

Guideline on Freezing of Thrams

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1. Background

Land administration in Bhutan is governed primarily by the Land Act of Bhutan 2007, which clearly outlines processes for land registration, ownership transfer, and dispute resolution. However, there is currently no explicit provision in the Act that addresses the “freezing” of a Thram or specific land plot.

The National Land Commission Secretariat, hereinafter referred to as the Commission Secretariat, has been receiving a growing number of requests for the freezing of Thram from a range of stakeholders, including the Judiciary, the Anti-Corruption Commission (ACC), the Office of the Attorney General (OAG), government agencies, and landowners. These requests typically arise in situations involving land disputes, inheritance conflicts, pending court cases, suspected fraudulent transactions, or administrative reviews requiring verification of ownership or boundaries.

In the absence of a formal legal provision, such requests are often handled on a case-by-case basis. This has resulted in a lack of uniformity in how freezing of Thram/plots is addressed, leading to inconsistencies in application, uncertainty among landowners and stakeholders, and potential concerns regarding transparency and fairness.

The absence of clear guidelines also exposes institutions to legal and administrative risks, as decisions to restrict land transactions may be questioned due to the lack of a defined legal basis, standard procedures, or specified timeframes. Furthermore, without documented procedures, there is limited clarity on roles and responsibilities, and criteria for imposing or lifting a freeze.

In view of the above, this Guideline has been developed to establish a standardised and transparent framework for the freezing and lifting of Thram or specific land plots. It provides for the circumstances and criteria under which a freeze may be imposed, the procedures for its implementation and removal, the roles and responsibilities of relevant agencies, and appropriate timeframes to ensure that such restrictions are applied in a fair, accountable and consistent manner. The Guideline has undergone legal review and was deliberated during the 5th and 14th PPPCM, and subsequently approved at the 15th PPPCM meeting held on 29th July, 2026. The approved guideline underwent further review by the Legal Division on 2 October 2026.

2. Title

- a. This Guideline shall be called the Guideline on the Imposition of Freeze on Thram, hereinafter referred to as the Guideline.
- b. This Guideline shall come into effect from the date of notification by the National Land Commission Secretariat.

3. Legal Basis

- a. This Guideline is formulated under the authority vested in the National Land Commission Secretariat under Section 6 (a) and Section 10 (h) of the Land Act 2007, which empowers the NLCS to formulate rules and regulations.

4. Objective

The objective of this Guideline is to:

- a. Establish a standardised and transparent process for the imposition of a freeze on Thram, plots, and flats;
- b. Define the authority, procedures, and conditions governing such actions;
- c. Ensure consistency in implementation across all administrative levels;
- d. Safeguard the rights and interests of landowners and stakeholders.

5. Scope

This Guideline shall apply to:

- a. All requests made by landowners and all orders issued by the Royal Court of Justice, Competent authorities, or Government Agencies for the freezing of Thrums, Plots, and Flats.
- b. All categories of ownership, including individual, joint, and family ownership;
- c. All administrative levels, including Dungkhag, Dzongkhag, Thromde, and the National Land Commission Secretariat (NLCS).
- d. This Guideline shall not override any existing laws. In case of conflict, orders issued by competent judicial or statutory authorities shall prevail.

6. Classification of Freeze

6.1 Voluntary Freeze by Landowners

A landowner may request the imposition of a voluntary freeze on his or her Thram, plot, or flat under the following conditions;

- a. Individual Ownership – upon submission of an application affixed with a legal stamp and bearing the thumb impression of the Thram holder, or through a valid power of attorney;
- b. Joint Ownership – upon submission of an application with the written consent of all joint owners;
- c. Family Ownership – upon submission of an application by the Thram holder together with no objection from all household members aged 18 years and above.

6.2 Freeze Request by Third Party

- a. In cases where the request is made by third parties, the requesting party shall submit a valid injunction order from a court of competent jurisdiction confirming that the matter is sub judice. (This requirement is in accordance with the bilateral meeting held with the Judiciary on 12th April, 2024).

6.3 Freeze by Concerned Land Sector or Division at the National Land Commission Secretariat

The concerned Land Sector or the Division at the Commission Secretariat shall impose a freeze on a Thram, plot, or flat based on the decision of the Land Dispute Settlement Committee (LDSC) of the respective Local Government (LG) or the NLCS under any of the following circumstances:

- a. Where there are pending land disputes, outstanding land tax arrears, or ongoing investigations affecting the Thram, plot, or flat;
- b. Where judgment or decision enforcement is pending (If communicated to NLCS by the Royal Court of Justice).

6.4 Freeze by Competent Authorities

A Thram, plot, or flat may be frozen upon receipt of a written order or instruction from any of the following competent authorities:

- a. The Royal Court of Justice;
- b. The Anti-Corruption Commission;
- c. The Office of the Attorney General;
- d. The Royal Bhutan Police; or
- e. Any other Government agency authorised by law to require the freezing of a Thram, plot, or flat.

