



**PROJECT MANAGEMENT UNIT (PMU)
PUNJAB URBAN LAND SYSTEMS
ENHANCEMENT (PULSE) PROJECT
Board of Revenue (BOR)
Government of the Punjab**

TERMS OF REFERENCE

**PUNJAB URBAN LAND SYSTEMS ENHANCEMENT
(PULSE)**

**ISLAMIC REPUBLIC OF PAKISTAN
PUNJAB PROVINCE**

**HIRING OF CONSULTANCY FIRM
FOR LEGAL ADVISORY SERVICES
UNDER PUNJAB URBAN LAND SYSTEMS ENHANCEMENT
PROJECT (PULSE)**

June 2023

PROJECT MANAGEMENT UNIT – BOARD OF REVENUE
Punjab Urban Land Systems Enhancement (PULSE) Project (P172945)
Credit Number 7041-PK
Terms of Reference (ToR)

for Legal Advisory Services

1. BACKGROUND

The Government of Punjab (GoPunjab) is implementing a project titled the Punjab Urban Land Systems Enhancement Project (PULSE) with a credit in the amount of US\$150 million from the International Development Association (IDA/World Bank). The Project Development Objective (PDO) of PULSE is to support the GoPunjab with: (i) improved land records; and (ii) identification of land for development, including land for housing programs. PULSE aims to achieve: (i) the provision of digital land records linked to cadastral maps and disaster risk management (DRM) data; (ii) improved tenure security, (iii) access to land for housing; (iv) a unified and modern land information system; and (v) a strengthened institutional capacity and regulatory framework. In this context, the public in Punjab, particularly women and vulnerable groups, will benefit significantly from increased security of land rights and property ownership.

For the implementation of PULSE and pursuant to the agreed terms under the financing, a Project Management Unit (PMU) was established in the Board of Revenue (BoR), together with the Project Implementation Units (PIU) in the Punjab Land Records Authority (PIU-PLRA), to coordinate, manage, implement, and supervise PULSE.

The Project comprises the following parts:

- **Component 1: Digital Land Records and Cadastral Maps for the Land Records Management and Information System (LRMIS)** to develop a seamless and multipurpose cadastral map linked to the digital land records for Punjab;
- **Component 2: Land for Housing** to support the GoPunjab in the identification, evaluation, and mobilization of low disaster risk public/state lands including resilient housing;
- **Component 3: Integrated Land and Geospatial Information Systems and Services** to establish a modern land information system, unifying and integrating rural and urban land records; and

- **Component 4: Project Management and Institutional Strengthening** to support the GoPunjab to manage, implement, and supervise project activities, and training and skills development.

2. OBJECTIVE OF THE ASSIGNMENT

The overall objective of this assignment is to study the existing legal frame work and to propose amendments required in the existing laws, rules/regulations/by-laws, it also include framing of Rules/Regulations/By-laws to prescribe the processes in order to achieve objectives of the Punjab Urban Land Systems Enhancement (“**PULSE**”), including

- a. Coordination with all related departments and stake holders
- b. Systematic registration of peri-urban properties
- c. Upgrading tax records to urban land records
- d. Incorporation of existing urban records
- e. Systematic registration of urban property
- f. Inventory of state lands asset
- g. State Lands Asset Management Strategy
- h. Field verifications of all above

2. The urban property/land transactions are typically recorded through the Registration of Deeds. These, however, do not follow a standard pattern and generally do not include spatial information. The Registered deed, only facilitate recording of contracts between two parties and to collect revenues against the same.

3. In the absence of a standard system of recording land rights in urban areas, different agencies (both private and public sector) have devised their own individual system of recording these in areas of their respective jurisdiction and according to their operational requirements.

Major stakeholders for this initiative have been listed below:

- i. Board of Revenue, Government of the Punjab (GoPb)
- ii. Finance Department, GoPb
- iii. Local Government & Community Development Dept, GoPb
- iv. Punjab Municipal Development Fund Company (PMDFC), GoPb
- v. All Municipal Corporations/Committees
- vi. Housing & Urban Development & Public Health Engineering Department, GoPb
- vii. Excise, Taxation & Narcotics Control Department (E&TD), GoPb

- viii. Evacuee Trust Property Board, Pakistan
- ix. All Development Authorities in Punjab
- x. Cooperatives Department, GoPb
- xi. Auqaf & Religious Affairs Department, GoPb
- xii. Irrigation Department, GoPb
- xiii. Forest Department, GoPb
- xiv. Directorate General of Kachi Abadi, GoPb
- xv. Urban Sector Planning & Management Services Unit (pvt.) Ltd.
- xvi. All Defense Housing Authorities in Punjab
- xvii. All Cantonment Boards in Punjab
- xviii. Private Housing Colonies, Societies & Industrial Zones in Punjab
- xix. Punjab Small Industries Corporation
- xx. Punjab Information and Technology Board

4. PULSE plans to build a new system to incorporate the records already maintained by different agencies to save effort and cost. The initial phase of the project shall undertake a review of all data/processes used by existing agencies/stakeholders. A standardized-comprehensive system of urban property administration will be developed based on the suitability of these data sets/procedures. Putting in place an integrated land administration system that is interoperable with these agencies is an uphill task in itself, while ensuring the implementation of uniform policies.

