

LAND ACT

of Buthan

Note: In case of controversy between the dzongkha texts and their english translation, the dzongkha version will be treated as authentic.

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CONTENTS

	pages:
I Registration of Land in Thram	38-45
II Validity of Thram and Entitlement of Land	46-54
III Right of Possession	55-63
IV Cost of Land and Taxation	64-68
V Sale/Purchase and Exchange of Land	69-78
VI Government Land and Procedure for Allotment	79-92
VII Water Channels, Embankments and Roads	93-100
VIII Regarding Grazing Land	101-110
IX Matters Relating to Tsatong and its Allotment	111-117
X Cultivation of Land on Contract or Share Cropping Basis	118-138
XI Compensation for Crops	139-144
XII Encroachment of Land	145-152
XII Procedure for Donation of Land for Religious Purposes	153-163

CHAPTER I

REGISTRATION OF LAND IN THRAM

<i>Changes in the Thram cannot be effected contrary to the Act.</i>	Ka 1.1 - Changes in the Thram such as transfer of ownership, cancellation of registration, new registration, etc, cannot be done without adhering to the following articles of the Act.
<i>Authority for making changes in Thram.</i>	Ka 1.2 - Sale/purchase of land, inheritance, free gift, exchange of land, new allotment by the Government etc., required to be registered in individual person's Thram, will be done in the office of the Dzongdag/Dungpa only and not in any other place in accordance with Article Ka 1.3. (Amendment effected in Ka 1.3 in 1957 Thrimzhung).

Approval from Kidu Lyonpo for carrying out deletions and registrations in Thram as per recommendations of the courts.

Ka 1.3 - Transfer of ownership, cancellation of registration, new registration etc. required to be effected in the office of the Dzongda/Dungpa should be thoroughly investigated in the Thrimkhang. The Thrimpon will forward the application along with his endorsement to the Ministry of Home Affairs. After effecting necessary changes in the Chazhag Thram, the Home Ministry will inform the relevant Dzongkhag for effecting the changes in the Thram.

Procedure for changes of registration in the Thram.

Ka 1.4 - Sale/purchase and exchange of land etc. should be done as per Chapter V of the Act. New allotment of land from the Government, inheritance, gifts and Soelrey etc. will be guided by the following clauses :-

Soelrey and new allotment etc. Ka) A person in receipt of only type of land as 'Soilra' from His Majesty and/or a person in receipt of new allotment of land from the Government as per article No. 6-16 shall produce Kasho or the allotment letter in original, in the Thrimkhang and then registration in the Thram can be done in accordance with article Ka 1.3.

Inheritance etc Kha) Registration of land acquired through inheritance can be done based on an agreement executed between the inheriter and inheritee on a judicial stamped paper,

duly appended with signature/ thumb impression of the witness and the surety. The agreement in original will then be submitted to Thrimkhang for registration as per clause Ka 1.3.

*Land received
as gift.*

Ga) When a land is given as a gift, the one who is giving the land should execute a document stating the facts that should be attested by not less than two witness. The document after affixing judicial stamp and signature or thumb impression, should be submitted to the court for taking action as per Ka 1.3.

*Other kinds of
land registration.*

Ka 1.5 - If any person who is unable to come to the Dzong due to old age, sickness, disability, being the only member in a family, insanity etc. is involved in

gift or inheritance of land then the agreement can be executed in the village, as per clause 1.4 section (Kha) and (Ga), under the guidance of the gup of the area and should be forwarded to Dzongkhag/Dungkhag along with his certificate stating that there would be no objection later on, for legalising the transaction as per Ka 1.3.

*Land which can
be registered in
the Thram*

Ka. 1.6 - Any person getting Kasho from His Majesty the King for allotment of land, or land allotment by the Government, or received it as gift, or purchased it or inherited it etc. must be registered in his own name in the Thram.

Procedure for registration of land in the name of minor.

Ka 1.7 - Land can not be registered in the name of a minor (male or a female who is below 18 and 16 years of age respectively). However, if it becomes imperative to register land in the name of a minor then a legal document has to be prepared giving details of persons in whose name it is to be registered, on attainment of prescribed age. Non-compliance of this rule will lead to cancellation of Thram. If a person dies leaving behind only the minors and without any written documents then the land can be registered in the name of the minors who are left behind and even the lands belonging to the absconded people can be registered, provided there is no specific order from the Government, that the land cannot be registered in the name of the minors who are left behind.

Procedure for registration of land under joint family.

Ka 1.8 - In a joint family, irrespective of its size and the size of its land holding, the land can only be registered in the name of the head of the family and can not be registered in the name of other members of the family. In case the above land except the privately owned land, is registered in the name of the individual members of the family, then all such land will be considered as belonging to the head of the family, in the event of any dispute cropping up in future. However, the rights of the individual members of the family, and the share they are going to inherit will be guided by the rules laid down in the Act on "Acquisition of property through inheritance".

