

SVAMITVA: Inputs towards design of the next phase of the Scheme

A. Background

In early October, the [Property Rights Research Consortium \(PRRC\)](#) had an introductory meeting with the officials of the Ministry of Panchayati Raj (MoPR). The subject of this meeting was the Ministry's newly launched SVAMITVA [[Survey of Villages and Mapping with Improved Technology in Village Area](#)] scheme, which is currently in its pilot phase. As the Ministry is planning the next phase of the scheme, during the meeting, they requested PRRC to collate expert opinion and inputs on a few specific questions to help design the next phase. To respond to these critical questions, on 5th November, 2020, PRRC convened a group of experts from its member institutions and other leading organizations working on land and property issues. This note summarizes the inputs and views shared by different experts on the SVAMITVA scheme. The note is divided into five major sections:

1. [Overall inputs for the scheme](#)
2. [Expert comments on accessibility and inclusivity of the scheme's current design](#)
3. [Expert comments on data management and upkeep](#)
4. [Expert comments on integration of Property Cards into the state's extant systems](#)
5. [Expert comments on increasing revenue generation at the panchayat level](#)

B. Overall inputs for the scheme

1. Legal: It is important to ensure that the Property Cards distributed under the scheme have due authority and legal validity¹, in order to enable citizens to use these cards for various purposes, including applying for loans, and to reduce potential for disputes. The [Framework for Implementation of the SVAMITVA Scheme](#) squarely places the responsibility of carrying out appropriate amendments to the state's revenue laws and rules on the State Revenue Department.

However, the challenge is that there exist variations in the revenue laws across different states. In case of the pilot states, the revenue laws and Acts of Karnataka, Madhya Pradesh, Maharashtra and Uttar Pradesh govern the process of surveying and creating records for *abadi* areas. However, the Punjab Land Revenue Act, 1887 which governs Haryana does not apply to *abadi* areas, and thus does not empower the state to create Record of Rights (RORs) for this area.² Haryana in turn implemented this scheme under section 26 of its Panchayati Raj Act of 1994.³ However, section 26 of the Act only empowers the Panchayat to prepare the maps of *abadi deh*,

¹ Framework for implementation of SVAMITVA scheme, P. 21, Guideline 6.3.i

² The Punjab Land Revenue Act, 1887:
<http://www.plrs.org.in/pdfs/Punjab%20Land%20Revenue%20Act.pdf>

³ The Haryana Panchayati Raj Act, 1994:
<https://www.panchayat.gov.in/documents/20126/0/The+Haryana+Panchayati++Raj+Act+1994.pdf/6045c87f-2008-4796-fdf4-1ec30d951b00?t=1554877646549>

not to create associated RoRs. Panchayat, in this case, may not be the competent authority to complete this process. Given the variations observed in relevant laws in different states, there is a possibility of disputes if due legal process is not followed. Therefore, a careful consideration of the laws and rules that need to get amended is required to ensure that no gaps remain in implementation of the scheme and the Property Cards created are valid and legally admissible as proof of ownership.

Way forward:

- i. Property Cards should be recognized by financial institutions as an official document which they can lend against. It should serve as an effective collateral which the institution should be able to redeem in case of default by the borrower.
- ii. To ensure a comprehensive review of the state laws related to land, revenue and others which may impact the effectiveness of the scheme, the SVAMITVA Framework document, under section 3.2.6.(ii) could explicitly mention the inclusion of legal experts in its State Programme Management Unit, who can look at all land related laws comprehensively. These experts should be tasked with drafting the required amendments to the existing laws to give effect to the desired changes.

2. Focus on outcomes: Funding the output (in this case, creation of Property Cards), rather than funding the process might lead to better outcomes for the SVAMITVA scheme. Without ownership of the scheme at the state level, the records created may have limited legal sanctity and sustainable utility.

Way forward: The central agency should fund the desired output and incentivize the states to reach there through independently designed legal and technological processes. Central funding should be for verifiable achievement. This can be in the shape of checking appropriate legality (including processes for updating) and test checking of websites which show the newly created title registers.