5. The Consultant firm will work closely with the Project Director and Legal Specialist (Revenue) at PMU-BoR, and relevant staff at PIU-PLRA to deliver the scope of services outlined in section 3.

3. SCOPE OF SERVICES

The consultant firm is expected to perform the following tasks related to the provision of legal advisory services for the PULSE project:

1. This legal consultancy shall require review of Various Laws including “**The Punjab Land Revenue Act 1967**”, “**Transfer of Property Act 1882**”, “**The Registration Act 1908**”, “**The Stamp Act 1899**” and such other laws/bylaws/rules/regulations related to Government Departments, Authorities, Agencies, and Local Governments related to land records/ land administration, including Notifications issued by various Government Departments from time to time and any other law related to Urban Land Records Management or Land administration.

2. The study of characteristics of Urban Lands in Punjab and developing a comprehensive definition of Urban, Peri-Urban or Industrial land to be used for the purpose of maintenance of digital lands records with cadastral mapping.
3. The study of development of uniform urban land registration system and the legal challenges involved in the process. To devise legal process and propose a unified title/ownership document generated by the unified online system that may be used as evidence of ownership.
4. The detailed study about process flow, property records, data sets and procedures involved in registration and Transfer of property under various Departments, Cantonment Boards, Development Authorities, Authorities, Schemes, Cooperative Societies, Private Housing Societies and other related organizations.
5. The legal formalities to be completed for implementation of cadastral mapping system using GIS and GPS and to develop a centralized system for hosting and accessing the data maintained by different departments, organizations, authorities, agencies and schemes.
6. The complete study of Rules, Regulations, By-Laws, in relation to property rights, town planning, spatial planning, land use and other related functions of the Cantonment Boards in Punjab under the Military Lands & Cantonments Department, Pakistan.
7. The complete study of Rules, Regulations, By-Laws, in relation to property rights, town planning, spatial planning, land use and other related functions of the Department of Local Government & Community Development, Government of the Punjab.
8. The complete Study of the laws, rules, regulations, and Instructions regulating the data being maintained by the Excise and Taxation Department Government of the Punjab for the purpose of assessing and collecting the Urban Property Tax. The study of legal processes involved in registration, collection and maintaining record of the Urban Property Tax.
9. The study of all the data and laws/rules/regulations/by-laws of Authorities, Companies, Agencies, under the control of Department of Housing, Urban Development & Public Health Engineering (HUD&PHE), government of the Punjab.

10. The study of Laws/Rules/Regulations/by-laws, of Development Authorities in Punjab and the study of data being maintained at the record centers of Development Authorities in Punjab. The legal status master plan, maps and computerization of such record.
11. The study of Substantive law and procedural laws, rules, Regulations By-Laws of Cooperative Department, Government of the Punjab and study of data of land records maintained by societies registered under the Cooperative Society Laws.
12. The procedure adopted by Cooperative Societies for registration and transfer of property rights. The regulatory control of the Registrar, Cooperative Societies and its legal role.
13. The Legal process to be involved in computerization of the record maintained by different Cooperative Societies including the approved maps by the development authorities/ local governments etc.
14. The record maintained by Kachi abadies and the lawful process to digitalize the record. Study of Laws, Rules, Regulations, Manuals of Kachi Abadis. Review of **The Punjab Katchi Abadis Act, 1992** and Rules/Regulations made there-under.
15. The legal status of Jinnah Abadi under the administrative control of the Board of Revenue and study of laws related to the Jinnah Abadies **The Punjab Jinnah Abadis For Non-Proprietors In Rural Areas Act 1986**. under the control of the Board of Revenue.
16. The legal process involved in computerization of approved private housing societies. The legal status of property rights acquired in the Housing or other schemes, which are not registered and are developed without following due process of Law.
17. The rights, responsibilities of encroached lands and legal challenges involved in computerization of such records. The legal challenges/risks of online access to the centralized data and the legal process to be followed.
18. To analyze/examine the Legal basis and Concept of Condominium and details of rights and liabilities attached/associated with the Condominium. The object and scope to propose a Condominium Law and its legal basis with detailed study of its importance and need for implementation.

