



If only they let his project succeed!

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LET'S MAKE IT WORK



GASPING IN A GROWING ECONOMY

If India is riding the crest of the economy wave,
why is the Indian fighting to just stay afloat?

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If only they let his plan succeed!

Your property can actually become your property! Yes, believe it or not, we simply don't have authentic ownership records in India. The sale deed is not proof of ownership. Rajeev Chawla plans to legalise ownership by creating digital land records in Karnataka. If it works, land disputes can almost be eliminated. Of course, somebody out there doesn't want him to succeed...

Rajeev Chawla (right) transformed a dilapidated structure into a majestic heritage building (left) and his department into a centre of innovation.



Ashish Sharma

Land is the only thing in the world that amounts to anything for 'tis the only thing in this world that lasts, and don't you be forgetting it! 'Tis the only thing worth working for, worth fighting for – worth dying for."

Gerald O'Hara's exhortation to his daughter Scarlett in Margaret Mitchell's Pulitzer Prize-winning novel *Gone With The Wind*, set in 18th century rural America, finds an echo in all peoples in all epochs. The sentiment has inspired Indian Administrative Service officer Rajeev Chawla as well with quite as much passion if not the same aspiration. The career bureaucrat who has spent the past dozen years digging and cleaning up land records in Karnataka looks at land with the resolve of a reformer. Seven out of ten disputes are rooted in land, so land is the ultimate challenge for an administrator in India, he reasons. Having successfully digitised and made available land records online across rural Karnataka, he launched an online nine-month-long landmark project to authenticate property ownership in urban areas, beginning with five towns.

By August, every inch of land across Karnataka's five most urbanised centres after capital city Bangalore will have been measured and mapped and ownership records created afresh. Work is on in Mysore, Mangalore, Shimoga, Bellary and Hubli-Dharwad, where nearly 7.5 lakh properties are being surveyed in the first-of-its-kind Urban Property Ownership Records (UPOR) project in India.

Chawla's initiative breaks fresh ground because, believe it or not, we simply don't have proper property ownership records anywhere in the country. All that we traditionally have are records for purposes of tax collection or registered sale deeds of properties, explains Rudresha KV, a deputy director at the department of survey settlement and land records, who is among those overseeing

the first phase of the project. "The sub-registrar is empowered to authenticate just the transaction, not ownership of the property being transacted," he says. This means, the registered sale deeds of properties do not establish ownership rights. Similarly, the records maintained by the other urban local bodies do not amount to authentic records of ownership.

Rudresha KV says the British did conduct surveys of landholdings for tax collection but, given the requirement at the time, these focused largely on the rural areas. These surveys did not cover constructed structures either. But thanks to these surveys, records of rights do exist in the rural areas.

The British did initiate similar surveys in select urban centres as well; they are part of present-day Maharashtra. And since Karnataka includes a few districts of the erstwhile Bombay Presidency, records of rights exist in some shape in 48 of



The Rs 40 crore pilot project being implemented in five centres is set to create records afresh and not just scan and upload existing information.

INTERVIEW RAJEEV CHAWLA

“If UID for individuals is important, so is UID for land”

its 276 urban centres. But, of course, these need to be verified and updated as well.

Even for Chawla who won much acclaim—including the prime minister's award for excellence in public administration for 2005-06 for his earlier project, Bhoomi, for digitising rural land records—the ongoing project spells a giant, if logical, leap. The Rs 40 crore pilot project, being implemented by five private players under public-private partnership is set to create fresh records, not just scan and upload existing information.

In Mysore, the country's largest surveying and mapping firm, Secon Pvt Ltd, has deployed its staff to map 47,106.25 acres across municipal limits and beyond in the adjoining urbanised areas. Secon's project manager, Srihari, stationed at Mysore's R S Naidu Nagar, explains that state-of-the-art technology is being deployed to survey and map each property. While the company is relying mainly on Differential Global Positioning System and Electronic Total Station to fix coordinates of the properties being surveyed, in a few cases it is also being forced to conduct physical tape measurements. This is being done in cases where it is not possible to fix coordinates with the help of the satellite or any other electronic survey instrument.

Srihari says his staff is on the job 16 hours a day, collecting and collating data. Their work is not restricted to just surveying the city, including all built-up properties, slums, road networks, layouts and other open public spaces. They are also required to collect relevant documents from owners of the properties and to compare them with the records available with the urban local bodies. Though they are not authorised to authenticate ownership, they are required to bring to the notice of the government all cases of discrepancies in claims of individual owners and the official records. They are also inevitably running into cases of disputed ownership and encroachments on public land. Srihari says such cases will have to be left out and reported to the department of survey settlement and land records.

