



# SVAMITVA Scheme- Challenges and Recommendations

Access to updated and comprehensive land records is necessary for ensuring transparency and efficiency in the functioning of land markets. It is also key to enabling the efficient resolution of land disputes. Rural land records in India are outdated, inaccurate and incomprehensive.<sup>1</sup> The *Abadi*<sup>2</sup> areas in villages, in particular, have never been formally mapped. In order to create and update the Record of Rights (RoRs)<sup>3</sup> in all the *Abadi* areas in 6.62 lakh villages in the country, the Government of India launched the SVAMITVA (Survey of Villages and Mapping with Improvised Technology in Village Areas) scheme on 24th April, 2020.

## About SVAMITVA

### Framework

The Survey of India (Sol), in collaboration with the revenue departments of the respective states, will use drones to survey land holdings and create RoRs for residents. By undertaking this mapping and ownership exercise, the government expects SVAMITVA to: (1) make rural landholdings marketable (since financial institutions are more likely to lend against properties with clearly recorded titles),<sup>4</sup> (2) make the process of determination of property tax in rural areas efficient, (3) enable Gram Panchayats (GPs) to prepare Gram Panchayat Development Plans (GPDP), and (4) help reduce potential future property-related litigation in civil courts.<sup>5</sup> Additionally, through the scheme, the government aims to establish a pan-India Continuously Operating Reference System (CORS) network<sup>6</sup> and create Geographic Information System

---

<sup>1</sup> [Indian Institute for Human Settlements \(IIHS\)- Land Records Modernisation: A Summary of Findings](#)

<sup>2</sup> *Abadi* areas refer to unplanned settlements in rural areas where development control regulations do not apply. These areas have not been surveyed and the demarcations of the landholdings in them are unclear.

<sup>3</sup> A Record of Rights (RoR) is a legal document which captures details of landholdings such as, the name of the landholder and the number and extent of the landholding. It is a type of land record.

<sup>4</sup> [Terra Economics and Analytics Lab- Title Insurance in India](#)

<sup>5</sup> [Ministry of Panchayati Raj- Framework for the Implementation of SVAMITVA Scheme](#)

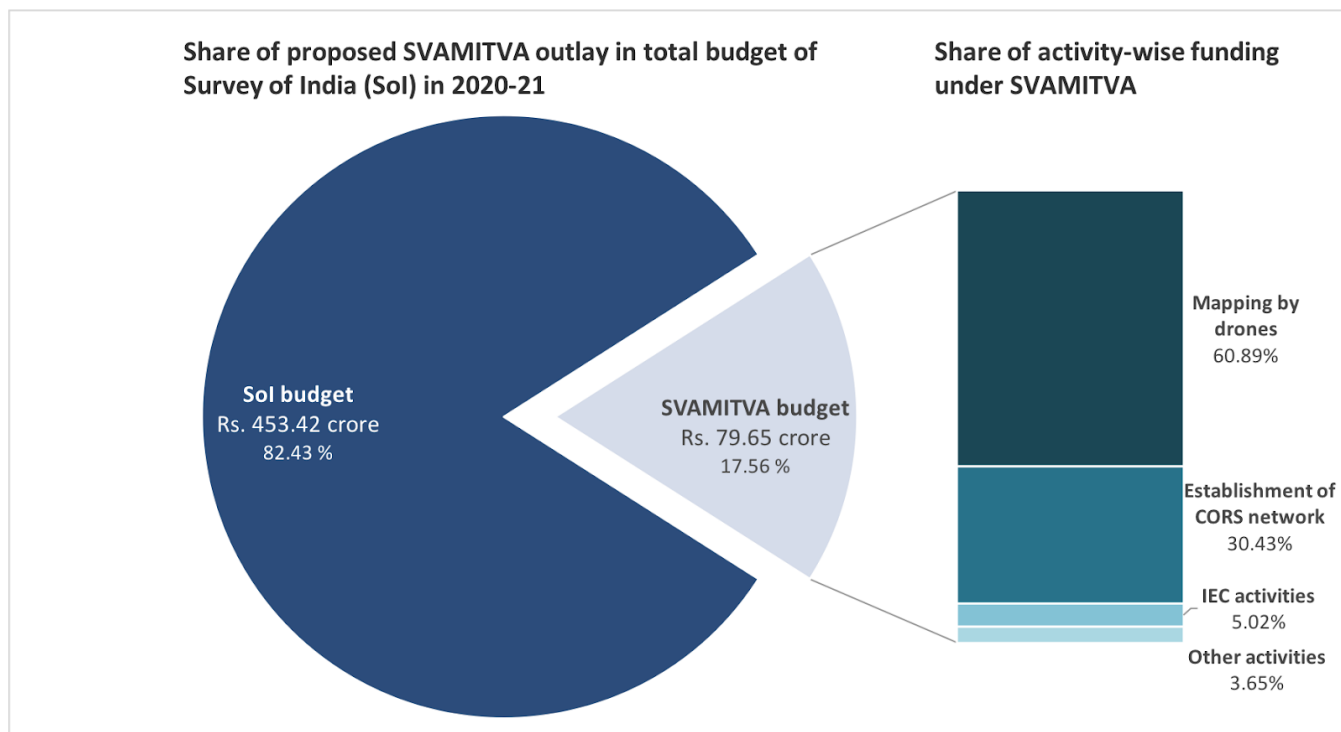
<sup>6</sup> 'Continuously Operating Reference System' ('CORS') is a ge positioning infrastructure which will enable the government to undertake accurate georeferencing while creating digital maps. 'Georeferencing' is the process of

