

# **ERRA'S RURAL LANDLESS PROGRAMME (PHASE - II FOR VIRTUALLY LANDLESS PEOPLE)**

## **Introduction**

Earthquake Reconstruction & Rehabilitation Authority's Policy for virtually landless people is an extension of the Rural Landless Programme. The policy aims at rehabilitation of virtually landless people living in High Hazard Rural Areas in Earthquake Affected Districts through provision of grant of Rs 75,000 and Rs. 150,000 for purchase of a minimum of 5 marlas of alternative land and construction of a house respectively. The policy will come into effect on June 15, 2008 and close on December 31, 2008.

## **2. Objectives of the virtually landless Policy**

1. To rehabilitate families presently residing on rural land identified by the Geological Survey of Pakistan (GSP) as high hazardous which is unfit for human habitation.
2. To facilitate people residing in camps and non camps and unable to return to their land because it has been declared high hazardous by the GSP to build homes on an alternate piece of land.

### **2.1 Hazardous Land Policy Parameters**

The Virtually Landless Policy defines:

- the beneficiaries of the Virtually Landless Policy
- the Policy's entitlements
- the processes and institutional arrangements for accessing benefits.
- the process and institutional arrangements for addressing grievances related to the implementation of this policy;
- the process of disseminating the policy to those affected by it;
- the process for monitoring the implementation of the policy.

### **2.2 Definition of Hazardous Land**

GSP has categorized hazardous land in three levels i.e. Low, Medium and High. The Policy applies to High Hazard Zones only as their inhabitants need to be relocated. A High Hazard Zone is defined as one in which it is probable that a catastrophe will occur in the future that will threaten lives, property and infrastructure. A catastrophe may include the large scale movement of land, rock, debris, or mud. It may also include flooding, avalanches, slope failure and high-magnitude earthquakes.

### **2.3 Definition of Hazardous Land Beneficiaries**

An owner of Hazardous Land is a person who owned the land on 8<sup>th</sup> October 2005 and is so recorded in the land records or a registered Deed of Sale. The said land has been identified as high hazardous by the GSP through their technical survey of the area.

**Note 1.** This definition applies to landowners in the Earthquake Affected Districts of NWFP and AJK. The LVUs will process claims for high hazard cases.

**Note 2.** The criterion of 'one house - one family' as applied in the payment of Compensation for houses in the Housing Policy shall be applicable in this Policy.

**Note 3.** Owner of the high hazardous land identified by GSP will be entitled to receive the cash grant of Rs. 75,000 for purchase of a minimum of 5 marla piece of land. As in the ERRA's Rural Landless Policy, the power of attorney will automatically be with the living spouse first. In the absence of a living spouse or parent (male or female), siblings, through consensus, will authorize one member of the family to hold the power of attorney. This power of attorney will not preclude the rights of the other family members over ownership of the new land purchased and/or the house built on the new land. The new land that is purchased shall be mutated in the names of all those family members /legal heirs stated in the power of attorney.

**Note 4.** A person living on high hazardous land shall also be required to submit an Affidavit that he/she does not own 5 *marlas* of alternate land anywhere else.

**Note 5.** Land purchased with the grant cannot be sold again for five years. The Board of Revenue will issue an Administrative Instruction to not mutate the land for five years. This will be stipulated in the record of rights as is the case of any mortgage on the land.

### **Land Verification Units**

The Existing Land Verification Units (LVUs) will continue to function, with the amended scope of work as defined in the Landless Policy. A member of the GSP will be added to the LVU staff. Additional LVUs will be established on need basis.

### **Composition of the LVU**

- Chairperson – Tehsildar
- A retired Revenue officer
- A representative from civil society, to be nominated by DC or DCO
- Finance Assistant
- Admin Assistant
- IT Assistant

## **Scope of work of the LVU**

- Provide information on the financial assistance process
- Provide all necessary forms and explain how to complete them
- Register hazardous land cases;
- Verify applications
- Maintain a database on virtually landless cases;
- Report to Senior Member Board of Revenue (AJK) & (NWFP) through Deputy Commissioner (AJK) and District Coordination Officer (NWFP) respectively
- Issue a Letter of Entitlement and enter into an MoU with the beneficiary
- Mobilize awareness among the beneficiaries to purchase safe land

## **3. Implementation Strategy**

The Virtually Landless Programme will be implemented with the support of UN Habitat. The beneficiaries of the program will be identified by GSP through their survey of High Hazardous Areas. ERRA will provide lists of beneficiaries received from GSP to the LVU for disbursement of grant.

