



SaZhi

“Securing the priceless land for prosperity and happiness”



National Land Commission's quarterly newsletter

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Inside this Issue

Samdrup Jongkhar Throm gets new Thrams	Pg. 2
Mapping the Social Malady	Pg. 5
Integrated Training Program for NLCS staff	Pg. 6
Local leaders training in Trashigang	Pg. 8

Overall concept & advisor:

Pema Chewang, Secretary

Editorial board

Ugyen Tenzing– Specialist / Program Director, (NRPO)

Tenzin Namgay- Head ,RLD

Gungsang Wangdi- PPD

The Judiciary and NLCS delineate their respective jurisdictions in land dispute settlement



Joint sitting of the Task Force members

A taskforce, constituting of members from both the Judiciary and the National Land Commission Secretariat was formed to deliberate on the jurisdictional issues and the problems confronted by the National Land Commission Secretariat in resolving land related disputes.

It was agreed that as per section 45 of the Land Act, 2007, National Land Commission Secretariat shall entertain cases pertaining to discrepancy between

- Thram,
- cadastral records and/ or
- the area occupied on land and
- resolve them in accordance to section 46 to 50.

In addition to above, the members consented on the fact that the NLCS shall prosecute those who have encroached upon state land as per section 299(a) of the Land Act, 2007.

Therefore, it was clarified that as per sections 45 to 50 of the Land Act, 2007 the authority in matters concerning all disputes relating to Thram, cadastral records and /or the area occupied on ground, is within the Secretariat prior to filing of the case to a court of competent jurisdiction.

The meeting also proposed that the Judiciary shall entertain the following four types of land cases

out of 18 different cases identified by the taskforce:

- Sale and Purchase,
- Inheritance,
- Easement and
- Appeals from the decision of the Dispute Settlement Committee instituted at the Secretariat.

As such, the joint sitting of the Judiciary and the NLCS had turned out to be a successful one, resolving the jurisdictional issues once for all between the two agencies.

Refer sections 46 to 50 at Know your Land Act Column P(12).

Samdrupjongkhar Thromde gets new Lagthrams

The Chief Land Registrar of Urban Land Division handed over 9785 Lagthrams of Samdrupjongkhar Thromde to the Land Registrar Namgay Wangdi on 7th May, 2015.

Similarly, on 12th April 2015, on behalf of the Secretary, Mr. Yeshey Dorji, the Officiating Secretary handed over 248 Lagthrams of Trongsa Thromde, 105 thrams of Khuru Thromde, Punakha and 1152 thrams of Phuntsholing Thromde. Trongsa Dzungda, Phuntsholing Thrompon and Punakha LRO received thrams for their respective Thromdes.



Head of Urban Land Division handing over new lagthrams of SJ Thromde

Geographic Information Policy need under Discussion

A 6 day workshop on formulation of Geographical Information Policy of Bhutan was held from 30th March to 5th April 2015 in Phuntsholing. The main purpose of the workshop was to discuss with all stakeholders on the importance of having Geographic Information (GI) policy in place.

The deliberation and presentations revolved around the current system of GIS coordination. Most of the presentations highlighted the pressing issues that require a proper GI policy in the country. All the stakeholders attributed that the problems of different standards and related problems of GI are mainly due

to lack of a GI policy.

There were a total of 50 participants from 32 GIS user agencies from Government ministries, autonomous agencies, Corporations and NGOs attending the workshop.

Know the definition

1. Civil society organization means any organization registered as a civil society organization under the Civil Society Organization Act of Bhutan.
2. Commercial agriculture farm means the crop and livestock production for sale by employing modern production management and techniques established by an entrepreneur under the terms and condition certified by the Ministry of Agriculture.

Expertise from the Netherlands on Geographic Information policy

A group of experts from the Netherlands prestigious institutes had been in the country from 22 to 26 April, 2015 to assist the Centre for Geographic Information System Coordination (CGISC) in formulating the Geographic Information (GI) policy incorporating best practices of the world while customizing the policy to fit into the Bhutanese context.