(GIS)-enabled maps, which can be leveraged by any government department for its use. The scheme guidelines state that SVAMITVA will be implemented over a period of four years.

## Financial outlay

A financial outlay of Rs 79.65 crores has been proposed for the pilot phase of the scheme. The pilot phase includes 5 activities:

1. The surveying of the *Abadi* areas in more than 1 lakh villages in the 6 states of Haryana, Karnataka, Madhya Pradesh, Maharashtra, Uttar Pradesh and Uttarakhand
2. The establishment of a CORS network in Punjab and Rajasthan
3. Conducting of Information, Education and Communication (IEC) activities in villages to disseminate information about the survey methodology among the citizens,
4. The establishment and management of a *Gram Manchitra* system<sup>7</sup> and
5. The institution of national and state-level programme management units for overseeing scheme implementation.



Source: Union Budget (2020-21)<sup>8</sup> and SVAMITVA guidelines<sup>9</sup>

relating digital maps to a geographic coordinate system on the surface of the earth. The SVAMITVA guidelines state that with the establishment of a CORS network, better quality Gram Panchayat Development Plans will be created by the Gram Panchayats.

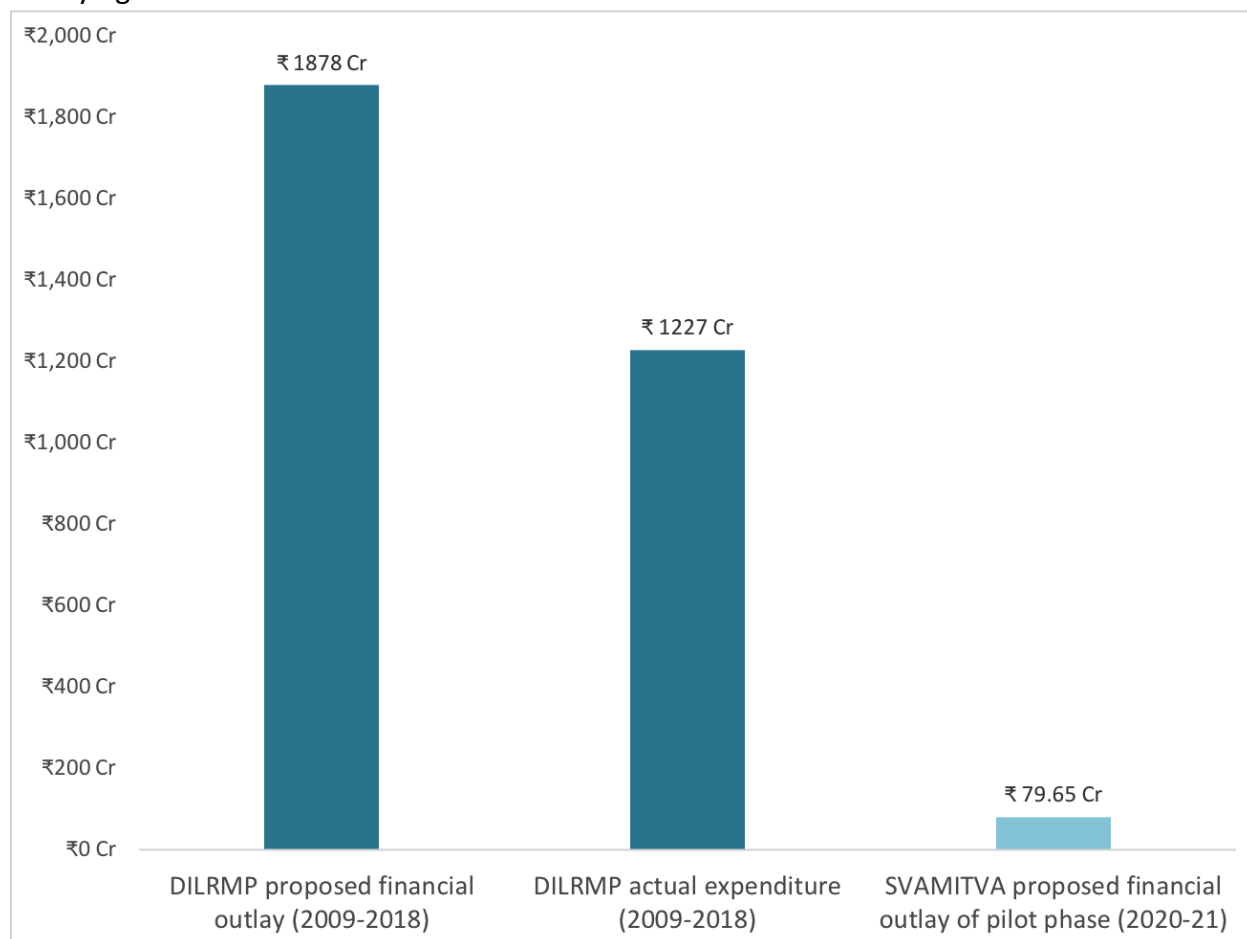
<sup>7</sup> '*Gram Manchitra*' is a spatial planning application for utilising Geographic Information Systems (GIS) technology to create Gram Panchayat Development Maps (GPDP).

<sup>8</sup> [Union Budget \(2020-21\) website](#)

<sup>9</sup> [Ministry of Panchayati Raj- Framework for the Implementation of SVAMITVA Scheme](#)

## Comparison with the Digital India Land Record Modernization Programme

In 2008, the central government attempted to partially address the issue of outdated and inaccurate land records; it launched the Digital India Land Record Modernization Programme (DILRMP) to digitise existing rural land records,<sup>10</sup> the achievements of which have been far from satisfactory.<sup>11</sup> DILRMP, however, was a land records digitisation scheme; it did not involve the surveying of *Abadi* areas.



Source: PRS India<sup>12</sup> and SVAMITVA guidelines

## The goals

### Updating RoRs

The scheme aims to create accurate RORs and distribution of property cards in all *Abadi* areas in villages. An RoR (Record of Rights), also known as '*jamabandi*' in some states, is a legal document which captures details of landholdings such as, the name of the landholder, the

<sup>10</sup> Terra Economics and Analytics Lab- Conclusive Titling- A viable solution for India?

