

E- GOVERNANCE IN REGISTRATION DEPARTMENT, GOVERNMENT OF TAMIL NADU, PROTECTS PROPERTY RIGHTS OF CITIZENS GUARANTEED BY ARTICLE 300A OF CONSTITUTION OF INDIA

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ABSTRACT

The Constitution of India guarantees various rights for its citizens, one among them is guaranteeing our Property rights by Article 300A. The government is very responsible for protecting our properties from land stealers and cheaters gang in spite of all legal protections. E-governance has become a great weapon in the hands of the Government to curtail all crimes that deprive the lands of the innocent public. The blood and sweat of real owners of lands are protected effectively by the implementation of e-governance in the Registration Department.

Keywords: Digitalisation, STAR, TNREGINET, e- EC, e- Guideline value, e- Registration services, property rights

INTRODUCTION

Article 300A of the Constitution of India says, “no person shall be deprived of his property save by authority of law”. Property rights of citizens are guaranteed by our Constitution. The land is the one that lets everything survive. Having a land of one's own is the goal of human life's achievement lightening one's economic, financial, social, and prestigious status providing him shelter, business, Agricultural resources, organisations, etc. An illegal wolf group is cruelly watching to garb and engulf the hard-earned properties of the innocent public. The government is the patron of its citizens ‘properties and ensures the enjoyment of their properties as guaranteed by our Constitution. Hence the Government takes enormous measures and adopts advanced technologies to shut the door for these land robbers, hand handcuffing them from their fraudulent encroaches. Similarly, In India, the important natural resource is the land which provides us with

both renewable and non-renewable resources. It plays a major role and indicates in Socio – the economic, political, environmental, and global progress and development of a country. Government is the custodian of all lands and hence its Primary function is to regulate private ownership in order. In this purview, the Government of India has initiated DILRMP i.e. Digital India Land Records Modernization Programme which paved the way for e-governance in the Registration Department.

Tamil Nadu is a pioneer among States in India in the promotion of information and Communication Technology (ICT) and e-Governance by successfully implementing various e-Governance programmes including those under the National Governance Plan (NGP) . The Government of Tamil Nadu has assigned itself to the NeGP vision of “Making all Government services accessible to the common man in his locality through common service delivery outlets and ensuring efficiency, transparency, and reliability of such services at affordable costs to realize the basic needs of the common man”. E-Governance enables greater transparency and access to information. Tamil Nadu Registration Department has transformed itself in tune with the changing global scenario to eradicate land and property-related misuse and give caution to the public about their land transactions, adding more securities in their purchase processes as a consequential development, Computerization was introduced in the year 2000. Speedy solution for registration services through simplified methods which reduce the burden of the public from approaching the office unnecessarily. Due to the advent of information technology, e-governance is effective in the Registration Department rendering a Simplified, transparent, and convenient all e-services through TNREGINET portal. This Online mode of Registration process initially started with two services viz., online digital Encumbrance Certificate and online digital Guideline value.

When we enter a property transaction, Property guideline value and encumbrance certificates are inevitable for both buyer and seller. A property either buy or sell, ownership status and liabilities associated with that property can be ensured only on seeing the Encumbrance Certificate. It identifies the genuine owner of the property so that the buyers are able to buy without fear. Procuring EC and Guideline value was a manual, time-consuming, and effort task before e-Governance. After the implementation of e-governance in the Registration Department, the online Encumbrance Certificate and online Guideline value are available round the clock and delivered on my desktop. This Article tends to assess the benefits of digital Encumbrance certificate and digital Guideline value and other e-services rendered by the Registration Department of Tamil Nadu available online Anytime Anywhere which preserves the pleasure of people's enjoyment of their properties fearlessly and peacefully.

Objectives

1. To study the importance of the Registration department in society with respect to land registration.
2. To study the importance of e-governance in the implementation of Article 300A of the Indian Constitution.
3. To study the importance of E-registration services in protecting peoples' hard-earned properties from fraudulent land criminals.

METHODOLOGY

This article adopts Descriptive and analytical methods. The major data are collected from secondary sources like Books, Government G.O.s, articles, policy notes, manuals, reports, and internet sources.

STAR project in the Registration Department:

‘STAR’ is a project that computerizes the Registration department in Tamil Nadu. It is a comprehensive package of e-governance in the Registration Department.

Salient features of STAR in e-Governance:

It provides separate login for citizens, document writers and advocates.

