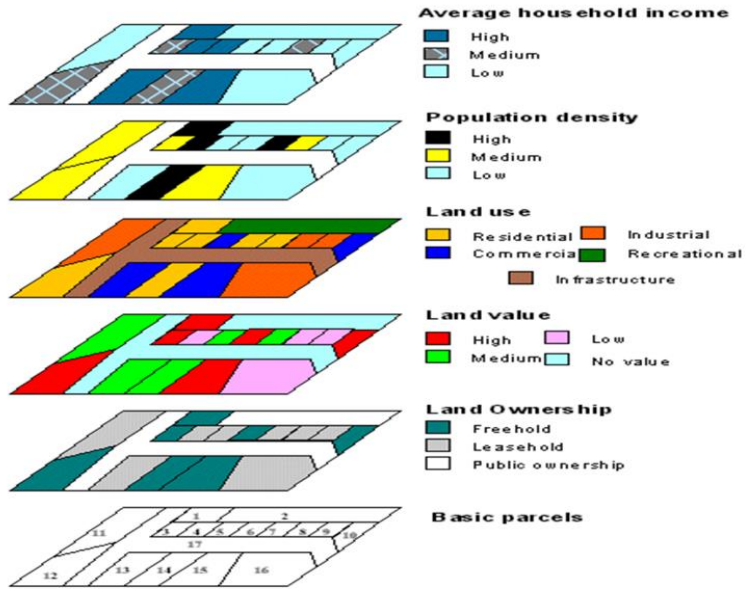




Board of Revenue
Government of The Punjab



The Punjab Urban Land Titling Registration System

Muhammad Irfan Khalid
Project Director
Punjab Revenue Academy,
Board of Revenue, Punjab

Introduction- Backdrop

The system in Pakistan for the recording of interests & rights in land is basically fiscal in nature

The title to land is, therefore, only incidental & is not real concern of any of the tax collecting agencies

Cont'd...

There is no single agency maintaining updated land records, even for fiscal purpose, for the entire province & coordination in record keeping functions, being carried out by various agencies, is limited

Hence, there is virtually no system of record of rights in urban areas & more so absolutely no system of title registration exists in the country

What is envisaged?

✓ **“Title by Registration”**

rather than

■ **“Registration of Deeds”**

Step-1

Enquiry into present circumstances & alternative courses of action to recommend methods for BOR to adopt for creating a dynamic, comprehensive, GIS & Parcel based transparent, consistent, & efficient Urban Land Titling Registration System

Analysis of Existing Legal Framework

The West Pakistan
Land Revenue Act,
1967 (LRA, 1967)

The West Pakistan
Land Revenue Rules
1968 (LRR 1968)

The Land
Records Manual
(LRM)

The Registration
Act of 1908

The Stamp Act,
1899

The Transfer of
Property Act
1882

The Immovable
Property Tax Act
1958

The Punjab Local
Govt. Act

Survey &
Rectangulation of
Land Ordinance
1959

Towns
Improvement
Act, 1922

The LDA Act,
1975

The Punjab
Development of
Cities Act, 1976

The Punjab
Kachi Abadis
Act, 1992

The Punjab Housing
& Town Planning
Agency Ordinance,
2002

Step-2

Comparative analysis of international best practices, particularly from the perspective of drawing an analogy for creation of the proposed model seamlessly with the help of existing data & resources in shortest possible time



International Practices

Although title/ land/ property registration systems from Afghanistan to USA are products of unique legal system of each country, yet basic constituents of all these registration systems are same

However, respective registration systems & extent to which it ensures certainty to title to property largely depend on history, culture, market needs, demand/ supply equilibrium of land, justice system, level of socio-economic development, economic philosophy, & system of governance

Step-3

Designing of proposed Punjab Urban Land Titling Registration System

“Tabulates components of the ‘Title Register’ & investigates how existing information maintained by different agencies can be linked up & used for instant creation of the Title Register”

The records of rights and other documents based on the land records, by virtue of provisions in land laws, are presumed to be accurate

Many court rulings have also maintained that entries in the land revenue records are contestable, that the revenue records are not documents of title, and that it is permissible to challenge the entries for determining the title to land

