

Record of Discussion Meeting to be held on 16-02-2018 on Ease of Doing Business

Reforms for DB- 18 Indicator 3: Registering Property

(Note: The original timelines for completion of the Measures have already expired. It therefore becomes imperative to undertake the Activities (towards completion of the Measures) as expeditiously as possible and in all circumstances well before the revised timelines indicated against each Activity).

A. Measures for Mumbai and Delhi

1. Measure: Allow public access to maps on websites without any fees [Dec'16].

Reported Position NCT of Delhi: Land / Revenue Cadastral Maps in rural areas are available online on the website of Geospatial Delhi Ltd. (GSDL). Separate fee structure is being devised to provide maps of individual land plots online through the GSDL website.

Delhi Govt. is in process of hiring an agency for digitization of property records and the approximate time to complete the work is nine month after initiation of the process .

Integration of Cadastral Maps with Record of rights is in progress **“however no definite timelines to complete the process has been given”**

North MCD: North MCD is already in the process of mapping all the properties in its jurisdiction along with all details relevant to property tax, based on the basic maps provided by GSDL.

East MCD: E- MCD has already floated the tender and final approval is awaited from the competent authority. They will take approximately 2 years to complete the entire work.

South MCD: No information is received as often they do not attend the meeting.

NDMC: Maps are already placed on website with Geo referenced but property details are not available. Additionally, they need to update the map and for this they are in the process of issuance of work order.

L&DO: They have started the process of scanning and digitisation of maps available with them.

DDA: No information is received as they do not attend the meeting.

Suggested Activities for Delhi and MoUD:

Suitable mechanism for providing Maps and Property details in urban areas (as available with the revenue and municipal and development authorities) may be firmed-up (March'17) and initiated (June'17).

2. Measure: Mandate service delivery standards for providing updated map within specific time frame and make it available online [Dec'16]

Reported Position of NCT Delhi: Service delivery standards Record of rights (for hard copy only) have been notified.

Service delivery standards for providing updated cadastral maps will be considered after the wake of integration of textual data (record of rights) and spatial data (cadastral maps) is completed.

North/East/South MCD/NDMC: Service Delivery Standards/mechanism would be mandated after completion of Measures A.1.

Suggested Activities for Delhi:

Suitable service delivery standards for providing Maps in rural areas (as available with the revenue authorities) and in urban areas (as available with the revenue and municipal and development authorities) may be firmed-up (March'17) and put in place (June'17).

The same may also be brought under the RTS (June'17).

Online Access thereto may also be provided (June'17).

M/o Housing & Urban Affairs may hold meeting with all these agencies to short out the issues and to give firmed up timelines for completion of each task.

3. Measure: Mandate all privately held land plots to be formally registered and mapped across country [Dec '16]

Reported Position NCT of Delhi: A single property register needs to be created. Legislation has been drafted by the Revenue department for creating such a register and an agency to prepare and maintain the same, but the draft bill is yet to be processed in the GOI.

It has been reported that there is **no custodian for the records of free hold properties** in urban area of Delhi. **Ministry of Housing and Urban Affairs (MoHUA) needs to formulate a suitable and appropriate policy** for creating a suitable mechanism, in consultation with all the agencies, to provide a common platform for data for L&DO, DDA, NDMC and all MCDs and to provide an institutionalized mechanism for mutation of freehold properties

Suggested Activities for Delhi and MoUD:

Suitable administrative or legislative or policy measures may be considered.

In parallels, in the first instance, property details available with revenue and municipal and development authorities may be computerized and made available online. The mechanism may be firmed-up (March '17), and initiated (June '17).

Computerization/digitization of revenue land records (RoRs and Cadastral Maps) and Online Access thereto may be ensured (June '17).

4. Measure: Make available statistics on the number of land disputes in the first instance on the website for public [Dec'16]

Reported Position of Delhi: Land dispute data is available online for Revenue Courts. Aggregated statistics are available separately under its jurisdiction area (except properties jurisdiction in MCD/NDMC/DDA/L&DO).

North/East/South MCD/ NDMC: All have stated that they are not authorized to have /maintain records of ownership of the properties and they collect information in respect of occupier of the property for the purpose of tax collections only. Information in respect of land disputes are neither received from Hon'ble Courts nor do they maintain any data in this regard.

Suggested Activities for Delhi and MoL&J & MeitY:

The mechanism and portal to provide consolidated salient statistics of civil litigation may be firmed-up (April '17), and initiated (July '17).

MoHUA may firm-up a mechanism to ensure that ownership records of the property are maintained properly (including in digital form) by the concerned agencies and information on disputes relating thereto be linked with ownership records and placed in public domain.

5. Measure: Ensure that cases/disputes are adjudicated in the first instance Court within one year [Dec '16].

Reported Position NCT of Delhi: Civil disputes are adjudicated as per the Civil Procedure Code.

