

REGISTERING DEEDS IN DELHI: CHALLENGES, INNOVATIONS AND PROSPECTS

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Abstract

This paper examines the institutional process of registering conveyance deeds in Delhi, the National Capital Territory (NCT) of India. This is in the context of administering one of the largest urban centres of the world, within a peculiar governance system as well as a very fragmented institutional apparatus. The paper will delineate in precise sequence, eight steps for registration. It will look at the current practices in each of these steps, identify the good practices within them, recent initiatives, as well as persistent gaps. Recent interventions in Delhi include increase in the number of sub-registrars, improvement in registration offices, online search of registration database, introduction of appointment system, and easier payment methods. Associated agencies such as revenue department and municipal authorities have also initiated digitisation of land records and allotment of unique property identification numbers, including the use of geospatial techniques. Aims to improve processes include faster processing of registration applications, timely updation of registration records. In such light, the paper will explore ways in which Delhi could create better urban land records, drawing from its own initiatives as well as from other innovations across India.

Keywords

1. Registration
2. Deeds Based
3. Urban Land Records
4. Delhi
5. India

Registering Deeds in Delhi: Challenges, Innovations and Prospects

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This paper examines the institutional process of registering conveyance deeds in Delhi, the National Capital Territory (NCT) of India. This is in the context of administering one of the largest urban centres of the world, within a peculiar governance system as well as a very fragmented institutional apparatus. The paper will delineate in precise sequence, eight steps for registration. It will look at the current practices in each of these steps, identify the good practices within them, recent initiatives, as well as persistent gaps. Recent interventions in Delhi include increase in the number of sub-registrars, improvement in registration offices, online search of registration database, introduction of appointment system, and easier payment methods. Associated agencies such as revenue department and municipal authorities have also initiated digitisation of land records and allotment of unique property identification numbers, including the use of geospatial techniques. Aims to improve processes include faster processing of registration applications, timely updation of registration records. In such light, the paper will explore ways in which Delhi could create better urban land records, drawing from its own initiatives as well as from other innovations across India.

The first part of the paper describes why Delhi is a significant site to understand the registration system, and the complexities associated with governing land and property transactions in a metropolis with a layered history and significant informality. The second part enumerates the details of the institutional process of registering conveyance deeds in Delhi, including good practices and recent innovations. It also lists gaps within these processes and avenues for improvement. The third and final part analyses the critical challenges for Delhi, which are more structural in nature, and therefore require coordinated foresight and action across multiple stakeholders.

Delhi and its Significance

Delhi is one of the largest urban centres in the world, with a population of 16.75 million in 2011 and urbanisation level of 97.5% (Census of India, 2011). Delhi is also poised to become the most populous city in the world by 2029 (UN Population Division, 2018). Between 1951 and 2001, it saw its population grow by almost fifty percent per decade, lowering only recently (between 2001 and 2011) to a 21 percent decadal

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growth rate. Spatially, the city has seen steady expansion of built-form over the last two decades, including re-densification within existing areas (Malladi, Chatterjee & Jana, 2017).

A price-to-income ratio study undertaken by quantitative analysis firm Oxford Economics in January 2017 revealed that Delhi is the 11th most unaffordable city in the World, and has low rental returns expected from property investment. The Master Plan for Delhi 2021 estimated that in the year 2001 there was a shortage of 400,000 housing units in Delhi (including dilapidated structures), and by 2021, a total of 2.4 million new housing units need to be created. The Master Plan also estimated that out of these, 54 percent of the new dwelling units should be for the low-income section and the economically weaker sections of the society, thus highlighting the need for affordable housing in the city. Strategies for increasing the housing supply included development of new housing areas, and redevelopment of existing areas. Between 2001 and 2011, the number of houses in the NCT increased by around 1 million (MOSPI, 2017).