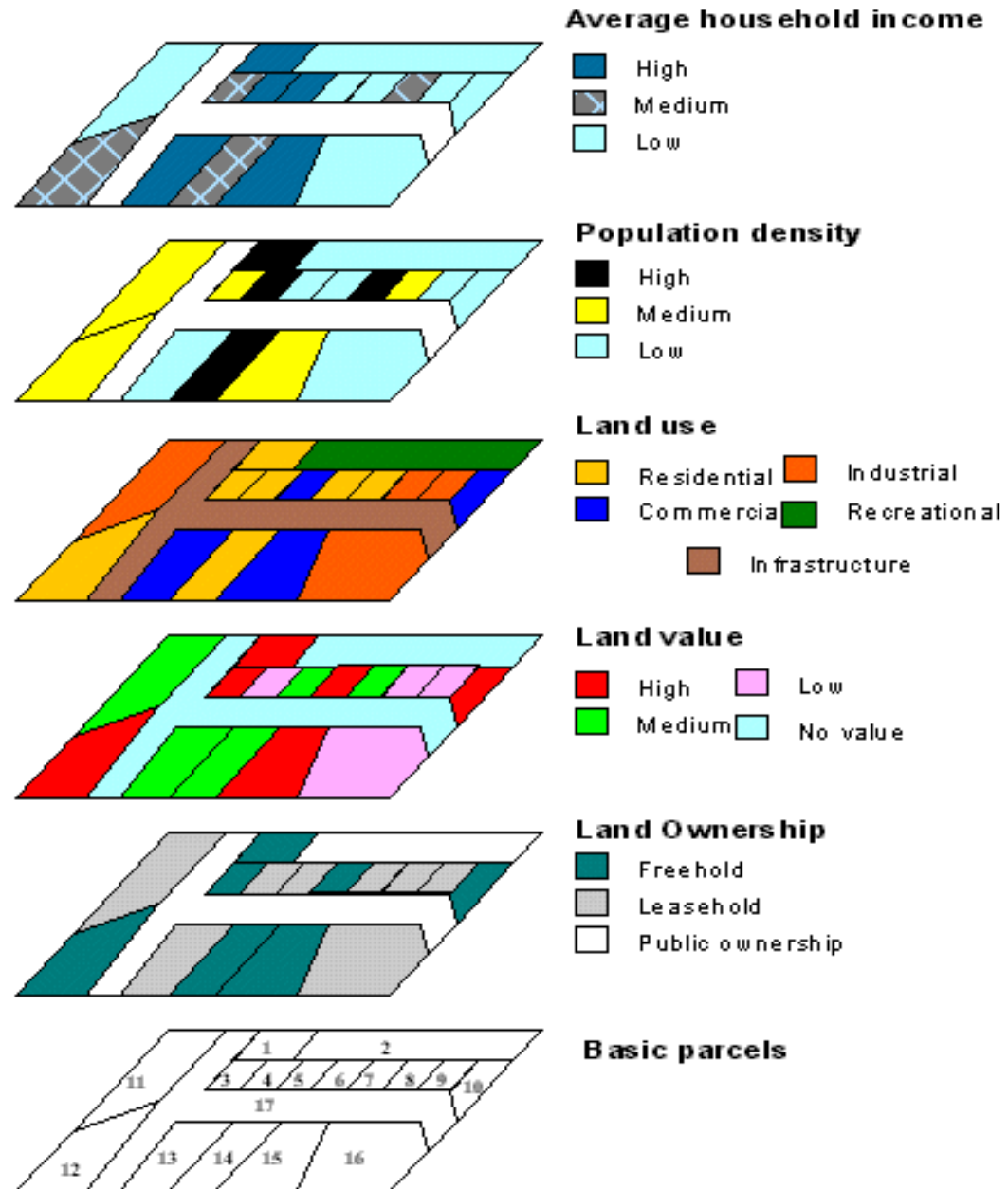
In nutshell, no title registration of property is maintained by any authority in the country, which is not only a major reason of huge number of disputes in the justice system but also acts as a chief impediment to investment

The West Pakistan Land Revenue Act 1967 to some extent maintains multiple entries of different aspects of record of rights, though for tax purpose only, explicitly excludes urban areas from the preview of the revenue authority dealing with mainly agriculture land- theoretically speaking

Thus, the need to design Urban Title Registration System for the Punjab that can provide a State Certificate of Title under the aegis of a public authority.

How existing legal framework can be employed for creating the proposed system with minimum possible legal changes?

The System Concept



The proposed model envisages

State Certificate

Provision of a State certificate of title to land under the aegis of a public authority

Parcel-based Unique Property No.