3. State capacity: In the case of Haryana, the powers given to the Panchayat under the notified rules include the responsibility of deed registration at the Tehsil level in addition to the maintenance and upkeep of the created record. While the question of deed registration should ideally not arise at the time of issuance of Property Cards (because SVAMITVA aims to only create a Record of Rights and does not accord any transfer), the Panchayat may not have existing infrastructure or capacity to maintain the RoRs on an on-going basis to ensure these Property Cards remain up to date. An RoR/Property Card can only be presumed to have the stamp of law when maintained under the state's respective Land Revenue Acts. Similar issues are expected to crop up during the scheme implementation in Punjab, Himachal Pradesh, and even Delhi as these states/UTs have similar revenue acts.

Way forward: A state-level evaluation of the capacity of the institutions being held responsible for specific tasks may be imperative. The SVAMITVA guidelines should insist on capacity building

of these institutions to carry out the allocated tasks. This may be facilitated by MoPR at a central level.

4. Grievance Redressal and Dispute Resolution: It is important to ensure there are adequate grievance redressal mechanisms available to citizens in case they face challenges in getting their Property Cards made under the SVAMITVA scheme or if they face issues using the card as collateral.⁴ The Framework currently only mentions the involvement of the survey department on resolution of any objections with the final decision on any unresolved disputes resting with the District Magistrate.⁵

Way forward:

- i. A detailed grievance mechanism may help ensure resolution of citizen queries and concerns by the appropriate authorities in a timely manner. To avoid post-survey conflicts, communities should be involved during the drone mapping stage itself and given access to primary level data to facilitate verification through triangulation of data. This has been done in Maharashtra and Odisha, where residents were directly involved in boundary demarcation to ensure community buy-in.
- ii. Additionally, safeguards may also be required to ensure that the mere absence of a Property Card (for those who do not avail one) does not lead to a loss of rights. The SVAMITVA scheme recognizes the property rights of holders as implicit, and aims to simply provide a Record of Rights through the Property Card. This should be clearly documented in the guidelines.

5. Impact audit: While the Framework document has outlined the monitoring and evaluation process for monitoring the scheme's progress, there's no explicit mention of an impact audit to verify the effectiveness of the scheme against the desired objectives.

Way forward: MoPR could consider drafting an impact evaluation framework to measure the longer-term socio-economic impact of the scheme, which would require a baseline study followed by a review post-implementation. To implement this, an agency may be roped in at the outset with the requisite budget allocation for a baseline study before the scheme is rolled out in full scale.

⁴ SVAMITVA Scheme: Over a month later, first property card holder from Maharashtra waits for loan: <https://indianexpress.com/article/cities/mumbai/svमितva-scheme-over-a-month-later-first-property-card-holder-in-maharashtra-waits-for-loan-7060754/>

⁵ Framework for implementation of SVAMITVA scheme, P. 17, Guideline 5.1.3.iii

C. Expert comments on specific components of the scheme

1. Access and inclusivity

(Is the scheme inclusive in its implementation? How do we ensure that the weaker segments are not being further marginalised?)

In the Framework for Implementation of the SVAMITVA Scheme, the MoPR has mentioned that the scheme would provide the 'Record of Rights' to village household owners possessing houses in inhabited rural areas in villages. However, the scheme in its guidelines is silent about the role that it intends to play in recognizing rights of women, dalits, SCs/STs to property ownership. Even though the implementation process is intended to be transparent with awareness drives and prior announcements regarding the date of drone mapping, the following expert inputs could be considered to ensure that the implementing partners at the field level are cognizant of the social realities, especially since the scheme recognizes property rights through current possession.

