

Record of Discussions

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Reforms for DB – 18 Indicator 3: Registering Property

Position and Suggested Activities

(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 website without any fees [Dec'16].

Reported Position of Mumbai: Digitization of City Survey Maps in municipal areas of Maharashtra except Mumbai City and Mumbai Suburban districts has been done with the help of Maharashtra Remote Sensing Application Centre (MRSAC). Process of Map validation is in progress.

The work of Digitization of Maps of Mumbai City and Suburban districts with online access has been allotted to MRSAC.

The sub-registrar offices in Mumbai have scanned all available physical documents. Metadata is digitized and used for searching the transaction and the scanned documents. The documents are also uploaded on the server for citizens to access them online.

As part of the routine process, the existing records get scanned and digitized on a daily basis and hence are available online.

Suggested Activities for Mumbai:

Digitization of City Survey Maps and Online Access thereto in Mumbai City and Mumbai Suburban districts may be expedited (June '17).

Computerization of Urban RoRs (Property Cards) and providing Online Access thereto in Mumbai City and Mumbai Suburban districts may be expedited (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 Mumbai: Service delivery standards are specified as a part of Right To Service Act and have been rolled out as a part of "Aaple Sarkar" portal through RTS. (<https://aaplesarkar.maharashtra.gov.in/en/>).

However, maps are not digitized and service delivery of maps is currently in paper format and are made available on request at specified land records office (City Survey Offices).

The Service standards are made available at:

<https://bhumiabhilekh.maharashtra.gov.in> --> Download --> भूमापन - परिपत्रके/पुस्तके

(<https://bhumiabhilekh.maharashtra.gov.in/Site/Upload/GR/RTS%20English.pdf>)

Right to Service Act provides for effective implementation of Right to Services including levy of penalties by an independent commission.

In the review meeting chaired by Additional Secretary Land Resources in Mumbai on 27.09.2017 with the Principal Secretary Revenue, State Government of Maharashtra, it has been agreed that LR Department of Government of Maharashtra will provide the link / make the digitised maps currently available with Municipal Corporation of Greater Mumbai, on the portal in line with EODB reform requirement.

Suggested Activities for Mumbai:

Simultaneous to digitization of City Survey Maps and providing Online Access thereto, the same may in addition be linked with "Aaple Sarkar" portal under RTS (June '17).

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

Reported Position of Mumbai: All land parcel maps are already surveyed as a part of City Survey under section 122 and section 126 of Maharashtra Land Revenue Code (MLRC) 1966 and Property Cards (Urban RoR) are present in Digital form for all privately held land plots.

The land administration system in India works differently than many other countries. In India, land administration is in three parts:

- 1) Survey Department, which prepares and maintains the maps;
- 2) Revenue Department, which maintains the record of rights
- 3) Registration Department, which maintains the record of the registered deeds.

In urban areas like Mumbai, Record of Rights in respect of every land parcel is maintained by Survey department. Sub-registrar office only holds the record of documents which are formally registered with them. There are other documents such as wills etc. which are not compulsory to register as mentioned u/s 18 of the Registration Act, 1908.

Suggested Activities for Mumbai:

Suitable administrative or legislative or policy measures may be considered.

In parallels, in the first instance, Digitization of City Survey Maps and Online Access thereto in Mumbai City and Mumbai Suburban districts may be expedited (June '17).

Computerization of Urban RoRs (Property Cards) in Mumbai City and Mumbai Suburban districts and Online Access thereto may be expedited (June '17).

Computerization / digitization of revenue land records (RoRs and Cadastral Maps) in Mumbai City and Mumbai Suburban districts 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 Mumbai: Project "e-DISNIC software"(Revenue Courts) for online availability of land dispute information has been rolled out.

City Civil Court of Mumbai comes under administrative control of Hon'ble High Court of Mumbai.

Suggested Activities for Mumbai and MoL&J & MeitY:

The mechanism and portal to provide consolidated salient statistics of revenue litigation may be initiated (April '17).

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

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

Reported Position of Mumbai: Necessary amendment has been made by Gazette Notification no. 24(3) dated 11/04/2016 (Maharashtra Act No. XI of 2016) to mandate the adjudication of the cases/ disputes with regards to land within one year.

City Civil Court of Mumbai comes under administrative control of Hon'ble High Court of Mumbai.

Suggested Activities for Mumbai and MoL&J:

(Maharashtra Act No. 11 of 2016 makes amendments in the Maharashtra Land Revenue Code 1966. This is applicable to revenue litigation.)

