Roman legal influences. Even today, the Limitation Act, 1963, by Article 65 of Schedule 1,<sup>9</sup> prescribes a time limit of 12 years for a suit for possession of immovable property or any interest therein based on title, from when possession by another becomes adverse to the interests of the one claiming to be the actual owner, for the latter to file a suit claiming ownership over the property in question, failing which he loses his title over the property. In addition, through case laws, a number of tests and guidelines have been laid down to identify instances of adverse possession.

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<sup>4</sup> Lintott AW, *Judicial Reform and Land Reform in the Roman Republic* (Cambridge University Press 1992)

<sup>5</sup> Locke J and Tully J, *A Letter Concerning Toleration: Humbly Submitted* (Hackett Publishing Company 1989)

<sup>6</sup> *Statute of Westminster the First Chapter 39 (1275)*

<sup>7</sup> *Limitations Act (1623)*

<sup>8</sup> *Limitation of Actions (1833)*

<sup>9</sup> *Limitation Act Art. 65 Schedule 1 (1963)*

To start with, merely possession for a period of 12 years is not enough to establish a case of adverse possession. The possession must be shown to in some way be actually adverse towards the person claiming the title to the property, along with the date at which this possession became adverse, to determine the date at which the limitation period is to start being calculated. In addition, the possession must be “adequate in continuity, in publicity, and extent”.<sup>10</sup>

Any person claiming title to a property through adverse possession must establish three factors- *nec vi*, meaning that his possession was without force and adequate in continuity; *nec clam*, meaning his possession was without secrecy and adequate in publicity; and *nec precario*, meaning his possession was without permission and adverse to a competitor.<sup>11</sup> From these factors a constructive knowledge is bestowed upon the original title holder on the basis that but for his due diligence, he would have known of the possessory owner before period of 12 years expired, and would have hence filed a suit for claiming his title within the limitation period.

*Animus Possidendi* of the possessory owner must also be established with evidence to back it up- he must have the manifest intention to hold the property, adversely affecting the rights of the title holder, in denial of the latter’s rights, restricting him from enjoyment of his property. The possession must be “commenced in wrong and aimed against a right”.<sup>12</sup>

Once these factors have been established, and the period of 12 years is extinguished, the holder of the title loses the right to eject the person holding the property by adverse possession, and the right, title, and interest in the property is vested in the possessory owner.<sup>13</sup> Hence, the earlier notion that though the latter would take possession, the rights in title would remain vested with the former, had been established. The possessory owner effectively replaces the previous owner, and along with the right to possess gets vested with all the rights to enjoy the property, including the right to file suit for declaration of his title, protect his title as defendant in a suit, and file permanent injunction against the previous owner or any other person attempting to temper with his rights to enjoy his property.<sup>14</sup>

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<sup>10</sup> *SM Karim v MST Bibi Sakina* [AIR 1964 SC 1254]

<sup>11</sup> *Balkrishnan v Satyaprakash and Ors.* [(2001) 2 SCC 498]

<sup>12</sup> *T. Anjanappa v Somalingappa* [(2006) 7 SCC 570]

<sup>13</sup> *Ravinder Kaur Grewal and Ors. v Manjit Kaur and Ors.* [(2019) 8 SCC 729]

<sup>14</sup> *Somnath Burman v Dr. S.P. Raju and Anr.* [(1966) 3 SCC 129]

## PRACTICAL IMPLICATIONS OF ADVERSE POSSESSION

### RIGHTS OF THE ORIGINAL OWNER

From the discussion above it becomes clear that the continued existence of squatter's rights puts a disadvantage upon the original owner who has purchased, inherited, or acquired the property in any other lawful manner. The legal questions raised by this doctrine shall be examined in the next chapter. Before moving on to that discussion, this section reflects upon whether there are any benefits provided to the original owner by adverse possession laws.

A prominent justification for these rights as providing benefit to the owner comes from an economic argument- it may encourage landowners to make adequate use of their land, rather than neglecting it. However, this justification has been criticised, on the ground that the pursuit of this goal should be through social and economic policy in planning and housing law, rather than through technical methods of limitation laws.<sup>15</sup> The idea is that the threat of adverse possession of one's land would act as a motivating factor to keep track of one's own properties. The roots of this can be found in ancient laws, such as in the Code of Hammurabi, which provides "*if a chieftain or a man leaves his house, garden, and field... and someone else takes possession of his house, garden and field and uses it for three years; if the first owner returns and claims his house, garden, and field, it shall not be given to him, but he who has taken possession of it and used it shall continue to use it.*"<sup>16</sup> Hence, it may be said that it is a moral imperative upon an owner to care for and keep conscious of his properties. Per Indian case laws, one of the essential features of establishing adverse possession is *nec clam*<sup>17</sup>- the possession by another was not a secret, and had the original owner been cognizant of his belongings, he could have filed an eviction suit before the end of the limitation period. This justification may hence find some use in presenting adverse possession as a tool to keep landowners in check, however, it cannot be said that it presents the doctrine as a benefit for them.