North/East/South MCD/NDMC: As indicated against Measure A.4 above

Suggested Activities for Delhi and MoL&J:

Suitable administrative or legislative or policy measures for revenue litigation may be firmed-up (April '17), and initiated (July '17).

Suitable administrative or legislative or policy measures for civil litigation may be firmed-up (June '17).

6. Measure: Ensure that statistics of land disputes in the first instance is maintained in each Registrar Office and Land Revenue Department and is available online for public [Dec '16]

Reported Position NCT of Delhi: Land dispute data is available online for Revenue Courts.

North/East/ South MCD/NDMC: As indicated against Measure A. 4 above.

Suggested Activities for Delhi and MoUD:

An institutionalized mechanism may be put in place to provide statistics on revenue litigation online at all revenue and registration offices (June '17).

A suitable provision for NCT of Delhi may be considered in the Registration Act 1908 to mandate every court and recovery officer to send copies of interim and final orders affecting any immovable property to the concerned Sub-Registrar (June '17).

7. Measure: Ensure state or private guarantee over immovable property registration by law i.e. formal system of immovable property registration is subject to a guarantee. [Dec '16]

Reported Position NCT of Delhi: Under process.

Suggested Activities for Delhi and MoUD:

Suitable administrative or legislative or policy measures for cases not covered under the RERA may be firmed-up (June '17).

8. Measure: Have a specific compensation mechanism to cover for losses incurred by parties who in good faith engaged in a property transaction based on erroneous information certified by the Sub Registrar Office (SRO) [Dec '16]

Reported Position of Delhi: SRO does not certify any information.

Excluding cases covered under RERA, presently there is no arrangement of private or other guarantee regarding compensation for losses in immovable property transactions.

Suggested Activities for Delhi and MoUD:

Suitable administrative or legislative or policy measures for cases not covered under the RERA may be firmed-up (June '17).

9. Measure: District and Revenue Courts should make history and pendency data of land disputes available online [Dec' 16]

Reported Position NCT of Delhi: Land dispute details are now available online for Revenue Courts.

Suggested Activities for Delhi and MoL&J & MeitY:

Suitable mechanism for districts courts may be firmed-up (April '17), and initiated (July '17).

10. Measures: Create a separate mechanism for filing complaints for any grievance related to immovable property registering and cadastral or mapping agency [Dec'16]

Reported Position: NCT of Delhi: Public Grievances Monitoring System (PGMS) is in place.

Revenue Grievances Monitoring System (RGMS) has also been put in place.

B. Measures for Delhi.

1. Measures: Mandate all privately held land plots to be formally registered and mapped across Delhi [Dec'16]

Reported Position of Delhi: All privately held land plots under the rural villages are being mapped.

A single property register needs to be created. A legislation has been drafted by the Revenue Department for creating such a register and an agency to prepare and maintain the same, but the draft bill has to be processed in the GOI.

North/East/South MCD: Is already in the process of mapping all the properties in its jurisdiction along with all details relevant **property tax**. The work is being carried out by the vendor, based on the basic maps provided by GSDL.

Suggested Activities for Delhi and MoUD

In parallels, in the first instance, property details available with revenue and municipal and development authorities may be computerized and made available online. The mechanism may be firmed-up (March'17), and initiated (june'17).

Computerization / digitization of revenue land records (RoRs and Cadastral Maps) and Online Access thereto may be ensured (June'17)

2. Measure: Create publicly accessible electronic for checking the land records, cadastral maps, deeds and encumbrances (property tax dues, lines, mortgage, restrictions and the like) for every plot in Delhi and link the land ownership registry [Dec'16]

Reported Position NCT of Delhi : It will require integration of data pertaining to Sub-Registrars, revenue authorities and Municipal authorities, DDA etc. which is possible only if there is survey of urban properties giving them a unique number and creating a titling system. GIS for village level revenue maps exists <http://gsdl.org.in/planning tool/gistooPlanning.aspx> (it is accessible using user id and password).

Suggested Activities for Delhi and MoUD:

Suitable administrative or legislative or policy measures may be considered.

In parallels, in the first instance, computerization / digitization of revenue land records (RoRs and Cadastral Maps) and Online Access thereto may be ensured (June '17).

Integration of computerized registration with computerized / digitized land records may be fully completed and operationalised under DILRMP (Sep '17).

Property records available with revenue and municipal and development authorities may be computerized and made available online. The mechanisms may be firmed-up (March '17), and initiated (June '17).

The mechanism for integration of computerized registration AND computerized / digitized revenue land records AND computerized / digitized property records maintained by revenue and municipal and development authorities may be firmed-up (June '17), and initiated (Sep '17).