Unique property number, with address, having clearly laid down physical dimensions: GIS parcel-based system; map & photographs of the property

Evidence

Evidence value of ownership rights to title of property: declaratory & not merely presumption of truth

Cont'd...



Trace of chain of ownership to the first settlement/ last settlement or to a prescribed/ defined period, affidavit/ statement of truth before Registering Authority, conclusiveness & finality of ownership rights rather than mere presumption of truth



Automatic cancellation of transfer of property if statement of truth/ affidavit found incorrect, & award of punishment, up to 7 years in imprisonment with fine, under different laws e.g., Registration Act 1908.



THE TITLE REGISTER shall be maintained in the electronic form & shall have:

- ✓ A GIS, parcel-based viable, efficient, & effective system of registration of property, including various rights therein with certainty & guarantee
- ✓ *Parcel-based archiving of taxation history,*
- ✓ *Transaction history,*
- ✓ *Record of chain of title up to a prescribed time,*
- ✓ *Record of encumbrances/ mortgage,*
- ✓ *Land use record,*
- ✓ *Regulation history of given parcel of land,*
- ✓ *Record of valuation*
- ✓ *Service & utility data archived to each property*

Creating a Title Register

- A number of elements must be addressed in any process to formally recognize a change in title to ownership in property/ land i.e.,
 - a) evidence/ process to prove the identity of the parties in the transaction;*
 - b) evidence to prove that a valid right exists for trading;*
 - c) evidence to identify the parcel or property over which the rights apply;*

Cont'd...

- d) evidence that the transaction is valid (which includes aspects of items (b) and (c) above);*
- e) the procedures necessary to ensure that the process is carried out correctly; and*
- f) the extent to which there is public oversight of the process (which includes aspects of (e)).*



Cont'd...

- The proposed system is not only an improvement on the Torren's system but a big step forward when it comes to automating & merging many manual and time-consuming procedures & processes that are still found even in most advanced title registration systems of the world

Step-4

- A phased approach may be adopted: first to introduce new system & then upscaling to all urban areas, backed by constantly evolving legal procedures as has been done by Singapore & HK, while shifting on a parcel-based Titling Registration System
- It is, in fact, virtual merger of different information management systems both manual & digital while initially maintaining integrity of each

Implementation Strategy

- Building capacity within existing organizations by utilizing their respective resources
- Streamline & realign posture of participating organizations, building a sound HR base: one that would ultimately be consumed by the proposed entity/ organization
- The strategy envisages creation of a sort of virtual organization spanning across the already existing organizations and institutions.
- The legal framework is comprehensive & may serve the purpose of establishing the Urban Land Titling Registry for the Punjab

- The last jamabandi in the urban areas would be prepared and captured electronically on a GIS based system. All previous entries of chain of title would also be retrieved from previous jamabandis.
- The database thus prepared would be linked with database of NARDA through VERYSIS system
- Relevant entries in the record of sub-registries would be matched & synchronized with what would be prepared from revenue record

Cont'd...

Entries from the E&T record would also be incorporated & archived geographically in relevant parcels of land

Data from LGs & private housing authorities will also be added

Simultaneously, survey teams, equipped with latest GIS survey gadgetry would conduct physical surveys & the photography, cross referenced with postal addresses

Cont'd...

The spatial information obtained from multiple sources like masavi, aerial photography etc. would be approximated on the satellite image.

Now sub-registry will have a sort of electronic register of title, with multiple layers of information of various rights, responsibilities, charges, usage, taxation etc.

Data from different municipal & utility services will also be added.

Service delivery will be started.

Cont'd...

Directorate of Land Records, being Inspector General of Registration may be made a pivot to undertake this reform with pre-requisite capacity building

DLR will work as a policy, strategy formulation, implementation & steering apparatus for developing & deploying the Punjab Urban Title Registration System



- The Inspector General of Registration (DLR) may be tasked with responsibilities to:
 - ✓ lay down the road map in minutest details/ WBS for the development and deployment of the Punjab Urban Titling Registration System;
 - ✓ take on board all the stakeholders to enlist active support and to minimize the resistance to the proposed changes

INSPECTORATE GENERAL OF REGISTRATION PUNJAB TO:

Provide

the leadership & act as a reliable consultative body for BOR in all aspect of the proposed model & its application, & its implications dealing therefrom;

Work

as a bridge for different organizations & forces striving for similar goals; to coordinate & harmonize activities of public & private sector in the very area

Act

as a communication & marketing (awareness/ educational) apparatus for the implementation of the proposed system

