



REQUEST FOR EXPRESSION OF INTEREST

Project Management Unit
The Land Records Management and Information Systems Project
Board of Revenue, Punjab
(A Project funded by the World Bank) IDA Credit No. PAK4258



Individual Consultant Services for Legal/Business Process Study (Registration of Deeds)

Government of the Punjab has launched a project for establishment of Land Records Management and Information Systems. The registration of documents under the Registration Act, 1908 is one of the critical processes relevant to the maintenance of records of rights.

The Government of Punjab is examining the process of registration of documents with a view to improve its operations. The Project Management Unit intends to hire the services of an individual consultant to consider the proposed process and suggest improvements;

The Project Management Unit – Board of Revenue now invites eligible candidates who are available to work as individual consultants, to indicate their interest in providing services to the project on the terms of reference which can be downloaded from the Website: <http://www.punjab-zameen.gov.pk/current.asp> or obtained from the address given below. The individual consultants must meet the following requirements.

- A legal practitioner with at least 10 years experience of practicing in the High Court.
- A thorough grasp of process of registration particularly and law related to property transactions generally.

Interested Individuals must provide information indicating that they are qualified to perform the services.

Expressions of interest including a copy of the curriculum vitae must be delivered at the address given below latest by 11-07-2009. PMU-Board of Revenue reserves the right to reject one or all of the proposals without assigning any reason.

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TERMS OF REFERENCE
FOR
Consultancy Services for
Legal/Business Process Study (Registration of Deeds)

The objectives of setting up the system for registration of deeds include:

- a) To provide a system whereby certain kinds of transactions between private parties are notified for the information of the world at large;
- b) To maintain a secure record of certain kinds of transactions; and
- c) To provide information about this record to the interested citizens

Incidentally another objective has been added later and that was to collect any taxes/duties/fees at the point of registration of certain transactions (related to immovable property).

Legal basis for the system is provided by the Registration Act, 1908 and the rules and instructions issued under this law. Whereas, the law itself falls under the Concurrent Legislative List of the Constitution of Islamic Republic of Pakistan and is a federal enactment, the rule making authority under Section 69 of the Act has been granted to the Provincial Government. The Act also provides that the administration and superintendence of the system of registration rests with the Provincial Government. A number of other laws including Transfer of Property Act, 1882, Punjab Land Revenue Act, 1967 and Stamp Act, 1899 have a direct or indirect linkage to the process of registration of deeds.

The system of registration of documents has undergone very limited changes over more than a century.

The Punjab Government has initiated a project to implement a modern system of maintenance of land records under the Punjab Land Revenue Act, 1967. The registration of documents pertaining to transfer of agricultural land under the Registration Act, 1908 is inseparably linked with the maintenance of record of rights under the Punjab Land Revenue Act, 1967.

Under the Transfer of Property Act, 1882 most of the transfers of titles in immovable property are not complete without registration of the transfer deed. This Act is applicable

to most of the urban areas in the province. Therefore the process of registration is of extreme significance to the transaction of properties in these areas.

The process of registration of documents is fraught with inefficiencies and malpractices leading to inefficiencies in the property market. In view of its importance the Government of Punjab is examining the process of registration of documents with a view to improve its operations.

The Project Management Unit – Board of revenue has prepared a draft process to provide for improvements in the existing process and also to modernize the system. The objectives of the proposed system are:

- a) to remove inefficiencies in the process of registration,
- b) to improve security of the documents registered and consequently to improve authenticity of government records,
- c) curb fraudulent practices through better identification process,
- d) to facilitate the public in getting their deeds registered
- e) to facilitate the public in obtaining information about registered deeds
- f) to improve the system of collection of duties/taxes/fees levied on transactions of immovable property

The proposed process is enclosed at Annexure A.

Scope of the Assignment:

The Project Management Unit intends to hire the services of an individual consultant to provide following services:

- a) To consider the proposed process and suggest improvements;
- b) To advise the government whether the proposed process is in accordance with the provisions of existing law and rules.
- c) If changes are required in law and rules, to identify these changes and draft amendments for promulgation/enactment

Deliverables:

The consultant will provide deliverables according to the following schedule:

- a) A report on the proposed process with suggested improvements after consultations with relevant stakeholders including concerned government functionaries, legal practitioners, users of the system, legislators etc. – One month after signing the contract.
- b) After approval of the report mentioned at (a) above the consultant will submit a report on whether the proposed process is in accordance with the existing law/rules and if not which provisions of law/rules require to be changed – two weeks after approval of the proposed process.
- c) If changes are required in law/rules, draft amendments in law/rules will be submitted by the consultant – two weeks after submission of report mentioned at (b) above

Remuneration:

To be negotiated with the consultant.

Qualifications:

A legal practitioner with at least 10 years experience of practicing in the High Court. A thorough grasp of process of registration particularly and law related to property transactions generally will be required.

Annexure A

