

## **Terms of Reference**

### **Drafting Standard Deeds Templates & Proposals for Amendments**

#### **Background:**

The Government of Punjab is executing a project titled “Land Records Management and Information Systems” with the objective of improving the quality of land records management in the province. Under the Project the records of rights in all districts of the province are being computerized. Simultaneously, service centres are being established in every tehsil headquarters to provide the services of issuance of copies of records (*fards*) and recording of mutations (*intiqal*).

The process of mutation to be followed at these service centres is given in Annexure A. As is obvious from the annexure, the mutation will be processed and decided at these service centres by officers to be specifically designated as Revenue Officers for these Service Centres. Section 42 of Land Revenue Act, 1967 has been amended to provide for the mutations at these service centres.

It is also clear from the annexure that the government proposes to make registration of deeds as one of the services to be provided at these service centres and an integral part of the process of mutation. The Revenue Officers posted at these service centres will also be designated as Sub-Registrars for the purpose of land records in their jurisdiction.

#### **Objective of the Assignment:**

The Registration Act, 1908, or the rules made thereunder, do not require any specific format to be used for deeds of various kinds. As a result the deeds registered can be on any format as long as these fulfill the requirements of the law and rules. These requirements are prescribed by the Registration Act.

The Land Revenue Act, 1967, the Punjab Land Revenue Rules, 1968 and the Land Records Manual prescribed procedures for recording transactions in the records of rights. Various kinds of transactions are possible, with various requirements.

There are two kinds of situations where the process of maintenance of records of rights and registration currently overlap.

- a) Registration of deeds is not mandatory in the case of non-urban properties. The parties can decide to get their transaction registered, to be followed by recording of a mutation in the record of rights.

- b) In certain cases there is an overlap of the urban areas, where the registration of deeds is mandatory and the areas for which records of rights are being maintained. In such cases also the registration of deed is to be followed by a mutation in the record of rights.

In both these cases, it is necessary that the requirements of the process which is conducted later are fulfilled in the process that is conducted first. One way of ensuring this is the requirement of attaching a copy of the record of rights with the deeds to be registered. However, in reality since two different establishments are conducting the process, it is not always possible to keep the requirements synchronized. Consequently, when these deeds are presented for mutation, it is found that a mutation cannot be implemented. In such cases either a mutation is refused (which is bad for the quality of records as a transaction has obviously taken place) or it is attested on the basis of a faulty registration (which is bad for the rights of the parties involved and increases opacity and unnecessary complexity in records of rights).

It is, therefore, necessary that the two processes may be synchronized. With this objective of synchronization in mind, the Board of Revenue, proposes to draft and prescribe templates for deeds, which will be mandatorily used in the registration process to be performed at the service centres.

#### **Scope of the Assignment:**

Board of Revenue now proposes to hire an individual consultant to perform the following assignment.

The first part of the assignment will consist of preparation of templates of deeds which fulfill the requirements of;

- a) Registration as well as
- b) Mutation.

Templates will be drafted for at least the following kinds of transactions:

- a) Sale
- b) Gift
- c) Mortgage with possession
- d) Mortgage without possession
- e) Lease
- f) Redemption of mortgage with possession
- g) Redemption of mortgage without possession
- h) Partition (including family settlement)
- i) Exchange
- j) Waqaf

Each template will be drafted keeping in mind the possible sub-categories of transactions. For example, it is possible that the sale may be by one, more than one or all of the joint owners. It is also possible that the sale may be of a specific parcel of land or a share of a joint ownership. Moreover the rights of the vendor(s) may also be of multiple categories. It may be an owner, a mortgagor, a tenant with alienable rights etc. All these and multiple other possibilities will be kept in mind while drafting the templates to ensure that the templates can be freely used for all kinds of legal transactions.

It will also be ensured that the templates can be filled at the service centre using the information already available in the record of rights (e.g. the name and rights of the vendor) and that provided by the applicant (e.g. the identification of the vendee, amount of consideration etc.).

The templates (to be drafted in Urdu with translations in English) will fulfill the requirements of all the laws regarding transactions related to immovable property.

The consultant will also present these templates to a stakeholders conference to be organized by the client. The consultant will take note of the inputs provided during this conference and incorporate the relevant suggestions in the templates.

The second part of the assignment will consist of preparation and submission of a report identifying the changes necessary in the Registration Act, 1908, Registration Rules, Land Revenue Act, 1967, Land Revenue Rules, 1968 and any other law for the time being in force, in order to provide for the use of the above mentioned templates in accordance with the procedure given in Annexure A. The report will also include drafts of the amendments for incorporating these changes. Finally the report will include a plan of action, including requisite notifications under various enactments to put the entire process into practice.

#### **Deliverables and Duration of the Assignment:**

The following deliverables will be submitted by the individual consultant in accordance with the timelines given against each (also see Annexure B):

	<b>Deliverable</b>	<b>Timeline</b>	<b>Expected Input in man days</b>
	First draft of the deed templates	Seven days after signing the contract	5
	Second draft of the deed templates	Seven days after comments on the first draft provided by the client	5
	Presentation on the design of the process and deed templates in a stakeholder conference	Seven days after comments on the second draft provided by the client	2
	Incorporation of the inputs of stakeholders conference in the draft deed templates and	Seven days after the stakeholders conference	2

	submission of final draft		
	Incorporation of comments of the client and final submission of templates	Seven days after comments on the final draft provided by the client	2
	Outline and first part of the report, identifying the gaps in the legislative and regulatory framework	Seven days after the stakeholder workshop	5
	First draft of the consolidated report containing the gap analysis, recommendations, draft of amendments, action plan	Fourteen days after the comments of the client on the outline and first part of the report are provided.	9
	Final draft of the consolidated report	Seven days after the comments of the client on the first draft are provided	5

Approximate input of 35 man days is expected spread over a period of almost 10 weeks.

### **Reporting and Consultations:**

The requirements of the assignment will be elaborated, explained and clarified to the consultant by the Project Director, LRMIS and Director Policy, LRMIS. The consultant will be reporting directly to the Director Policy.

Moreover the following officers will be available to the consultant for consultations and clarifications:

- a) Inspector General of Registration/ Director Land Records
- b) Director Operations
- c) Land Revenue Specialist
- d) Consultant Land Revenue
- e) Provincial Information Technology Manager
- f) Any field officers (including sub-registrars and registration clerks) that the consultant proposes to meet

One introductory and one final meeting with the Senior Member Board of Revenue will also be arranged by PMU.

The stakeholders conference will be attended by officers of the Board of Revenue and selected field officers.

### **Expected Qualifications:**

The consultant will be expected to be a law graduate, preferably with a higher degree. He/she will be expected to have a thorough grasp of the civil law, particularly law of conveyance in Pakistan. A thorough understanding of the registration law, land records maintenance regulations and vernacular terminology will be required.

## Annexure- A: Revised Proposed Registration of Deeds Process for Properties included in Record of Rights