In the latest Ease of Doing Business rankings released by the World Bank, it was estimated that registration of properties in Delhi typically takes 8 steps across 53 days, costing 9% of the value of the property. Pertinent here is Delhi's score on the land administration index – a mere 7.5 out of 30. While the performances against these indicators are not representative of urban Delhi, they remain significant in improving the overall Ease of Doing Business ranking of the country, and hence have drawn the attention of policymakers. For example, records of publicly available official communication from the Department of Land Resources (DOLR), under the GOI's Ministry of Rural Development, reveal that between March 2017 and February 2018, the DOLR took a keen interest in assessing the situation of land records in Delhi, and regularly suggested measures for its improvement. The DOLR requested various concerned agencies in Delhi to ensure that 'necessary action to computerize / digitize the textual and spatial property records ... is undertaken on the highest timebound priority' (DoLR, 2017).

Changes in property rights and land information systems of Delhi are therefore likely to impact millions, and hence assume a greater degree of significance for their sheer scale of implementation and the implications of such changes.

Constitutional position vis a vis Land Administration

Delhi has a peculiar governance system, unique in the Constitutional structure of India, where powers (including land related powers) are shared between the Central Government and the Government of the NCT, Delhi, leading to significant Constitutional debates and jurisdictional tussles.

India has a presumptive system of land tiling, with deeds-based registration, under a Common law system. Land matters are typically governed by state governments ('land' features as Entry 45 in List II of the Constitution of India) while 'Registration of deeds and documents' is a concurrent subject where both Central government and state governments can legislate (Entry 6 in List III). Correspondingly, land record administration is governed by state Revenue Acts, Tenancy Acts and other legislation. Whereas registration of conveyance deeds is governed by Indian Registration Act (IRA) 1908, Transfer of Property Act 1882, and Indian Stamp Act 1899, all of which are Central laws.

The position of Delhi is unique, as it is the national capital territory, which is not really a state. As per the case of *Government of NCT Delhi v Union of India* (Supreme Court CA No. 2357 of 2017), the NCTD is not accorded the status of a state but is instead a sui generis entity, 'a class apart', where there is an elected Chief Minister but also a centrally appointed Lieutenant Governor of Delhi who functions as an Administrator, and with whom lie significant powers. As per Article 239 AA of the Indian Constitution, as interpreted by the above-cited case, the Legislature of the NCTD has no powers to legislate on questions of police and public order; or on matters of land, including land tenures. The Legislature of NCTD has no powers over these 'excluded subjects'. Similarly, for the executive powers of the Government of the NCTD, the excluded subjects are not within its purview. On such matters including land and tenure, the Central Government (and Parliament) has sole powers.

In short, the Government of the National Capital territory of Delhi (GNCTD) does not have authority over land, but it can administer registration functions and land revenue functions. Thus, GNCTD may not be able to take independent policy decisions about the same, without concurrence of union government.

Institutional fragmentation: position vis a vis Land Administration

Added to the Constitutional complexity is a very fragmented institutional apparatus consisting of multiple institutions, which either own land, regulate its development, or collect taxes/ revenue from it. These include a number of municipal bodies, the revenue department, the parastatals for land development, remnants of colonial boards, departments of the Central Government and so on. For example, the following institutions are noted:

- a) Revenue Department Government of NCTD (GNCTD): responsible for registration of conveyance deeds across Delhi, and for maintaining and updating land records in rural areas of Delhi.²
- b) Delhi Development Authority (DDA): major land holding agency, responsible for acquisition, development and disposal of land, apart from Master Planning. DDA also maintains comprehensive records (relating to allotment or transfer) for land/ properties given out on leasehold basis.
- c) Municipal Authorities: The NCTD has five urban local bodies, namely North Delhi Municipal Corporation (North MCD), South Delhi Municipal Corporation (South MCD), East Delhi Municipal Corporation (East MCD), New Delhi Municipal Council (NDMC) and Delhi Cantonment Board, with different geographical jurisdictions. They are responsible for collecting property taxes and also maintain related records.
- d) In addition, there are other agencies of the Union Government such as the Land and Development Officer (L&DO), Ministry of Urban Development (MoUD) and the Directorate of Estates (DoE), which are responsible for ownership, management and administration of primarily central government land within Delhi.

This fragmented institutional jurisdiction, in terms of functions as well as geography, ensures that these different agencies have the responsibility of only particular details of the properties under their respective jurisdictions.