Expertise from the Netherlands making presentation in a conference

The CGISC members were divided into two groups; the first looked at the preparation and reviewing of the draft policy statements and the second prepared detailed outline for some pertinent GI use cases in Bhutan. Cadastral and topographical services were identified as the primary use cases for Bhutan amongst a set of 18 identified use cases.

Definition of use case:

“Use case” means use of Geographic Information to plan, manage and monitor an activity of a particular agency whereby agency collects relevant geographic information and data useful in achieving their agency’s goals.

A collaboration between NLCS & Jigme Namgyel Polytechnic (JNP), Dewathang

1) Signing of MOU

The Memorandum of Understanding was signed between NLCS and JNP on 12th May, 2015. The main objective of MOU is to promote collaborative effort by the two agencies in the field of capacity development in surveying professionals within the country.

In order to achieve the above objective, the NLC would be

sharing resources and expertise in surveying with the JNP. It will also ensure that the surveyors trained in JNP are recognised and certified to be recruited by other agencies requiring surveyors.

Moreover, the JNP would provide an opportunity to upgrade qualification for those in service candidates through short term

training or medium term training programme.

Currently, JNP provides training in surveying, GIS and photogrammetry at Diploma level.

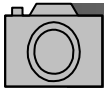
.....continued at Page 4

2) Lecture session at Jigme Namgyel Polytechnic

With the increasing demand of geospatial data and professional surveyors in the country, Jigme Namgyel Polytechnic(JNP), Dewathang has started the first batch of Diploma in surveying starting from July 2014. In order to impart the holistic knowledge in surveying, JNP has formally signed the MoU with National Land Commission (NLC) for all the technical supports. Since, being the first batch in

surveying, JNP does not have the full strength of faculties to take the complete modules as prescribed in the syllabus. NLC is requested to send the adjunct lecturer to take the cartography module in their second semester. Accordingly Mr. Biswanath Pradhan, Head, MPD was nominated by 72nd HRC meeting of NLC as the adjunct lecturer to take up the Cartography Modules.

Mr Biswanath Pradhan has successfully completed the lectures on cartography wef 18th May 2015 to 17th June 2015. Fundamentals of cartography, cartographic concepts, cartographic techniques, map projections, depiction of names and map design are the broad topics covered in lectures. There are 36 trainees in first batch for Diploma in surveying.



Snapshot from the Netherlands



From left: Front– Mrs. Sonam Zangmo, MOWHS, Mr. Sonam Tshewang, Thimphu Thromde Office, Mr. Pema Chewang, Secretary of National Land Commission, Gungsang Wangdi, Program Officer, Sangay Wangchuk, Land Registrar, Tshering Penjor, Head of Topographical Division.

Behind from left: K.B.Tamang, Specialist of Map Production Division, Kencho Wangdi, Head of Legal Services, Yeshe Wangchuk, GIS Officer, Bhutan Power Corporation.

The above team visited the Dutch Kadaster Office, Municipality of Apeldoorn, University of Twente and University of Amsterdam to get first hand experience of Geospatial Information applications

Thram's Corner

History

The Government decided to conduct a resurvey of landholding in the country during the 52nd Session of the National Assembly. Accordingly, the cadastral mapping using Plain Table (PT) started in 1979 from Paro and ended in 1997 from Zhemgang. The Acre Thram was the basis, but actual boundaries of the land parcel were shown by the landowners. The entire land parcel were assigned with identifier numbers (Plot Numbers) The parcels were surveyed, mapped and prepared the Draft Thram.