An area where there may actually be a benefit to the original owner arises in the case of unregistered property. In situations where title deeds to any land have been lost or destroyed, ownership may be vested to the person in possession on the grounds of adverse possession. A conveyance transaction then takes place on the basis of possessory ownership.<sup>18</sup> This person may or may not be the original owner of the property, however, for the original owner, this opens up

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<sup>15</sup> Wylie J, 'Adverse Possession- Still an Ailing Concept?' (2017) 58 Irish Jurist 1

<sup>16</sup> *THE CODE OF HAMMURABI* Section 30 (2250 BC)

<sup>17</sup> *Ibid* at 11

<sup>18</sup> Wylie J and Woods U, *Irish Conveyance Law*, vol 4 (Bloomsbury Publishing 2020)

an avenue to claim rightful ownership when no evidence can be found to establish it otherwise. The situation may be the same in the case of inherited ancestral property where no title deeds can be found. There if this law is applied then the assumption would be that the family residing in the property for a long period of time is the rightful owner. However, this justification fails in the face of Indian judgements, where another crucial element of establishing adverse possession is *nec precario*<sup>19</sup>- the possession must be actually adverse to the original owner. Clearly, where no original owner can be determined, and indeed the one claiming title to the land is claiming to be the original owner himself, this element cannot be established. One cannot be acting in a manner that distinguishes one's own right to property. In addition, there is of course the fact that the crux of this matter is that there is no documentation proving ownership- the one claiming to be the "original owner" may very well not be. There is no guarantee that even this justification provides for any actual benefit to the original owner.

Hence, it is quite obvious that any benefit that the real owner of a property can derive from the continued existence of adverse possession rights is negligible, if not non-existent. It is not surprising, therefore, that these rights are controversial. A glimpse of the conflict surrounding this issue is visible in examining the case of *J A Pye (Oxford) v Graham and Anr.*<sup>20</sup>, a British case on adverse possession where a number of differing judgements were given at different stages of the process, ultimately ending up before the European Court of Human Rights as *J. A. Pye (Oxford) Ltd and Another v United Kingdom*.<sup>21</sup> Ultimately, it was held that although this doctrine was in contravention of the right to peaceful enjoyment of one's property,<sup>22</sup> enshrined in the European Convention of Human Rights, this was held to be a "proportionate and thus permissible" interference, and thus this doctrine was held to be human-rights compliant. Similarly, despite the obvious drawbacks to the original owners, most jurisdictions around the world continue to protect and respect squatters' rights. The question then remains whether the benefit to the possessory owners is high enough to override the harm caused to owners.

## **RIGHTS IMBUED IN THE SQUATTER**

As has already been stated at the outset, the function of these laws seems very clearly to be to provide a benefit to the possessory owner, the squatter. More often than not, it is likely that this individual is one experiencing houselessness, seeking shelter in a building left abandoned. Quite

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<sup>19</sup> *Ibid* at 11

<sup>20</sup> UKHL 30 2002 UKHL 30

<sup>21</sup> (2007) 46 EHRR 1083

<sup>22</sup> *European Convention in Human Rights* Art. 1 Protocol 1 (1953)

obviously one who is well-off and has the ability to acquire housing through legal means would not resort to squatting, unless there was an element of deep malice towards the original owner involved. There is, hence, a strong case to be made for the fact that adverse possession laws serve a social function in providing housing to those in need.<sup>23</sup>

The idea of using this doctrine as a solution for houselessness, however, is also one that has been criticised, on the same grounds as the criticism regarding the justification of encouraging use of unused land. The criticism emphasises the fact of houselessness being an extremely complicated issue, requiring well thought-out policy solutions in the form of government intervention. The criticism derides the idea of squatters' rights serving as a solution to the issue as a naïve one.<sup>24</sup> However, it would be a mistake to entirely dismiss the role played by this doctrine in providing housing. Quite obviously, it is not any sort of permanent solution, or even one beneficial to any more than a small minority of those in need of housing. Yet it cannot be denied that in current times, at least in the Indian context, there is a lack of effective measures to provide adequate housing to the poor. People living in slum dwellings have a population of over 42 million across the country.<sup>25</sup> When there is no other option available, this doctrine may serve as a life-saver. Rather than write it off as serving no purpose, the ideal solution would be to create housing and poverty alleviation programmes which lead to it no longer being a necessity. In lieu of those programmes, adverse possession serves as a band-aid over a bullet wound.