### **3.1 Survey Methodology**

GSP will carry out survey of High Hazard Zones reported by the Governments of NWFP and AJK or identified through satellite imagery in pursuance of Memorandum of Understanding signed between ERRA and GSP on January 2, 2008. The survey will identify affectees living in high hazard zones. This process will ensure application of uniform, objective and scientific criteria to identify the affectees of High Hazardous Zones.

The Land Verification Unit (LVU) will follow the relevant procedures identified in the Financial Assistance Policy and Procedures for the Rural Landless Phase-I. These are as follows:

#### **Step 1**

a) The LVU will invite affectees identified by GSP through postal mail to register their claims with the concerned LVU. The registration process will comprise of the following:

- An Application (Form A) which captures the details of the claim including site address, bank account information etc.
- An Affidavit (Form B)
- A Power of Attorney (Form C)

b) The LVU will cross-check the applications with the housing grant records to verify the Applicant's status *vis-à-vis* financial assistance for housing. This will

indicate that the claimant is not re-building his/her house on land owned elsewhere and provide the applicants tranche status of rural housing subsidy.

c) The LVU will ask the relevant *Qanoongo* and *Patwari* to bring the records to the LVU. Each form will be verified in the presence of all members of the LVU.

## **Step 2**

a) The LVU will issue a 'Letter of Entitlement' (Form D). This certifies that the holder is an owner of hazardous land and is therefore entitled to receive financial assistance of Rs. 75,000/ for the purchase of land for house construction in a safe area.

b) The 'Letter of Entitlement' will be issued within three days of the completion of the verification procedure inviting the beneficiary to sign an MoU with the LVU stating they will shift to the new location upon purchasing of new safe land.

## **Step 3 (One Window Operation as practiced in Rural Landless Programme)**

a) The landless persons who have received the 'Letter of Entitlement' will start negotiations for the purchase of land

b) Within one month of the issuance of LOE recipient will inform the LVU giving the details of the land to be purchased, dimensions, location, seller details, khasra no, price of the proposed land to be purchased (Format will be available at LVU)

c) UN-Habitat will send lists of beneficiaries to ERRA for release of funds

d) ERRA Finance will transfer the funds based on the lists to MBR/SMBR

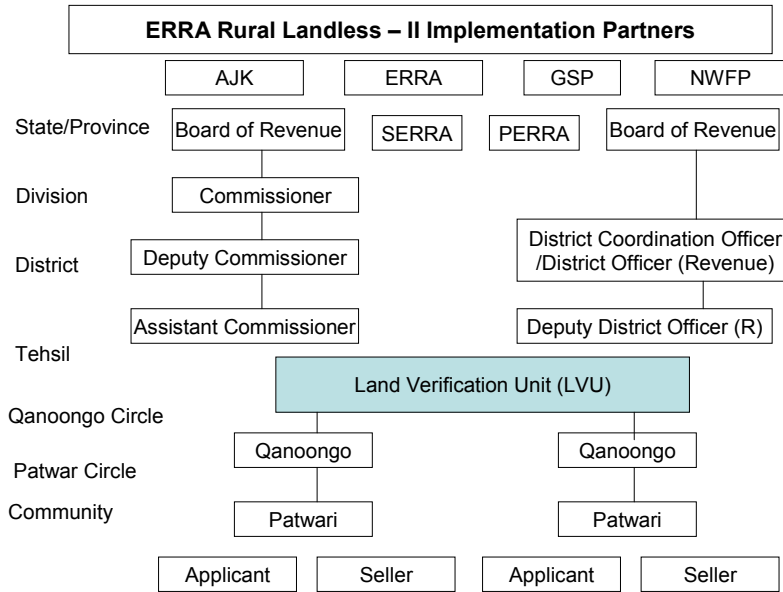
e) SMBR/MBR to send relevant amounts to the DC/ADC/DCO of the relevant Districts based on the lists of landless persons.