CHAPTER -II

VALIDITY OF THRAM AND ENTITLEMENT OF LAND

*Non-validity of
Lagzha Thram.*

Ka 2.1 - Except the main Thram (Chagzhag Thram) held by the Government other (Lagzha) Thrams held by Dratshang, Rabdey, Goendey, Lhakhang, Goenkhang and other private people will not be valid. (Thrimzhung, Ka 1.2 Ga, 1957)

*Validity of
Thram held by
Government
Dratshang,
Goendey and
private
Lhakhang,
Goendey.*

Ka 2.2 - Except the main Thram held by Government, all other private Thrams are invalid, hence all the land endowments belonging to the Community owned State Dratshang, Rabdey, or Goendey or individually owned private Lhakhang, Goenkhang, etc. for the religious ceremonies and maintenance, should also be registered in the main Thram.

*Right of the
person in whose
name land is
registered in the
Thram.*

Ka 2.3 - If the land registered in someone's name in old Thram has been changed in the name of other person at the time of fresh compilation, then only the later one has the right to use the land according to his wish and any of the previous owners can not object to it. However, if a land is transferred without establishing the ownership right then the following clauses from Ka 2.4, to 2.7 will apply. (Thrimzhung Ka 1.4, 1957).

*Validity of Kasho
or the Thram for
new land.*

Ka 2.4 - If a person gets a Kasho from his Majesty the King for a land which is registered in the name of another person in the main Thram and for which land tax for five years or above has been paid, then the person in whose name the land has been registered will be entitled to the land and the person who has got the Kasho later on will not be entitled to it. If the registration period is less than 5 years then he has to produce any of the following documents to substantiate his claim on the land, otherwise the right will go to the later one who obtained Kasho:

- i) Kasho from His Majesty the King giving the land to him.
- ii) Or new allotment letter from the government.
- iii) Or documents to prove that he has purchased the land from the Government.
- iv) Or new settlement by the Government.
- v) Or documents to prove that he has received the land as land compensation. (On the basis of Kasho from His Majesty Jigme Singye Wangchuk dated 3-3-1977 which was circulated by the High Court vide their letter No. HC/18(77)424 dated Nil. Corresponding to Bhutanese 2nd month dated 9th of Fire Snake Year).

Validity of ownership in the old and new Thram.

Ka 2.5 - If anyone's land once reflected in old Thram is registered in another person's name in the new Thram and if the new Thram holder has cultivated the said land for 15 years or more then the ownership of the land will go to the new registrant in the new Thram and the previous owner in the old Thram cannot raise any objection. If a land registered in the name of a person in the old Thram and the same land is registered in the name of another persons in the new Thram and if the registration period is less than 15 years then the land will belong to the person in the new Thram if he can produce one of the following documents otherwise the land will belong to the person registered in the old Thram:

- i) Kasho from His Majesty the King giving details of successive ownership of the land.
- ii) Documents showing sale/purchase deeds with owners in the old Thramor anyone of his family members.
- iii) Details showing the inheritance of the land.
- iv) Details about becoming a tenant on a heirless land.
- v) Allotment of Government Land confiscated from traitors who ran away to foreign country.

- vi) Evidences showing that the land has been surrendered by the owners registered in old Thram.

Penalty for violation of clause Ka 2.4 and Ka 2.5.

Ka 2.6 - If a land is registered in Thram and cultivated in violation of clauses Ka.2.4 and Ka. 2.5, fine will be imposed as per clauses Ka 12.9 and 12.10. If a land is registered in the Thram without Government approval then a fine will be imposed as per clause Ka 6.20. If a person gets Kasho from His Majesty for a land to which he is not entitled and the case is reported, he is liable to imprisonment from one to six months depending upon the gravity of the case.

*Validity of old
Thram.*

Ka 2.7 - Of the two Thrans (old and new) with the government, the new Thram will be taken as valid. However, if cases of fraud, force or illegal means are reported while preparing new Thram then the old Thram will be considered valid for verification of these cases. (Passed on the 1st agenda of 44th National Assembly in the year 1976 - Fourth month of Fire Dragon Year).

*Validity of old
and new Kasho/
Chhogtham re-
lating to land
cases.*

Ka 2.8 - If two persons have got Kashos or Chhogthams from Government for the same land then the claim of the person who has got the Kasho or land allotment first will be valid. However, if the first Kasho holder is found to be fraudulent then the later Kasho or Chhogtham will be considered as valid. The clause will apply only to the land and not to other things.

CHAPTER - III
RIGHT OF POSSESSION

Right of the person and members of his family in whose name land is registered.