The fresh records being created will contain all possible information

As the sun sets and darkness creeps up around Vidhana Soudha in Bangalore, the babus have long departed from the nearby MS Building which houses government offices. But just ahead, at the KR Circle, a majestic heritage building is aglow with signs of recent restoration and lighting that you normally associate with monuments that illuminate the past. Inside, though, an alumnus of Indian Institute of Technology-Kanpur is busy shaping the future of land records management in the country.

Rajeev Chawla, commissioner, department of survey settlement and land records, is engaged in a brainstorming session with his colleagues and he won't be done before 9.30 pm, you are told, so better come again the following morning. That's nothing out of the ordinary for the country's first secretary, eGovernance, who requested to be shifted to this junior post in late 2007, you later find out. This building was in ruins when he arrived here, the department unknown. Now, the building beats anything in the vicinity, the department has acquired a dash of importance and the office will soon turn paperless. But the larger change will be felt in urban areas across the state and, hopefully before long, the country.

The man behind the ongoing urban property ownership records project shared his passion for reforms in land records and governance in an exclusive conversation with Ashish Sharma. Edited excerpts:

Why focus on land records?

Land is the mother of all properties. If UID (unique identification) for individuals is important, so is UID for land. It is well-documented that 70% of all disputes centre around land. According to a report by McKinsey, nearly 1.5% of the country's GDP (gross domestic product) suffers on account

of poor land records. There can be no better empowerment of the common citizen in this country than proper documentation of land ownership. Being an engineer, I could have joined an IT firm and risen through the ranks. Instead, I thought why not stay within the government and specialise. So I have been working on land reforms for the past 12 years. It is an unusual area for an administrator to specialise in, I know, because it is not glamorous as everybody wants to work only in IT or aviation or some such sector.

Your pioneering project to create an online database of rural land records was completed by the middle of the decade. Why did it take so long to launch a similar project for the urban areas?

The timing had to do with my postings. I launched and implemented Bhoomi when I became the first secretary, eGovernance, in the country. Then I moved to other assignments but continued to work for land reforms. And then I requested to join the department of survey settlement and land records. It took about a year for the concept to evolve and to work out the logistics. I didn't waste any time because I believe whatever I did with Bhoomi would be even more meaningful in the urban areas.

But, of course, there is a qualitative difference between the two projects.

Certainly. With Bhoomi, we put online existing data. In this case, we are creating knowledge in the system. In the case of rural records, where we are dealing with nearly 70 lakh farmers and around 2 crore records, a lot of dirt has come into the system. But with fresh transactions, nearly 10 lakh records are getting cleaned up every year. Dust will not come any further; there will be enough MIS (management information system) to clean up the system.

We cannot simply wish away the land mafia and its long reach, not just here in Karnataka but anywhere in India. I fought hard to make a pre-mutation, or pre-registration, sketch mandatory in this state. The idea is simply that before anybody sells a property, the government should measure it. This fair play does not suit land sharks, of course.



Why didn't you start creating fresh records in the rural areas, though, instead of the urban areas?

For two reasons. One, the scale is much larger in the rural areas. And two, since some records already exist there, we didn't want to create conflicting records.

Yet, you have provoked opposition from various quarters in urban areas as well.

That is inevitable. We cannot simply wish away the land mafia and its long reach, not just here in Karnataka but anywhere in India. I fought hard to make a pre-mutation, or pre-registration, sketch mandatory in this state. The idea is simply that before anybody sells a property, the government should measure it. This fair play does not suit land sharks, of course, which is why they are opposed to it. Desperate and fraudulent sales can no longer take place; the first because there is a process involved that slows down the sales a bit, and the second because transparency has been brought into the system.

Surveyors are again on strike demanding your removal. Why?

Such hurdles are only to be expected in the path of reforms. There is a revolt in the system, followed by reconciliation and then things carry on despite those who try to stop the wheels of progress. Nearly 10 lakh properties are sold here every year. So there is no way I can get all the work done

by government surveyors alone. This necessitates the need for licenced private surveyors. But this does not mean that the government can be blackmailed by either the private surveyors or even its own staff. I know somebody must be instigating the surveyors, somebody must be benefiting from this strike, somebody must be making money on the side, but that cannot deter us from moving ahead.

Google your name and reports that you favoured particular private players crop up. How do you respond to such allegations?

