



**PROJECT IMPLEMENTATION UNIT (PIU)  
PUNJAB URBAN LAND SYSTEM  
ENHANCEMENT (PULSE)  
Punjab Land Records Authority (PLRA)  
Government of the Punjab**



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**TERMS OF REFERENCE**

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

**ISLAMIC REPUBLIC OF PAKISTAN  
PUNJAB PROVINCE**

**HIRING OF CONSULTANCY FIRM  
FOR SOCIAL, LEGAL & INSTITUTIONAL ASSESSMENT FOR  
DIGITIZATION, UNIQUE PARCELING & INTEGRATION ACTIVITIES  
UNDER PUNJAB URBAN LAND SYSTEMS ENHANCEMENT PROJECT  
(PULSE)**

**FEBRUARY 2023**

# **PROJECT IMPLEMENTATION UNIT – PUNJAB LAND RECORDS AUTHORITY**

## **Punjab Urban Land Systems Enhancement (PULSE) Project (P172945)**

**Credit No. IDA 7041-PK**

**Terms of Reference (ToR)**

**For Social, Legal & Institutional Assessment for Digitization, Unique Parceling & Integration Activities under PULSE Project**

### **I. 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 DRM data; (ii) improved tenure security and access to land for housing; (iii) a unified modern land information system; and (iv) a strengthened 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. The Project comprises the following parts:

- a. Component 1: Digital Land Records and Cadastral Maps for the Land Records Management and Information System or LRMIS to develop a seamless and multipurpose cadastral map linked to the digital land records for Punjab Province;
- b. 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;
- c. 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
- d. Component 4: Project Management and Institutional Strengthening to support the GoPunjab to manage, implement, and supervise project activities, and training and skill development.

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 two Project Implementation Units (PIUs) in the Punjab Land Records Authority (PIU-PLRA) and the Provincial Disaster Management Authority (PIU-PDMA), to coordinate, manage, implement, and supervise PULSE.

### **II. OBJECTIVES**

The Project Environmental and Social Management Framework (ESMF) requires that digitization, unique parceling & integration or other activities intended to confirm, regularize or determine land rights be preceded by a social, legal and institutional assessment conducted in accordance with

World Bank ESS1.<sup>1</sup> The ESMF requires this due to the complexity of tenure issues in many contexts, and the importance of secure tenure for livelihoods. It requires a careful assessment and design to ensure projects do not inadvertently compromise existing legitimate rights (including collective rights, subsidiary rights and the rights of women) or have other unintended consequences, particularly where the project supports land titling and related issues.<sup>2</sup>

This Assessment will review the potential risks and impacts associated with project activities related to **Component 1: Digital Land Records and Cadastral Maps for LRMIS and Component 2: Land for Housing**. Sub-components will develop a unified digital cadastral map with a core geospatial framework and layers to upgrade existing land records, and support Disaster Risk Management (DRM) in selected areas to update existing revenue maps; systematic registration of peri-urban properties that are not yet registered in LRMIS to secure the tenure of the most vulnerable dwellers; upgrading tax records to urban land records; digitalization of parcel maps and semi-formal land records and incorporation of these urban land records in a unified land registry; and systematic registration of urban properties and parcel-based climate risk assessment selectively across the province, including first registration in Katchi Abadis (KAs) through cadastral surveys.

Under Component 2, state land will be mapped and entered into a state land assets inventory. The identification of the land itself may give rise to disputes as there is a chance that citizens will have laid claim to long-forgotten tracts of land. There is also the issue of katchi abadis or informal settlements on state land. Although the government has a notified process for regularization of such settlements, under the broad framework of the Punjab Katchi Abadis Act 1992, there is a possibility that some occupied land may be reclaimed for alternate use. In such cases, both government, and project specific processes require that communities living on the lands be relocated after due process is carried out.

The cadaster mapping and registration process through surveys under PULSE will require public awareness and information campaigns, assessment of multi-hazard and climate risk, demarcation of property boundaries, gathering evidence of rights, adjudication of rights, publicly display of the results of the adjudication, responding to public requests for correction or objection to the displayed adjudication record, and to register the property rights once disputes are resolved. A systematic registration process will also be developed to ensure that the rights of residents in KAs are recognized. The KAs are occupying public lands that are highly exposed to climate change related hazards, along with poor housing, infrastructure, and living conditions.