Plain Table with RK1 survey machine

Mapping the social malady

By Yeshi Dorji, Chief Survey Engineer



Some of the houses look very welcoming and appear to have people living in the house but left unoccupied for long duration

The ramification of Bhutan's transition into a developing nation pervades to the very root of its social fiber. The Local Governments are expressing concerns on the increasing cases of *Gungtong* or unoccupied houses in the villages. This is now regarded as a pressing social issue, for which there is no specific solution. There are many causes though! Some of the common causes are rural-urban migration, lack of manpower, aging of farming populace and

so forth. The implications are following of farmland, wildlife menace, food shortage, crowding in urban areas, difficulty in maintaining rural infrastructure and the list goes on.

While everyone acknowledges *Gungtong* as a social issue, no serious study has been done so far. Therefore, the National Land Commission Secretariat is mapping *Gungtongs* in the country to carry out multi dimensional analysis of the correlation be-

tween prevalence and multitude of cause factors. This will perhaps be the main baseline data for any subsequent studies and policy interventions.

This important exercise is supported by the International Centre for Integrated Mountain Development (ICIMOD). The field survey is being carried out by five graduate interns. They have completed survey in three Dzongkhags and is currently in Mongar Dzongkhag.

NLCS/LRD(3)2015/2666

Date: 13/5/2015

Notification

This is to notify that till date Dzongkhag and Drungkhags issued construction approval based on the Chazhag Thram which has resulted in numerous problems of encroachment either on State land or on neighbour's land. Therefore, in order to avoid such problems in future Dzonkhag on receiving application from landowners through gewogs Dzongkhag may instruct Surveyors to verify cadastral map with Thram and demarcate the area for house construction. On ensuring that the land for construction does not encroach on the state land or neighbour's land Dzongkhag Administration may issue construction permit to land owners.

Secretary

Integrated Training Programme for NLCS Staff

Integrated Training Programme for NLC staff has been initiated in collaboration with Royal Bhutan Police training centre at Tashigatshel, Chhukha. The main objective of the training is to improve physical fitness and endurance and instil discipline in the course of service to TSA-WA-SUM. The training module encompasses outdoor classes for physical training and indoor for lectures on various relevant subjects.

Till date, 3 batches have completed their training and the



*Batch I
Team Leader: Mr. Ugyen Tenzing,
Specialist/ Program Director, Rehab.*

team composition is 35 participants per batch. The duration of training programme is 3 weeks.



*Batch II
Team Leader: Mr. Choki Khorlo
Specialist, International Boundaries*

*Batch III
Team Leader: Mr. Kinley Tshering
Map Production Division*



The Secretary clarifies land issues during 8th Annual Gup's Conference

The Secretary and officials of National Land Commission met with Gups of 205 gewogs during the 8th Conference of Dzongkhag Tshogdu and Gewog Tshogde Chairman held in Thimphu on 16th June 2015. Following were some of the common issues raised by Gups:

- Ancestral land actively cultivated but not in Thram and not eligible for registration during the resurvey exercise.
- Land acquisition for developmental activities not being implemented as per the provision of the Land Act 2007 and consequently increasing the number of pending satshab cases.
- Need for amendment of the Land Act's provision pertaining to non eligibility of land substitution for land below 10 decimals acquired by the government.
- NLCS and Dzongkhag administration need to give support to the local authority in tackling illegal encroachment on State land and construction of house on chhuzhing.
- Need for land substitution for lands falling under right of way for laying public infrastructure such as power line where public are re-

stricted to develop structure.

The Secretary informed and clarified the Gups that ancestor land cultivated till date but not registered in the Thram would have to be referred to old records of the Thram and shall be dealt as per the provision of the Land Act.

In response to the land acquisition issue the Secretary clarified that Secretariat had deployed reinforcement team from headquarter to clear the pending satshab cases in 20 Dzongkhags. The team has already completed their task and report had been compiled. He also informed that henceforth the provision of the Land Act will be strictly followed and assured that land substitution and compensation will be provided before acquiring private land.

The Secretariat noted the proposal from Local Government on the need to revise provision of the Land Act with regard to non eligibility of land substitute for land acquired below 10 decimals and submit to the review committee in future.