One implication from the above is that no single authority has complete information for any particular property. For example, for a property developed and allotted by DDA, the original land records (pre-acquisition) are maintained in archival records of Revenue Department; just as the original allotment records are available with DDA; and then the registration records for subsequent legal transfers are available with Registration wing of the Revenue Department; while the property tax records (indicating current

² For the purpose of this paper, the officials and functions of the Revenue Department concerned with Registration have been referred as the Registration department. This is in order to distinguish them from other functions such as maintenance of record of rights or revenue court database in rural areas, which are also under Revenue Department. In practice, the registration department is a part of the Revenue Department of the GNCTD.

possession) are maintained by the concerned municipal authority. Since the objective of each institution is to capture only particular details as relevant to such institution, the format of the land/ property records maintained by each of these agencies varies (refer annex).

Similarly, there is no single authority which has property records for all properties in the entire NCT. Records maintained by agencies such as DDA, L&DO, or DoE are restricted only to land or property developed or allotted by them. Each municipal authority maintains property tax records for only its respective jurisdiction, and even within that, several properties are either granted an exemption or are not covered. The Registration wing of the Revenue Department is the only agency which has jurisdiction across the NCT, but the registered conveyance deeds do not include all transactions (for example, a General Power of Attorney, or GPA).

Socio-Economic and Historical context

Apart from the Constitutional complexity and urban institutional fragmentation is the layered history of Delhi itself, which include areas which have never been part of the formal land record system as understood in contemporary terms. An example is the old city (or Shahjahanabad) which was settled in 17th century and may not have traceable records. Similarly, there are areas in the city known as ‘urban villages’ or ‘lal dora areas’ in which individual property ownership details were never captured in the original land records.³ These areas do not have traceable land or property records, and a process of ‘title search’ (within the presumptive titling and deeds-based registration system) is extremely difficult.

Delhi has also witnessed large-scale demographic changes, which disrupted the prevalent tenure system of their times. The most noteworthy of these pertain to the period after 1857 when the British colonial power took over the Mughal empire, and then between 1946- 52, in the aftermath of partition and subsequent rehabilitation in Delhi.⁴ Separate institutions were created for post-partition resettlement, and these were

³ These are the habitable portions (‘abadi’ areas) of the erstwhile rural villages. The ‘abadi’ areas were marked as a single land parcel in the cadastral maps, and individual ownership within them was not recorded.

⁴ According to Census of India statistics, the population of Delhi increased from 0.9 million in 1941 to 1.7 million in 1951 and 2.6 million in 1961. Between 1951 and 1961, the area of the city also increased from 198 sq km to 323 sq km. The additional population was accommodated in various resettlement colonies (Shivani 2018, Pandey 1997).

subsequently merged with other institutions. These disruptive changes led to varied formats of tenure, which may be difficult to rationalise in terms of the current land administration system.

In addition, the pressures of increasing urbanisation coupled with inadequate supply of affordable developed land (Srivastava Committee, 2007), has resulted in various forms of informal settlements. As per estimates, there are atleast 675 notified slums in Delhi (DUSIB, 2015) and 895 unauthorised colonies waiting for regularisation (GNCTD, 2012). In most cases, the transactions of properties in these areas are captured only using informal mechanisms. Moreover, there are various types of settlements within the 'informal' category (see Bhan, 2013), and each of them have a different system of recording tenure, which may or not form part of the formal land/property records systems.