f) The DC/ADC/DCO shall transfer the required funds to the relevant LVU

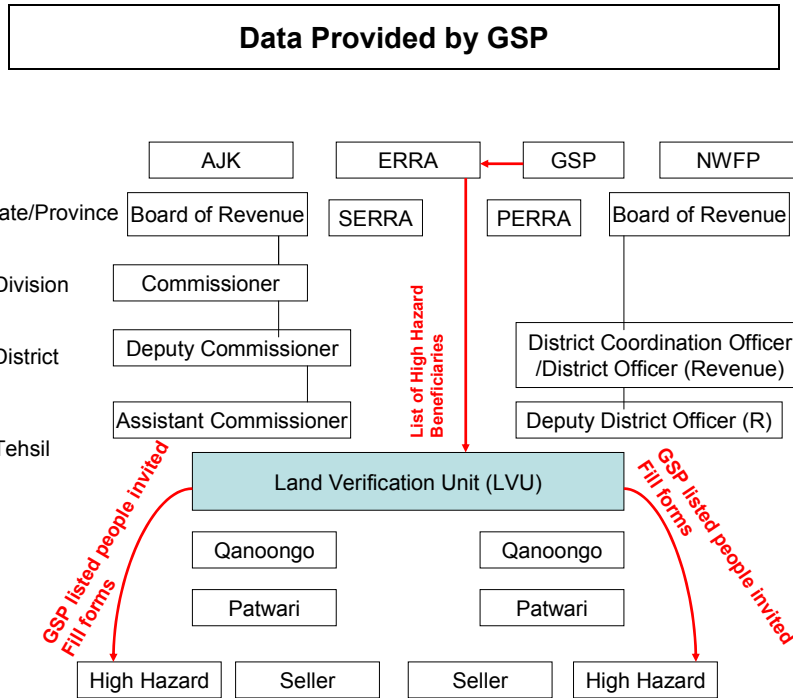
g) LVU will organize One Window Operation inviting the Mobile Bank team, Revenue Staff, buyer and seller of land

h) LVU issues cheques to beneficiaries- Revenue Staff mutates land on the spot in the name of buyer and all his family members/legal heirs as stated in the power attorney

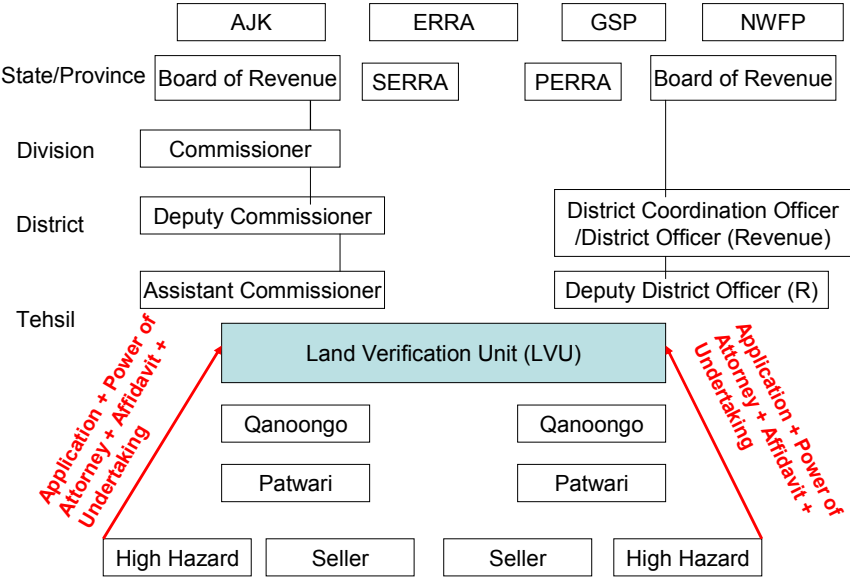
**Process Flowchart:**



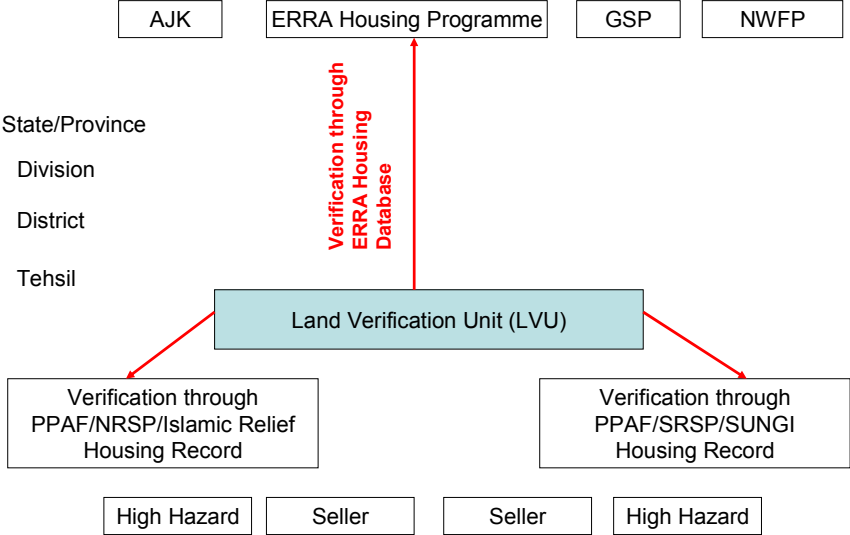
**a) Process for GSP Surveyed Beneficiaries:**

