

Land Record Systems and linkages with RTI

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Three Aspects Covered

- Systemic overview of land records systems – gaps and opportunities
- Relevant RTI Act sections, case law and exceptions
- Access of land related documents (manual and online)

Systemic Aspects of Land Record Management

- Linkage between various types of records esp. Registration, Revenue and Survey
 - a. registration- mutation
 - b. textual- spatial integration
 - c. real time integration of all three (computerised, digitised)
- Link with encumbrances (mortgage, litigation)
- Link with land use (especially urban, multiple authorities, role of revenue department)
- Incentive and political priority: DILRMP (earlier NLRMP), EODB
- **Real Time Comprehensive Land and Property Record System-** ownership, possession, extent, classification (land use) and encumbrances.
- **Easily Accessible to Citizen**

Relevant Sections of RTI Act

- **Suo Moto disclosure:** S. 4(2): constant endeavor to provide as much information **suo moto** to the public at regular intervals through various means of communication, including **internet so that public has minimum resort to use of this Act to obtain information**; disseminated widely and in such form and manner which is easily accessible to public [4(3)], including internet and inspection of offices of **public authority** [4(4) Explanation]
- Obligation to **maintain records:** S. 4(1) (a): categorized, indexed, computerised and connected to network; 4 (1) (b): publish rules, regulations, instructions, manuals and records; details in electronic form etc; information be easily accessible to CPIO/ SPIO in electronic format
- RTI includes: **inspect** work, documents, records, take **certified copies**, also electronic form [2(j)]; information includes record, data in electronic form [2(f)]

Case Law and Exceptions

- **Not personal / private/ third party information (Surender Singh Dec 2014 case).** Personal Information exception (the disclosure of which has no relationship with any public activity or interest or is not unwarranted intrusion of privacy) does not apply. **It is public information.** One particular village level info sought- all plots; extent of use etc
- Similarly **Satyapal case** (May 2017): also land use, type of property (custodian/ evacuee), any permission/ lien on modification/ transfer), apart from area, size and map. Single urban record.
- But see **Jolly George** case (2016): various survey numbers (incl third party) where sub divisions carried out over the years and updated information not available. Entire abstract of all survey numbers sought (not time limited)- **basic problem was that a real time updated record is not available. Difficulty in tracing legacy record.**
- AADHAAR: Act: AADHAAR number, biometric info **not** to be shared, published (context: Registration seeding)
- MEITY Guidelines &OM (June 2017): Personal information including AADHAAR number of RTI applicant **not** to be shared/ disclosed/ uploaded/ published.
- Other exceptions: contempt of court, Parliamentary privilege, security, sovereignty etc.
- **Therefore, depends on how much is available.**

REGISTRATION

RECORD OF RIGHTS

MAPS

Manually Accessible Records: upon application

Haryana and Bihar: citizen needs to visit SRO office, file request and pay fees, for the record to be searched. Time taken and convenience, among other factors, may depend on whether the record has been computerised, and to what extent.

Haryana: computerised ROR can be accessed by anyone from concerned HALRIS centres (tahsil level) after paying fees. These are certified, up-to-date and legally admissible copies. A barcode provides option to verify against any tampering.

Bihar: digitised maps are available upon request and payment of fees, but only from the state headquarter. Several states moving towards **Bhu-naksha**.

Computerised Records: available Online

Maharashtra: online searches can be made based on property no., and documents viewed, after online payment. But **certified copies** can be accessed only from concerned SRO office. Also: **HARIS, SCORE**.

Gujarat, Haryana and HP: RoRs have been uploaded on website. However, status of availability & updation varies from one state to another (HP, Haryana). **These copies are not legally admissible**.

None of the states/UTs studied by IIHS have **uploaded maps on the websites yet**. Fees and printing infrastructure may be factors.