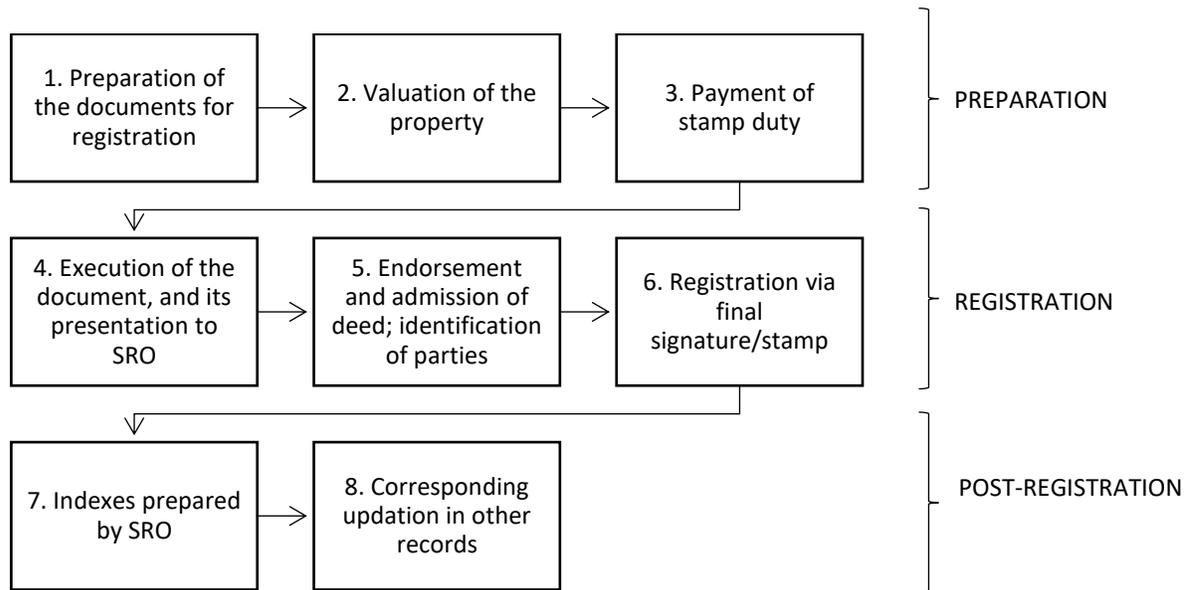
The title search and registration processes for sale of an immovable property in Delhi need to account for the differences in the property record across the city: in terms of format of the record, information captured, status of updation, governing authority which maintains the record as well as the manner in which the record may be accessed. The historical and socio-economic complexities of the city make these processes difficult for large areas.

Innovations in the Registration Process

Inspite of the difficulties underlined in the previous sections, there have been noteworthy attempts to improve the registration processes in Delhi. These attempts are within the deed based, presumptive system of registration of Common Law jurisdictions, and not in the conclusive Torrens based system.

For the sake of clarity, the process of registration of a conveyance deed can be divided into eight critical steps.

Fig. 1: The Eight-Step Registration Process in Delhi



Source: compiled by IIHS (2017)

While these steps are uniform for any category of property mapped above, the features of title search (Step 1) and updating or incorporating in the record (Step 8), present considerable variation. In doing this step-by-step process⁵, this section analyses current practices in each of these steps; identifies the good practices and recent innovations, as well as persistent gaps. It also examines ways of linking the registration process to various institutional actors, while highlighting certain legal and political complexities.

⁵ For the purpose of this paper, the eight steps have been described for a typical sale-purchase transaction of a property between a buyer and a seller. Other forms of conveyance, such as a lease agreement or a gift deed, or registration of a will, have not been discussed.

Process

The process of registration is primarily governed by the Indian Registration Act 1908, which requires that the transacting parties appear before a sub-registrar, typically at the Sub-Registrar Office (SRO)⁶. The Stamp Act 1899 (steps 2 and 3), and the Transfer of Property Act 1882 (steps 4 and 5), are the other governing laws. The first and the eighth steps are also concerned with updation processes governed under the Delhi Land Reforms Act 1954, the regulations under the Delhi Development Authority Act 1957, and the Delhi Municipal Act 1956.

The first step of preparation of documents for registration typically involves conducting a title search, including looking up land/ property records, and establishing a chain of title through registered deeds. Other details regarding the property under transaction are also checked, such as status of any litigation, pending dues, or any mortgage against the property. These checks are critical within the larger framework of presumptive land titling and deeds-based registration, as they support the principle of *caveat emptor*, wherein it is the duty of the buyer to check all property related credentials, and there is no guarantee ensued by the State. In the case of certain types of properties, a no-objection certificate must be acquired prior to the registration.⁷ The first step also includes preparation of the deed, which would document the proposed transaction, and note the rights being transferred. It is this deed, which is to be registered through the eight-step process.

