

Registering Property

Delhi

1.

Description of Reform: For procedure 3 “Conduct charges search at the Registrar of Companies”, Doing Business 2018 records that the buyer must conduct a search in office of the Registrar of Companies to verify for any charges on the property.

The charges search can be conducted online on the website of Ministry of Corporate Affairs without having any requirement for a physical visit to the Registrar of Companies. The Master Data portal provides company’s metadata, details of charges (asset under charge, charge amount, creation date, modification date, and status) and details of the directors (DIN/PAN, Name, Start date, End date) of the company. Additionally, the Index of Charges provides charge ID and charge holder name as well.

Impact: Since, the World Bank records 0.5 days for procedures which can be completed fully online, the time to complete the procedure 3 should be reduced from 1-2 days to 0.5 days.

Date of Entry into Force:

Legal Basis:

<http://www.mca.gov.in/mcafoportal/companyLLPMasterData.do>

<http://www.mca.gov.in/mcafoportal/viewIndexOfCharges.do>

2.

Description of Reform: Doing Business records procedure 4 as “Prepare the final sale deed with the purchaser’s lawyer”.

Citizens can use the model sale deeds available in editable format at the website of Department of Revenue for preparing their documents for property registration. They can do the same without having to consult any deed writer or advocate. This can be downloaded free of cost at the convenience of the home/office. The model sale deed simplifies the process, eliminates dependency on middlemen and other technical experts, and empowers the citizen to prepare the registration document on his/ her own. This

document demystifies the legality involved in the document, reducing the cost of preparing the registration document from 1% of the property value to Zero.

Impact: The time recorded for procedure 4 should be revised to 3 days and the cost associated should be reduced to zero.

Date of Entry into Force: February 2017

Legal Basis: <http://revenue.delhi.gov.in>

3.

Description of Reform: Procedure 5, "Obtain a certificate for the Tax Deductible at Source" in Doing Business, 2018 records 7 days incorrectly.

TDS must be paid by the buyer, within 30 days of the month succeeding the transaction. TDS can be paid either (i) online (www.tin-nsdl.com) by furnishing Form 26QB through an internet banking transaction. Proof of payment is generated instantly on completion of the transaction.

Alternatively, the buyer may (ii) print Form 26QB and complete the payment at an authorized bank. The procedure does not require seven days to complete and can be completed online in a single day.

Payment of TDS is not a pre-condition for registration at the SRO office. Documents mandatorily required for registration at the SRO office may be accessed at (<http://srams.delhi.gov.in/>). The conveyance deed may simply mention that 1% TDS would be deposited with the income tax authorities. In case TDS has been paid prior to registration, the applicant has an option to mention the challan number to the SRO.

Impact: The time recorded for procedure 5 should be revised to 1 day.

Date of Entry into Force: June 1, 2013

Legal Basis:

Documents required for registration of Sale Deed at SRO: <http://srams.delhi.gov.in/>

Guidelines for TDS submission:
https://www.tinnsdl.com/downloads/TDS/eTutorial_TDS_on_%20property_etax-subsequently.pdf

4.

Description of Reform: Procedure 6 "Pay Stamp duty on the final Sale Deed through e-stamp paper at the designated bank"

The amount of stamp duty is calculated based on the sale consideration or circle rate whichever is higher and can be obtained by filling details in the related software "e-calculator" available at <http://doris.delhigovt.nic.in/cratelFrame.aspx>

After filling the requisite details of parties, nature of instrument, PAN card details of parties etc. the stamp papers upto an amount of Rs. 500/- can be printed online [<http://shcilestamp.com>]. For higher amounts, the applicant has the facility to get it printed on special paper at more than 100 designated centers all over Delhi. It may be noted that 99.5% of the number of stamp papers sold everyday pertain to amount upto Rs. 500/-.

Impact: The time recorded for Procedure 6 should be revised to 0.5 days.

Date of Entry into Force: 26th March, 2018

Legal Basis:

<http://shcilestamp.com/>

<http://doris.delhigovt.nic.in/cratelFrame.aspx>

5.

Description of Reform: Procedure 8 "Apply to the Land & Survey Office for Mutation of the title of the property" in Doing Business 2018 records 30 days incorrectly.

The mutation module is in operation for agricultural land. The person registering sale deed at SR Offices has the option to request for mutation without making separate application and notices are issued by the Tehsildar.

