

National Land Commission Secretariat
Cadastral Surveyors Licensing Board
Licensed Surveyor Examination

Paper II: Legal Framework

Date: 30/11/2022 **Time:** 3 hours **Total marks:**100 **Roll No:** 2

Read the following instructions carefully:

1. Invigilator shall provide four digits roll no during the examination. Write it clearly on space provided in the question paper and answer sheet.
2. Question paper will be distributed 15 minutes prior to **10:00 AM**, which shall be commencement of 3 hrs. writing time. This time must be used to check number of pages, read instructions and clarify doubts.
3. Paper consists of 4 pages and 2 parts, A and B. Part A carries 30 marks with 3 sections and Part B carries 70 marks with 7 sections. Answer all questions.
4. Mark is given at the end of each question or section.
5. Specific instruction is given for each section under part A. Answer in question paper itself. Read general instruction which is meant for all sections under part B and answer in the answer sheet.
6. You must handover the papers to invigilator before leaving the examination hall.

Good Luck

Part A

Section I- State whether the given statement is True or False. Write T for true and F for false. Each correct answer carries 1 mark. **(10 marks)**

1. The Land Act of Bhutan 2007 was enforced on 1st January, 2007. ()
2. Tseri is one land type as per the Land Act 2007. ()
3. A plot in one location can be registered in any administrative jurisdiction. ()
4. All surveyors can undertake cadastral surveying. ()
5. Thram registered as individual ownership belongs only to that individual. ()
6. *Section 92* of the Land Act 2007 states that Land owner can apply for conversion of 50 decimal of chhuzhing as rural residential land under any circumstance. ()
7. Minimum size of plot required for subdivision in rural area is 10 decimals. ()
8. Surveying equipment must be calibrated at least once in two years. ()
9. Thram can be annulled if a landowner fails to pay land taxes for 3 consecutive years. ()
10. Last internal agreement is legally valid in case of multiple transactions. ()

Section II- Fill in the blanks with missing word or words. Each correct answer carries 1 mark. **(10 marks)**

1. Mortgaged plot can be transferred based on as a result of default of mortgage.
2. The land ceiling of a family can be monitored by the unique..... assigned under the.....

3. Subdivision of transacted plot must be carried out withinafter completion of public viewing.
4. Contiguous plots of belonging tocan be consolidated into one plot.
5. Name of land owner in the thram can be corrected based on.....
6. Lease of state land should not exceed more than.....years.
7. The Property Ownership Transfer Act was introduced by.....in the National Assembly on.....,2020.

Question III: Circle the correct answer. Each correct answer carries 1 mark. (10 marks)

1. Property transfer tax is exempted if the land transaction is:
 - Sale/Purchase
 - Auctioned plot as per the court verdict
 - Transaction to registered religious organization
 - Transaction to relatives under different census
2. Which agency approves land conversion from Chhuzhing to other uses?
 - Ministry of Agriculture and Forests
 - National Land Commission Secretariat
 - Ministry of Economic Affairs
 - Ministry of Works and Human Settlements
3. Which of the following offences doesn't fall under "*Offence of Felony*"?
 - Registration of land for foreigner
 - Unlawful deletion of cadastral map
 - Altercation of thram data without approval
 - Selling kidu land before 10 years of registration
4. Land category not listed in the Land Act 2007 is-
 - Residential land
 - Recreational land
 - Commercial land
 - Zhungdrel Khochey Sacha
5. Identify attribute which is not a content of thram.
 - Ownership Type
 - Plot No.
 - Marker No.
 - Boundary coordinates
6. Which factor is not considered for land contribution while preparing local area plan?
 - Land required for infrastructure

- Land required for reserved plot
 - Area of contributing land
 - Land holding of individual land owner
7. What transaction fee is applicable for Trashigang town?
 - Nu. 1000/-
 - Nu. 400/-
 - Nu. 700
 - Not applicable
 8. Thram must be transferred upon demise of thram holder within
 - 365 days
 - 360 days
 - 350 days
 - 340 days
 9. What distance must be maintained by a Land owner to lay underground water pipe from his parcel boundary?
 - 2 meters
 - 1 meter
 - 2/4 meter
 - ¼ meter
 10. Which ownership category is exempted from land tax?
 - Gerab dratshang
 - Crown Property
 - Government institution
 - Civil society organization

Part B

Instruction-write the section no and question no in the answer sheet before answering. Note that the Land Act of Bhutan 2007 is hereafter referred as the LA 2007.

Section IV.

1. What is Chhazhag Sathram? What are 2 main components of it? **(2 marks)**
2. List any six land categories for registration as given in the *section 19* of LA 2007. **(3 marks)**
3. Who can access to thram and map data? **(2 marks)**
4. Outline legal aspects to be considered while undertaking plot subdivision. **(3 marks)**

Section V.

1. State land owner's right to registered land as provided in the *sections 86-88 of LA 2007*. **(3 marks)**
2. How land dispute must be settled as per the *sections 56 and 57 of LA 2007*? **(2 marks)**
3. What is boundary discrepancy? What are some evidences you will use to investigate and resolve discrepancy? What weight will you give to evidences? **(5 marks)**

Section VI. Each question carries 2 marks.

1. What is “*legal coordinated cadastre*”? Name one country which practices it.
2. Explain arbitrary survey. Can it be practiced for boundary survey? Why?
3. What 3 things need to be considered for correcting cadastral map as per occupied position?
4. Boundary has been shifted by 8 cm. Owner has put up complaint to your office. What will be your decision? Why?
5. Why coordinates are printed in lag thram? Which boundary points must be selected to print coordinates? Mention significant number used in printing. Why?

Section VII. Each question carries 2 marks.

1. What is definition of “customary right of way” as per the *section 268 of LA 2007*? How easement can be captured in cadastral and thram database?
2. Define Dominant and Servient lands.
3. State restrictions of dominant and servient land owners.
4. State how servient land can be freed from easement.
5. Describe how servient land owner can move easement to another part of his land.

Section VIII. Each question carries 2 marks.

1. Explain land owners’ rights to fruits from trees grown on common boundary.
2. Outline legal things to be considered while straightening common boundary.
3. *Surveyor unlawfully alters cadastral map*. What offence is committed? What penalty will be imposed?
4. If a peg is removed illegally, then what type of offence is committed? State resulting fine.
5. *Surveyor is obstructed by a land owner to enter his land*. Explain type of offence and penalty.

Section IX.

1. Who is liable to pay property ownership transfer tax? **(1 mark)**
2. Mr. X has declared sale value of Nu. 2,00,000 for 10 decimal lands. Land is located in Samdrup Jongkhar thromde where PAVA rate per decimal is Nu. 30000. Determine property ownership tax. What will be the total amount paid for transaction after getting lagthram? **(5 marks)**
3. Five storied building is constructed on a plot of 10 decimal. Each floor consists of 4 units. Mr. X owns 7 units. What is his proportionate land right? How additional floor can be added? What will be impact on Mr. X’s land rights? **(4 marks)**

Section X.

1. Describe principle and formula to calculate land contribution. **(3 marks)**
2. Find land pooling percentage if the required area for infrastructure is 100 acres, reserved plot is 300 acres and total available registered land is 1000 acres. **(2 marks)**
3. What do you understand by developed plot, reserve plot and residual land? **(2 marks)**
4. Mr. X has written to your office that his plot has been drastically shifted while preparing local area plan. Describe course of action you will take to investigate his claim? **(3 marks)**