In the second step, the value of the property being transferred is determined, based on rates pre-determined by the GNCTD for each area and category of property. Once the property value is determined, a fixed ratio of this value is deposited with the state exchequer in the form of stamp duty (Step 3). The stamp paper received by the parties in lieu of this stamp duty is used in the final sale deed.

⁶ The sub-registrar is an officer under the registration wing of the Revenue Department of the GNCTD. Roles and responsibilities of the sub-registrar are defined under the IRA 1908. As of August 2018, Delhi had xx SROs, across 11 districts.

⁷⁷ For example, the Delhi Land Reforms Act, 1954 (applicable for rural areas) restricts any transfer of land if the seller is left with less than eight acres of agricultural land (Section 33). It also prohibits use of agricultural land for non-agricultural purposes (Section 81). As a result, sellers of agricultural land are required to produce a document from the Revenue Department, that the concerned land does not fall under these categories, and has not been notified for land acquisition. This document is known as a Land Status Report.

The next three steps involve the physical presence of buyer and seller in the sub-registrar office. This includes taking an appointment with the sub-registrar for the same, and on the fixed day and time, presenting the documents for her purview (Step 4). Step 5 concerns the admission of the deed by the sub-registrar, subject to the conditions prescribed by IRA 1908 and ensuring that the stamp duty has been paid for the correct property value, and identification of the parties concerned with the transaction. Notably, under the presumptive system and the IRA 1908, the sub-registrar is not required to verify whether the seller of the property is indeed the owner. Step 6 is the completion of the registration process, including payment of a registration fees, with the final signature by the sub-registrar.

The seventh step involves updation of various databases maintained by the SRO, including a set of three indexes, and retaining a copy of the registered deed for SRO records. This makes the registered deed a part of the public record, which can be accessed later as part of establishing a chain of title in step 1. The eighth step involves similar updates in databases or records maintained by agencies other than the registration department. This includes mutation with respect to record of rights maintained by Revenue Department, and mutation in property tax records maintained by the respective municipalities. It may also include updates with any service providing agencies (e.g. for electricity, water or gas connection) or concerned financial institutions.

Good Practices and Innovations:

As per officials of the Revenue Department, over the last few years, GNCTD has taken a series of steps to improve the registration process in terms of citizen convenience, and reducing the time for registration. Some of this is influenced by the focus on improving scores under the Ease of Property Registration, under the World Bank's Ease of Doing Business rankings.⁸ These good practices have been highlighted vis a vis the eight steps of registration as follows:

Step 1: The Registration department has made available an online database of all deeds registered since 2002 (or 2005 in certain areas). This is publicly accessible and free of cost on the registration department website. This e-Search function eases the process of tracing the chain of title. In a recent initiative, the

⁸ Under EODB, the indicators for ease of property registration are (i) no. of steps needed for property registration (ii) time required (iii) cost involved in registration and (iv) land administration quality. In India, the ease of property registration is estimated for Mumbai and Delhi, to determine the national scores.

website also provides links to searchable databases of property tax bills, electricity bills, water supply bills and gas supply bills, to ascertain any pending dues.

For rural areas⁹ of Delhi, the Revenue Department has digitised a majority of the record of rights, and made them available online. These records can also be accessed via a doorstep-delivery function. The department also maintains a publicly available database of all property related litigation pending in Revenue courts¹⁰ of Delhi (for rural areas only), and has linked them to the corresponding record of rights. In addition, it has introduced a computerised workflow, which informs the applicant when their application for Land Status Report has been processed.

For property records in urban areas, the five municipal authorities in Delhi are among the major stakeholders. Together, these five authorities cover the entire area of NCT, and may collectively host the largest set of records in Delhi, in the form of property tax registers.¹¹ Four of these agencies have also initiated allotment of unique property identification numbers, including a door to door survey and use of geospatial techniques. The primary objective of the Unique Property Identification Card (UPIC) exercise is to increase tax collection, by bringing more properties under the ambit of property tax. It has been initiated by all three municipal corporations, and a sixteen digit number would be allotted to each surveyed property. However, the methodology and the status of the initiative varies between the three corporations. In comparison, the Digital Door Numbers (DDN) of the New Delhi Municipal Council is a similar initiative, but it would also link to geographical location of the property, electricity bill, water bill, and other services associated with the property.