The citizen can apply for mutation from the Sub Registrar Office or otherwise. Once application is submitted, a unique application number is generated through which the citizen can track the status of the application. An SMS is sent immediately on his registered

mobile in this regard. The application is then transferred online for the Revenue Officials to do necessary work. Notices & advertisement are generated through the system. In uncontested cases, mutation is carried out after 15 days which is reflected in digitally signed Record of Rights. A SMS is sent to the applicant providing him intimation in this regard. e-SLA for mutation is 15 days.

Impact: The time to complete the procedure should be 16 days, not 30 days.

Date of Entry into Force: 28th April, 2017

Legal Basis: <https://edistrict.delhigovt.nic.in/in/en/Public/Services.html>

6.

Description of Reform: On Reliability of Infrastructure index, Doing Business 2018 records that majority of title or deed records kept in Delhi are kept in scanned format.

In Delhi, majority (>90%) of title records and majority (>60%) of deed records are kept in fully digital format. These are accessible at <http://doris.delhigovt.nic.in> and <http://dlrc.delhigovt.nic.in>.

Impact: For the question impacted, answer should be recorded as "Fully Digital" and a score of 2.0 should be assigned.

Date of Entry into Force: February 2017

Legal Basis:

<http://doris.delhigovt.nic.in>

<http://dlrc.delhigovt.nic.in>

7.

Description of Reform: On Reliability of Infrastructure index, Doing Business 2018 records that majority of maps of land plots kept in Delhi are in paper format.

Fully digitized cadastral maps of all 358 Revenue villages are available at <http://gsdl.org.in/revenue/index.aspx>. This constitutes of the major part of land plots in Delhi. The Department of Revenue maintains the revenue records of 208 rural revenue villages which forms almost 60% of the total area of 1483 sq. km

Additionally, 100% of maps of land plots of the 240 villages under Delhi Development Authority (DDA) have been scanned and put online for public use. These maps are accessible at <http://dda.org.in/ddanew/Maps.aspx>. The area under DDA covers 21% of the the the total area of Delhi.

Combining the area cover of Department of Revenue and DDA, maps of 81% of land under Delhi have been put online for public use.

Impact: For the question impacted, the answer should be recorded as "Fully Digital" and a score of 2 should be assigned.

Date of Entry into Force: March 2017

Legal Basis:

<http://gsdl.org.in/revenue/index.aspx>

<http://dda.org.in/ddanew/Maps.aspx>

8.

Description of Reform: On the Transparency of information index, Doing Business 2018 records that in Delhi, a specific and separate mechanism for filing complaints about a problem occurred at the immovable property registration agency doesn't exist.

A separate Public Grievance System software RGMS (Registration related Grievances Management System [<http://rgms.delhi.gov.in>]) has been developed for filing complaints for any grievance related to Sub-registrar Office (immovable property registration agency). Specific complaints on the services of SR offices Delhi can be made under RGMS. The system allows the citizen to select and describe the nature of grievance and the SRO against the services of which it intends to file the complaint

The complaints against the SR Offices are reviewed by the Senior Officers (DM/Divisional Commissioner) of the Revenue Department, GNCTD and corrective measures are taken as necessary. The system also has the provision to file the complaint to the Independent Complaints Reviewer. RGMS home page explains the procedure for lodging complaints for convenience of citizens. It explains how to lodge complaints, how the complaints are dealt with, what if the complainant is not satisfied and the possibility of hearing by Independent Complaints Reviewer.

Impact: For the question impacted, answer should be recorded as "Yes" and a score of 1 should be assigned

Date of Entry into Force: April 2017

Legal Basis: <http://rgms.delhi.gov.in>

9.

Description of Reform: On the Transparency of information index, Doing Business 2018 records that the statistics tracking the number of transactions at the immovable property registration agency are not available publically for Delhi.

The official statistics tracking the number of transactions at the SRO have been made available online on <http://doris.delhigovt.nic.in/DeedWiseDocCount.aspx>. The statistics can be retrieved for any duration selected by the user. The statistics are segregated across 26 categories including sale transactions, mortgages, gift deeds, partnerships, lease, will, partition, exchange of property. It is possible to retrieve statistics for the number of documents received, documents registered, documents delivered, and pending documents for different types of deeds at any SRO against each category.

The number of property transfers in 2016 is 248872, the number of transactions in 2018 until March is 65383.

Impact: A score of 0.5 should be assigned to the question being impacted.

Date of Entry into Force: March 2017

Legal Basis: <http://doris.delhigovt.nic.in/DeedWiseDocCount.aspx>

10.

Description of Reform: On the Transparency of information index, Doing Business 2018 records that in Delhi, a specific and separate mechanism for filing complaints about a problem occurred at the cadastral mapping agency doesn't exist.