To undertake all responsibilities of project/ program governance particularly change management, service delivery, & technology aspects

prepare legal amendments in consultation with stakeholders & help their passage through the legislative process,

analyze present business processes from the perspective of service delivery of the proposed system,

work as capacity development apparatus of the BOR for development of requisite capacity within the stakeholders/ participating organizations including the private sector entities for preparing them to undertake requisite change for deployment of the proposed system

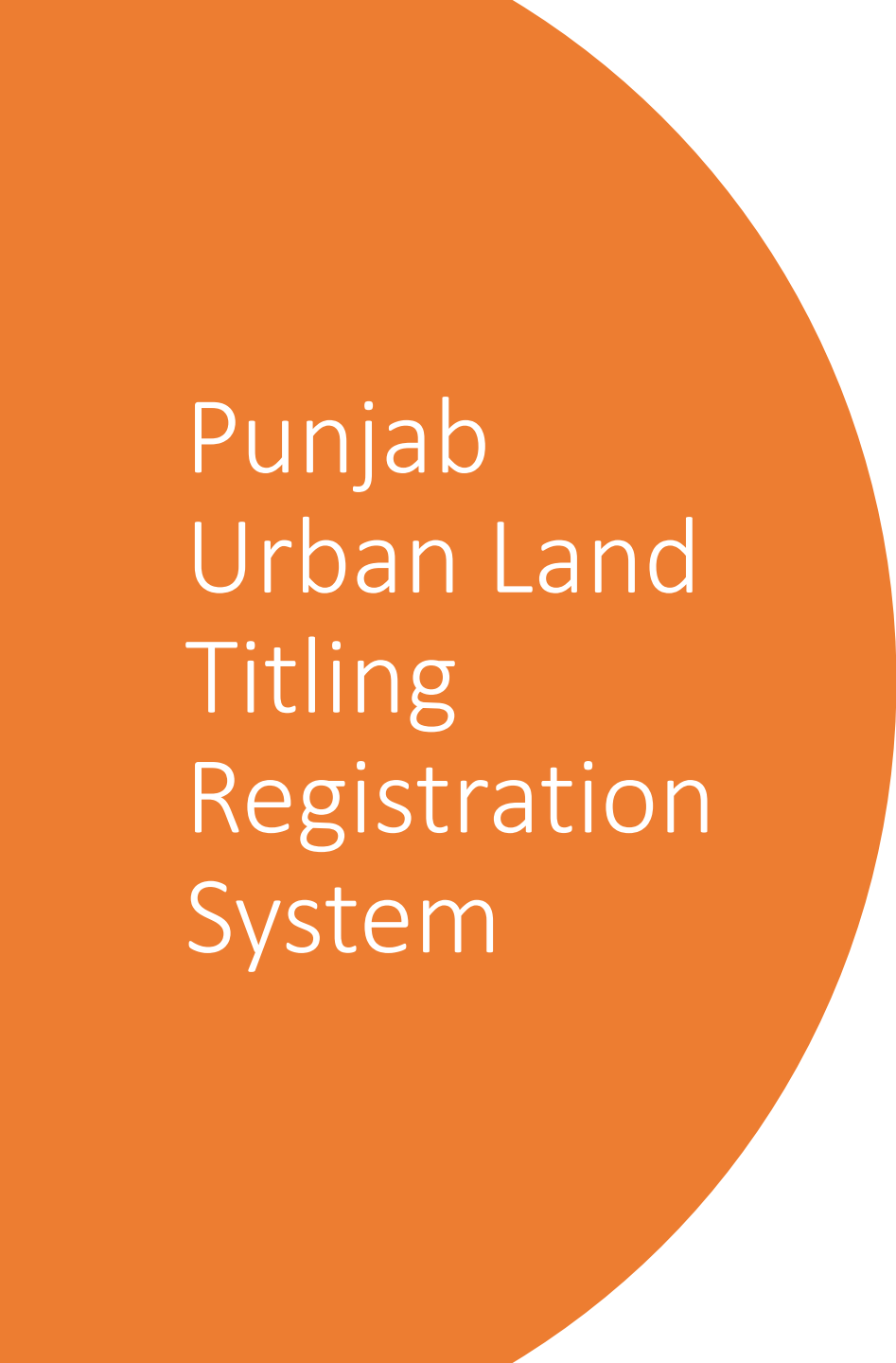
Arrangement of financing beyond project mode for continuity