<sup>11</sup> Carnegie India- Making Land Titles in India Marketable: Using Title Insurance as a Viable Alternative to Conclusive Titling

<sup>12</sup> PRS India- Demand for Grants 2018-19 Analysis: Rural Development

rights of other people associated with the land (such as tenants and sharecroppers), and the number and extent of the landholding. While there is some variation in the structure of these documents across states, RoRs typically comprise 12 to 13 columns, each column recording a particular detail. RoRs are primarily land records and not property records, capturing details of the landholding but not of transactions of built-up settlements such as houses. Most RoRs also have a 'remarks' column, capturing details that the other columns do not have, such as transactions of built-up property in both urban and rural settings.<sup>13</sup> RoRs are textual<sup>14</sup> land records maintained by the revenue officials of the respective states at the village or district level. These officials are known by different names in different states. For instance, in Maharashtra, Gujarat and Karnataka they are called '*talathis*', while in Andhra Pradesh, Telangana, Uttar Pradesh, Bihar and West Bengal, they are known as '*patwaris*'.

Historically, RoRs were prepared and maintained for revenue purposes. However, since land revenue no longer holds much significance, RoRs have fallen into disuse.<sup>15</sup> The SVAMITVA scheme could lead to the creation of a system of land records' management which mirrors the reality of property ownership in *Abadi* areas of villages.

#### Making property tax in rural areas collection in rural areas more efficient

Consistent data on property tax collection by Gram Panchayats (GPs) over time is not available. However, studies indicate that property tax accounts for the largest source of the own tax revenues of the GPs, notwithstanding the fact that it is inefficiently calculated and inadequately collected by the GPs. Moreover, own-tax revenues of GPs account for a small portion of the total revenues of GPs. Estimates suggest that own revenues of Panchayati Raj Institutions (PRIs)<sup>16</sup> have at best stagnated at around 0.05 percent of the national GDP over the 1990s and 2000s.<sup>17</sup> GPs continue to be dependent on devolved funds by state governments to meet their expenses. According to the Economic Survey of 2018, own revenues of GPs accounted for a mere 5 percent of their total revenues while 95 percent of their revenues came from devolutions by the state and central governments.<sup>18</sup>

The method of property tax calculation and collection by the PRIs is inefficient; it is typically calculated on the assessed market value of the property, which does not undergo regular

---

<sup>13</sup> [Indian Institute for Human Settlements \(IIHS\)- Land Records Modernisation: A Summary of Findings](#)

<sup>14</sup> There are three types of land records: (a) Textual records- such as RoRs; (b) Spatial records- cadastral maps showing cadastral boundaries of each land parcel, and; (c) Transaction-related documents such as sale deeds, gift deeds and succession certificates.

<sup>15</sup> [Ibid](#)

<sup>16</sup> Panchayati Raj Institutions (PRIs) include Gram Panchayats, Intermediate Panchayats and District Panchayats. Each type of panchayat is empowered to collect taxes in accordance with the PRI Act of the respective state.

<sup>17</sup> [Centre for Budget and Policy Studies- Study of Own Source Revenues of Panchayats with a Focus on Property Tax](#)

<sup>18</sup> [Economic Times- Low Tax Collection at Panchayats a Challenge to Fiscal Federalism: A Survey](#)

updates. This inefficiency is partly attributable to the absence of up-to-date property records.<sup>19</sup> The SVAMITVA guidelines state that the scheme can facilitate the updating of the asset register of the GPs for the efficient calculation of property tax.

#### Preparation of GDPDs of a better quality

In 2015, the Ministry of Panchayati Raj released the '[Model Guidelines for preparing Gram Panchayat Development Plans \(GDPDs\)](#)' for undertaking resource-planning at the village level. Accordingly, Gram Panchayats (GPs) began to prepare GDPDs, but in the absence of accurate data on the demarcation of properties in their respective villages, they prepared the GDPDs in the nature of wish-lists. The Ministry of Panchayati Raj partially attributed the shortcomings of the GDPDs to a lack of technical support to Gram Panchayats.<sup>20</sup>

The SVAMITVA guidelines state that with the establishment of a survey infrastructure including a Continuously Operating Reference System (CORS) network, better quality GDPDs will be created by the GPs. The overseeing of the establishment of the CORS network will be undertaken by the Survey of India. It will first be undertaken in Punjab and Rajasthan on a pilot basis.<sup>21</sup>