Ka 3.1 The person in whose name land is registered and his dependent members (Kheguchigpa) will have equal right over all registered land such as Khimsa, vegetable garden, agricultural land, Sok-shing, all kinds of fruit gardens, tea garden, sugar-cane plantation, tree and flower nurseries and existing irrigation channels, its source and embankments, etc. (Thrimzhung Ka 1.1, 1957).

*Right to claim
land omitted
while preparing
new Thram.*

Ka 3.2 - If a land registered in the old Thram is omitted while preparing new Thram and the same is reported to the Government within five years, the land will be allotted to him after paying the tax for the omitted period. However, if the omission period exceeds five years it will be governed by Ka 6.7.

*Conversion of
land registered
in one's name.*

Ka 3.3. - Land registered in one's name in the Thram except Tsamdo and Sokshing, can be converted into other categories, construction of house, plantation etc. for the benefit of the owner. However, cash crop land cannot be converted into other cultivation (Thrimzhung Ka 1.5, 1957).

*Ceiling of
admissibility
of land to a
family.*

Ka 3.4 - Apart from the land belonging to Dratsang, Rabdey, Guendey etc., land donated for performing religious rites and land belonging to Royal family, a family cannot possess more than 25 acres of land comprising of Chhusing, Kamshing, Pangshing, Reshing, Tseri and Tseosa, excluding Kharbari, Khimsa, Tsamdo, Sokshing and cash crop gardens.

Use of Sokshing. Ka 3.5 - Sokshing registered in the Thram is allowed only for manure purposes. Thus the Thram holder has right over leaves only and no right over the land and the trees. Therefore, he has no right of conversion of Sokshing into any other cultivation. However, for improvement of the Sokshing, pruning and thinning of the trees are permitted. Sokshing land where trees are not favourable for manure can also be used for cultivations by the Thram holder after obtaining approval from the Government. Likewise Kharbari can also be used in the same manner, such cultivation is permissible for the own benefit of the family but it cannot be used for commercial purposes. Government approval is necessary for profit-oriented uses (Resolution No. 3 of the 45th session of National Assembly, 1976).

*Right over trees
growing in a
registered land.*

Ka 3.6 - Naturally grown trees, which have been looked after and trees which have been planted on a registered land, except Tsamdo, Sokshing covered under Ka 6.10 and cash crop gardens, can be used by the Thram holder for his own use. However, if these trees are to be used for commercial purposes it will be governed by Ka 4.6.

*Right to utilise
the fruits from
trees growing
in a registered
land.*

Ka 3.7 - Fruit and fruit yielding trees growing on a registered land, excluding Tsamdo and Sokshing will belong to the Thram holder. If a fruit tree is growing on the boundary of two plots belonging to two different persons then the fruit will belong to the person whose plot is more affected by the tree and if both the plots are not affected then the fruit can be shared equally.

Trees growing within the premises of Dzong and township areas.

Ka 3.8 - If the cases referred to above as per clause Ka 3.6 and Ka 3.7 fall within the premises of a Dzong and in a township area they will be dealt with in accordance with Municipal rules.

Use of trees growing on land allotted after 1969.

Ka 3.9 - Although the owner of the land registered in the Thram has full right over the trees growing on that land as per Ka 3.6 and 3.7 above, yet if the land has been allotted by the Government after enactment of Forestry Act in 1969, then the entitlement of trees growing on land at the time of allotment will be as follows :

Kasho which do not specify allotment of trees alongwith the land.

Ka) If the land is allotted by the Government and the Kasho does not specify allotment of trees growing on that land, then these trees will belong to the Government.

Cost of trees not paid separately

Kha) If the land has been purchased from the Government then the trees will belong to Government unless the cost of trees growing on that land has been paid separately.

*Trees planted
by the owner
after allotment.*

Ga) Trees standing on the land at the time of allotment will belong to the Government. But the trees planted and those that have come up naturally and maintained after allotment, will belong to the Thram holder as per Ka 3.6 and Ka 3.7.

*Compensation
for extraction of
trees from land.*

Nga) New allotment of land should be done after clearing the trees etc. However, if a land is allotted without extracting the trees and while extracting trees later on, the field and crops are damaged then the person who is extracting the trees will pay the compensation.

*Conversion of
land registered
in the Thram.*

Ka 3.10 - Conversion of land registered in one's name, from Tseri/Reshing to Pangshing/or Chhushing, Pangshing to Chhushing etc. is permissible within land ceiling of 25 acres. After physical conversion the same should be reported to the Government for effecting neces-

sary changes in the category of land in the Thram. But conversion of land from Chhusing to Kamshing etc. can not be done except in exceptional cases bounded by nature.

Plantation of cash crops is permissible within registered land.

Ka 3.11 - Apart from Tsamdo and Sokshing all other categories of land registered in one's own name in the Thram can be converted for his benefit, into potato garden, cardamom, apple, pear, walnut, arecanut and any other kind of fruit trees, depending on one's desire.

