



PROPERTY RECORD MAINTENANCE IN DELHI: KEY ISSUES AND RECOMMENDATIONS

Introduction

The proper maintenance of land and property records is crucial for effective land governance. It can help ease land transactions, enhance revenue collection, aid dispute resolution and reduce the risk of fraudulent transactions. Given that India follows a system of presumptive titling—which means that ownership can be claimed as long as the title is not challenged—various documents can be used to establish ownership over property. Moreover, these records confer varying degrees of legitimacy, making it difficult to conclusively establish ownership in case of any objection or dispute. Property records vary not only across states, but also within each state.

Land and property administration in the National Capital Territory (NCT) of Delhi is complex and fragmented. Property records are maintained by a diverse body of institutions. Based on their functions—as administrators or custodians of records,

owners of land or simply as maintenance agencies—these institutions hold different stakes. With no single custodian for the NCT of Delhi, there are no uniform records across various governance and planning typologies; varying formats are followed within as well as across institutions, making the process of property title search extremely cumbersome.

This policy brief, based on an IIHS study, aims to identify the issues with the maintenance of property records in the NCT of Delhi, and offers key recommendations to make these records comprehensive and easily accessible. As part of the study, the existing situation of land and property records in NCT Delhi were mapped based on secondary sources and interviews conducted with various officials working on land and property administration in Delhi, and a brief roadmap to improve their maintenance was prepared.

Real time updation of records is vital to depict the situation on-ground and control fraudulent transactions. Various institutions in Delhi have taken initiatives to make the system more transparent and efficient by digitising records and sharing them in the public domain.

One prominent initiative is the Unique Property Identification Code (UPIC) for properties which are under the jurisdictions of Municipal bodies. Properties are surveyed by an external agency and the details are then scanned and digitised, and then linked with the UPIC of the concerned property.

The working of the three municipalities and other institutions in silos for digitisation initiatives poses a threat for integration in the future since it may not address the larger objective of having comprehensive land and property records.

Need for clear and comprehensive property records

A property record can be said to be comprehensive if it includes details of ownership, possession, extent, classification and any encumbrances. Clear and comprehensive property records have several far-reaching benefits including ease of searching title, a clear taxation system, easier dispute resolution, reduction in fraudulent transaction and facilitating upcoming developments in urban areas. In the current context, improved land records in Delhi would also lead to an improved quality of land administration, one of the important parameters in measuring ease of property registration within Ease of Doing Business rankings.

Current Framework

Institution	Function	Record type
Department of Revenue (DoR), GNCTD	<ul style="list-style-type: none"> Creates and maintains Record of Rights (RoR) for all revenue estates in rural villages¹ and legacy records of the urban villages; Mutations of RoRs; Registers documents; Adjudicates revenue court cases; Maintains records of public land as its custodian; and Issues various statutory certificates. 	<ul style="list-style-type: none"> Record of Rights (RoR) terms of <i>Khasra</i>² and <i>Khatauni</i>³ Mutation records- <i>Intekals</i> Registered sale deeds Relevant Court orders Certificates on request*
Municipal Corporation of Delhi (MCD)	<ul style="list-style-type: none"> Maintains property tax records for assessed properties ; Upkeep of land records of MCD properties and vacant lands; and Sanctions plans to check compliance against the Master Plan and building bye-laws (sanctioned plans) 	<ul style="list-style-type: none"> Plot wise property tax records Land records of MCD properties and vacant lands; Sanctioned plans
Delhi Development Authority (DDA)	<ul style="list-style-type: none"> Upkeep of records of land acquired by DDA; Facilitates/regulates the allotment of flats/ houses in case of cooperative societies and group housing societies on land parcels allotted by DDA; Constructs and allots DDA flats; and Converts leasehold to freehold properties. 	<ul style="list-style-type: none"> Awards made under the Land Acquisition Act, 1894, Record of Rights (RoR) terms of <i>Khasra</i> and <i>Khatauni</i>. Sub-lease documents Lease deed/ conveyance deed in case of freehold properties Conveyance deed
Land and Development Office (L&DO)	<ul style="list-style-type: none"> Administers the Nazul lands acquired in 1911, and the rehabilitation colonies; Leases properties under the jurisdiction of L&DO; and Converts leasehold to freehold properties. 	<ul style="list-style-type: none"> <i>Nazul</i> sheets Allotment records and lease deed; and Conveyance deed
New Delhi Municipal Council (NDMC)	<ul style="list-style-type: none"> Creates and maintains updation of property tax records for each assessed property within its jurisdiction; Upkeep of land records of NDMC owned properties. 	<ul style="list-style-type: none"> Plot-wise record of properties Land records of NDMC properties and vacant lands.

*The certificates such as Lal dora certificate, land status report and Non-Encumbrance certificate can be issued by the Revenue Department on request by the owner.