1. It provides a facility to the public to create the documents for various Registration processes in the portal by themselves.
2. Facility of token booking ensures chronological registration of documents/marriages.
3. The token number booked is displayed in all Sub Registrar Offices.
4. Facility of SMS on the document status viz., from the stage of document registration till return of Documents, pending documents, Encumbrance Certificate status, details of undervalued documents sent to District Revenue Officer (Stamps) / Special Deputy Collector (Stamps), deficit Stamp Duty and Registration Fee to be paid after field inspection, the readiness of the document for return, etc., is provided and SMS messages are being sent to the registrants. The facility sends an alert message to the previous owner of the property to restrain wrong registrations.
5. Storage of data is highly safe. It has been provided at three places viz., State Data Centre (ELCOT, Perungudi), Nearline Data Centre (O/o. the Inspector General Registration, Santhome), and the Disaster Recovery Centre (Pune). Discrepancies and tampering of documents have been curtailed due to the Central storage of documents.
6. The facility to apply online for Encumbrance Certificates and Certified Copies is available. The digitally signed and QR Coded Encumbrance Certificates and Certified Copies are sent to the user login and doorstep.
7. Facility to register the Societies online and facility for making online payment of required fees.
8. Facility to register the Partnership Firms through online mode and for making payment of required fees.
9. Facility for online filing of minutes of registered Chits
10. Toll free number 1800 102 5174 has been created for answering public queries and getting clarifications/ solutions regarding property related processes and awareness.
11. Facility of Internet Protocol (IP) Camera to monitor the functioning of Sub Registrar offices from the offices of the Inspector General of Registration and Deputy Inspectors General of Registration. Each registration of document/marriage is recorded as video in the IP Camera and it is given to the registrants in DVD. An amount of Rs.100/- per DVD is being collected for this purpose.

12. Online Payment through or directly through the following banks has been facilitated for safe and secure payment of departmental charges:

- a. Indian Overseas Bank
- b. Indian Bank
- c. IDBI Bank
- d. Central Bank of India
- e. Punjab National Bank
- f. Bank of Baroda
- g. Union Bank of India
- h. State Bank of India

- Payment is enabled of through 58 scheduled banks for departmental charges and also through the approved payment methods of Net banking, Debit card, Credit card, UPI payment, RTGS, NEFT.
- The registered property transactions could be viewed 24x7 from anywhere enables property possessors, owners easily in the departmental website at free of cost. The details of documents for the period from the year 1975 have been digitized and Encumbrance Certificates for this period can be downloaded without any fees.
- e- stamping ,with unique number , is used like stamp paper for any document like sale deed, mortgage etc. Single e-stamp certificate is sufficient for any value of document.
- Photos and thumb impressions of registrants are being captured using web camera and biometric device respectively in the Sub-Registrar office .
- e-sign is integrated with Aadhaar details which is embossed on Encumbrance Certificate, Certified Copy, Society registration certificate, Partnership firm registration certificate . These Certificates are issued to the public through online on application.
- Thumb impression of buyers and sellers is taken during registration of documents. It helps in comparing and verifying their thumb impression with that in Aadhaar database on a real time basis curb impersonation. Facility for Iris scan comparison with Aadhaar details is also available in all Sub-Registrar offices. Wherever it becomes necessary to confirm the identity of the vendor, the thumb impression of the vendor taken through biometric device is compared with the previous thumb impression, if already taken during the registration of the previous document. This has curtailed bogus registrations, impersonation and manual errors.

TNREGINET: TNREGINET is the official portal of the Tamil Nadu Registration Department, where the following services are available online.

- Property Registration is now available online. Before online service, the public has to go to the registration office physically and wait for every event of processes of Registration. Every manual event takes people's time, cost, and tension. Now, since it

is available online it makes it more convenient for the registrant public to perform their registration processes.

- Facility of issuing certified copies of registered documents online helps them fear-free of missing their documents and can procure them at any time and under any circumstances.
- Issuing an online Encumbrance Certificate, helps buyers to decide their deed and their deed transactions.
- Registration of societies, firms and monitoring of chits through online mode helps them submit their documents of Registration, changes in MoU, AoA, societies annual reports, minutes of the meeting, and special resolutions., can receive their certificates, certified copies, online , instructions from District Registrar offices, reports of changes in Chit schemes. Public can be aware of registered Firms, Chits Activities of chit organization can be open for public.
- Online issue of extracts of Births and Deaths, which avoids unnecessary interface of the public with the office. This e-mode provides services doorstep and readymade to the public.
- Registration of Hindu marriage, solemnized anywhere., filing of marriages commenced under Tamil Nadu Registration of marriages act, issuing extract of marriages under Hindu Christian Marriage Act, Solemnising and Registration of Special Marriages, Issue of marriage Certificate, Registration of Parsi marriage, Issuing certified Copies of Marriages registered.