Expert comments

a. Gender-responsive scheme design

- i. In the current scheme design, the scheme does not specifically mention whether the 'Record of Rights' or 'Property Cards' would recognize more than one owner. Under Section 3 of the Framework for Implementation of the SVAMITVA Scheme document, Components of the Scheme, MoPR could consider including a section outlining the features/format of the Property Cards. This could include details on allowing Property Cards to include details of more than one owner, specifically recognizing joint ownership of property by women. By explicitly mentioning joint patta rights under this section, as done by the state of Maharashtra, MoPR could ensure that revenue officials at the state are made cognizant of women's ownership rights. Encouraging property registration in the name of women has also been recommended by Niti Aayog in its [Strategy for New India @ 75](#).⁶ The Ministry may rope in civil society organizations for gender sensitization of field functionaries so that they are able to put principles of gender inclusion in practice while implementing the scheme on ground.
- ii. As per the Census 2011, there are 71.4 million single women, which includes unmarried women, widows, divorcees, etc. who are often excluded from ownership and inheritance rights. At 12 percent, single women form a significant population and hence the scheme must set guidelines to ensure that their rights are recognized and included in the Property Cards being distributed under the scheme. This may in fact be an opportunity to recognize women's ownership rights as SVAMITVA grants Property Cards based on 'possession' and not 'inheritance'. The latter is often exclusionary for women due to adverse inheritance

⁶ Niti Aayog, Strategy for New India @ 75, P.153, https://niti.gov.in/sites/default/files/2019-01/Strategy_for_New_India_0.pdf

laws and existing social norms. These guidelines could form a part of the 'Property cards' subsection under Section 3 as mentioned above.

- iii. A number of states such as Madhya Pradesh, Odisha etc. have existing schemes that provide homestead land to weaker sections such as dalits, single women etc. However, the implementation of these schemes is not uniform, and there are instances where families have been allocated land by the state government but have not received possession, or the allocation has not yet been made. There exists a risk that these families will not get included within the ambit of SVAMITVA's implementation. Along with mapping the lands under possession, families without homestead land, single women etc. may be enumerated as part of the scheme, and allotted with homestead land as per the ongoing practice/provision in different states. Without this, vulnerable sections may be deprived of their entitlements to avail homestead land and pucca house under different government schemes.

b. Recognize existing gaps in equal access to land and property rights

- i. Given that the scheme aims to confer secure land rights through the distribution of Property Cards, the scheme should focus on recognizing the rights of those who have been historically marginalized from owning land and property, such as the Scheduled Tribes and Scheduled Castes, and ensure that it does not end up perpetuating existing social inequalities in land ownership. MoPR should consider adding a section that explicitly outlines who will be recognized as 'owners' in the Framework for Implementation of the Scheme. For instance, in Maharashtra's drone mapping survey, if a resident in the *abadi* area had enjoyed undisturbed possession of the land since 2011, they were recognized as the rightful 'owner'. However, considering the social realities, the scheme's guidelines could explicitly include recognition of the rights of:
 - 1. Sharecroppers, tenant farmers etc., who have been historically unable to access bank loans and other welfare benefits.
 - 2. Vulnerable populations such as low-income families or individuals belonging to SC/ST communities, who have been residing on common lands for generations.

c. Strengthen on-ground partners for successful implementation

- i. Though the Framework document explicitly outlays the awareness generation activities and the roles and responsibilities of field-level stakeholders, the responsibilities could also be extended to land management committees (LMCs). Adequate awareness and orientation should also be imparted at the Gram Sabha level, and among SHGs, PRIs and field level functionaries of Revenue and Panchayati Raj department.
- ii. Ensure adequate representation of women, dalits and other marginalized groups and ensure their involvement in the mapping and grievance redressal processes.

- iii. To ensure that the land rights of the Scheduled Tribes, as guaranteed under the Forest Rights act, 2006 are protected, MoPR could guide the states to include the State Forest Departments as an implementing partner, along with the Revenue Department. Under Chapter 6 of the Framework document, MoPR may consider outlining the roles and responsibilities of the State Forest Departments as well.

2. Data management and upkeep

(How should the data from the SVAMITVA scheme be managed at the state level? Who should own it, manage it, update it?)

The scheme gives clear guidelines with respect to data ownership, storage and management. In addition to joint ownership with the Survey of India for raw imagery, the state government owns different pieces of data with the Department of Land Resources and Ministry of Panchayati Raj. The data is housed at the state data centre in convergence with the infrastructure available and funded under the Digital India Land Records Modernization Programme (DILRMP) scheme. The following expert inputs touch upon some of the data management and sharing standards that the scheme aspires to achieve, but which have not been explicitly laid down in the Framework for Implementation.