7. Legal Consequences of Freeze

- a. A freeze imposed under this guideline shall prohibit all transactions, registration of mortgages, and issuance of Lagthrams relating to the affected Thram, plot, or flat until the freeze is lifted by the issuing authority or the requesting individual.
- b. The landowner shall continue to be the registered owner of the property and shall remain responsible for all existing obligations relating to the land, including land tax, mortgage obligations, lease obligations, and other liabilities arising under applicable law.
- c. Existing mortgages, liens, leases, court orders, or other registered encumbrances shall remain recorded and effective unless otherwise ordered by a competent authority or dealt with in accordance with applicable law.

8. Responsibility of Freezing and Unfreezing Thrans

- a. The responsibility to impose or lift a freeze shall rest with the respective dealing official at the NLCS, Dzongkhag, Dungkhag or Thromde upon receipt of a written order or instruction from a competent authority, a decision of the LDSC, or a request from the landowner, provided that all prescribed formalities have been duly completed.

9. Procedure for Imposing Freeze on Thrams

9.1 Voluntary Freeze by Landowners

- a. The landowner or his authorised representative shall submit an application for the freezing of a Thram, plot, or flat to the concerned land sector at Dungkhag, Dzongkhag or Thromde or the Commission Secretariat.
- b. The applicant shall clearly state the reasons for the request and the proposed duration of the freeze.
- c. Where the Thram, plot, or flat is subject to an existing mortgage, the applicant shall submit the written consent of the concerned financial institution (FI) prior to the imposition of the freeze, along with the application.
- d. Upon receipt of the application, the concerned authority at the Commission Secretariat, Dzongkhag, Dungkhag and Thromde shall verify and impose the freeze in the eSakor system.
- e. The designated dealing official shall upload all relevant documents into the eSakor system.
- f. The concerned landowner shall verify through the QR code in the Lagthrams to ensure that their request has been approved.
- g. Where the affected Thram, plot, or flat is subject to an existing mortgage, the concerned financial institution shall be notified in writing of the imposition of the freeze, together with the reasons for the freeze.

9.2 Freeze by Committee Decision

- a. The concerned LDSC of the Dzongkhag, Dungkhag, Thromde, or Commission Secretariat shall issue a written decision directing the imposition of a freeze.
- b. Upon receipt of the LDSC decision, the concerned authority at the Commission Secretariat, Dzongkhag, Dungkhag and Thromde shall impose the freeze in the eSakor system.
- c. Upon imposition of the freeze, the concerned landowner shall be notified in writing, with a copy to the FIs, if the property has an existing mortgage.

9.3 Freeze by Competent Authorities

- a. The competent authority shall issue a written order, directive, or instruction requiring the freezing of the Thram, plot, or flat.
- b. Upon receipt of such an order, the concerned authority at the Commission Secretariat, Dzongkhag, Dungkhag or Thromde shall impose the freeze in the eSakor system and upload all relevant documents into the eSakor system.

10. Release of Freeze

The designated dealing official shall lift a freeze upon:

- a. Receipt of a written request from the landowner(s) or their duly authorised representative(s); or
- b. Receipt of a written order, decision, or instruction from the competent authority or the LDSC that originally ordered or directed the imposition of the freeze.

11. Supremacy of Orders

Notwithstanding any voluntary freeze, orders issued by the Royal Court of Justice, ACC, or OAG shall prevail and may override or lift such freeze.

12. Service Fees

The following service fees shall be levied for voluntary freezing in accordance with Section 315 of the Land Act of Bhutan 2007:

1. Rural Areas: A fee of Nu. 100 per plot or flat per annum shall be charged.
2. Urban Areas: A fee of Nu. 300 per Thram, plot, or flat per annum shall be charged.

13. Miscellaneous

- a. All records of freeze and release shall be properly maintained;
- b. Misuse or fraudulent requests shall be subject to legal action;
- c. Any matter not covered under this Guideline shall be referred to the NLCS for decision.

14. Definitions

For this Guideline:

- a. Competent Authority:** Refers to agencies or institutions legally empowered to issue orders, including Courts, ACC, OAG, and relevant government bodies.
- b. Concerned Division:** The Division within the NLCS assigned to carry out the relevant task.
- c. Freeze:** Means the temporary prohibition on the transfer, mortgage, subdivision, or any form of transaction relating to a Thram, plot, or flat.
- d. Land Dispute Settlement Committee:** Means the Land Dispute Settlement Committee at the Local Authorities or the NLCS.
- e. Land Tax:** Shall mean the tax levied on land and property as prescribed under the Land Act, the Property Tax Act, and any applicable taxes payable under the Property Ownership Transfer Tax Act, as amended from time to time.
- f. Thram:** Means the land ownership record, including plots and flats, where applicable.