The development of transitional requirements, operational practices & procedures, including the curtain principle

Continuous public awareness, education & training

The requirement specifications for development of the information management system for the Punjab Urban Land Titling registration System

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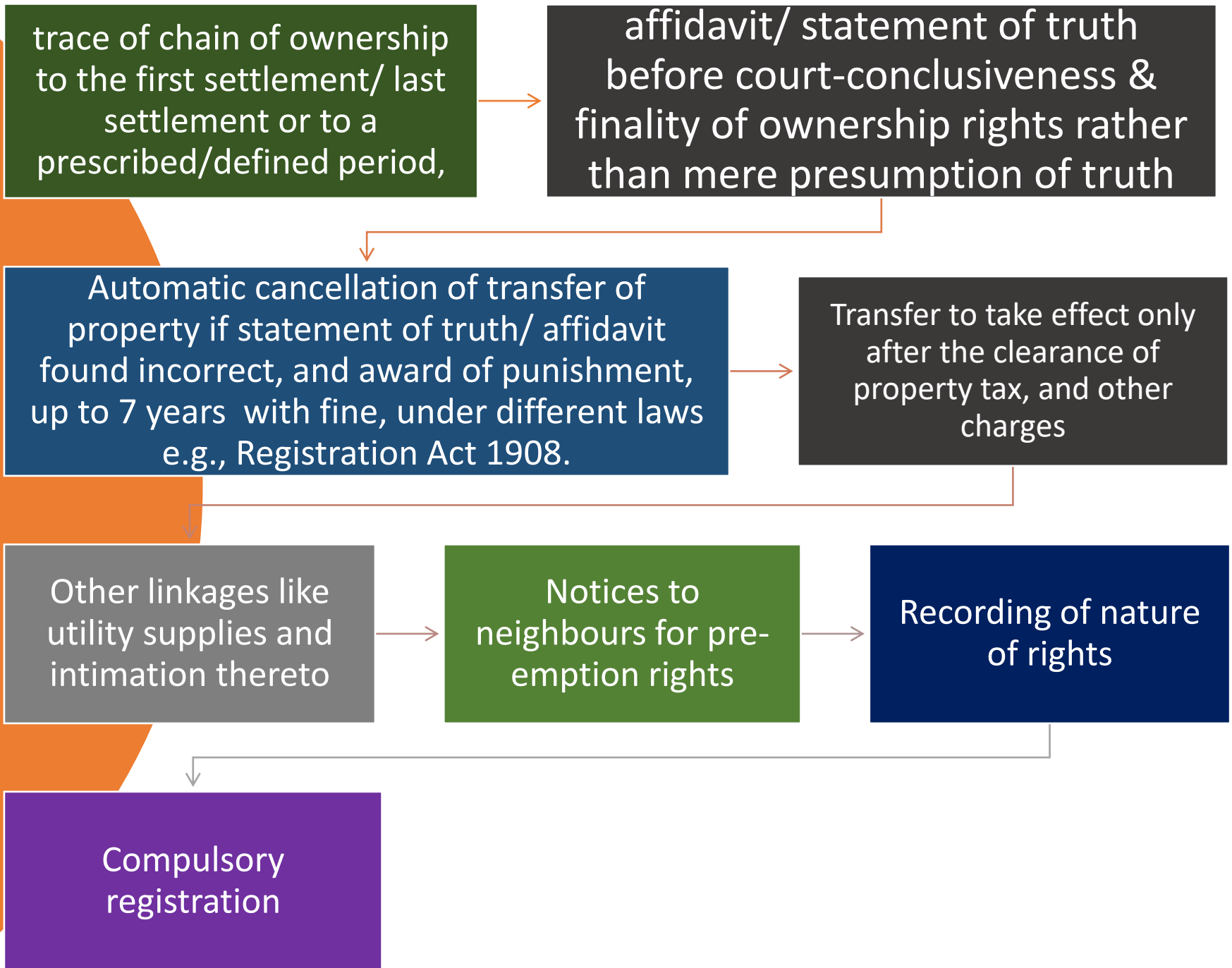
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Punjab Urban Land Titling Registration System

Provision of a State certificate of title to land under the aegis of a public authority.

Unique property number, with address, having clearly laid down physical dimensions: GIS parcel-based system; map & photographs of the property

Evidence value of ownership rights to title of property:



The Inspectorate General of Registration (DLR) may evolve over time into an agency fully geared to run the proposed Punjab Urban Land Titling Registration System