Expert comments

- a. **Open Geospatial Consortium (OGC) Guidelines compliant GIS database:** SVAMITVA aspires to comply with the Open Geospatial Consortium guidelines⁷ which create a common standard for representing, storing and structuring data. Meeting these standards will make the data interoperable, create a common vocabulary and an open source software to work around. MoPR could refer to two documents to integrate elements for OGC compliance - the [National Open Digital Ecosystems \(NODE\) by the Ministry of Electronic and Information Technology](#) and the [Non-Personal Data committee report](#). These reports can give important guidelines to aid MoPR's efforts at data handling, particularly with respect to openness and interoperability, reusability and shareability, scalability and privacy.
- b. **Sharing public non-personal data created under SVAMITVA:** The data generated under the SVAMITVA scheme falls under the category of public non-personal data as defined by the Committee on Non-Personal Data in its report. The government has to come up with mechanisms to make it available to the public as recommended by the committee report⁸, an aspect currently missing in SVAMITVA's existing framework⁹. This

⁷ Framework for implementation of SVAMITVA scheme, P. 9, Guideline 3.2.2.ii.c

⁸ Report by the Committee of Experts on Non-Personal Data Governance Framework, 7.4: The Government should improve on existing Open Government Data initiatives, and should ensure that high-quality Public Non-Personal Datasets are available.

⁹ References for open data platforms: <https://api.nasa.gov>, <http://opendata.punecorporation.org/Citizen/User>

may also require the Survey of India to amend certain rules with respect to copyrights and sharing maps/data.

- c. Data sharing for financial risk assessment and financial inclusion:** One of the long-term objectives of the SVAMITVA scheme is to help the property holders monetize their assets by taking loans based on newly generated RoRs. To enable this, MoPR needs to find ways to make this data accessible to financial institutions who will work as the lending agencies to the rural property holders in a low cost and transparent manner.
- d. Ensuring the data stays updated:** Community cadres may be trained to support field functionaries of the Survey of India in mapping and demarcation in case of partition, title transfer, new constructions, etc. They may use a mobile phone-based mapping system and send the data to the agency or may engage private players for future additions to the existing database. It is also important to ensure linkages with the state's registration and mutation systems to ensure the Property Cards remain up-to-date.

3. Integration with existing records and system

(How best can the next phase of states integrate the Property Cards into their extant systems?)

Background information on existing records:

1. **Spatial Records:** Spatial records form the basis of creating new records. To create these records, a factum of possession survey is being carried out under the SVAMITVA using drone survey technology. Whosoever is found to be in possession of a property during this survey is designated as the owner of the property, a principle which emerges out of the Limitation Act. The Limitation Act provides that whosoever has been in adverse possession of a private property for a continuous period of twelve years can become the owner. If they have been in undisturbed possession for over thirty years of a government property, they can become the owner.¹⁰ However, this principle when used for the purpose of the implementation of the SVAMITVA scheme may prove to be dangerous as it is common for village land to be cornered by upper castes. This may lead to large scale exclusion of Scheduled Castes and Other Backward Castes from attaining Property Cards.

The execution of creation of these spatial records may vary by state. The revenue department is usually the custodian of these records.

2. **Textual Records:** This comprises land records which mutate on occasion of voluntary (transfer, sale, gift, mortgage) or involuntary (succession) changes and are usually

¹⁰ The Limitation Act, 1963: <http://legislative.gov.in/sites/default/files/A1963-36.pdf>

maintained by the revenue department. The local bodies can use these records for the purpose of taxation.