According to recent news reports, DDA also plans to computerise the property records maintained by it.

Step 2: Determination of correct property value is an important component of the registration process, as it impacts the revenue generated by the GNCTD. To enable correct pre-determination of the property value,

⁹ This includes 227 revenue villages (Srivastava Committee, 2007), with a total population of 0.4 million in 2011 (2.5 percentage of total population of Delhi). In 2017, 89 of these villages were declared as urban.

¹⁰ Revenue Courts is the first recourse for dispute adjudication regarding land or revenue related matters. Their immediate jurisdiction is in rural areas. Civil courts also have jurisdiction over land related matters, across rural and urban areas, especially title suits. However, information on property related disputes in civil courts is not available online.

¹¹ According to various estimates, there are around 40 lakh properties in Delhi, out of which only eight to ten lakh pay property taxes. The remaining 30 lakh include 25 lakh properties in unauthorised colonies (Rakesh Ranjan, 2015).

and thus avoid multiple visits to SRO, the registration department has introduced an online platform wherein the value of the property can be calculated in advance, based on its area, use, built form and location details.

Step 3: Delhi uses a system of e-stamp papers, which can be procured upon payment of stamp duty at designated banks or at authorised collection centers. When introduced in 2008, e-stamping had improved citizen service by increasing the points of access, and also reduced the scope of tampering, by shifting from physical stamp papers.

In Delhi, in addition to the stamp duty, a surcharge on it is also collected at the time of registration. This surcharge is the transfer duty levied by the concerned municipal authority. The integration of transfer duty with step 3 and not step 9 reduces the number of steps involved in the process.

Step 4: The Registration department has introduced an online system, to book appointments at the SRO office. While the system was first introduced in 2012, the major push towards it came only in 2016-17. The department has increased the number of SRO offices in Delhi, and has provided better infrastructure in these offices, for the convenience of the citizens. This has considerably reduced the waiting time for citizens at the SRO office, and also improved the rate of processing of applications.

Step 5: Certain types of properties may have prohibitive restrictions placed on their sale or transfer. For example, properties in unauthorised colonies often face such restrictions. Some properties may be under litigation, and a civil court may have restricted their transfer. According to some of the interviewed officials, the sub-registrars sometimes maintain an informal register wherein stay-orders received from courts, or other such lists are maintained. Although according to IRA 1908 the sub-registrars are not legally bound to verify the credentials of the property, in practice, they may check these lists before endorsing the registration.

Step 6: Once registered, the sale deed is electronically scanned, thus reducing the reliability on paper records.

Step 7: The online e-search database is updated on a **real-time** basis, reducing the scope for multiple registrations regarding the same property. The registration department has also undertaken institutional streamlining of processes and working hours to cover up pending backlog of document updation.

Step 8: The Revenue Department has introduced online applications for mutation, accessible under its e-district initiative. Similarly, mutation application to MCD can also be filed online.

Gaps:

Step 1: The e-search service, though very helpful, is not complete. Registration department in most states in India use a 30 year time period to issue an encumbrance certificate for a property. On this basis, the GOI scheme to modernise land records had also suggested that states should computerise legacy registration data. In comparison, the e-search facility in Delhi has information only since 16 years. Moreover, the online database has only limited details available, and a copy of the previously registered deeds can be accessed only through the concerned SRO office. The registration department has also uploaded model deed-formats for various types of transactions, but according to primary sources, most buyers prefer to get this done via deed writers.

The uploading of ROR and court case details from Revenue courts is a commendable initiative. However, since their application is limited to only rural areas, these two initiatives represent only a fraction of the city's land and property details.