A separate and independent grievance mechanism has been implemented by Delhi Development Authority (DDA), the cadastral mapping agency of Delhi, for filing complaints for any grievance related to problem that occurred at the cadastral mapping agency.

Citizens can file complaints via Samasya Nidaan Seva at <http://dda.org.in/ddanew/grievance.aspx>.

Alternatively, it is also possible to file complaints pertaining to cadastral maps at Public Grievance System software RGMS (Registration related Grievances Management System [<http://rgms.delhi.gov.in>]). RGMS home page explains the procedure for lodging complaints for convenience of citizens. It explains how to lodge complaints, how the complaints dealt with, what if the complainant is not satisfied and the possibility of hearing by Independent Complaints Reviewer.

Impact: For the question impacted, answer should be recorded as "Yes" and a score of 0.5 should be assigned.

Date of Entry into Force: April 2017

Legal Basis:

<http://dda.org.in/ddanew/grievance.aspx>

<http://rgms.delhi.gov.in>

11.

Description of Reform: Land Dispute Resolution Index examines "For a standard land dispute between two local businesses over tenure rights of a property worth 50 times gross national income (GNI) per capita and located in the largest business city, what court would be incharge in first instance?" and also, "How long does it take on average to obtain a decision from the first-instance court for such a case (without appeal)?".

The Doing Business Report, 2018 identifies "City Civil Court" as the court incharge of the case in the first instance and average time taken to obtain a decision as "More than 3 years".

It may be noted that the Court Incharge for this matter is Revenue Court and most of the cases are resolved within 2 years. Deputy Commissioner of the district maintains record of rights for each village. The record of rights is maintained under section 20 of Delhi Land Revenue Act. For the record of rights, Annual Register is maintained as per provisions of section 21 of the Delhi Land Revenue Act, 1954. All changes, that may take place and any transaction that may affect any of the rights or interests recorded in the Annual Register,

have to be correctly reflected. However, no such change or transaction is recorded without the order of Deputy Commissioner, Revenue Assistant (SDM) or Tehsildar or any other court constituted under any law. The Deputy Commissioner can, on his own motion or on the application of any person, correct any mistake or error in the Annual Register i.e. the record of rights. Also application for correction of errors is also not barred by Limitation Act.

As per Section 27 and 28, all disputes regarding entries in the Annual Register are also decided by Revenue Courts. Similarly, all boundaries disputes are decided on the existing survey maps, and if this is not possible then the boundaries are fixed on the basis of actual possession.

The Delhi Land Revenue Act also provides that all entries in the Annual Register shall be presumed to be true unless contrary is proved. Section 83(c) of the Delhi Land Revenue Act specifically provides that no person shall institute any suit or other proceedings in the civil court regarding the formation of record of rights, or the preparation, signing, or attestation of any of the documents contained therein or the preparation of Annual Register.

The procedure laid down under the Delhi Land Revenue Act has specifically barred filing of civil suits in respect of agriculture land and has provided for an elaborate procedure under Delhi Land Revenue Rules, 1962 enacted under section 84 of Delhi Land Revenue Act. The said Rules have prescribed an elaborate procedure to decide the issues in respect of agriculture land

Impact: For questions impacted: 1. The answer should be recorded as "Revenue Courts".
2. Answer recorded should be "Between one and two years" and a score of 2 should be assigned

Date of Entry into Force: April 2017

Legal Basis:

<http://it.delhigovt.nic.in/writereaddata/Cir20185154.pdf>

http://www.delhi.gov.in/wps/wcm/connect/doiit_revenue/Revenue/Home/Registration+Acts+and+Rules/

<https://edistrict.delhigovt.nic.in/in/en/Common/RevenueCourts.html>

12.

Description of Reform: On The statistics regarding the number of land disputes in the first instance courts, i.e. Revenue Courts are available online at <https://edistrict.delhigovt.nic.in/in/en/Common/RevenueCourts.html>

Impact: For the question impacted, the answer should be recorded as "Yes" and a score of 0.5 should be assigned.

Date of Entry into Force: April 2017

Legal Basis: <https://edistrict.delhigovt.nic.in/in/en/Common/RevenueCourts.html>

Mumbai

1.

Description of Reform: Information regarding majority of the documents which are registered at the Sub-Registrar offices is fully digitized and available online. The individual documents which are created in paper format are scanned and made available online with proper metadata. The documents have to be kept in scanned form for the sake of authenticity, otherwise it loses its authenticity and evidential value.

As 100% of the property records are digitized and made available online; and as 97.6% of the documents registered in past 30 years are available online, full credit for this point should be given.