Online Guideline value & Online Encumbrance Certificate Guideline value:

The Guideline value is to determine the stamp fees to be paid by the buyer of his property as fixed by the State Government at which the property can be registered. Guideline value, otherwise called the circle rate, ready reckoner rate etc is fixed by the state government, below which no property can be registered on any title transfer is to be done. This important Guideline value is now available easily Online.

Importance of guideline value:

Guideline value is the minimum assured value or sum of a property below which the property cannot be bought or sold. while selling, this minimum value is assured for the seller. similarly, the buyer can also fix his mind according to the value assigned for his property. It helps in deciding or analyzing a buyer to buy the property. It helps a land buyer to estimate his ability to purchase a property. It helps to analyse the competitive price of lands as it is a good index of land value. It decides the stamp fees and registration fees to be paid under registration charges It is the source of income as revenue for the government. It helps to value the property, for the public as well as authorities, especially on its under valuation of such property. It helps in reducing corruption in Registration Department because of the transparency in knowing the registration processes which enables the seller to know the actual amount he has to pay. It also reduces the scam, fraudulence, or undue Influence of Purchasing or selling a property.

Encumbrance certificate(EC):

An Encumbrance Certificate or EC is a legal document that verifies the ownership of a property and any liabilities associated with it. Any encumbrances or transactions against a property are detailed in the EC. It ensures the property about its debts and debt free status, claims, and property title. It is a vital document that serves as proof of a property's free title or Possession. The term encumbrance pertains to any financial or non-financial claim on a property that is not held by the property's title holder.

Importance of EC

EC is essential while buying or selling a property. It is the document record required while buying or selling a property and also when applying for a mortgage or loan against that property. It helps in finding out if the property is devoid of any legal issues. Before finalising a property deal, the EC plays a significant role in ensuring that it is free from debts and claims or not. It gives authentication for the title of the property. It clearly shows the disputes, litigations, loans or any pending court cases which favours the buyer to decide and protect them from transactions. It shows whether the asset is burdened or free.

It gives confidence to sellers and buyers regarding the properties' genuineness. It establishes the transparency of the property, its history, and legal details on. Now this document is available on hand at any time when and where required due to digitalization. It is a time saver in property purchase decisions and title ship transfer processes whereby accelerating speedy property transfer. It gives perfection to a smooth property transfer. The trust and credibility of the property is presented faster by the online EC.

BENEFITS OF e – Guideline value, e- EC, and e- Registration services.

It is very clear how essential these two documents are in Registration. Hence their availability on portal time makes the real benefit for the citizens. Real-time land ownership records is available immediately online. Since the records are placed on the website with the proper security IDs, the property owners are free about their confidentiality. As the records are stored at 3 bases, the chances of missing, damaged, or manual alteration become impossible. Malpractices regarding the land ownership data saved are prevented. All legal issues and facts are available on EC, which when available instantly online enables the buyers' interest in purchase decisions. Because of the availability of online Guideline values Buyers are not betrayed by the real rate of the property because it is transparent on the portal. There is no fear of hindering. Sellers easily prove their property's legal validity and value because it is available easily now on the website, thereby easily accessible property transfer is favored.

NRIs owning their property or lands in India are fear-free from any legal or uninformed or unusual acquisition of their property. They can easily check out their property related informations from the portal. Cheaters and criminal land stealers are indirectly handcuffed because of this online EC, which prudently shows all the transactions regarding the property. Fraudulence gets reduced when all property details are available transparently on the website all the times. Mortgaged or Land on debt cannot be unknowingly bought by or sold to the innocent common because of the availability of readymade e- EC anywhere anytime. e-guideline value and eEC available anywhere- anytime reduces the burden of buyers and sellers in manual effort in obtaining

them from the Registration officials. This reduces the bribery and corruption because of reduced interface between the citizens and the functionaries. It adds convenience with respect to time, place and effort. It almost eradicates the fear of impersonation, fraudulence, fabrication or frustrations of the buyer and sellers. Public-private partnership (PPS) mode of service delivery reduces citizen interface with registration missionary. This gives opportunity of employment for private data operating centres also. Public traffic in registration offices reduced due to this digital data convenience availability.