3. Measure: Integrate land records with MCDs, DDA, NDMC to create Property Cards and make available on-line. [Dec '16]

Reported Position NCT of Delhi: Integration of data pertaining to Sub-Registrars, Revenue authorities, Municipal authorities, DDA etc. and mapping agency is possible only if there is survey of urban properties giving them a unique number and creating a titling system. Delhi Survey, Registration and Recording of Title Bill for immovable property has been drafted and referred to Government of India.

Note: North / East /South / NDMC are required to record the same type of UPIC, based on latitude in their database to connect the property record with SRO.

Suggested Activities for Delhi and MoUD:

Computerization / digitization of revenue land records (RoRs and Cadastral Maps) and Online Access thereto may be ensured (June '17).

Integration of computerized registration with computerized / digitized land records may be fully completed under DILRMP (Sep 17).

Property records available with municipal and development authorities may be computerized and made available online. The mechanisms may be firmed-up (9March'17), and initiated (June'17).

The mechanism for integration of computerized registration AND computerized / digitized revenue land records AND computerized / digitized property records maintained by revenue and municipal and development authorities may be firmed-up (June '17), and initiated (Sep '17).

4. Measure: Prepare documentation on existing spatial data, expand coverage and start online mutation [Dec '16]

Reported Position NCT of Delhi: Steps have been initiated for online mutation of Land records of rural villages. For urban / constructed properties, it will require integration of data pertaining to Sub-Registrar, Revenue authorities and Municipal authorities which is possible only if there is survey of urban properties giving them a unique number and creating a titling system.

North MCD: Online facility for e-change of name is available in the property tax web site in A&C Department, North MCD.

East MCD: The work will be initiated after survey work is completed.

South MCD: Mutation of properties has been made online. The mutation process is also being integrated with office of SRO.

NDMC: Necessary action for online mutation in NDMC records has been initiated.

Suggested Activities for Delhi and MoUD:

Existing spatial data with revenue authorities and municipal and development authorities may be digitized (Sep '17). Gaps / uncovered areas may be addressed (Sep '17).

Integration of registration with revenue authorities and municipal and development authorities along with an inbuilt mechanism of immediate and automatic triggering of the mutation process on receipt of information of registration in the concerned revenue and municipal and development court / office may be developed (June '17).

Increased / optical computerization and automation in the processes of mutation in the revenue and municipal and development courts / offices may be ensured (Sep '17).

Automatic issuance of Order of Mutation and Online Access thereto may be developed (June '17).

5. Measure: Allow automatic appointments (re)scheduling at SRO to reduce number of visits. [Dec '16]

Reported Position of Delhi: Already in use (including re-scheduling).

6. Measure: Introduce e-calculator to computerized registration charges and stamp duty automatically [Dec '16]

Reported Position NCT of Delhi: Already in public place.

Suggested Activities for Delhi and MoUC & MeitY:

The mechanism may be expeditiously firmed-up (Apr '17), and initiated (July '17).

7. Measure: Bring all SROs under e-registration and integrate with PAN and Aadhar data to create a National database [Dec '16]

Reported Position NCT of Delhi: All 22 SROs (out of 23) are under e-Registration System. Integration with PAN and ADDHAR with the registration process is also done.

Suggested Activities for Delhi and MoF & MeitY:

E-Registration in the remaining 3 SROs may be expedited (May '17).

The process and mechanism for integrating PAN and Aadhaar number may be firmed-up (Apr '17), AND INITIATED (Jul '17).

8. Measure: Make all registration documents public and roll out web-based anywhere registration. [Dec '16]

Reported Position NCT of Delhi: Registration documents post 2002 are available on the website in public domain. Actions have been started to make pre 2002 documents public. Web based system for anywhere registration would require,

among other things, Amendment in the Registration Act and dedicated 16 MBPS lease line in place of current 2 MBPS lease line.

(Amendment in the Registration Act will have to take up by the Gol).

Suggested Activities for Delhi:

Pre 2002 documents may also be made public expeditiously (May '17).

A State / UT-specific amendment to allow anywhere registration in Delhi of immovable property situated in Delhi with concomitant provision for simultaneous access of information from and transmission of information to the SRO in whose jurisdiction the immovable property is situated may be considered (June '17).

Simultaneously inter-connectivity between all the SROs in Delhi may be developed for the registering SRO to access data from and transmit data to the SRO in whose jurisdiction the property is situated [Sep'17]

9. Measure: Make registration of equitable mortgages mandatory (at zero or nominal fee). [Dec'16]

Reported Position NCT of Delhi: Policy issues, yet to be examined.

Suggested Activities for Delhi:

Presently all other documents not required by Section 17 of the Registration Act 1908 to be compulsorily registered can be optionally registered under Section 18 of the said Act. This provision can be made use of in cases where it is describable / appropriate to register equitable mortgage.

For making registration of equitable mortgages compulsory in certain specified cases, a State / UT-specific amendment in the Registration Act 1908 may be considered [June'17].
