

## Soon, home buyers may be able to e-register their property using Aadhaar

Once the amendment is through, confirming the identity of buyers and sellers of properties will be possible by simply matching the biometric information. It will help them register properties from their homes



**Vandana Ramnani**

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To bring about transparency and put an end to fraudulent practices prevalent in the real estate sector such as multiple registrations of a single property, some state governments are planning to go in for Aadhaar linked e-registration of property documents from the comfort of the homebuyers' home.

Currently, both parties – buyers and sellers have to be physically present in the registrar's office along with two witnesses to get the property documents registered.

The use of Aadhaar card to register properties can serve two purposes. "First, it can serve as an identifier. It confirms the identity of the person the transaction is being entered with. Second, Aadhaar can be used for certain transactions where the title of the property does not get transferred such as the leave and license agreement," says Ajay Bhushan Pandey, CEO, Unique Identification Authority of India (UIDAI).

To do away with the process of calling in witnesses for proof of identity, the Maharashtra Government has recently proposed an amendment in Rule number 69 of the Registration Act and recommended inserting the word "Aadhaar linked" in it. This would enable individuals to register property documents sitting in their comfort of their home, says a senior official at the Department of Registration and Stamps, Government of Maharashtra.

Once the amendment is through, confirming the identity of buyers and sellers of properties will be possible by simply matching the biometric information. It will help them register properties from their homes.

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### **Why is an amendment required in the Registration Act?**

Presently the Registration Act, 1908, does not have any provision making it mandatory to link Aadhaar card for registration of documents for immovable properties. Section 32A of the Act only provides for affixing of photographs and finger prints as mandatory for registration of documents relating to immovable properties.

“In order to make provisions for linking the Aadhaar card with the registration of documents relating to immovable property an amendment may be required in Section 69 of the Act. Section 69 of the Act grants power to Inspector- General to make rules on the subjects provided under Section 69(1)(a) to (J). By an amendment in Section 69, another sub-clause in Section 69(1) may be inserted to empower Inspector General to make rules for linking the registration of documents relating to the immovable property with the Aadhaar card. Subsequent to an amendment in the Act Inspector Generals of states will be able to make rules to link Aadhaar card with the registration of documents, ” explains Sunil Tyagi, senior partner Zeus Law.

### **Maharashtra first to offer e-registration facility for rental agreement**

Maharashtra currently allows for e-registration of property documents for leave and license agreements and for some new residential projects. Property owners can fix an appointment with a third-party service provider that offers this door-to-door facility for a small fee.

“This facility is available in all five major cities such as Pune, Thane, Mumbai and Nasik. The service provider visits the property owner’s house (where the tenant can also be present) with a webcam and a thumb scanner. The officer verifies the parties’ names and addresses with Aadhaar. The Department of Registration and Stamps officer then approves the leave and license agreement digitally and sends it to the parties,” explains a senior official with the department.

This facility can be used for two locations within the five cities, he says.

For registration of new properties, the e-registration service has been provided in some private developer/society projects with more than 200 flats. “For this we have installed computers in the offices of the societies, provided them access to the server and technical support for e-registration,” he says.

The service started in February 2014. The total number of e-registrations till date stand at 3,24 lakh out of which online first sale of flats are 2,293 while the rest are all leave and license agreements.

### **Will Delhi introduce e-registration measures?**

Delhi is a city state with multiple authorities. “No urban land records can be maintained as is the case in other states because of the absence of a unified body,” say top sources in the revenue department, Government of Delhi.

“In 2010, the Government of Delhi had proposed to the Centre to establish an agency to maintain urban land records. This draft legislation is still under consideration,” they say.

“In Delhi it is not possible for citizens to verify who is selling property to whom. It is for this reason that e-registrations of property documents will be difficult. We are working on it but it is in the initial stage. We may at best introduce a facility called anytime registration which means a

person from South Delhi can register the property at the nearest registrar's office," they say, adding "We are currently in the process of examining the legal ramifications of this scheme."

In Andhra Pradesh, Tamil Nadu, Kerala, Karnataka, Maharashtra, Gujarat and Orissa, homeowners can apply for an encumbrance certificate that gives buyers information on transactions that taken place on that particular property over a period of time.

"While some states issue a computerised copy duly signed by the registrar's office. others issue hand written copies. In Andhra Pradesh, property details since 1983 can be viewed online, for Tamil Nadu since 1987, for Maharashtra since 1985 and for Jharkhand since 1970. Buyers can pay for certified copies of registered copies of property documents," says G Shyam Sunder, practicing advocate and author of the book Property Registration, Land Records and Building Approval.

Chandigarh Housing Board has also decided to link all housing board properties with the Aadhaar numbers of the allottees.