The officials from the Secretariat clarified the issue pertaining to the land falling under right of way for public utilities that although settlement is strictly prohibited under the power lines there is no provision which restricts it from be-

ing cultivated.

The Secretary also informed the house that the Secretariat is undertaking thorough study on the impact of leasing State land and developing a mechanism where limited State land would benefit the community at large rather than individuals.

Gups were also informed that as per Royal Command NLCS in collaboration with RBA has begun the third phase of NCRP starting from Punakha on 20th April 2015 to take up the pending and absentee cases.

He also shared the plan to further strengthen the human resource at the Dzongkhag level and to bring the professional land service at the Gewog level to deliver better land service to the public. The officials in the land record sector in the Dzongkhag will be trained through the support of government of India fund.



**Got any enquiry
regarding your land?**

**Get your doubts clarified
by dialling toll free number
152 during office
hours.**

From Dzongkhag Land Sector: Training of Local Leaders on land transaction procedures

By Gyembo
Dzongkhag Land Registrar
Trashigang

Until the Lagthrams of Trashigang Dzongkhag were issued land transactions had been withheld so far. However, following the issuance of Lagthrams to the landowners by end of 2014 the land transaction could commence from April 2015 having received a circular from the NLCS.



Local leaders of Merak, Sakteng and Phogmay gewogs undergoing training

With introduction of online land transaction system known as E-sakor it was important for the public and landowners to know the system and its functioning. Therefore, in March 2015, the Mangmis of 15 gewogs were trained on various land services and transaction procedures.

The gewogs were still not confi-

dent enough to handle the land transaction works and LG officials faced difficulty in filling up the land transaction forms. The issue was raised by the Gups during the 7th Dzongkhag Tshogdu held on 16th & 17th May 2015. Gups expressed the requirement of training on land

transaction procedures for LG Officials. The Dzongkhag Land Sector had agreed to train all the LG officials including Gups, Mangmis, GAOs, Gaydrungs, Tshogpas and selected educated villagers on the land transaction procedures and practical usage of transaction forms.

Batch	Date	Venue	Gewogs
I	12 to 13 June 2015	Phogmy GT Hall	Phogmey, Merak, Sakteng
II & III	15 th to 18 th June 2015	Dzongkhag Tshogdu Hall	Yangner, Samkhar, Udzorong, Bartsham, Bidung, Radi & Shongphu
IV	20 th to 21 st June 2015	Thrimshing GT Hall	Kanglung, Khaling, Lumang, Thrimshing & Kangpara



Local leaders of Bartsham, Bidung, Radi & Shongphu (left), Kanglung, Khaling, Lumang, Thrimshing & Kangpara gewogs

ICT for Land Administration and Management

The NLCS in consultation with IDA and SLA had conducted a workshop on ICT for Land Administration and Management from 29th June to 3rd July 2015. The workshop was attended by 25 participants for the initial two days by different stakeholders from NLCS, Department of IT and Telecom (MoIC) and Thimphu Thromde. During the workshop the resource persons from SLA presented on Land Administration and Management systems in Singapore.



Workshop participants

During the remaining three days, a task force consisting of members from ICT Section, Cadastral Information Division, Rural Land Division, Urban Land Division and Land Lease Section was constituted to conduct an in-depth analysis of the e-

Sakor systems prevalent in NLCS. The resource persons from the SLA rendered technical support to the task force members in diagnosing the issues associated with the systems.

At the end of the workshop, the task force members in consulta-

tion with the SLA resource persons produced a summarize report on the issues confronted by the systems along with recommendations to address them within a certain time frame. The deadline for the final report is set as end of July, 2015.

Human Resource System launched in NLCS

The Secretary launched HR System for NLCS staff on 17/6/15. The system was developed by IT Section of the Secretariat in collaboration with DIIT, MOIC.