Calculation of stamp fees and e payment are easy due to e- guideline availability. This use of IT interlinked web pages drastically reduce the time of obtaining the EC .The web-enabled anytime - anywhere access saves the citizens ' time and effort in land or property transaction processes. Fraudulent property deals are reduced.Land dispute litigations are reduced. The burden of preserving the records becomes almost nil.The operating expenses for storing, preserving, maintaining the records is reduced for the department.The clerical error and the compensations regarding those errors are much more reduced. The stress of verification and eradication of errors by the departmental personnel is reduced. Since the records are tamper-proof possibility of damage is low.

Fraudulent and mischieving activities relating to property transfer is reduced and the buyers and sellers are being protected. The burden of government functionaries in delivering their services quickly is reduced by this digital discovery. Public – Registration functionaries relationship becomes genuine and smooth. This e-mode of services is more beneficial to property buyers, sellers and the Government.

CONCLUSION

E-governance has created much more hands to the Government to deliver prompt services to the public. It fulfils multi needs of people through technology. Property acquired by an individual after his tiresome lifetime labour should be protected by the Government. It's the Government's duty and responsibility to ensure all its citizens, security of life and property. The Constitutional provision of Article 300 A provides that "no person shall be deprived of his property save by authority of law". The State cannot dispossess a citizen of his property except in accordance with the procedure established by law. Services of e-governance in the Registration department provide a safe enjoyment of property to a citizen through its information technology implementation of STAR project. Hence e-governance is an excellent tool for Government to protect and promote citizens' Property rights as guaranteed by our Constitution under Article 300A. It is all our part to be educated ourselves to utilize the technologies that are to enhance our better life.

References

1. Anand.M & Dr. S. Benita (2019) 'Issues and Challenges of e-Governance in Tamil Nadu' SELP Journal of Social Science, Vol.10, Issue 40.
2. Best practices in DILRMP, Department of Land Resources, Government of India

3. CAG Audit Report no. 3 of 2022, Government of Tamil Nadu.
4. David Post (2015). 'Internet -governance-by- Infrastructure' The Washington Post. Aug 2015.
5. Digital Bharat, Saksham Bharat, A Compedium on Digital India.
6. Durga Das Basu(2001).Introduction to the constitution of India,Wadhwa and Company, Law Publishers,New Delhi.
7. E-Governance policy, Government of Tamil Nadu.
8. E-Services of Registration Department, TNREGINET website.
9. G.O.s relating to Registration Department , Government of Tamil Nadu. 9. Inspector General of Registration. [https:// tnreginet. Gov.in>webHP](https://tnreginet.Gov.in>webHP)
- 10.Pradeep Mittal, Amandeep kaur,(2013). 'E- Governance- A challenge for India ', International Journal of Advanced Research in Computer Engineering & Technology (IJARCET), vol 2, Issue 3, March 2013.
- 11.Prem Kumar (2015). ' An Introspection of E-Governance-Trends and best practices', 7th International Conference on EVOLVING INTERNATIONAL TRADE-REWRITING THE RULES with reference to- MAKE IN INDIA at Thanjavur, October 2015.
- 12.Radha Vasudevan (2007) "Changed Governance or Computerised governance? Computerised Property Transfer processes in Tamil Nadu, India". Journal of Information Technologies and International Development, vol.4,no.1,101no.112
- 13.Registration Department (2022). Policy notes 2022-23, Demand no.11, Commercial Taxes & Registration Department, Government of Tamil Nadu.
- 14.Registration Department (2021) Policy notes 2021-22, Demand no.11, Commercial Taxes & Registration Department, Government of Tamil Nadu.
- 15.Registration Department (2016) Policy notes 2016 -17, Demand no.11, Commercial Taxes & Registration Department, Government of Tamil Nadu.
- 16.Registration Manual, Departmental orders – Government of Tamil Nadu.
17. Right to Property and its Evolution in India.
<https://www.legalserviceindia.com>
- 18.Sapra, Radha Krishnan (2017). Public policy: A Contemporary perspective, SAGE Publications India Pvt Ltd, New Delhi, 2017.
- 19.Sumathy. (2020) .A hand book of e – governance in India, Bharathiar University.
- 20.Shukla. V. N.(2007), The Constitution of India, Eastern Book Company, Lucknow.
- 21.The Registration act, 1908 , Kamal Publishers (Lawman's), New Delhi, 2017.
- 22.The Stamps Act, 1899,Professional Book Publishers, Delhi 2018.
- 23.The Transfer of Property Act 1882, Universal Law Publishing, New Delhi, 2018.