CHAPTER IV
COST OF LAND AND TAXATION

<i>Levy of tax</i>	Ka 4.1 - From the day the land is registered in the main Thram the owner shall pay the taxes fixed by Government from time to time.
<i>Entitlement of excess land with described boundaries.</i>	Ka 4.2 - If the boundary of the land is well described in the Thram and on remeasurement by Government the same is found to be in-excess in acreage, the cost of excess land will not be paid, but the land tax has to be paid from the date of registration of the land as per Ka 4.3 and the excess land can be registered. However, if the land exceeds from the entitled ceiling of 25 acres the excess land will not be registered.

*Calculation of
cost and taxes
of excess land.*

Ka 4.3 - If the boundary of a land is not described in the main Thram then the cost of excess land will have to be calculated according to its grade from the day the land is registered in the Thram. Regarding taxation of the this land with undescribed boundary the tax will have to be paid from the date the land is occupied and put to cultivation. Excess land with described boundaries will be taxed from the date of registration of this land in the Thram.

Entitlement and penalty for non-registration of land after accepting the responsibility.

Ka 4.4 - If a person is unable to register the land he is cultivating in the Thram himself and requests a third person to do the same and if that person after accepting the responsibility for registering the land is unable to do so due to his carelessness, and if the cost of such land is not to be paid, the taxes will have to be paid by the owner for the number of years the land has been cultivated, and an amount equivalent to the land tax will have to be paid by the third person who had accepted the responsibility for registering the land. However, if the cost of land is also to be paid then cost of land and taxes for the number of years the land is cultivated will be paid by the owner after which the land will be registered in his name. An amount equal to the taxes to be paid by the owner will be levied as fine on the person who had taken the responsibility for the registration.

No taxes on Sokshing.

Ka 4.5 - As the Sokshing is ment for manure only the public has no other right accept collection of manure from a Sokshing. Therefore no taxes will be levied on Sokshing registered in the Thram. (This is as per Resolution No. 10 of 16th Tshogdu, 1961).

Use of trees growing on land registered in one's Thram for commercial purposes.

Ka 4.6 - As per Ka 3.6 and Ka 3.7 trees and thatch growing on land registered in one's name can be used for his own without paying taxes. However if he wants to sell it for commercial purposes he can do so after paying all Government taxes.

No tax on land for house construction.

Ka 4.7 - A family is entitled to half an acre of land for construction of house from the land registered in his name

without paying the yearly land tax. This rule does not apply to Dzong/Town areas.

*Calculation of
Threlkhang
and Gungdang.*

Ka 4.8 - If the land is registered in different names in the main thram, each Thram holder will be counted as a separate family unit for Threlkhang. Such family units registered in the main Thram will be counted as a unit for taxation. People without land holdings will be counted by their households.

CHAPTER V

SALE/PURCHASE AND EXCHANGE OF LAND

Procedure for sale/purchase and exchange of land.

Ka 5.1 - Before sale/purchase or exchange of land both the parties must go to the local court with proper application to that effect. The Thrimpon will keep the applications pending for one month without making any agreement. (Thrimzhung Ka 4.7, 1957).

Responsibility of the Thrimkhang during sale/purchase and exchange of land.

Ka 5.2 - On receipt of the applications from the two parties involved in sale/purchase or exchange of land, the court must send out a letter to that effect to the gup of that area to find out whether there is any objection from any quar-

ter. If no objection is received within the stipulated period of one month then the court can make an agreement between the two parties as per legal procedure of sale/purchase or exchange of land. The court will charge 5% of the cost of land as sales tax; however, for exchange of land no tax will be charged.

Procedure for registration of land in Thram after sale/purchase or exchange of land.

Ka 5.3 - After completing the formalities as per Ka 5.1 and Ka 5.2 regarding sale/purchase and exchange of land the local court and Dzongdag can register the land as per Ka 1.3 (Thrimzhung Ka 4.2, 1957).

*Non-compliance
of Ka 5.3.*

Ka 5.4 - Where the procedure laid down in Ka 5.3 is not followed, the amount involved will be treated as loan and the land as mortgage against this loan. Even the exchange of land will be treated as if it has not been exchanged, and as such these actions cannot be treated as purchased or exchanged.

*A member of a
family cannot
purchase land
beyond land
ceiling.*

Ka 5.5 - A member of a family possessing 25 acres of registered land excluding pasture, Sokshing & orchards, cannot purchase any other land. If anybody buys land more than the ceiling of 25 acres the excess land will be confis-

cated without payment and a sum equivalent to the cost of land will be charged as fine. (Thrimzhung Ka 4.4, 1957).

Member of a family possessing 5 acres of land is not permitted to sell land.