Suitable administrative or legislative or policy measures on similar lines may be firmed-up for civil litigation (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 of Mumbai: Registration Act has been amended with insertion of Section 89 A, according to which every court shall send copies of order affecting any immovable property and every recovery officer shall send copies of order or interim order attaching or releasing any immovable property to the concerned Sub-Registrar. The Sub-Registrar will file such copies in his book and prepare Index of such orders. During search of record of registered documents, intended buyer will have knowledge of dispute or recovery proceedings if any.

City Civil Court of Mumbai comes under administrative control of Hon'ble High Court of Mumbai.

Suggested Activities for Mumbai:

An institutionalised mechanism may be put in place to provide these statistics online at all revenue and registration offices (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 of Mumbai: The Real Estate (Regulation and Development) Act 2016 [RERA] has a provision of title insurance.

Suggested Activities for Mumbai 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 Mumbai: RERA has the provision of title insurance.

Suggested Activities for Mumbai 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 of Mumbai: Project "e-DISNIC Software" (Revenue Courts) for making the land dispute information available online has been rolled out across the State for Revenue Department (eDisnic.gov.in).

For integration of judicial database, the issue will require to be discussed with Law and Judiciary Department at Government level.

District Court case information is available on <http://services.ecourts.gov.in/ecourtindia/>

Suggested Activities for Mumbai and MoL&J & MeitY:

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

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

Reported Position of Mumbai: Grievance management system (a single window service portal) has already been implemented by Government of Maharashtra called "Aaple Sarkar" portal. URL :(<https://aaplesarkar.maharashtra.gov.in/en/>)

Both the departments of Land Records and IGR manage Grievances through "Aaple Sarkar" portal.

Additionally, the department of IGR also has separate mechanisms such as dedicated Email, Call centre, etc. to accept & resolve the citizen grievances

Suggested Activities for Mumbai:

A separate field for grievances relating to registration of immovable property and to revenue land records maintained by revenue authorities and to property records maintained by revenue and municipal and development authorities (i.e. a separate field related to all land records and registration of immovable property) may be considered in the *Aaple Sarkar* portal (April '17).

B. Measures for Delhi

C. Measures for Mumbai

1. **Measure:** Create publicly accessible electronic database for checking the land records, cadastral maps, deeds and encumbrance (property tax, liens, mortgages, restrictions and the like) for every plot in Mumbai [**Mar '17**]

Reported Position of Mumbai: Last 30 years documents have been scanned and available in eSearch; mortgages against properties are also available in eSearch.

Negative property list is available in **iSarita** and the system issues alerts based on the same.

GIS roll-out is mandatory for recording boundaries, checking plans and providing cadastral information.

The pre-requisite for undertaking the Digitization project in Mumbai and Mumbai Suburban is to include City Survey as a part of Digital India Land Records Modernization Programme (DILRMP) or through alternative funding provision.

Data regarding registered mortgages is available online through eSearch since beginning.

Going further, Registration Act (Section 89-B) as applicable to the state of Maharashtra has been amended in the year 2013. Since then, the database for Notice of initiation is complete in all respects related to all charges and mortgages.

In other words, any charges or mortgages, which are executed after the above Section of the Registration Act came into force, not filed with the sub-registrar office are not enforceable.

All physically available documents are already made online through eSearch portal

Suggested Activities for Mumbai and MoF:

Digitization of City Survey Maps and Online Access thereto in Mumbai City and Mumbai Suburban districts may be expedited (June '17).

Computerization of Urban RoRs (Property Cards) and providing Online Access thereto in Mumbai City and Mumbai Suburban districts may be expedited (June '17).

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

Pursuant to the amendment made through Section 89 A 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, an institutionalised mechanism may be put in place to provide these statistics online at all revenue and registration offices (June '17).

An institutionalised mechanism for linking Computerized RoRs of revenue land records in Mumbai City and Mumbai Suburban Districts AND Computerized Urban RoRs (Property Cards) With CERSAI may be firmed-up (April '17), and initiated (July '17).

Action in respect of the other points may be concomitantly taken.

2. Measure: Integrate registry offices with PAN and Aadhar data to create a National database [Dec '16]

Reported Position of Mumbai: For integrating with PAN, field for seeding PAN exists in **iSarita**; once permission from income tax department for accessing their data base for authentication of PAN is granted, integration can be done. Entering PAN number at the time of registration is already implemented. Aadhar seeding facility is available in **iSarita** and it is integrated with UID Authority for verification; it is mandatory for eRegistration. For other registrations also, Aadhar can be seeded in **iSarita**. It can be made compulsory once the legal hurdles are over.

