



## **Guideline for plot boundary realignment/reconfiguration**

**(Endorsed on August 27, 2021)**

## Acronyms

1. LICM : Land Issue Committee Meeting
2. NLCS : National Land Commission Secretariat
3. LG : Local Government
4. SL : State Land
5. SRF : State Reserved Forest

## Definition:

**Realignment/Reconfiguration:** Adjustment of common parcel boundaries between two or more  
Parcels OR adjustment of parcel boundary with SL/SRFL;

**Steep Slope:** Land with gradient greater than 45 degrees as per section 55 of Land Rules and  
Regulation of the Kingdom of Bhutan 2007

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## **1 Introduction**

The NLCS and the LGs are grappling with numerous cases related to plot realignment post NCRP and after issuance of new Lagthram. The majority of such proposals come from rural areas where the plot shapes are not convenient for development purposes as the land in rural areas were mainly used for agricultural purposes in the past. In addition, the difficult terrain of the country makes it even more challenging to make optimum utilization of the available land for development purposes. Other compelling reasons for reconfiguration of plot boundaries include land affected by high tension electric structures, construction of roads and other public utilities, land falling in high hazard zones, structures falling partially on state land etc.

The reconfiguration of such plot boundaries will facilitate improvement of the overall development plan which in turn will enhance the land value, ultimately improving the life standard of the people and creating social harmony. Furthermore, improving the cadastral plot shapes will improve the overall quality of the cadastre.

At present, due to lack of a realignment guideline, the realignment proposals are studied on a case by case basis and are subject to individual judgment. Therefore, often, cases of similar nature are treated differently and hence the decisions do not become consistent all the time.

Thus, in line with the provision of Section 33 of Land Act 2007, which states that “*The Commission Secretariat shall affect minor realignment in the boundary in order to minimize the number of points that need to be recorded. However area shall remain the same*”, it is timely and appropriate to develop a general guideline to address the Plot reconfiguration/realignment cases.

## **2 Scope and Limitation**

This guideline shall apply to all cases of plot boundary realignment/reconfiguration superseding any previous circulars and executive orders.

Here, realignment/reconfiguration means:

- i. Adjustment of common boundaries between two or more parcels;
- ii. Adjustment of parcel boundary with SL/SRFL;

This guideline will not cover the case of value-based land adjustment and Plot relocation and,

The appellate cases and those which cannot be decided at department level shall be submitted to the LICM.

### **3 Objectives**

The main objective of this guideline is to define the qualifying criteria and a uniform procedure for plot boundary reconfiguration/realignment in order to deliver a fair and consistent service to all.

Apart from this, the general objectives are as following:

- i. To provide a legal basis for the implementation
- ii. To improve the overall developmental plan
- iii. To streamline the realignment procedure
- iv. To correct technical errors
- v. To improve the quality of the overall cadastre.

### **4 Criteria**

#### **4.1 Plots affected by Public utilities**

The plots affected by construction of public utilities such as water canals, drains and sewerage shall be considered for realignment if there is adjacent vacant state land for adjustment since the utilities are for public use.

#### **4.2 Access Provision**

Plots, especially in rural and unplanned areas, have access issues since there is no development plan. As per section 271 of Land Act 2007, a landowner has the right to pass through the surrounding plots if his land has no access to a public way or his/her other land. Therefore, plot realignment with adjacent vacant state land (if available) in order to provide access road to the neighboring plots shall be considered so as to benefit the community.

#### **4.2 Plots affected by high-tension cable pylons, transmission towers and electric – substations (electric structures).**

Plots affected by electric structures such as high-tension cable pylons, transmission towers and electric substations have development restrictions as per safety regulations of Bhutan Electricity Authority. However there is no provision for exchange or satshab for such plots. Since these electric structures are for public use/benefit, adjustment from stateland through plot boundary reconfiguration shall be considered if there is adjacent

vacant state land. A supporting letter from BPC confirming the existence of the electric structure with details of voltage and minimum setback requirements shall be submitted.

#### **4.3 Plots partially falling in High Hazard Zones (steep slopes, marshy, unstable, landslide prone area etc)**

As per section 117 of Land Act 2007, lands affected by natural calamities are eligible for exchange with SRF land. However, if a part of the plot falls in high hazard zones such as steep slopes, landslide & flood prone area, marshy, unstable etc, it is recommended to adjust the affected land from the adjacent vacant state land since this will avoid allotting satshab from isolated SRF land. Such realignment proposals shall be verified by the Dzongkhag/Thromde Land committee.