Urban areas are crucial owing to their spread¹² and high property values. Yet, they either do not have a reliable set of records, or the provisions to access these records are not convenient. DDA, the primary land development agency in the city, maintains records for only those properties which are allotted by it on a leasehold basis. In addition, these records may not reflect the on-ground possession, as subsequent transfers may have occurred using a General Power of Attorney (GPA), instead of a sale. Once a DDA property is converted from leasehold into freehold, DDA stops maintaining a record of the transfer of ownership. Even for the leasehold records, these are primarily in paper format and are often not easy to access.

Regarding property tax records, the UPIC or DDN initiative by the municipal authorities have had a slow progress, and are yet to achieve their estimated targets of coverage. Large number of properties, particularly those in informal settlements or urban villages, are yet to be included in these records.

Step 2: There is scope to improve accuracy of the online valuation model. During registration, the property value may get revised based on the sub-registrar's estimate, and hence additional stamp duty may need to be paid. People often prefer the services of deed writers, surveyors or lawyers, to ascertain the property value (instead of the online valuation model), in order to avoid inconvenience at the time of registration.

Step 3: There is scope to improve the mode of stamp duty payment, by introducing completely online methods such as those in Maharashtra.

¹² According to Census of India 2011, 97% of the houses occupied for residential or residential-cum-other uses in Delhi are located in urban areas.

Step 4: When filing the registration application, SRO staff members sometimes make data entry errors regarding details of the property, the transacting parties, or the witnesses. Rectifying these errors often delays the process of registration. Delhi may consider introducing an online ‘public data entry’ feature wherein the parties to a transaction can enter their details themselves, as part of their registration application.

Step 5: There can be more formal procedures to check whether the transfer or registration of a particular property is permitted or not. For example, via linking the property related litigation data from civil courts with respective property number. These datasets, when available in public domain, will also reduce the discretion of the sub-registrar.

Step 6: The number of documents registered in a day, is often not same as the number of registration applications filed on that day.¹³ There remains scope to improve the time taken for registration, include the final steps of stamping and upload.

Step 7: Owing to the delay in registration in some cases (refer step 6), the uploading of registered documents may not be real-time in nature, and leaves scope for improvement.

Step 8: Ideally, registration of a typical conveyance deed should trigger the mutation process automatically, whether in revenue records, in municipal property records or in DDA records. Currently, separate applications need to be filed for each of these mutations, thus causing delay in mutation, or mismatch between registration records and other records.

Challenges and Prospects

In view of the complex legal, institutional, and historical context, having a real-time land information system in Delhi becomes imperative as well as difficult. In the last few years, registration systems in Delhi have improved, due to technological initiatives, institutional streamlining and improved infrastructure. The department aims to improve public service delivery by faster processing of registration applications, and timely updation of registration records.

However, it is observed that the impact has remained somewhat limited even as registration processes have improved. This is reflected in the stagnant EODB scores under property registration in Delhi for last two

¹³ Based on a week-long compilation (dated December 2017) of statistics from the Registration Department’s website. Refer https://doris.delhigovt.nic.in/Daily_Report.aspx for the daily statistics.

years, since the scores are low on the quality of land administration.¹⁴ This is largely because of the status of property records maintained by different agencies, as well the dichotomy between urban and rural in the national capital territory. The NCT faces certain structural challenges when it comes to land and property record management which continue to create barriers to large-scale systemic changes in the registration system.

The most critical of these issues is the absence of an urban property record which is comprehensive in its coverage, reliable in terms of its updation status, and easily accessible for citizens. Currently, access is possible only if there is clear knowledge of the nature¹⁵ and origin¹⁶ of the relevant property, and its location in a particular agency's records. There are separate institutional initiatives but these are sporadic and not interoperable. For example, in the UPIC initiative, North DMC and the East DMC appear to have a similar methodology, of mapping all properties door-to-door, using GIS, and then assigning a property number. However, as per officials interviewed, South DMC's focus has been on allotting unique numbers to the properties recorded in its existing database, and a survey was included only later. The New Delhi Municipal Council has a different approach, which focuses more on geo-tagged location, photographs of the property and interlinking of database of various services. The differences in such property record database restrict any interoperability of these datasets. As a result, the idea of a single window system to land and property

¹⁴ India's score under EODB's ease of registering property marginally increased from 43.09 in EODB 2018 to 43.55 in EODB 2019. Between 2017 and 2019, Delhi's score in quality of land administration index increase from 6.5 to 8. However, the number of procedures also increased from 7 to 9, time involved increased from 47 days to 55 days, and the estimate of cost increased from 8.4 percent of property value, to 9.1 percent of property value.