#### Reducing land and property disputes

Estimates suggest that land and property disputes constitute 66 percent of all the civil cases in India.<sup>22</sup> One of the reasons for the creation of these disputes is the absence of conclusive proof in the form of government-guaranteed titles. Since land records are outdated/inaccurate, the ownership of land as captured in the land records is frequently challenged in the court of law.<sup>23</sup>

Land and property disputes can be reduced if the government is able to accurately update the RoRs to ensure that they mirror the reality of property ownership. The scheme guidelines mention that revenue officials and officials from the Survey of India will parallelly conduct ground-truthing exercises while updating the RoRs.

---

<sup>19</sup> Ibid

<sup>20</sup> Ministry of Panchayati Raj- Performance Review Committee Meeting

<sup>21</sup> Ministry of Panchayati Raj- Framework for the Implementation of SVAMITVA Scheme

<sup>22</sup> Daksh- Access to Justice Survey, 2016

<sup>23</sup> Policy Research Studies (PRS) India- Land Records and Titles in India

## Challenges and recommendations

### Legal validity of the property cards is unclear

According to the guidelines, the revenue officials of the relevant State government will issue property cards to household owners after the RoRs have been updated. Property holders will be able to download their property cards through an SMS link sent to them on their mobile phones.<sup>24</sup> The government expects that by distributing property cards displaying clear ownership details to landholders, they can access credit and other financial services better.<sup>25</sup>

### Recommendations

- The relevant State government has to first guarantee that the property cards are legal proof of ownership recognised by financial institutions; otherwise, property cards may end up becoming just another legal document which does not conclusively prove ownership, like all other land records.
- Land records are not necessarily maintained under the Revenue Acts of all states. Therefore it is important that the property cards are enlisted as documents requiring stamp duty payment under the Revenue Acts of the relevant states in order to give them legal validity.

### Laws governing land record-keeping practices vary across states

The SVAMITVA guidelines place the responsibility of implementing the scheme on the state governments, which will be required to amend their existing revenue laws to implement it. There are multiple laws along with revenue laws, which the states will need to amend to implement the scheme. For instance, Kerala and Telangana governments will be required to amend their respective Record of Rights' laws to streamline the updating and digitisation of RoRs in line with the vision of SVAMITVA. In Haryana, the scheme will be implemented under the Haryana Panchayati Act of 1994.<sup>26</sup>

Moreover, there exists considerable diversity in the record-keeping practices and their quality across various states. For instance, in Andhra Pradesh, the revenue officials maintain records of both, registered and unregistered encumbrances against properties, whereas, in most other states, officials only maintain records of registered mortgages.<sup>27</sup> In some states such as Karnataka, Tamil Nadu, Telangana and Andhra Pradesh, the RoRs record soil types of the

---

<sup>24</sup> [Yahoo News- PM Modi Launches Physical Distribution of Property Cards Under 'SVAMITVA' scheme](#)

<sup>25</sup> [Ministry of Panchayati Raj- Framework for the Implementation of SVAMITVA Scheme](#)

<sup>26</sup> [Haryana Panchayati Raj Act of 1994](#)

<sup>27</sup> [Carnegie India- Making Land Titles in India Marketable: Using Title Insurance as a Viable Alternative to Conclusive Titling](#)

landholdings, but the details captured in them differ; in Tamil Nadu, the RoRs mention if the soil is dry or wet, whereas, in Telangana, the RoRs categorise soil into agricultural and non-agricultural types.<sup>28</sup>

#### Recommendations

- The SVAMITVA guidelines could instruct state governments to constitute expert committees to ensure that the necessary state laws are amended so that the objectives of the scheme are achieved. Moreover, the state governments should carry out capacity development of revenue and other relevant officials to ensure that the record-keeping practices are streamlined with the amended legislation.
- Details of encumbrances are often not fully entered in the land records. Therefore, it is crucial to make provisions for recording encumbrances against landholdings on the property cards to avoid potential litigation.