#### **4.4 Plots partially falling in buffer zone (road, river, stream, water source etc)**

Plots partially falling within the road right of way and river buffer shall be considered for realignment if there is adjacent vacant state land for adjustment by maintaining the minimum buffer defined by the relevant authorities.

#### **4.5 Structure partially falling on state land**

Realignment proposals due to structures falling partially on state land shall be considered for cases before 2017 when Khimsa demarcation was not mandatory while those proposals after 2017 shall be dealt as per encroachment guideline. However, minor overlaps due to technical errors shall be considered upon thorough verification.

#### **4.6 Irregular plot shape**

Most of the rural lands have very narrow width, zigzag boundaries and distorted shapes since it was mainly used for agricultural purposes and such plot shapes are not fit for development. Reconfiguration of such plot boundaries shall be considered if there is adjacent vacant state land for better utilization of the land. However, if the plot shape was distorted due to subdivision, such realignment proposals shall not be entertained.

#### **4.7 Realignment between Chhuzhing & Kamzhing**

Realignment between chhuzhing and Kamzhing may be considered if the realignment does not have adverse impact on the other chhuzhing around the proposed chuzhing plot and,

Realignment of khimsa (converted from Chhuzhing) with parent Chhuzhing shall be allowed in case of minor structure overlap during construction.

#### **4.8 Consolidation of undersize plots**

If two or more plots belonging to the same land owner and of the same land category are separated by state land in between, and if this state land cannot be used as an independent plot on its own, consolidation of the plots through plot boundary realignment shall be considered in order to make optimum utilization of the available land. However, this shall apply only to plots located in the same neighborhood.

#### **4.9 Technical errors**

Realignment due to technical errors such as plot boundary overlaps between administrative boundaries, between private plots boundaries, location errors shall be considered after thorough verification.

### **5. Delegation of Power (DoP)**

Realignment between registered land shall be approved at Division Level (Cadastral Information Division) while cases involving state land shall be approved at Department Level (jointly by DoSAM & DoLAM)

Realignment cases due to technical errors shall be approved at Department level (DoSAM)

The appellate cases shall be submitted to the LICM.

The realignment cases for public interest shall be initiated by Local Government.

### **6. Terms and Conditions.**

- i. Pursuant to Section 33 of Land Act 2007, reconfiguration of plot boundaries shall not alter the Total Thram area of the participating parcels.
- ii. Reconfiguration shall not create trapped land.
- iii. Plot boundary realignment shall be allowed only for one time unless it is in the public interest
- iv. All realignment proposals shall be routed through LG
- v. Realignment should not affect the state, community and individuals (Zhung,Mang Gyer sum).

- vi. All the parties involved shall agree to the realignment;

## 6. Procedure

The procedure for plot boundary realignment is as follows:

1. The applicant shall submit a written application to the Dzongkhag/Thromde with valid reason for realignment.
2. The official shall verify the application and if it qualifies the criteria specified in section 4, shall make ground verification. If found genuine, they shall submit the proposal with all necessary documents to HQ for review and approval
3. Service fee shall be calculated as defined by this Guideline.
4. Survey shall be carried out in presence of land owners and LG and complete the survey report form.
5. If approved, the changes shall be updated in the Cadastral Geo-database and new Lagthram shall be forwarded to Dzongkhag/Thromde.
6. Dzongkhag/Thromde shall replace the Lagthram and dispose of the old lagthram.

## 7. Service Fee Calculation

Section 315 of the Land Act 2007 empowers the Commission Secretariat to levy service fees and charges wherever relevant. Therefore, a minimal fee shall be collected for the plot realignment services. Since it involves field survey, the structure of cost calculation shall comprise of the following:

Sl. No	Details	Daily Wages	No of days	Amount
1	DSA for Surveyor			
2	DSA for SFA			
3	DSA for LRO(if applicable)			
			<b>Total</b>	

\*\*\*No charges shall be levied from the applicants for correction of technical errors as per Section 288 of Land Rules and Regulations of Kingdom of Bhutan 2007.



## **8. Annexure**

### Annexure 1: Checklist

The realignment proposal shall include the following documents:

1. A written application that describes the reason for the realignment of the boundary
2. Completed service fee calculation form (PR Form)
3. A copy of the receipt for the fee collected.
4. All associated documents and technical files.
5. Photos as supporting documents wherever necessary

Annexure 3: Service Fee Calculation Form (PR Form)

Annexure 4: Survey report form (Others)