¹⁵A property may be allotted on a leasehold basis by a government agency, or may be held privately on a freehold basis. Some properties may also be under a conditional allotment from a government agency, which restricts any further transfer of property to a non-intended beneficiary. These factors determine the agencies with which various records about the particular property may be maintained.

¹⁶ It becomes important to know how the particular property came into being. For example, various possible categories (based on the original development) can be a plot for which land was allotted by DDA, a plot which was allotted during post-partition rehabilitation, a built up apartment which was allotted by DDA, an apartment or a parcel bought from a private developer, a plot of land in an unauthorised colony, a building in an *abadi* area, an apartment in a cooperative group housing society etc. This categorisation helps to understand which particular type of property record may be relevant to the case, and which agency may have it.

records becomes a difficult proposition. As the primary function of each of the concerned institutions is different, and under different authorities (central and NCT Delhi), record keeping is not a priority and is not done in a standardised format.

The persistence of informal transactions represents a key structural challenge. For example, the case of power of attorney transfers are pertinent. Earlier, due to transfer restrictions placed by DDA and attempts by buyers to evade stamp duty, a large number of properties in Delhi were transferred in effect using a General Power of Attorney (GPA), coupled with an Agreement to Sell. Subsequent transfer of these properties were done through transfer of these GPA rights. Similarly, there continue to be several restrictions on the sale or transfer of unauthorised colonies or unauthorised buildings, and hence most of these transactions were conducted either off-the-record, or using GPAs. Recent judgments by the Supreme Court of India¹⁷ prohibiting transfer of GPA from first recipient to another recipient have reduced the trend of GPAs but not removed them completely.

Conclusion and Way Forward

While Constitutional and political reasons make the idea of a single land record authority difficult, an alternative approach is to use data integration methods to incrementally build a more reliable and accessible property records and registration system.

There exist possibilities for Delhi to draw upon innovations in other regions of the country. For example, in Maharashtra certain transactions such as leave and license agreement¹⁸ or for sale of newly constructed apartments do not require a physical visit to the registration office, and the entire process can be completed online. Further, interlinked land record and registration databases in Gujarat allow the sub-registrar to verify the land records before approving registration, and thus bring greater reliability with the deeds-based registration system. This also allows for automatic initiation of mutation process, following registration, thus reducing the number of steps involved in the process. In terms of coverage of informal settlements, the example of Bruhat Bangalore Municipal Corporation is useful. The municipality maintains property tax records under two categories – Khata A and Khata B – differentiating between authorised and unauthorised properties, and managing to improve its coverage of property tax database.

¹⁷ Suraj Bhan vs. Financial Commissioner and others (2007 (6) SCC 186).

¹⁸ Similar to a lease deed, or a rent agreement.

A move to a unified easily accessible online platform for comprehensive real time updated land and property record, including legacy and spatial records, may be a technical solution that requires coordination of multiple institutions in Delhi. There is an opportunity to integrate these land records using the UPIC project of the municipalities. Once each property has a unique ID, the UPIC can be included as a necessary feature in land or property record database maintained by each agency, in order to create a unified platform. These multiple databases should include revenue records, DDA records, L&DO records, as well as spatial records of Revenue Department and layout plans from DDA and municipal corporations. The UPIC number can also be used to identify concerned property in case of registration of conveyance deed, filing of court dispute, and registration of mortgage. Over a longer time period, the scope of the associated records can be increased to try to include the hitherto uncovered areas, and various types of informal settlements or properties. These systemic improvements in overall land administration framework, must also be suitably reflected in the supporting legal and policy framework. The UPIC initiative holds potential, provided there is coordinated action among multiple institutions, and the right incentives are created for these other stakeholders to be part of the system. Given the structural constraints, it remains to be seen how much of this is possible.

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