Impact: The time recorded for procedure 1 should be revised to 0.5 days.

Date of Entry into Force:

Legal Basis:

Property Cards (Mumbai City): <http://prcmumbai.nic.in/jsp/propertyNew.jsp>

Property Cards (Mumbai Suburban): <http://mumbaisuburban.gov.in/pcsq/1/>

eSearch (IGR): <https://esearchigr.maharashtra.gov.in/testingesearch/wfsearch.aspx>

2.

Description of Reform: Procedure 2 “Ensure that property is clear of all local tax dues”, Doing Business 2018 records that to know the property tax dues against any property, the citizen must visit the local authorities and the time to complete the same is 7 days.

It may be noted that tax dues on property can be checked online on Municipal Corporation of Greater Mumbai's website. By furnishing the property card number, one can access details of (i) period for which property tax is due (ii) amount of tax due against the property, online within minutes thereby requiring less than a day for the same.

Impact: The time recorded for Procedure 2 should be reduced to 0.5 days.

Date of Entry into Force:

Legal Basis: <https://prcv.s.mcgm.gov.in/>

3.

Description of Reform: Department of Registration and Stamps, Maharashtra has made 16 model deeds available online on the website of department.

Citizens can use the model sale deeds available at the website of Department of Registration and Stamps for preparing their documents for property registration. They can do the same without having to consult any deed writer or advocate. This can be downloaded free of cost at the convenience of the home/office. The model sale deed simplifies the process, eliminates dependency on middlemen and other technical experts, and empowers the citizen to prepare the registration document on his/ her own. This document demystifies the legality involved in the document, reducing the cost of preparing the registration document from 1% of the property value to Zero.

Impact: The time recorded for Procedure 4 should be revised to 3 days and the cost associated with Procedure 4 should be reduced to zero.

Date of Entry into Force:

Legal Basis: http://igrmaharashtra.gov.in/SB_DOWNLOADS/DOWNLOADS_DraftDoc.aspx

4.

Description of Reform: Procedure 5, "Obtain a certificate for the Tax Deductible at Source" in Doing Business, 2018 records 7 days incorrectly.

TDS must be paid by the buyer, within 30 days of the month succeeding the transaction. TDS can be paid either (i) online (www.tin-nsdl.com) by furnishing Form 26QB through an internet banking transaction. Proof of payment is generated instantly on completion of the transaction.

Alternatively, the buyer may (ii) print Form 26QB and complete the payment at an authorized bank. The procedure does not require seven days to complete and can be completed online in a single day.

Payment of TDS is not a pre-condition for registration at the SRO office. Documents mandatorily required for registration at the SRO office may be accessed at (http://igrmaharashtra.gov.in/pdf/List_of_Documents.pdf). The conveyance deed may simply mention that 1% TDS would be deposited with the income tax authorities. In case

TDS has been paid prior to registration, the applicant has an option to mention the challan number to the SRO.

Impact: The time recorded for procedure 3 should be revised to 1-2 days.

Date of Entry into Force: June 1, 2013

Legal Basis:

Documents required for registration of Sale Deed at SRO:
http://igrmaharashtra.gov.in/pdf/List_of_Documents.pdf

Guidelines for TDS submission:
https://www.tinnsdl.com/downloads/TDS/eTutorial_TDS_on_%20property_etax-subsequently.pdf

5.

Description of Reform: In Mumbai City District and Mumbai Sub-urban District, selected SR offices open at 07:00 AM and are open until 9:00 PM for the convenience of citizens. This helps the citizens in registering documents at the SRO outside their official work timings. Additionally, a few offices in Mumbai are also open over the weekends. This allows the citizens to avail the registration services at the SRO throughout the week.

Hence, the final transaction time for this process should be considered as 0.5 day instead of 1 day.

Impact: The time recorded for procedure 7 should be reduced to 0.5 days.

Date of Entry into Force:

Legal Basis: <https://igrmahhelpline.gov.in/office-details.php?Id=1>

6.

Description of Reform: All Property Cards which are maintained by City Survey office are fully digitized and available online at:

1. Property Cards (Mumbai City): <http://prcmumbai.nic.in/jsp/propertyNew.jsp>
2. Property Cards (Mumbai Suburban): <http://mumbaisuburban.gov.in/pcsql/>

Majority of the documents which are registered at the Sub-Registrar offices are digitized and made available online for public use. Additionally, the documents (paper format) are scanned and made available online along with the metadata for the sake of authenticity and preservice of evidential value.

As 100% of the property records are digitized and made available online for public use; and as 97.6% of the documents registered in past 30 years are available online at <https://esearchigr.maharashtra.gov.in/testingesearch/wfsearch.aspx>, full credit for this point should be given.