Ka 5.6 - Nobody can buy land from a family member possessing only 5 acres of land. If purchased the land will have to be returned to the owner and the cost so paid will be returned to the buyer. The buyer will also have to pay the equivalent sum to the Government as fine. Similarly a family member having only 5 acres of land can not sell the land. If sold the money will have to be returned to the buyer and an equal amount

CHAPTER V

paid to the Government as fine by the seller (Sl. No. 1 of 45th session of Tshogdu, 1976).

Land donated to Monasteries/ Lhakhangs cannot be sold/ purchased.

Ka 5.7 - Land registered in the name of either state owned or privately owned Lhakhangs, Goenkhang etc. and land registered as donations to these institutions, cannot be sold or purchased. Such lands cannot be exchanged either as per Ka 13.14 (Thrimzhung Ka 4.6 and Ka 7.5, 1957).

Tax for purchased land.

Ka 5.8 - Once a land has been purchased all taxes payable for the said land will have to be paid by the buyer from the date the land is purchased (Thrimzhung Ka 4.7, 1957).

*Land cannot be
gifted or sold
to foreigners.*

Ka 5.9 - Land registered in one's Thram including Tsamdo, Jashing, Khangkhim etc. cannot be sold or gifted to non-nationals. Transfer of ownership of land to foreigners is strictly prohibited. In the case of default the land so transferred will be confiscated by the Government and an amount equal to the cost of land will be charged as fine to the seller or giver (Thrimzhung Ka 12.2, 1957).

*Rules regarding
sale/purchase
and confiscation
of land belonging
to a person who
has given up his
citizenship.*

Ka 5.10 - A Bhutanese citizen who wants to give up his citizenship and migrate to another country and wants to sell his landed property he must inform the Government one year in advance. On receipt of the government approval to migrate he can sell the land to anybody. In case he migrates before being

able to dispose of the land it can be offered to the Government and the cost will be decided by the latter. In case he migrates without informing the Government the landed property belonging to such a person will be taken over by the Government as per Ka 6.18 even if he had sold the land. However, if the land has been sold and registered in the main Thram in the name of the buyer before the migration then the buyer will be the rightful owner.

Right of possession of irrigation channel, water source of purchased land.

Ka 5.11 - In the case of a landed property acquired through purchase, gift or inheritance the traditional right of irrigation channel and water source will also form part of the transaction.

Jointly owned land cannot be sold without consent.

Ka 5.12 - If a land is owned jointly by two or more families, and if a family wants to sell his share of the land, he cannot do so without obtaining the consent of the joint owners.

CHAPTER V

In a joint family one cannot sell one's share without permission of parents if the share is not registered separately in the Thram.

Ka 5.13 - Unless separately registered in the Thram, a plot of land given as one's share by the parents cannot be sold in part or full without permission of parents as long as they live.

*A spouse cannot
sell land without
rightful owner-
ship.*

Ka 5.14 - In the case of a married couple living together with or without children, only a spouse who is in possession of land before marriage or given by the parents or inherited from the family, has the right to sell the land and the other spouse who does not possess the land cannot do so without the consent of the spouse who is the rightful owner.

*Ownership of
crop planted on
land before sale.*

Ka 5.15 - A crop planted on a piece of land before its sale will belong to the person who had planted it unless the cost of the crop has been separately paid.

*Imposition of
fines for viola-
tion of law.*

Ka 5.16 - In the case of violation of above rules Ka 5.7 and Ka 5.12 to Ka 5.14 the land will have to be returned to the owner and a fine equivalent to the cost of land will be imposed on the defaulter.

CHAPTER VI
GOVERNMENT LAND AND PROCEDURE FOR
ALLOTMENT.

*Procedure of
taking over
fallow land by
Government.*

Ka 6.1 - As per Ka 3.2 a fallow land registered in the old thram but omitted and not registered in the new Thram for over 5 years, will be treated as Government land. The owner in the old Thram will have priority of reallocation of the same land to him provided it has not been allotted to anyone else before his application. Procedure laid down in Ka 6.7 should be followed for such applications.

*Admissibility
of excess land
without de-
scribed bounda-
ries during
resurvey.*

Ka 6.2 - In the absence of the description of land boundary in the Thram in case of Chhushing, Kamshing, Pangshing and Vegetable garden the excess land found during resurvey can be registered @ 12 decimals per acre on pay-

ment of cost of land and the taxes for the number of years the land has been cultivated. All excess land over and above 12 decimals per acre will be treated as Government land.

*Admissibility
of excess land*

Ka 6.3 - Similarly in the case of Rizhing and Tseri land with no described boundaries in the Thram, the excess land found during resurvey can be registered in the

CHAPTER VI

Thram @ 25 decimals per acre on payment of cost of land and the taxes for the number of years the land has been cultivated. Excess land over and above 25 decimals per acre will be treated as Government land.

Reduction of taxes for land found less on resurvey.