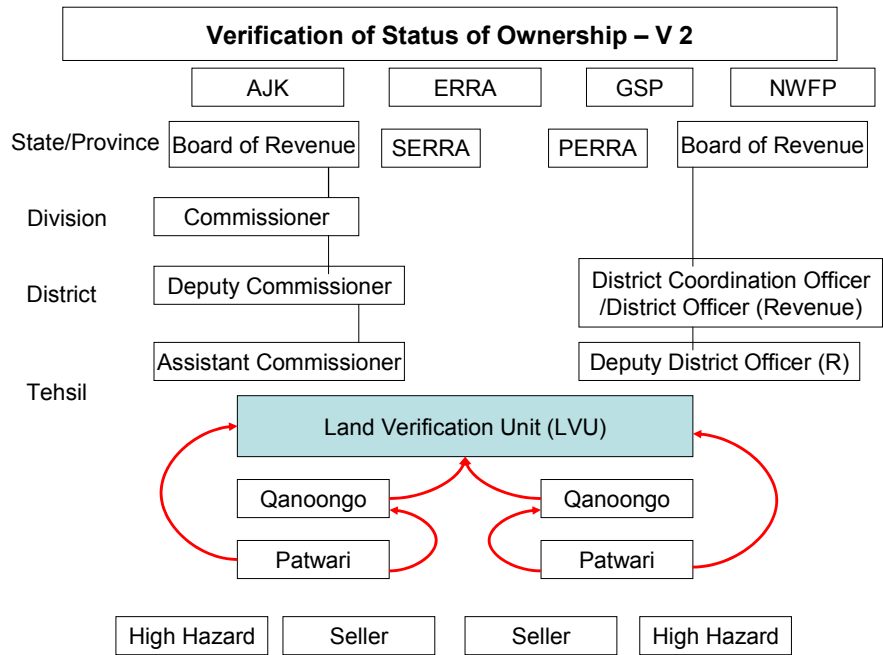


**Form Filling at Land Verification Unit**

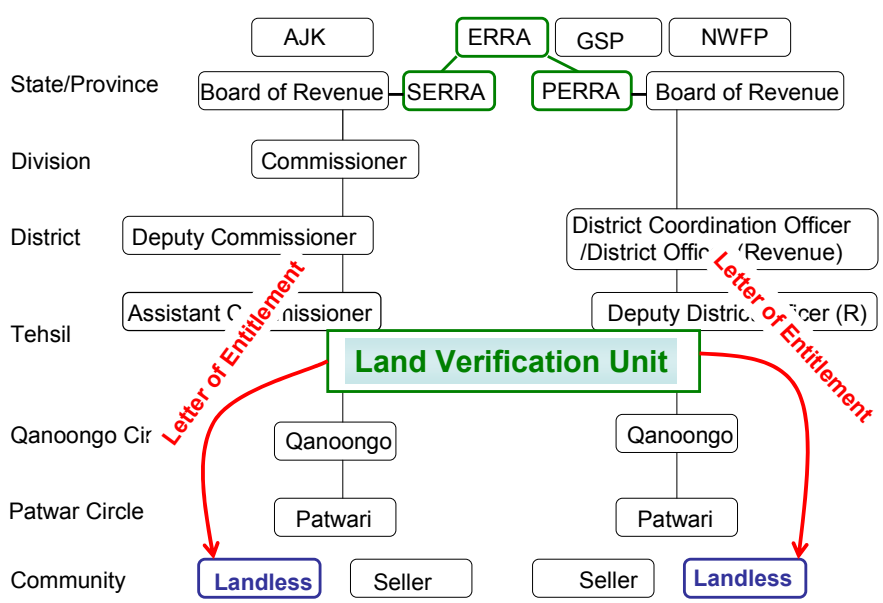


**Verification of Status of Housing Subsidy – V 1**

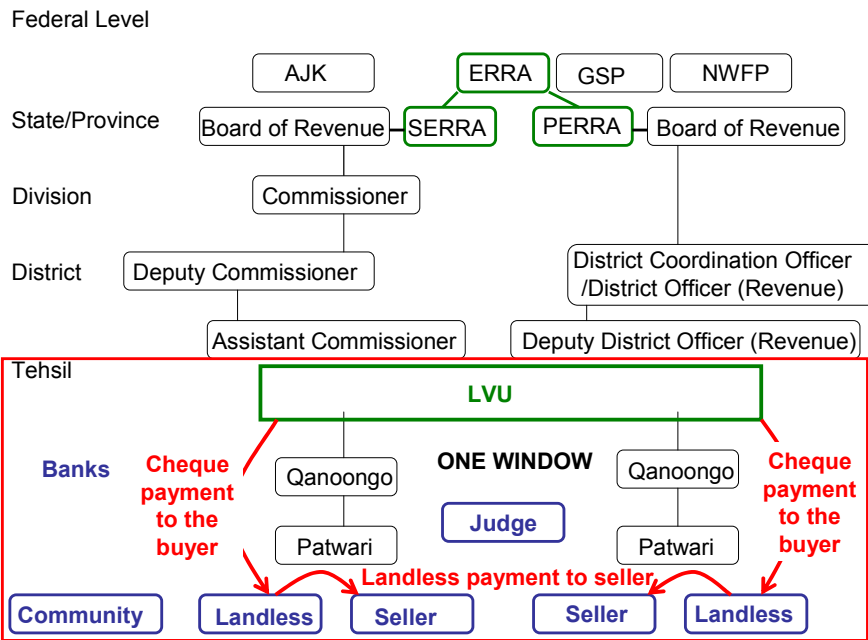