On the legal side, the rights vested with the possessory owner had been considerably widened, and now resemble the rights of a legal owner in nature, including rights to appear as defendant in a suit before a court as owner of the property, file for title of the property, and file permanent injunction against anyone trying to stop him from enjoying his property.<sup>26</sup> In theory, this creates a situation placing the possessory owner on the same playing field as the previous, actual owner. In practice, however, the enjoyment of these rights is a process filled with difficulties. An example of this comes from the case of the “13<sup>th</sup> Street Squatters” of New York City in the United States. They claimed titles of several abandoned buildings, claiming themselves as “homesteaders”, and spent a significant amount of their own money in making renovations to the buildings to make them a liveable space. They were then evicted by the city, and could not claim title by adverse

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<sup>23</sup> Cobb N and Fox L, 'Living Outside the System? The (Im)Morality of Urban Squatting after the Land Registration Act 2002' (2007) 27 *Legal Studies* 236

<sup>24</sup> *Ibid* at 15

<sup>25</sup> *Report of the Committee on Slum Statistics/ Census* (Ministry of Housing and Urban Poverty Alleviation National Buildings Associations (2010)

<sup>26</sup> *Ibid* at 14

possession in court, as they were unable to prove that they had been continually living in the property for the required amount of time prescribed by the period of limitations (10 years, in this case).<sup>27</sup>

The inherent bias against the poor in the legal system is a factor that needs be considered when analysing this doctrine. It is considerably more difficult for the possessory owner to establish himself as such, with rules requiring him to prove intention, length of occupation, and publicity of possession.<sup>28</sup> Without documentation these are extremely hard to show, and it is more likely than not that a case gets dismissed for lack of evidence. Similarly, the resources present with a would-be possessory owner are likely to be negligible compared to those of a legal owner of land. Given these considerations, the chances of the squatter getting evicted, threatened into giving up claims to ownership, or losing the court case are extremely high.

### **COMPARATIVE ANALYSIS OF NEEDS**

The standard argument lays down two benefits to adverse possession: firstly, it clears the title to a land, thereby increasing its marketability, and secondly, it prevents valuable land from being left empty for long periods of time.<sup>29</sup> Neither of these arguments is one benefitting the original, legal owner- indeed, through the above discussion, it was established that squatters' rights by and large serve as a cost upon the original owners, who must invest into monitoring their properties lest they lose their title and interest. These arguments are not directly beneficial to the squatters either. Who they do benefit is the State- when more use is made of land, it contributes to overall capital growth for the economy. Hence, a piece of agricultural land being cultivated by one who does not own it is a better alternative to the land being left unutilised by the one with ownership of it. Similarly, an abandoned house being possessed by a squatter will in most cases lead to movement in the markets as the squatter purchases the bare necessities required to make a space liveable, more than what would happen with the title holder having no use for it and thus providing for no amenities. On a balance of outcomes, adverse possession serves as more of a benefit to the squatters than to original owners, even taking account of the hardships faced by the squatters. It is a legislation almost that almost entirely serves to provide for the poor at the cost of the rich. This would in many situations be surprising to see in capitalist economies. However, taking into account the benefit accrued to the State as mentioned above, the logic may be seen as to why unlawful at first

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<sup>27</sup> Gardiner B, 'Squatters' Rights and Adverse Possession: A Search for Equitable Application of Property Laws' (1997) 8 *Indiana International & Comparative Law Review*

<sup>28</sup> *Ibid* at 11

<sup>29</sup> Baker M and others, 'Property Rights by Squatting: Land Ownership Risk and Adverse Possession Statutes' (2001) 77 *Land Economics* 360

possession of a property by one not paying for it is preferable than the property being left abandoned by the lawful owner. In addition, the continued existence of these laws serves as a threat to lawful owners to make use of all their properties, thereby promoting more economic activities on land that would otherwise be left unused.