Expert comments

- a. Increasing accessibility of spatial records:** To increase their accessibility, the spatial records may be put on GIS platforms. Survey of India has created an open standards GIS software for this purpose. Maharashtra is expected to have access to it soon and other states can adopt it based on the Maharashtra's experience. Whosoever hosts this application at the state-level (Panchayati Raj Department/Rural Development Department) should make it available to the Revenue Department and the Gram Panchayat to enable planning. This data is also expected to be useful for the Registration Department to identify the part or the area of a property being sold, enabling prevention of frauds.
- b. Inclusion of encumbrances in Property Cards/Record of Rights (RoRs):** Crop loans are often entered into the Record of Rights but housing loans are usually not. While lending institutions are mandated to register an encumbrance against a property with the [Central Registry of Securitisation Asset Reconstruction and Security Interest of India \(CERSAI\)](#), it will be important to ensure this also gets reflected in the Property Card/RoR. Inclusion of additional information in the Property Cards such as disputes on the land in question, mortgages and the development potential of land can lead to the creation of a database that is accurate, reduces potential for future disputes, allows citizens to apply for loans and make informed buy or sell decisions.¹¹
- c. Efforts to integrate existing land records with SVAMITVA Property Cards:** The state may consider integrating the existing land records of agricultural land with the new Property Cards being generated under the SVAMITVA scheme for the abadi land. With the drone surveys, the states have an opportunity to upgrade the outdated land records of agricultural land. Updates to existing MoPR guidelines as well as state laws may have to be made to give effect to this. Coordination with other central and state agencies may also be subsequently required.
- d. Recognizing the use and legal sanctity of Property Cards as collateral to access financial credit:** Section 6.3 of the Framework document suggests that the State Revenue Department will be responsible for granting due authority and validity to the Property Cards. The document could also explicitly guide the states towards ensuring that the legal sanctity of these Property Cards in being used as a collateral is also recognized by the banks and NBFCs through adequate awareness-generation activities. One route to encourage this recognition could be through the government representation (typically the rural development department) on the State Level Bankers Committee.

¹¹ Rethinking urban land records: A case study of Mumbai, Shaikh G. & Uday D.: <https://blog.theleapjournal.org/2018/11/rethinking-urban-land-records-case.html>

4. Increasing the revenue base of Gram Panchayats

(How can the scheme achieve the ultimate aim of increasing property tax revenues for the local panchayats? What changes need to be made in state laws and rules?)

The other side of providing Property Cards to holders of land in *abadi* areas is increasing the taxation base of the Gram Panchayats to empower them to create localized and independent development plans. The following expert inputs highlight the means to ensure efficient collection of property tax.

Expert comments

- a. **Greater transparency on scheme's tax collection objectives:** The house tax aspect of the scheme hasn't received as much coverage as other aspects, such as creation of Property Cards for financial inclusion and minimization of legal disputes. In order to avoid mistrust with communities, it would be helpful if the MoPR shared information on how the Property Cards will be used to enhance property tax collections.
- b. **Tax collection powers:** In some states, the panchayat may not have the tax collection powers on property tax. In order to fulfil the objectives of the scheme, states will have to make necessary changes in the law to ensure that panchayats have the power to both collect and utilize the property tax.
- c. **Frequent updates to property tax records** - In order to ensure appropriate tax collection, it is essential to have updated property tax records at the Gram Panchayat level. A rule may be created necessitating updates to these tax registers at the time of registration, mutation or any other land records updates to ensure efficacy of the SVAMITVA scheme.
- d. **Procedures to update the property tax registers:** After the completion of the survey under the scheme, the properties in a village have to be categorized under different heads for the purpose of tax collection (residential/commercial, kuchha/pucca/concrete). These different categories of properties will attract taxation at different rates. While drones cannot capture these differences, another mechanism like ground truthing has to be worked out to keep up-to-date records of different categories of properties for appropriate tax collection.
- e. **Taxation of multi-storied property:** In case of multi-storey buildings, mapping base area alone may not solve the problem of assessing the value of the property, whether for calculation of property tax or availing loan based on the value of the property. MoPR may want to ensure that the ground truthing visits capture these details.

- f. **Generic Property Tax Assessment and Collection Software:** A standard GIS based software application may be provided to panchayats to monitor the properties and manage tax collection. Such software are readily available for municipal corporations and even smaller ULBs, minimizing the need for human intervention in property tax collection.
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