**The social, legal and institutional assessment will identify potential risks and impacts, as well as appropriate design measures to minimize and mitigate adverse economic and social impacts, especially those that affect poor and vulnerable groups.**<sup>3</sup> The institutional assessment

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<sup>1</sup> ESS5, Paragraph 7. Paragraph 7 references Paragraph 28(b) of ESS1.

<sup>2</sup> ESS1, Paragraph 28(b), Footnote 29.

<sup>3</sup> ESS 1, Paragraph 28(b), Footnote 28 states “*Disadvantaged or vulnerable refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project’s benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where*

will provide guidance on how the Project can minimize and mitigate the risks arising from improvement of security of land tenure, integration of land registry, initial rise in land disputes, parcel-based cadastral mapping and registration, risk of eviction of non-title holders, creation of independent legal framework for adjudication of rights and conflict resolution, land-related climate change actions, women's land rights, and adoption of a modern land valuation and taxation infrastructure.

The PULSE project will conduct and test such an assessment during the Project's Year 1 pilot phase, and once fine-tuned and accepted, its recommendations will be incorporated into the Project and applied throughout the life of the Project.

**Specifically, this Assessment will:**

- 1) Identify potential risks and impacts, as well as appropriate design measures to minimize and mitigate adverse economic and social impacts, especially those that affect poor and vulnerable groups, from land registration and regularization activities taken under the Project on public land.
- 2) Review past practices of land registration and land record digitization, especially focused on inclusion of vulnerable groups (including women, Persons with Disabilities, Transgender persons, minors, etc.). Review to include, but not be limited to, LRMIS experience, urban cadastral mapping pilot that was conducted by the Survey of Pakistan in Lahore and state land of Punjab, and any other experience undertaken in Punjab regarding the land titling and land record digitization.
- 3) Identify types of encroachments on public lands and KAs in Punjab, and review of past practices of removal of informal settlers/occupants from public lands by Government of Punjab including policies/practices for compensating informal settlers and also provide guidance on the improvement of current compensation mechanism.
- 4) Review the legal framework for land registration and regularization of unregistered lands and identification of gaps preventing poor and vulnerable groups from benefiting from land registration, and propose steps the Project can take to plug such gaps. This will include (but not be limited) to the following laws:
  - a. Constitution of Pakistan
  - b. The Punjab Board of Revenue Act, 1957
  - c. The Punjab Land Revenue Act, 1967
  - d. The Punjab Land Records Authority Act, 2017
  - e. Land Acquisition Act, 1894
  - f. Punjab Katchi Abadis Act, 1992
  - g. Punjab Jinnah Abadis for Non-proprietors in Rural Areas Act 1986
  - h. The Land Reforms Act, 1977

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*they may be separated from their family, the community or other individuals upon which they depend.” See Annex 1 for groups to be covered.*

- i. The illegal Dispossession Act, 2005
  - j. Any Federal Law
  - k. Tenancy ACT
  - l. The Punjab Enforcement of Women’s Property Rights Act 2021
  - m. Section 498A of the Penal Code which reads: depriving women from inheriting property by deceitful or illegal means shall be punished with imprisonment which may extend to ten years but not be less than five years or with a fine of one million rupees or both.
  - n. World Bank ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement
  - o. All laws and the rules mentioned at Punjab Government Rules of Business 2011 under the Revenue Department
- 5) Conduct a diagnostic of available grievance redress and alternate dispute resolution systems (both formal and informal) available for land related disputes, including Revenue Awami Khidmat (BOR), Revenue Court Cases, GRM Counters at ARCs, PLRA Complaints System, etc. and advise on their efficacy from the perspective of poor/vulnerable groups, and how these can be improved to better serve marginalized users, and how the proposed independent legal framework to be provided under the Project should function in light of this diagnostic.
- 6) Conduct a capacity assessment of project implementing agencies (BoR, PLRA, DLR and DGKA) and key partners on land registration and involuntary resettlement, and propose a capacity building training.
- a. To determine functions that correspond to regularization of property rights – this would require analysis of:
    - i. Land Systems, human resources, and resource allocation of the institutions executing the project, especially with respect to meeting the needs of Vulnerable Groups, through for example formal/informal grievance redress mechanisms, staffing on E&S or related functions, transparency and communication (website, consultations, stakeholder engagement);
    - ii. Risks and other challenges of executing institutions providing land administration services
    - iii. Based on the assessment, propose how to strengthen the institutions to address the concerns of the poor and vulnerable in the process of land registration.
  - b. In coordination with Revenue Academy Punjab (RAP), conduct a training needs assessment in order to identify relevant training to be given to stakeholders in order to fill gaps critical for meeting project objectives.
  - c. Identify the potential stakeholders of the Project and key challenges of the Stakeholders