Impact: For the question impacted, a score of 2 should be assigned.

Date of Entry into Force:

Legal Basis:

Property Cards (Mumbai City): <http://prcmumbai.nic.in/jsp/propertyNew.jsp>

Property Cards (Mumbai Suburban): <http://mumbaisuburban.gov.in/pcsql/>

eSearch (IGR): <https://esearchigr.maharashtra.gov.in/testingesearch/wfsearch.aspx>

7.

Description of Reform: On Reliability of infrastructure index, Doing Business 2018 records that maps of land plots are available in paper format in Mumbai.

Maps of all land plots in Mumbai have been fully digitized and made available online at:

1) Digitized Maps:

1.1. Mumbai Suburban: http://mumbaisuburban.gov.in/html/land_administration_mar.htm

1.2. Mumbai City: <http://mumbaicity.nic.in/htmldocs/maplist.htm>

A Geographic Information System has also been implemented for Mumbai, which is accessible at <http://srdp1991.mcgm.gov.in/dpGis/>

Impact: For the question impacted, the score assigned should be 2 as maps are kept in digitized form.

Date of Entry into Force:

Legal Basis:

GIS: <http://srdp1991.mcgm.gov.in/dpGis/>

Mumbai Suburban: http://mumbaisuburban.gov.in/html/land_administration_mar.htm

Mumbai City: <http://mumbaicity.nic.in/htmldocs/maplist.htm>

8.

Description of Reform: On Reliability of Infrastructure index, Doing Business 2018 records that a Geographic Information System (GIS) doesn't exist for Mumbai.

A GIS has been developed for entire Mumbai and is accessible at: <http://srdp1991.mcgm.gov.in/dpGis/>.

Impact: For the question impacted, the score assigned should be 1 as a Geographic Information System is in place and is functional.

Date of Entry into Force:

Legal Basis: <http://srdp1991.mcgm.gov.in/dpGis/>

9.

Description of Reform: A separate and independent grievance mechanism has been implemented under Aaple Sarkar website at <https://grievances.maharashtra.gov.in/en/member/login> to file complaints pertaining to problems occurred at Sub-Registrar Office (Immovable property registration agency). Specific complaints on the services of SR offices Delhi can be made under Aaple Sarkar Grievance Portal. The system allows the citizen to select and describe the nature of grievance and the SRO against the services of which it intends to file the complaint.

In addition to Aaple Sarkar, the department of IGR also has separate mechanisms such as dedicated Email, Call center, etc. to accept & resolve the citizen's grievances. The SARATHI Call Center operated by IGR has 25 full time employees answering citizen queries and calls. The call center responds to an average 600 inbound calls every day. The outbound calls are also made by the call center to gather citizen feedback and to educate them regarding new initiatives taken by IGR department.

Impact: For the question impacted, a score of 1 should be assigned.

Date of Entry into Force: SARATHI Call Center: since 2014

Legal Basis:

<http://igrmaharashtra.gov.in/citizenCommunication/Complaint.aspx>

<https://grievances.maharashtra.gov.in/en/member/login>

Call Center SARATHI: 8888007777

10.

Description of Reform: In the Transparency of information index, Doing Business 2018 records that the cadastral agency doesn't commit to providing updated maps within a stipulated timeline. The reason attributed by the World Bank, during last year's assessment stated "It is essential that the private sector is not only is aware that such service standard exists, but also that they can reach this information easily. Private sector experts informed the team that they are not aware of such service standards being published online at the website of the Land Records Department ("LRD"). Furthermore, the team has followed up extensively with these experts and has found that it is extremely difficult to find the Right to Public Services charter online if the specific link has not been provided in advance."

The official notification introduced through Right to Public Services Act defines the service delivery standards to provide the updated maps within a stipulated timeline [i.e. within 30 days of the change in dimensions (sub-division/amalgamation) of the land parcel] can be found under the circular's section. The notification is dated 05th August 2016, and can be found on the website of the Land Records Department under Downloads > Circulars > Landing. The notification is in both English and Marathi languages.

Irrespective of whether interviewed experts were aware of the service standard, the notification reflects the correct legal position on the same and as has been demonstrated above, has been provided on the relevant public forum.

Impact: For the question impacted, answer should be recorded as "Yes" and a score of 0.5 should be assigned.

Date of Entry into Force: 5th August, 2016

Legal**Basis:**

<https://bhumiabhilekh.maharashtra.gov.in/site/upload/GR/RTS%20Notification.pdf>