On a pure balancing of needs, it is evident on the face of it that the squatters are in a position of great disadvantage compared to the owners. Economically, they are much worse off. Individual property rights in capitalist economies do not work off of ideals of who “deserves” to have what, however, when looking between one who is in a position of poverty having to resort to squatting in abandoned, unliveable buildings, and one who has enough properties to his name that he is able to lose track of the state of occupation of one for over a decade, it is hard not to say that the property serves a better purpose in the hands of the former. In this sense this doctrine promotes more of a socialist understanding of polity and economy, providing for a more equitable distribution of land among the population.

Additionally, the concept of “proportionality” as given by the European Court of Human Rights in the *Pye Case*<sup>30</sup> is interesting to consider here. The Grand Chamber stated that a 12-year limitation period “pursued a legitimate aim in the general interest”. Additionally, it was held that the extinguishment of title at the end of the period was “not without reasonable foundation”. It was held here that the doctrine of adverse possession strikes a fair balance between the demands of the general interest and the interest of the individuals concerned.

## **JUDICIAL UNDERSTANDING ON EXCEPTIONS TO LEGAL OWNERSHIP**

### **IMPLICATIONS ON CRIMINAL AND TORT LAW**

For adverse possession to arise, it is necessarily preceded by a tortious wrong. The tort of trespass must be committed, continuously over a long period of time, for a right to vest in the possessory owner. There is inherent an element of unlawfulness in the requirement that the possession by the squatter be adverse to the interests of a lawful owner.<sup>31</sup> Hence, there is an exception created in the arena of tort law by the application of this doctrine. As far as the realm of Civil Law is concerned, the committing of a tort does not bar one from availing squatters’ rights, on the contrary the former

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<sup>30</sup> *Ibid* at 21

<sup>31</sup> Goymour A, ‘SQUATTERS AND THE CRIMINAL LAW: CAN TWO WRONGS MAKE A RIGHT?’ 73 *The Cambridge Law Journal* 484 (2014)

is required to bring the latter into operation.

Criminal Law, however, is governed by the maxim *ex turpi causa non oritur actio*, the notion that a person will not be able to pursue a cause of action if it arises from his own illegal act. The idea behind this is that no one should be able to gain benefit from committing a crime. Hence, in a situation where squatting is considered a crime, logically it would be derived that adverse possession can no longer be claimed. This, however, puts a restriction on the functioning of the doctrine that has not been mentioned elsewhere.

The British case of *Best v The Chief Land Registrar*<sup>32</sup> dealt with this issue. Here, a plaintiff was squatting in a residential building which he believed to be abandoned. He made several improvements to the flat before finally moving in, and applied to the Land Registry to become the new proprietor of the flat, within the provision of the Act providing for adverse possession.<sup>33</sup> However, crucially, three months before he made this application, a new Act came into effect in Britain, which made it illegal to squat in a residential building.<sup>34</sup> This thus had the effect of making the plaintiff having committed not just a tortious wrong but also a criminal act.

The judge in deciding whether the Plaintiff should be given title by adverse possession stated that the maxim of *ex turpi causa non oritur actio* should only be seen as a starting point and not as an absolute rule which cannot be modified to fit different situations. Here, it was held that the civil law regimes, in this case the law of limitations and doctrine of adverse possession, served a social purpose which outweighed the benefits of application of the given maxim. It was held that there was greater public interest in accepting than in denying the Plaintiff's claim, furthering the idea that squatters' rights serve a social purpose where, on balance of benefit to the squatter versus loss to the original owner, the interests of the squatter win out.

In this instance, the presence of a criminal wrong did not prevent the application of the doctrine of adverse possession. This, however, is not always the case. Per guidelines laid down in Indian cases, the doctrine only comes into effect if the possession was without force (*nec vi*).<sup>35</sup> Hence, where violence is present, no right can be claimed. There is hence in every situation a balance of costs and benefits, between the owner and the trespasser, between Civil Law and Criminal Law,

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<sup>32</sup> [2014] EWHC (Admin) 1370

<sup>33</sup> *Land Registration Act* Schedule 6 (2002)

<sup>34</sup> *Legal Aid, Sentencing and Punishment of Offenders Act* s.144 (2012)

<sup>35</sup> *Ibid* at 11

only after consideration of all of which any verdict can be reached regarding rights in property. This issue is thus not a uniform or uncomplicated one.