- 7) If the assessment identifies potential displacement, recommend how displacement can be avoided or minimized in accordance with Resettlement Policy Framework (RPF) for this project.

### **III. METHODOLOGY**

- 1) Review of the project design and other documents related to the expected work in the assignment.
- 2) Develop a Work Plan to meet the objectives of the social, legal and institutional assessment, including a work schedule, a budget estimate for information collection activities, workshops and consultation activities. Also, the methodological aspects to be applied must be included.
- 3) Building on the PULSE Stakeholder Engagement Plan (SEP), conduct a stakeholder mapping exercise to identify stakeholders for consultations and key informant interviews
  - a. Conduct consultations and key informant interviews with different institutional stakeholders & interest group to identify the social, legal and institutional framework and improvements to the same related to Vulnerable Groups.
- 4) A final report which includes findings, stakeholder analysis matrix<sup>4</sup>, recommendations on how the Project should engage the poor and vulnerable during land registration, digitization and parceling activities.

### **IV. GEOGRAPHICAL AREA**

The geographical area foreseen for the social, legal and institutional assessment shall be limited to the province of Punjab.

### **V. DELIVERABLES**

The Consultant will report to the Project Director, Board of Revenue (BoR) Project Management Unit. All deliverables will be approved by the BoR PMU and the World Bank will provide No Objection as needed.

- 1) Inception report detailing methodology, work plan, relevant questionnaires to be deployed, outline/structure of final report.

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<sup>4</sup> A stakeholder analysis matrix shows the following:

- a) Name of Stakeholder
- b) Contact person
- c) Project Impact (ranges from low, medium to high)
- d) Influence they exercise over the project
- e) Priority of the stakeholder
- f) Strategy for engaging with stakeholder
- g) Risks and mitigation

- 2) Outlined structure of the final report shall contain at least the following information:
  - a. An executive summary, highlighting the main results of the analysis and recommendations
  - b. Analysis of the applicable laws as well as the capacity of the executing institutions
  - c. Results and analysis of data received from consultations and key informant interviews
  - d. Mitigation strategy to handle the key stakeholders issues
  - e. Propose mechanism to handle swiftly the land titling and survey issues especially of partition
  - f. Recommendations and way forward to ensure the smooth implementation of PULSE
- 3) Minutes of meeting of all consultations and key informant interview along with transcripts.
- 4) A draft of the final report subject to review and adjustments.
- 5) Presentation of draft final report at multistakeholder workshop to solicit feedback and comment.
- 6) Final report detailing the findings, recommendations and way forward

## **VI. QUALIFICATION**

- 1) A firm, with professional expertise in the areas of Land Rights, Sociology, Law, Gender, Revenue court cases or related fields, with at least 10 years of experience.
- 2) Demonstrable knowledge of the institutional scope of the main Stakeholders of the Project and of the legal framework that regulates land rights in Punjab.
- 3) Demonstrable experience of having worked on land rights, in particular, issues regarding informal settlements, katchi abadis, women, and minorities.
- 4) Experience in land administration and organizational management will be a plus.
- 5) Immediate availability to work and mobilize to the areas of influence of the Project.

## **VII. PAYMENT METHODS**

Payments will be made as follows:

- (i) First payment of 10% against the submission of Inception Report, including Work Plan and detailed methodology;
- (ii) Second payment of 30% with the delivery of Draft Report and One Multi-Stakeholder Workshop;
- (iii) Third payment of 30% with the delivery of the Final Report for review; and
- (iv) Final payment of 30%, with the presentation of the Final Version of the Institutional Analysis, received to the satisfaction of the Project.