### Issuance of Letter of Entitlement

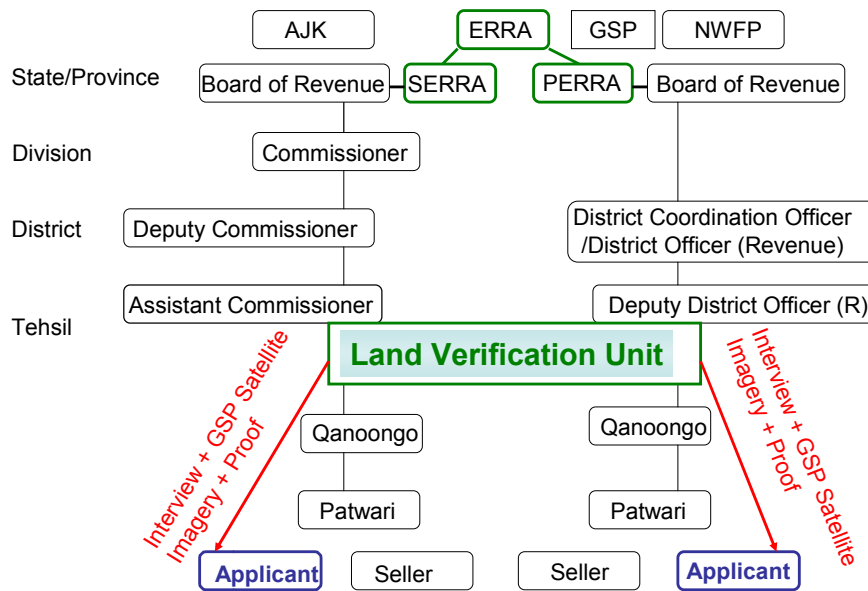


## One-Window Operation



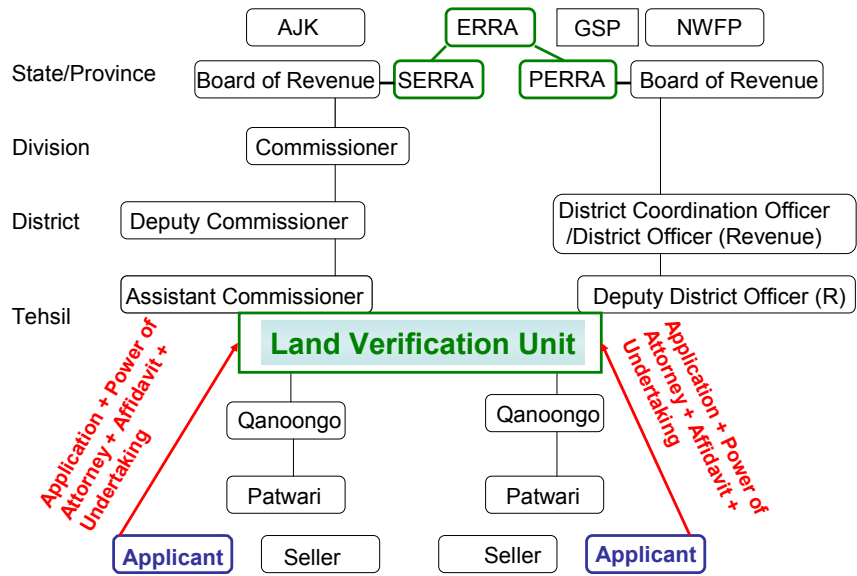
### b) Process for LVU Walk-in Applicants:

## Interview at Land Verification Unit (LVU)

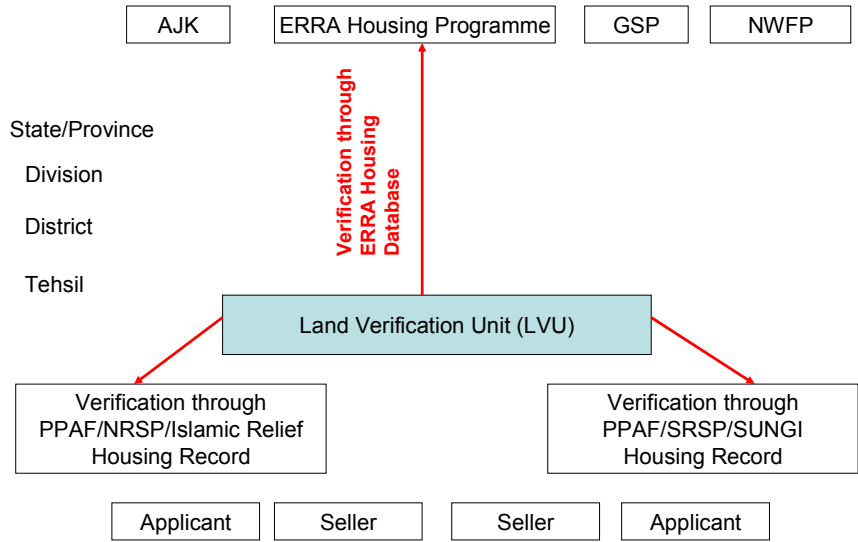


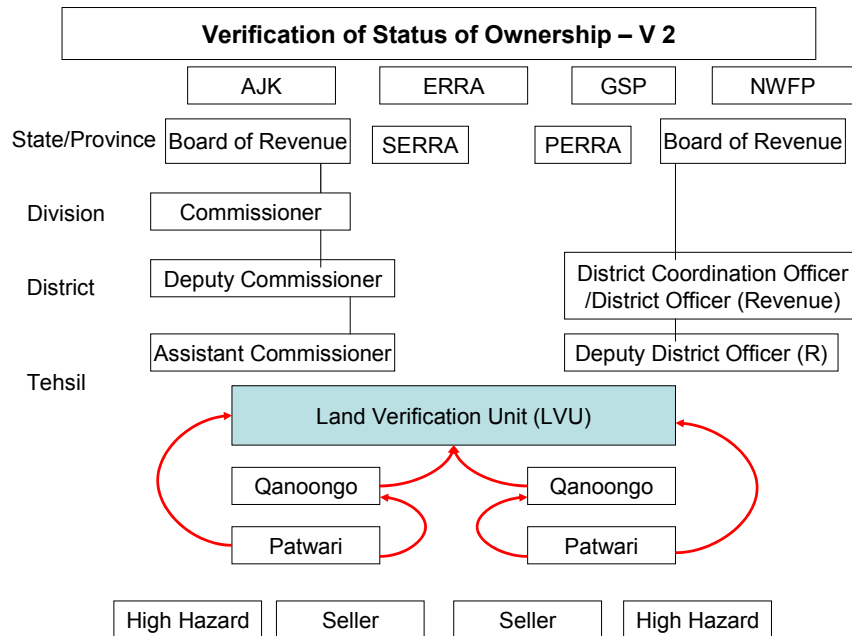


**Form Filling at Land Verification Unit (LVU)**

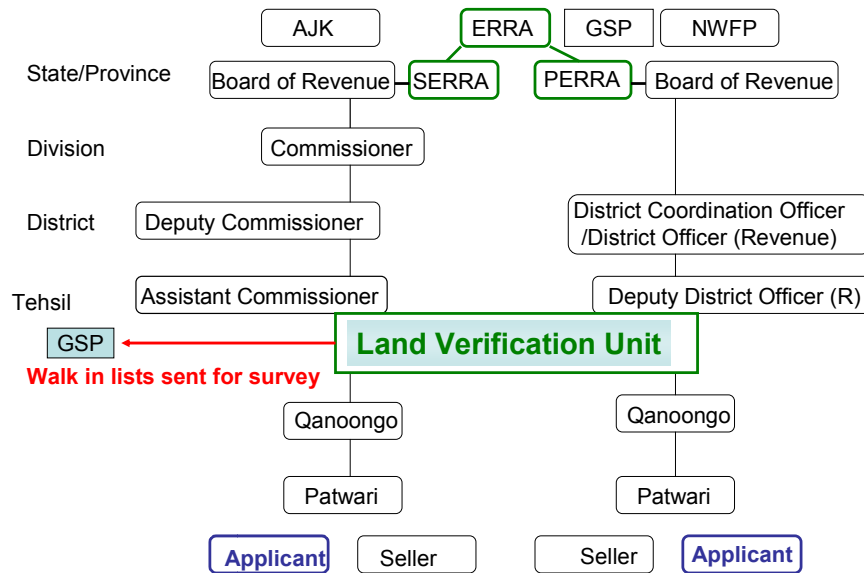