Suggested Activities for Mumbai and MoF & MeitY:

An institutionalised mechanism for integrating PAN and Aadhaar number may be firmed-up (April '17), and initiated (July '17).

3. Measure: Link the information recorded by the immovable property registration agency and the cadastral or mapping agency. [Dec '16]

Reported Position of Mumbai: The digitization of the spatial data is not completed and is present in the form of hard copy. Urban RoR (Property Cards) is to be included in the Digital India Land Records Modernization Programme (DILRMP) OR there should be alternate funding provision for the Digitization of the Spatial Data.

Digitization of spatial data is a pre-requisite for Integration with immovable property registration agency.

In the review meeting chaired by Additional Secretary Land Resources in Mumbai on 27.09.2017 with Principal Secretary Revenue, State Government of Maharashtra it has been agreed that LR Department of Government of Maharashtra will provide the link / make the digitised maps currently available with Municipal Corporation of Greater Mumbai, on the portal in line with EODB reform requirement.

Suggested Activities for Mumbai:

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

Integration of computerized registration with computerized / digitized revenue land records in Mumbai City and Mumbai Suburban Districts may be fully completed under DILRMP (July '17).

Computerization of Urban RoRs (Property Cards) in Mumbai City and Mumbai Suburban districts and Online Access thereto may be expedited (June '17).

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

4. Measure: Issue order to ban manual RoR and make online property Cards mandatory for any transaction [Dec '16]

Reported Position of Mumbai: Manual RoRs are already discontinued across the State including for Mumbai City and Mumbai Suburban Districts. Urban RoRs (Property Cards) are present in Digital Format but not yet in Mumbai City and Mumbai Suburban Districts. Online Mutation System for the Property Cards (web-based property card information system - Web-PCIS) is to be rolled out for Integration of Property Cards and Registration System.

The work of Digitization of Maps with online access for Mumbai City and Suburban districts has been allotted to MRSAC.

Funds for Computerization of Urban RoRs (Property Cards) have been sanctioned.

Suggested Activities for Mumbai:

Issuance of Computerized RoRs of revenue land records in Mumbai City and Mumbai Suburban Districts may be ensured (June '17).

Computerization of Urban RoRs (Property Cards) and providing Online Access thereto in Mumbai City and Mumbai Suburban Districts may be expedited (June '17).

Issuance of Manual Urban RoRs (Property Cards) in Mumbai City and Mumbai Suburban Districts may thereafter be discontinued (July '17).

5. Measure: Create unique property ID by linking City Survey nos. to Municipal Property nos. [Dec '16]

Reported Position of Mumbai: No specific response

Suggested Activities for Mumbai: The process and mechanism of creating Unique Property ID by linking City Survey numbers to Municipality Property numbers may be firmed-up (April '17), and initiated (July '17).

6. Measure: Integrate RoR databases with CERSAI database of mortgages and other charges [Dec '16]

Reported Position of Mumbai: The RoR (Property cards) are available in the Digital format on the <https://mahabhulekh.maharashtra.gov.in> (for Rest of Maharashtra and Mumbai Suburban District (MSD)) and on <http://prcmumbai.nic.in/prcmumbai/jsp/propertyNew.jsp> (website for Mumbai City Collector) for the Mumbai City.

Also, a project for the online mutation process and management of the Property Cards called "web-Property Card Information management System (Web-PCIS)" is under development stage for online management of urban property cards. Requirement for integration of Central Registry of Securitization Asset Reconstruction and Security Interest of India (CERSAI) database with RoR shall be taken as a part of Web-PCIS.

The RoRs (Property Cards) available on <https://mahabhulekh.maharashtra.gov.in/> <http://prcmumbai.nic.in/prcmumbai/jsp/propertyNew.jsp> to be integrated with CERSAI Database.

Suggested Activities for Mumbai and MoF:

An institutionalised mechanism for linking Computerized RoRs of revenue land records in Mumbai City and Mumbai Suburban Districts AND Computerized

Urban RoRs (Property Cards) With CERSAI may be firmed-up (April '17), and initiated (July '17).

7. Measure: Make publicly available official statistics for tracking the number of transactions [Dec'16]

Reported Position of Mumbai: Official statistics for tracking number of transactions is publically available on the Department website (igrmaharashtra.gov.in): Number of documents registered and revenue collected: Daily, Monthly and Annual. Year-wise historical statement for number of documents registered and revenue collected is available at <http://igrmaharashtra.gov.in/pdf/Statistic.pdf>

The property transfer statistics and statistics for Mumbai division are already made available under 'Statistics' section of the website.