There is a saying in my native state Uttar Pradesh that a fruit-laden tree will always be hit. My response is just my work. Do I not embrace the public-private partnership model when I know the government does not have the wherewithal to do everything on its own? Do I not create knowledge in the system because somebody will seek to malign me or somebody will make money on the side? Do I not create knowledge because with knowledge will come power and, as custodian of the data, this department will begin to wield some discretion in certain cases? If they can't prove corruption, they will at least allege it; when that does not work, they will just say that I am rude. I am not saying I underestimate those who oppose me; I am just saying I know I must carry on despite them. That's the only way we can reform governance in India.

Is it time we updated our land ownership laws across the country?

Of course, laws have to be amended wherever required, as in the case of Bhoomi, or the pre-mutation sketch that I referred to earlier, or even e-procurement that I launched separately. But as an administrator I have learnt that wherever you can effect a change without legislative amendment, do so. There is often enough leeway within the prevalent laws to allow effective implementation. The quasi-judicial approach often works best. That is also why I am opposed to titling, or legally guaranteed ownership of land. Those who advocate it have no clue about ground realities. As a concept, who can oppose it? But when you don't have proper property ownership records, how can you guarantee titles? The urban property ownership records can jump to titling, but the records under Bhoomi just cannot. So, first, you will have to clean up records across the country. You can only do it gradually because the system can only take so much reform at one go. Else, people will butcher you on the streets. So it boils down to what can be achieved. That is why we left out Bangalore in the first phase.

How would you describe the politician-bureaucrat relationship?

Such questions are best left unanswered. Let me just say that I always try to design systems intelligently and minimise resistance to my initiatives.



In Mysore, India's largest surveying firm has deployed its staff to measure and map every inch of land to create property records.

about the properties being surveyed. "The number and names of owners on each floor, the history of alterations in land use and transactions will all figure in our reports," says Srihari.

Chawla has ensured a constant vigil on the work of the private players. Rudresha KV, the officer in charge, says the companies implementing the project cannot work on more than 5,000 properties each at a time. They are required to submit their reports to the department which, in turn, peruses all documents and validates the records within a week. The department has deployed 140 people, including five project officers. They pick nearly a fifth of the properties surveyed by the private partner for random checks. If the data supplied by the private partner is found wanting in more than 10 percent of properties, the entire block of properties is required to be surveyed again. The acceptable margin of error in the coordinates has been fixed at just around 5 centimetres.

The five private partners, who are putting in 80 percent of the investment in the pilot project, hope to recover their costs and more once they start providing property records-related services to citizens. Such chargeable services include provisioning of copies of ownership records, accepting requests

for changing property ownership records, measurement of property in case of disputes and incorporating entries for bank loans etc.

That will take a few months more and, if work proceeds as planned, just a year for a similar exercise to begin in Bangalore, which has been left out of the pilot project after much consideration. The idea is to first test capacities, both of the public and the private partners, before taking on the bigger test in Bangalore which alone has 40 lakh properties. All 276 urban centres across the state will, however, be eventually covered by the project.

Once that happens, of course, India will step into a completely new era of land reforms. Property owners will get to hold indisputable titles, banks will be assured of the most reliable of collaterals, even in the post-meltdown world, and urban local bodies will have access to more authentic data for tax collection as well as safeguard against encroachments.

While the project will infuse much-needed authentic information it threatens to upset entrenched interest groups that have thrived under the system of presumptive rights based on transactions alone. Among other reforms ushered in to shift to a more transparent system of land records, Chawla took away the discretionary power vested in officials to

declare bonafide grantees simply by citing 'missing records'.

Earlier, even an official of the rank of assistant commissioner could declare that records of a property had gone missing and then proceed to grant ownership to anybody. Chawla got this circular completely changed. Now, a committee instead of an individual will rule on such cases. Collective bias on the basis of external influences may not be impossible, he reasons, but it would certainly be far safer than depending on the discretion of a single individual.

As Chawla suggests in the accompanying interview, it takes more than vision to implement an initiative such as this. What he does not get to explain, since the interview preceded the event, is just how difficult it is for someone who tries to clean up the system to escape the dirt. Chawla, who initiated this project as commissioner, department of survey settlement and land records, was transferred to the Karnataka state cooperative marketing federation as managing director within a few weeks after GovernanceNow interviewed him. That he is a victim of vested interests is clear from the reason for his transfer: An allegation by the mother of Chawla's driver that he "harassed" her son to attempted suicide! Thank god they can't wish away his land reforms that easily. ■



IT JUST OCCURRED TO US

That if the Commonwealth Games Village is coming up on the Yamuna river bed in Delhi, why are the residential blocks being christened Sindhu, Ganga, Narmada, Brahmaputra and Kaveri? Does it mean the Yamuna is a gone case?



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