## **A HUMANISTIC APPROACH**

B.B. Pande in calling for recognition of basic human needs for all as rights, expounds upon the numbers of the homeless residing in slums in Indian cities. The population goes as high as 30 lakhs in Delhi NCT alone. This paper takes the view that housing, as a basic human need, should be considered a human right for all.<sup>36</sup> The case of *Olga Tellis v Bombay Municipal Corporation*<sup>37</sup> was mentioned here, which is an interesting study of courts taking a humanistic approach towards the dilemma of squatting. Here the petitioners were the pavement/slum dwellers of Bombay city, their forcible eviction by the city before the Courts, on grounds of violation of their fundamental rights under Article 19 and Article 21 of the Constitution. Here, though the Court held that the eviction of the Petitioners by the city was not unreasonable, as no person has the right to encroach on places earmarked for public purposes, they directed the Respondents to provide alternative dwellings for the pavement dwellers at a reasonable distance so as to ensure they were able to reach their area of work. It was further held that slums which had been in existence for a long period of time and which had been improved and developed would not be removed unless the land on which they stood was earmarked for public purposes, in which case alternative dwellings were to be offered to them. the Court held that it was to be the highest priority of the State Government to relocate the slum dwellers who were being evicted. Hence, the Court here, though not condoning squatting at a public place, still took the approach of housing as a basic human need, and directed that it was to be the responsibility of the State to provide for them. in an interesting differentiation from private property, the period of limitation does not apply where land is to be used for public purposes. Were this direction of housing for all being a State responsibility to be applied uniformly across the nation, the instances of adverse possession would be likely to dramatically decrease in number.

## **THE CASE OF ROHINGYAS**

The case of political refugees such as the Rohingyas is another interesting consideration to the problem of squatting. Fleeing from their home countries, these refugees set up camps, which over the years develop into settlements, which have sometimes been referred to as “emergency urbanism” or “exigent cities”.<sup>38</sup> An example of such a settlement and the uncertainties it brings is

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<sup>36</sup> Pande, B, ‘Reorienting the Rights Discourse to Basic Human Needs’ (2008)

<sup>37</sup> (1983) 3 SCC 545

<sup>38</sup> SANYAL R, ‘Refugees’ [2018] The Post-Conflict Environment 135

visible in examining a 2013 family of squatters in the NCR region. The 65 families were squatting on one land that had recently been sold, hence they had been told to relocate. The conditions in the slums were further borderline unliveable, even when they are not evicted.<sup>39</sup> Public sentiment towards these groups of people is generally negative, and as non-citizens with negligible resources, they do not have the opportunity to assert any squatter's rights, even if the same were to be applicable. Hence, the general notion towards political refugees squatting in camps or settlements is that of a problem that needs to be solved, however, unless the government takes measures for the provision of housing to these refugees, they are unlikely to be in a position to stop squatting. While it would be most desirable for all sections of society, especially those on whose lands the settlements have been set up, if squatters were removed, this solution can only come about through government intervention and the recognition of housing as a human right.

## CONCLUSION

To see adverse possession as a necessary law in a civilized society, rather than an encroachment upon individual property rights, one may need to shift their view of the concept of "ownership". As was stated by Curtis and Ruoff, "*Misunderstandings have sometimes arisen from an unwarrantable belief that title deeds are sacrosanct documents, whereas the truth is that neither a conveyance nor a land certificate retains its value if the landowner is so lax or so indifferent as to lose physical control of his land.*"<sup>40</sup> This belief hence lends credence to the idea that it is the onus upon property owners to be responsible towards their land and its maintenance, and if they fail to do so, it is fair and just that they lose ownership. When they lose physical control of the land, hence, it does not follow that they should retain right and interest in the property.

It is obviously understood that those who lose their rights and whose lands get forsaken through adverse possession would be hostile towards the existence of these laws. What must be understood at the same time is that, in most cases, the squatters do not have any more desire to be in the position they are present in, and are only occupying the land of someone else out of desperation. The ideal solution for both of these parties inevitable involves government intervention and housing programmes. It is the onus upon the State to provide housing for the unhoused, to prevent situations of squatting, among other benefits. However, in a country with as large and diverse a population as India, with millions houseless, the task is a daunting one. In the meantime, before

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<sup>39</sup> Pandit A, 'Rohingyas in NCR Are Safe but Miserable' *Times of India* (9 July 2013)

<sup>40</sup> Curtis GH and Ruoff R.T.B, *Curtis & Ruoff on the Law and Practice of Registered Conveyancing* (Stevens 1965)

housing can be provided for all, the solution should not be the eradication of adverse possession laws. This would create a dilemma where millions of citizens would have literally nowhere to go.

Instead, a solution to strengthen adverse possession laws is proposed. Even with this doctrine being nominally available, most in need would find it extremely difficult to assert their rights under it, due to lack of information and legal resources. It is a temporary balm, but one which must be available.