**Verification of Status of Housing Subsidy – V 1**

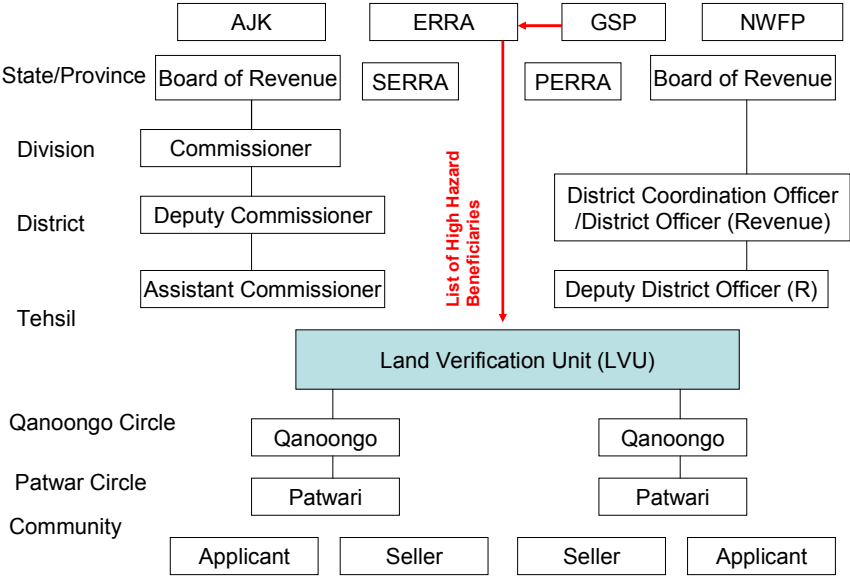




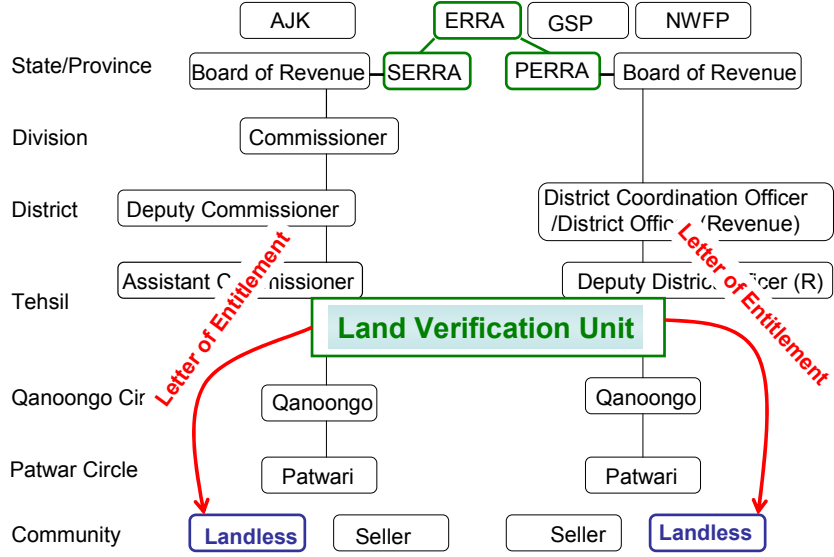
### List of Walk-in to be Resurveyed by GSP