19. Drafting of a pilot study of a Condominium in Punjab and to explain its legal status, rights, obligations and liabilities attached with the condominium and practical issues associated with non-existence of a condominium law in Punjab. To study the current legal status of flats/apartments/condominium in current legal frame work of Punjab. The legal documents required to be compulsorily registered for creating a condominium.
20. To conduct the comparative study of Condominium laws applicable and enforceable within different countries and jurisdictions and the effect of implementation of such Laws. The practical outcome of the condominium laws, in jurisdictions, where those are already applicable.
21. The study of laws applicable in the province of Punjab, required for enactment of condominium law including the comparative analysis of the existing legal framework.
22. The legal forms/documents required for registration of condominium along with the study of court cases and practical examples, which are to be considered while drafting the proposed condominium laws.
23. The role of Development Authorities, Local Governments, Cantonment Boards, Cooperative Societies and other related Government institutions and offices in regulating and registration of condominium and to propose linkages with the applicable laws for enactment of the Condominium law.
24. The comparative Study of **The Punjab Rented Premises Act 2009, The Punjab Partition of Immovable Property Act 2012, The Registration-Act 1908, The Specific Relief-Act 1877 and The Transfer of Property-Act 1882**, and the legal requirements which have to be consistent in the proposed Condominium Law in Punjab
25. The linkages of proposed Condominium law and registration of management Committee(s)/association(s) of a Condominium as Societies/ Cooperative Societies/Companies in Punjab and the study of **The Societies Registration Act-1860, The Cooperative Societies Act-1925, The Companies Act- 2017** (Specifically Sec 42 of the Act) and other relevant laws enforceable at the time being.

26. The legal steps to regulate the shared places and common access points of a Condominium including Parking, garages, swimming pools, lawns, roof top etc. Protection of various rights of owners / residents/possessors etc., of apartments / shops /offices in condominiums.
27. The GIS/digital imaging and mapping survey of the condominium in Punjab and requirements of collecting data under the proposed Condominium Act.
28. The submission of proposed draft of the condominium law in Punjab and Rules/Regulations needs to be drafted to prescribe the procedural part of the proposed Act.

4. DELIVERABLES

Once the consultant firm is engaged and deployed, the firm shall submit:

- A. **Inception Report** detailing methodology for each study, and overall work plan, duly approved by PMU-BoR within 2 weeks of signing of the contract. Any foreseeable challenges that may impact the quality of the deliverables should also be highlighted in the Inception Report.
- B. **A Report on Existing Laws (refer to section 3)**, within 4 weeks of finalizing the Inception Report.
- C. **Proposed Draft of Condominium Law to be enforced in Punjab, due** within 4 weeks of Study of Existing Laws report finalization.
- D. **Draft Proposed Rules/Regulations**, within 4 weeks of finalization of Draft of Condominium Law, which shall include the Proposed Rules/Regulations/By-Laws for legal backing and inter-agency coordination.
- E. **Proposed Draft Amendment in Substantive Laws** within 4 weeks of finalization of Draft Rules/Regulations.
- F. **Final Report on all inter-agency coordination and legal framework for land digitalization and cadastral mapping** within 4 weeks of Proposed Draft Amendment in Substantive Laws.

5. TIMING AND LEVEL OF EFFORT

The Consultant Firm will be engaged on Lump-Sum basis. The engagement is initially expected for six (06) months, and the duration may be extended based on the needs of client and subject to evaluation of deliverables. The assignment is expected to start in July 2023.

6. QUALIFICATIONS

The Consultant Firm shall have the following minimum qualifications and experience:

- i. Must have at least 5 years of relevant experience in the field of law, legislative drafting, legal research or delegated legislation drafting.
- ii. Must have conducted at least two assignments in the public sector pertaining to policy, legal and regulatory framework drafting and formulation.

Human Resource

Required professional experts working in the firm with the following qualifications:

Qualification and Skills

1. Two Legal Experts having at least 15 years of relevant experience in civil law including land revenue.
2. Two Legal Experts with at least 10 years of relevant experience in civil law including land revenue.
3. One Land Revenue Expert having at least 10 years of practical experience in any Government or private organization related to land records/land use and related areas.
4. Four research associates having 5 years' experience in Law and Practice.

7. PAYMENT METHODS

Payments will be made through six instalments as follows:

- i. First payment of 10% against the submission of the Inception Report.
- ii. Second payment of 15% upon the submission of the Report on Existing Laws.
- iii. Third payment of 15% upon the submission of Draft of Condominium Law.
- iv. Fourth payment of 20% upon the submission of Draft Proposed Rules/Regulations.
- v. Fifth Payment of 20% upon the submission of Draft Amendment in Substantive Laws.
- vi. Final Payment of 20% upon the submission of Report on inter agency coordination and legal framework for land digitalization and cadastral mapping.

8. REPORTING ARRANGEMENTS

The Consultant will report to the PD of PMU-BoR who will be assisted by the PMU Legal Specialist (Revenue).