¹ Urban Villages: Under Section 507 of Delhi Municipal Corporation Act, the Government of National Capital Territory of Delhi can notify certain revenue villages as 'urban'.

Rural villages: The villages which are not urban within the NCT of Delhi are rural villages. In rural villages, the records are maintained as by the Revenue department as RoRs.

² *Khasra*: List of field, field register

³ *Khatauni*: Register of all persons cultivating or otherwise occupying land in a village as prescribed according to Delhi Land Revenue Rules revised every four years by the patwari.

Issues and recommendations

Based on the type, format and extent of the land and property records in Delhi, five major issues could be identified. The recommendations made for the identified issues should be read holistically and not in isolation.

Issue 1: Multiple custodians, many record types

Records are maintained by many custodians for the NCT. In addition, many record types exist, and vary from one institution to the next, making title searches difficult.

Recommendations

Short-term: Enable interlinking of the property databases, by ensuring specific property identifiers across various institutions and databases.

Medium-term: Data should be made real time and reflective of the on-ground situation by updating the database on a regular basis.

Long-term: Relevant institutions should envision the creation of a centralised record system where each property can be linked with a Unique Property Identifier. In the case of Delhi, UPIC can be used for interlinking compatible digital property databases leading to a centralised system in later stages. However, the usage needs to be extended beyond the MCDs, to all relevant institutions.

Issue 2: Varying degrees of legitimacy of different property records

Registered sale-deeds are considered conclusive proof of ownership, though this is contrary to the spirit of the law of the land. Property owners also view inclusion within the property tax ambit to be an important marker of legitimate ownership.

There are multiple records for one land parcel independently existing in domains of different institutions. While ownership can be proved using various documents, buyers may end up becoming part of fraudulent transactions.

Recommendations

Medium-term: Mutation of the property records in various departments should be made live and should reflect the true details of the property in the public domain.

Long-term: UPIC can become a central identifier, which is linked to various property-related records available on the portals of different authorities such as DDA, MCD, utility providing agencies such as Delhi Jal Board, etc. The utility records could become supplementary records to strengthen the first degree ownership records, which will facilitate the corroboration of the data linked to a specific property.

Issue 3: Piecemeal and selective recordkeeping and non-linking of encumbrances

Certain institutional policies and piecemeal record keeping have increased difficulties in title search processes.

- L&DO and DDA are among the primary custodians of property records in urban areas in the NCT of Delhi. Neither of these institutions maintains property and land records once leasehold is converted to freehold.
- Legacy records are not maintained as priority and encumbrances are not linked with corresponding property records.
- The buyer-beware principle holds, making it necessary for prospective buyers to reconcile vertical (apartment) ownership with horizontal (land) ownership in both kinds of records.

Recommendations

Medium-term:

- o The digital land and property record database pertaining to any mutation, conversion or any other such change should be established by the corresponding institutions as per their jurisdictions and updated on a regular basis. As is done with registration records in villages, linkages should be made for the registration of properties with MCD records to help maintain and update records of all freehold properties.
- o All encumbrances need to be linked with one of the identified common fields in the UPIC. By having conceivable design changes should be considered to strengthen the UPI in the existing system. Linking the court cases with the records maintained by the authority for each property can be done in an incremental manner based on the hearings.
- o The Apartment Ownership Act, 1986, should be implemented by the concerned institutions and apartment-wise ownership records should be maintained.

Long-term: A common factor, such as the development scheme number (DSN) for instance, can be identified between the urban and revenue village records as a thread to keep the legacy details linked. If the same number is reflected in the urban property records and the legacy records kept with the DoR, all the encumbrances, court cases, present ownership details, etc. can be tracked for particular properties.

Issue 4: Inadequate spatial records and non-linking with textual records

Little attention has been paid to the maintenance of spatial records that are crucial to establish the extent of land and property, as

well as compliance with the Master Plan especially in peri-urban areas with upcoming development. Maps do not reflect the on-ground situation, especially the subdivisions that could have taken place.

Recommendations

Long-term

Linking the properties and land with geospatial databases is required. Indraprastha bhulekh has this facility for agricultural lands. The portal should be made real time, follow the mutation process, and textual and spatial data at one place in the public domain.

The spatial records maintained by DDA and MCD need to be georeferenced and overlapped, for a real time picture of land and property ownership available in public domain.

Issue 5: Varying levels of digitisation of records

The North, East, and South MCDs are at various stages of providing UPIC to property owners. This exercise is being undertaken with a view to bolster tax collection. However, there seems to be lack of coordination among these three ULBs: survey methodologies are not similar, and the format and content of the emergent UPICs vary. This seems likely to create another layer of property record without syncing with existing records.

Recommendations

Short and medium-term: For having integrated database, there might arise requirements for some design changes and some legal alignments from time to time.

Medium-term: The capacity of the officials who manage and update the database and disseminate the data must be built up.