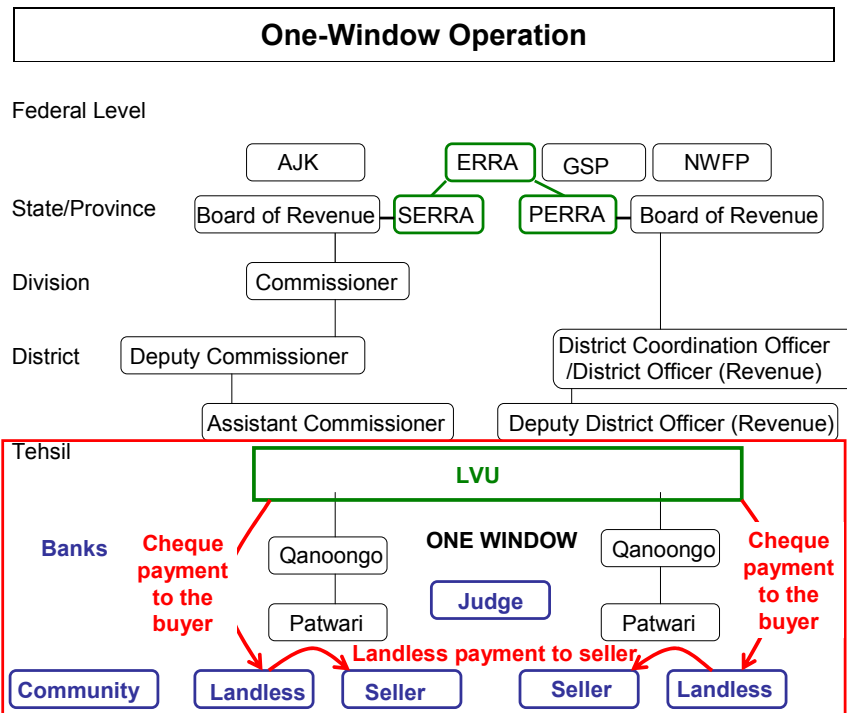


**Resurveyed Data to be Sent to LVU by GSP**



**Issuance of Letter of Entitlement**





#### Step 4

- In case the beneficiary has already received one or more tranches under the Rural Housing Programme, the beneficiary shall only be entitled to the balance amount (i.e. 150,000 minus whatever has been received earlier).
- The housing grant will be released in two tranches (Rs. 100,000 and 50,000) to those beneficiaries who have not received any tranche from ERRA.
- After release of first tranche of Rs. 100,000, UN-Habitat inspection teams will conduct first inspection at lintel level after two months.
- UN-Habitat will send lists of compliant beneficiaries to Rural Housing Sector for release of second tranche of Rs. 50,000.

#### 4. Grievance Redress Mechanism

Grievance Redress Committees established under the Landless Policy will continue to function for Hazardous Land Program as well.

#### Composition of Grievance Redress Committee (GRC)

- Chairperson: Deputy District Officer (Revenue) in the case of NWFP, Assistant Commissioner/EAC in the case of AJK

- A retired revenue officer not below the rank of assistant collector or serving grade 17 officer when retired Revenue Officer not available.
- A representative from GSP
- A representative from a reputed NGO nominated by DC/DCO
- Admin Assistant

## **5. Types of Grievances**

Grievances/representations are categorized in two types under Virtually Landless programme.

**Category A:** This category will comprise such applicants whose areas have been surveyed by GSP but their land has not been identified as hazardous.

The applicants will be interviewed by the GRC to determine whether he/she qualifies the policy parameters and as to why his house was not surveyed by the GSP team. The claimant will provide sufficient evidence to establish his/her claim.

The claim will be verified by GSP through satellite imagery. Physical inspection will be conducted only if the claim is verified through satellite imagery to determine the final status of land. If the applicant's land is found to be potentially hazardous by the GRC, his/her name will be referred to LVU for Housing/Revenue verification prior to physical inspection by the GSP representative. The GSP representative shall accompany the GRC team during physical inspection.

The applicant will sign an undertaking before physical inspection of his/her land by Grievance Redress Committee that he/she will not be entitled to the remaining balance of their housing subsidy tranches in case of a proven false claim.

**Category B:** This category will comprise those applicants whose areas have not been surveyed by GSP.

Such applicants submit their claims to the concerned LVU which will conduct interview to determine the status of the land. The applicant will have to prima facie establish their claim in accordance with the definition of the high hazard areas through photographs and supporting evidence (e.g. verification by Nazim of Union Council or a notable like Imam Masjid). LVU will facilitate them in establishing their claims.

The houses of the applicants who are determined to be living on hazardous sites during the interview will be spot checked by LVU team also including member from GSP. The ownership status verification will be conducted prior to physical inspection.

**GRC will not entertain such category B cases who have already been rejected during physical verification by the team which included GSP member.**

## **6. Public Information Campaign**

Based on the GSP lists, the LVUs will inform the beneficiaries to register their claims with LVUs. Subsequently a targeted media campaign will be conducted in the High Hazard Areas about the policy to inform left out affectees of these areas to register their claims with LVUs.

## **7. Role of Legal Aid Centers (LACs)**

GRC will refer those claimants to LACs who need any kind of legal assistance for instance getting fresh ownership deed, preparation of affidavit, succession certificate, power of attorney, mutation certificate etc.

## **8. Monitoring Systems and Procedures**

Regular monitoring of the program will be the responsibility of the ERRA Monitoring and Evaluation Wing and Social Protection Cell, ERRA. M & E Wing will establish key performance indicators in consultation with ERRA Social Protection and UN-Habitat. Monitoring will consist of 5-10% of randomly-selected cases of claims and grievances in every District.

May 09, 2008