The system would record daily attendance of an employee by logging in the system and record time of leaving office for home. An employee can also request leave using the system and the supervisor can approve or reject the leave. The report of daily or monthly attendance can be generated by the system. Other fea-

tures in the system includes:

- **Personal Information System**
Individual can view and edit certain information while Human Resource Officer has the right to view, update and edit all staffs information, such as promotion, award of medal, superannuation and disciplinary action taken.
- **Training Records**
Individual can view and request for training whereas HRO has the right to approve/ not to approve training and update individual training history.

- **Office Asset Inventory**
An employee can view and update their office assets and the administrator can view staff's assets.
- **Online Dispatch System**
When an official letter is sent the dispatch number is automatically generated by the system itself but need to add the details of it. Besides, the receipt of official letters from other agencies are also recorded in the system that can be traced easily in future.

Floral Respite

By Yeshi Dorji, Chief Survey Engineer, Cadastral Information Division

Growing flowers, for many, is a task easier said than done. It takes genuine passion, hard work and devotion. For Hari Maya it is a job that fills every day of her life with joy.

Hari joined National Land Commission Secretariat in 2008, after her husband who was a survey field assistant, passed away. The responsibility of upbringing three school going children fell on a singlehanded housewife. Fortunately, she was recruited as a gardener.

Since then, the job became her passion and joy. She has filled the huge premises of NLCS with hundreds of species of beautiful flowers that appear to bloom almost throughout the season. Every space is filled with something colorful. She not only renders motherly care to the flowers in the garden, but also the ones in the pots in countless rooms.

Her effort is indeed a floral respite to hundreds of people working and visiting this important institution. It is a befitting exterior complement to the relentless internal effort of NLCS to excel its services. It transcends much beyond mundane office business.



Physical Map of Bhutan



Legend

- ▲ Mountain
- Dzongkhag Headquarter
- ★ Capital
- ✕ Pass
- Road
- Dzongkhag Boundary
- International Boundary
- River
- High, cold mountains
- Cool, high central valleys and mountains
- Hot, low valleys and foothills



Scale 1 : 500,000
0 5 10 Kilometers

KNOW YOUR LAND ACT

The Land Act of Bhutan 2007

- Section 46:** The Surveyor General of the Commission Secretariat shall institute an investigation Committee consisting of representatives from the Commission Secretariat, the concerned Local Authority where the land is located, and a minimum of three senior citizens from the locality appointed by the Local Authority.
- Section 47:** The Local Authority, in writing, shall notify the landowners concerned of the discrepancy and the investigation.
- Section 48:** The Investigation Committee shall submit its report to the Commission Secretariat within 60 days of receiving the order of investigation and also distribute the report to the affected landowners.
- Section 49:** In the event any landowners contest the area of the land determined by the by Investigation Committee, they shall file an objection to the Investigation Committee within a period of 30 days of distribution of the report. Under such circumstances the Investigation Committee may carry further investigations and shall submit its final report within next 30 days after submission of any objection. If no objection is filed within the stipulated period, the decision by the Investigation Committee shall be deemed binding.
- Section 49:** Based on the findings of the Investigation Committee, the Thram and Cadastral map shall be corrected as follows:
- If the registered area in the Thram is less than area occupied on the ground and the boundary coordinates aor boundary markers confirm the area occupied on the ground, the landowner shall be entitled to the excess area if he so desires.
 - If the registered area in the Thram is more than the area occupied on the ground on the ground and boundary coordinates or boundary markers confirm the area occupied on the ground, the Commission shall correct the Thram according to the actual area on the ground.
 - If the cadastral map is wrong, the actual area on the ground as defined by the boundary coordinates and/ or boundary markers shall prevail and it shall be rectified in accordance to Sections 50 (a) and (b) of this Act.
 - The landowner shall pay tax to the Government on the excess area in case of Section 50(a) of this Act and the Government shall refund the excess tax paid by the landowner in case of Section 50(b) of this Act, by keeping the year during which the erroneous Thram was issued as the base year.

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Please visit our website:
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