Ka 6.4 - On resurvey if the acreage of land is found to be less than what is recorded in the Thram then the correction should be made in the Thram. The excess tax paid for the number of years should be calculated and deducted from the total tax to be paid by the owner.

Adjustment of excess/shortage of land on resurvey.

Ka 6.5 - If there is excess land in one plot and shortage in another plot of a household, the excess and shortage should be adjusted and after adjustment

the excess land will be treated as Government land. The exemption of taxes should also be calculated after adjustment of excess and shortage.

Inadmissibility of excess land to those who own 25 acres.

Ka 6.6 - As clarified in Ka 6.2 and Ka 6.3 those owning Chhushing, Pangshing, Kamshing, Rizhing, Tseri and vegetable gardens totaling 25 acres will not be entitled any excess land. One can select the plots in accordance with Ka 8.4.

CHAPTER VI

Procedure for realloiment of land once surrendered.

Ka 6.7 - If a plot of land registered in the old Thram does not appear in the new Thram and on investigation it is found that the registration in the new Thram has been omitted by the owner deliber-

ately or the plot has not been registered in the Thram inadvertently for over five years then such a land will be considered as Government land. If the owner wants to apply for reallocation of the same land he can do so in accordance with Ka 6.12 and Ka 6.16.

Requisition of land by Government and allotment of substitute land as per Ka 6.9.

Ka 6.8 - Though as per Ka 2.3 the title of land registered in one's Thram cannot be questioned by anyone, the Government can requisition any land if it is required for the benefit of the country. The cost of such land will be paid by the Government based on classification and the regulations laid down. Substitute land will be given as per Ka 6.9.

Allotment of land to the landless and allotment of substitute land in lieu of the land acquired by Government.

Ka 6.9 - Landless Bhutanese nationals can be allotted land free of cost by the Government. In the event of requisition of registered land by the Government in inevitable circumstances the effected person will be compensated with the cost of land according to its classification as well as with substitute land free of cost. However, one cannot make selection of land. In case of rejection of the substitute land no other land will be provided. (As per item No. 8 of 32nd session of Tshogdu, 1979).

Declaring unproductive Sokshing/ Jashing as Government land.

Ka 6.10 - If a person has unproductive Soshing and Sogshing called as Pangtshel, Sogshing or Jashing registered in his/her name separately, then these cannot be claimed as Sogshing or Jashing, and hence such unproductive holdings will be treated as Government land.

A family cannot keep more than 25 acres.

Ka 6.11 - A family can own land in different gewogs totaling 25 acres. In accordance with Ka 3.4 any excess land more than 25 acres will be confiscated by the Government and the cost of the land will be paid as per the rules. However, as per Ka 8.4 the owner can make selection of land.

*New allotment
of land.*

Ka 6.12 - If an application for new allotment of land is received from a person either from his gewog or other gewogs, the Government will thoroughly examine the present holding of land in his and his family's name to see if the land is sufficient for their livelihood. If on verification it is found that the land is not sufficient then the Government will provide land otherwise not. Likewise the people covered in Ka 9.6 will also not be given land.

*Allotment of
land for cash
crop and
classification of
the allotment of
other land.*

Ka 6.13 - If a person approaches the Government for new allotment of land for planting orchard, potato etc. then the decision to allot and the size of area to be allotted will purely rest with the Government. If a landholder converts

his Chhushing, Kamshing etc. within the land ceiling of 25 acres into cash crop garden and then applies for new allotment of land from the Government on the plea that he does not have sufficient land, such persons will not be allotted any land.

Allotted land not registered in Thram within 360 days shall be treated as Government land.

Ka 6.14 - Land inherited, purchased, allotted through Kasho, received as gift, new allotment by Government etc. if not registered in the main Thram within 360 days from the day of acquisition will be treated as Government land and the owner will not have any claim on it.

CHAPTER VI

*Family having
25 acres of land
cannot apply for
new allotment.*

Ka 6.15 - No member of a family who owns 25 acres of land can apply for new allotment from the Government.

*Procedure of
application for
allotment of
new land.*

Ka 6.16 - Persons applying for new allotment of land should route their applications through Dzongkhag or Dungkhag to the Home Minister. After consultation with Forestry and Agriculture departments the Home Ministry will convey the decision to the applicant through the Dzongdag.

*Procedure for
allotment/take
over of land of
refugees.*

Ka 6.17 - Land cultivated, irrespective of the number of years, by those who came to the Kingdom as refugees and who have not been granted citizenship, will be taken over by the Government without any payment when they leave the country. However, if any transaction on the cost of land was done, then the actual cost will have to be returned, and the land will either be taken over by the Government or by the owner of the concerned land. Even in the case of a refugee who has been granted citizenship the same procedure will be followed if he decides to surrender the citizenship and leave the country.

Procedure for taking over of land belonging to persons who have left the country by the Government.