## Annex 1

Vulnerable groups to be covered in the social, legal and institutional assessment are briefly outlined below.

**Informal Settlers.** There is a risk of displacement of informal settlers, both during-project-lifetime and downstream, as a result of Systematic Land Registration under PULSE Component 1, and regularization of unregistered lands in notified Katchi Abadis under PULSE Component 2. The land regularization will include land belonging to private landowners as well as land owned by government/semi-government authorities such as DHA, LDA, Railways, etc. Though Project activities are related to regularizing land records and providing land titles, there is a risk that landowners will remove poor/vulnerable informal settlers once the land titles are awarded, either during Project implementation or downstream.

Under Component 1, existing digital land registry records and parcel maps that were created by public development authorities and private development agencies and shared with PLRA would be compiled, validated and integrated in a single database in LRMIS. In addition, this component will undertake systematic registration for lands that are not yet registered in areas of formal settlement. The risk related to ESS5 in Component 1 is mainly about encroachment of public lands and forced eviction of vulnerable informal settlers from public lands.

Component 2 Land for Housing will support the regularization of unregistered lands in notified informal settlements to provide secure rights for dwellers occupying plots in previously notified Katchi Abadis on state and public lands. Regularization of such rights would provide deeds to such occupants with full ownership rights considering women's legal rights and methodologies that promote gender equity. Component 2 will have the highest risk of displacing vulnerable informal settlers due to land identification, management and commissioning of affordable housing schemes. This can be verified from past experiences of development of housing schemes for low-income groups where government land was made available for private construction companies to build housing.

**Women.** Securing women's land rights improves the wellbeing of women and their families, while boosting investments in child health, nutrition, and education. Despite their legal inheritance rights, 27 percent of women in Pakistan do not inherit land and 72 percent of women do not inherit a house. Women are 25 percent less likely than men to own land and 69 percent less likely to own a house. Gender inequality in access to land in Pakistan is due to customs and cultural norms. The realization of women's inheritance rights continues to be hindered despite being protected in several laws. Women lack support in claiming inheritance due to cultural restrictions such as the custom of dowries, and restrictions of voice and access. Inheritance commonly does not lead to subdivision of holdings, but rather co-ownership between heirs. Most women are expected to give up their land shares to the primary male land holders because of their role as a daughter, sister, wife, or mother.

**Katchi Abadi Residents.** KAs are informal settlements. It is the temporary nature of tenure, not of housing structures, that qualifies settlements as katchi. The Directorate General Katchi Abadi Punjab has identified a total of 5,379 KAs and notified 4,354 KAs under the 1978,



1985, 2006, and 2012 Schemes. The project will support mutation of the notified KAs under the 2012 Scheme through the issuance of property rights (this does not involve physical upgrading of settlements). The systematic registration process will also be developed to ensure that the rights of residents in KAs are recognized. The KAs are occupying public lands that are highly exposed to climate change related hazards, along with poor housing, infrastructure, and living conditions. The project will support institutional capacity building in the DGKA to carry out cadastral surveys and first land registration in the notified KAs. Pilot exercises will be implemented in the first year to understand the range of challenges that are likely to arise during project implementation.

**The Poor.** Digital land titling opens a new way to secure rights and better livelihoods for the poor. Farmers and small business owners rely on land and properties for their income. For poor farmers in Punjab acquiring and maintaining a small plot of land is not easy, as they struggle for years to obtain a land title from the local land recordkeepers, called “patwaris,” or village officers, who may ask for bribes plus acquiring a title can take a long time as manual/paper land records are not well kept nor are they updated. Having access to a modern, efficient, and transparent land administration system can help end years of vulnerability and provide a secure source of livelihood. Secure land rights help to increase land value for landowners, but also empower women and poor farmers, whose land rights are usually not adequately protected in the old system.

This assessment will also analyze the needs of persons with disabilities, minors, elderly and other vulnerable and marginalized groups such as transgender community and religious minorities.