#### Gram Panchayats of some states are not empowered to collect property tax

Not all states have empowered their Gram Panchayats to collect property tax. Among them are Jammu and Kashmir and Odisha. In Uttar Pradesh and Uttarakhand, the District Panchayats collect property tax.<sup>29</sup>

#### Recommendations

- The state governments must amend the relevant laws to enable their GPs to collect property tax.
- It is crucial that all states review their property tax assessment and recording practices to capture all property details for tax assessment and ensure the timely updation of tax registers. The classification of properties by their uses such as, residential and industrial, the number of floors they have and if the properties are made of *kutch* or *pakka* material must be undertaken. Ground truthing exercises must be undertaken with due diligence while the surveys are being conducted.

#### Inclusion of marginalised communities

It is important to recognise the rights of marginalised groups vis-a-vis their landholdings because influential groups could secure access to land titles to the detriment of these groups. The marginalised groups include, but are not limited to sharecroppers, people belonging to Scheduled Castes (SCs) and Scheduled Tribes (STs) and women. However, in some states, some rights of specific marginalised communities are recognised by law. For instance, in Karnataka,

---

<sup>28</sup> Ksandk- A Guide to Maintenance of Land Records in Southern States

<sup>29</sup> Centre for Budget and Policy Studies- Study of Own Source Revenues of Panchayats with a Focus on Property Tax

Andhra Pradesh, Tamil Nadu, and Maharashtra, the Succession Acts extend coparcenary rights at birth to daughters.<sup>30</sup> In other states such as Gujarat, Madhya Pradesh and Odisha, the state governments have made legal provisions to provide homestead to Dalits and other weaker sections.

#### Recommendation

- In states where a legal framework exists to recognise the rights of marginalised communities, the respective state governments should ensure that while carrying out the mapping exercise, the rights of the people belonging to these groups are reflected in the updated RoRs. This could partially be achieved through sensitisation training of the surveyors. All of this can be achieved if the guidelines first explicitly require expert committees to be formed at the state-level. These committees could review existing state laws and give recommendations to the state governments to amend them to ensure inclusion of marginalised groups.

#### Grievance redressal

It is important to ensure that land and property disputes are reduced after the scheme has been implemented. Conflicts could arise if the updated RoRs and property cards do not reflect the reality of land ownership. The scheme guidelines provide for a grievance redressal mechanism, with the final decision-making power resting with the District Collector.

#### Recommendations

- The survey officials must be trained to ensure that they take into consideration the claims of marginalised communities while undertaking grievance redressal. It is also important that special care is taken in *Abadi* areas while demarcating landholdings for the first time so that marginalised groups are not dispossessed. It would be helpful if communities are involved in the mapping and documentation exercise while it is being undertaken.

#### Compliance with Open Geospatial Consortium Guidelines

The scheme guidelines mention the storage of geospatial data shall be undertaken in accordance with the Open Geospatial Consortium (OGC) Guidelines which will ensure uniformity in data storage across the country. However, the scheme guidelines do not mention how this will be carried out.

---

<sup>30</sup> Food and Agriculture Organisation (FAO)- Land and Livelihoods: Making Land Rights Real for India's Rural Poor



## Recommendations

Data on land records and the cadastral maps prepared under SVAMITVA are non-personal data as defined by the [Personal Data Protection Bill, 2019](#); they must be made publicly accessible. Accessibility to this data is also important from the perspective of bringing about greater transparency in land and property transactions which is critical for the success of SVAMITVA. The government could consult the [Non-Personal Data committee report](#) to develop a framework for governing the management and sharing of data collected under the scheme.

## Progress

As of the date of the drafting of this white paper, six states (Haryana, Karnataka, Madhya Pradesh, Maharashtra, Uttarakhand and Uttar Pradesh) have entered into Memoranda of Understanding (MoUs) with the central government to participate in the SVAMITVA scheme. A total of 10904 villages in these states have already been surveyed, and 825 property cards have been distributed in them.<sup>31</sup>

---

<sup>31</sup> [SVAMITVA website](#)