Ka 6.18 - If a Bhutanese national, of his own free will, has left the Kingdom without disposing of his land to anybody, it will be taken over by the Government without payment from the day he left the country. However the land sold/purchased will be dealt with in accordance with Ka 5.10. In case the person who has left the country is not a traitor the eligibility of allotment of land to members of his family left behind will be governed by the Inheritance Act.

Confiscation of land in special cases.

Ka 6.19 - Thebtsa Yojas of Lhakhang, Goenkhangs, Dratshangs, Goendey, etc. or cultivated land, pasture land, Jashing, household, etc. whatever it may be, owned by anyone or by others, if revolted against or planning to rebel

against the Tsawasum (the King, the Country and the People), due to the specific reasons of the Government on those people, their property including cultivated land, pasture land, Jashing, household, and so on belonging to them will be confiscated at the discretion of the Government (as per Thrimzhung Ka 12.1, 1957).

Legal action and penalty for use, sale/purchase of Government land.

Ka 6.20 - Government land cannot be contended for use, sale/purchase either collectively or individually irrespective of the status of the persons. If used an amount equivalent to the cost of the land will have to be paid by the user as fine and the land will be confiscated by the Government. If sold the buyer/seller and the witnesses, thereof, can be imprisoned for a period ranging from three months to three years. (As per Thrimzhung Ka 10.1, 1957).

CHAPTER VII
**WATER CHANNELS, EMBANKMENTS
AND ROADS.**

New irrigation channels and embankments can be constructed where such construction does not effect others.

Ka 7.1 - For the benefit of ones landed property, house and Jashing etc. construction of new irrigation channels and embankments is permissible when such construction does not cause damage to other's landed property, house and Jashing etc. (As per Thrimzhung Ka 1.6, 1957).

Renovation of existing irrigation channels and embankments can be done even if it effects others.

Ka 7.2 - For the benefit of landed property, Jashing etc. renovation of existing irrigation channels and embankments etc. can be done on existing alignment. Such renovation work cannot be objected by anybody even if it effects them (As per Thrimzhung Ka 1.7, 1957).

Existing roads and irrigation channels cannot be damaged even if these pass through ones landed property.

Ka 7.3 - Existing roads and irrigation channels passing through ones landed property cannot be made small and blocked even if not required by the owner. Defaulters will be fined Nu. 50 to Nu. 300 (As per Thrimzhung Ka 1.10, 1957).

Construction of new irrigation channels and embankments is not allowed without permission where these effect others.

Ka 7.4 - Construction of new irrigation channels and embankments for the benefit of ones house, land, Jashing, etc. which effects the other's landed property and house etc. cannot be done without obtaining permission from the local court. A fine of Nu. 100 to Nu. 600 can be imposed on the defaulter by the local

court depending upon the seriousness of the damaged land whatever activities already planned will be treated as null and void. (As per Thrimzhung Ka 1.10, 1957)

Permission to be sought for construction of new irrigation channels and embankments in ones own land if these effect others.

Ka 7.5 - Thrimkhang's permission will have to be obtained for construction of new irrigation channels and embankments etc. in ones own property for the benefit of ones land, house, Jashing etc., if such construction effects others. In default a sum of Nu. 50 to 300 will be imposed as fine besides undoing the construction.

Renovation of old irrigation channels and embankments left unrepaired for five years will be treated as new construction.

Ka 7.6 - If water has not flown through old irrigation channels and no repair has been done to the embankments for the last five years then renovation and repairs on the existing alignment will be treated as new construction. (As per Thrimzhung Ka 1.11, 1957).

Entitlement of share of water to the beneficiaries of an irrigation channel.

Ka 7.7 - Share of water from an irrigation channel will be done among the beneficiaries either by mutual understanding or by existing practices. Otherwise water should be divided among the land holders covered by the channel depending on the size of land holding and the quantity of water in the channel, excluding the land holders covered under Ka 7.9 and Ka 7.10. Entitlement of previous claims will not be entertained.

Division of labour amongst beneficiaries of a channel.

Ka 7.8 - Division of labour among the beneficiaries of a channel will depend on the size of the land holding.

Entitlement of water for newly terraced paddy field.

Ka 7.9 - Before conversion of Kamshing into Chhushing one must consider the sufficiency of water available in the channel.

Water will not be given for new paddy fields.

Ka 7.10 - If one has made a paddy field knowing that water in the channel is not sufficient, he cannot complain about

non-availability of water in his field whether or not he has worked on the channel.

Availability of water for new paddy fields.

Ka 7.11 - If there is enough water in the existing channel the beneficiaries of the channel will provide water to one who wants to convert Pangshing to Chhushing or to new allotment etc. by the Government, without any objection. The owner of the new paddy field will also contribute labour for the maintenance of channel like other beneficiaries.

Denial of water from others channel.

Ka 7.12 - One cannot neglect one's own irrigation channel and claim water from another channel without entering into a separate agreement with the beneficiaries of that channel. In the absence of an

agreement one cannot claim the use of water from a channel nearer to his land on the ground that his own channel is far away.

Right of use of an irrigation channel in the absence of alternatives.

Ka 7.13 - As per Ka 7.12 if the old channel cannot be made usable at all, then water from another channel can be used if there is sufficient water in accordance with Ka 7.11.

Entitlement of water for upper and lower or new and old plots.

Ka 7.14 - If both upper and lower paddy fields are old and as per practice water for the lower plot is being drawn through the upper plot then the owner of the upper plot should allow water to flow

through his field for irrigating the lower plot, without any objection.

If the lower plot is newly terraced then the water channel should be aligned in such a manner that it does not effect the upper plot. Otherwise one should act according to the wishes of the owner of the upper plot.

If a new paddy field is made above an old paddy field and close to the source of water and if there is no other way of bringing water to the old field except through the new field then water can be drawn through the new field if the water is sufficient. However if the water is not enough then as per Ka 7.9 and Ka 7.10 the new field will not get water.

CHAPTER VIII
REGARDING GRAZING LAND

*Use of grass
and water in the
neighbourhood.*

Ka 8.1 - Grass and water in the neighbourhood of a village where horses and cattle graze, and Government land within the radius of one mile from the village which has not been registered in anybody's name will be treated as community grazing ground for grazing and watering of horses and cattle of that village, without payment of both cost of land and tax. Such land if not registered earlier should be registered in the Thram of the community of that village. Such land, if needed, can be taken over by the Government without payment but cannot be allotted to any private individual. However, if the people of that village suffer from natural calamities and allotment of such land becomes necessary then the allotment can be done as per Ka 6.16 (Sl. No. 21 of 32nd session of Tshogdu, 1970).

*Procedure for
payment of tax,
use and taking
over of regis-
tered pasture
land by the
Government.*

Ka 8.2 - For the grazing land registered in individual person's name in the main Thram the Thram holder will not have to pay the yearly tax. If the owner of such grazing land has insufficient cultivable land then he can apply for conversion of such land to the Home Ministry and Forest Department through Dzongdag/Dungpa. Conversion can be done without payment of cost of land after receiving the approval. However,

any such grazing land if required to be allotted to landless people for cultivation or required by the Government, can be taken over by the latter as and when required after making payment at the Government approved rates of pasture lands.

*Issue of permit
for grazing land.*

Ka 8.3 - Persons owning cattle who wish to utilise grazing land must apply to the Dzongdag of the area every year giving the details of the number of cattle to be grazed, the location and the pasture area required. The Dzongkhag after thorough investigation into the previous practices will issue a permit to each applicant giving details of grazing area, number of cattle permitted to graze,

number of days allowed to graze in each area, the month in which to graze in the given area and the tax to be paid etc.

*Use of grazing
land by different
owners of cattle.*

Ka 8.4 - An owner of a registered grazing land in Thram can be issued a permit to use enough pasture of his choice for his cattle out of his own grazing land.

If a person has surplus grazing land after grazing his cattle or a person has no cattle but uses his registered pastures for grazing of other's cattle on payment then it can be taken over and permit for grazing can be issued to the traditional users. In the absence of any previous user, permit for grazing will be issued to the owners of cattle in villages in the vicinity of the grazing land. Priority of grazing will be that of those nearest to the grazing land, nobody is permitted to graze the lands wherever they like.

*Permissibility
for use of leaves,
bamboos etc.
for cattle.*

Ka 8.5 - Although permit is issued only for grazing of cattle on the grass, the use of leaves and bamboos etc. for feeding the cattle is allowed. However, use of these for commercial and other purposes will be governed by the Forest Act.

Owners of grazing land having no cattle cannot let out their pastures.

Ka 8.6 - A person or a member of a family without having cattle is allowed to maintain the grazing land registered in his Thram. However, people who own cattle but not enough pasture can use the grazing land and water after obtaining permit from the Government. The Thram holder can neither let out his grazing land nor graze others cattle pretending to be belonging to him.

Right of ownership of grazing land.

Ka 8.7 - If an owner of grazing land has lost all his cattle and later on buys cattle and needs the grazing land then he has full right over the grazing land registered in his Thram as per Ka 8.4.

Use of grazing land by nomads (Drokpas) who

Ka 8.8 - A nomad (Drokpa) who has neither cultivable land anywhere nor cattle and is entirely dependent on the

have no cultivable land.

grazing land as his livelihood, can let out his grazing land on Tsarin Churin. However, the owner must get a permit from the Dzongdag/Dungkhag of the area and give it to the person who wants to graze his cattle. Drokpas who have grazing land but very few cattle and no cultivable land can also let out their balance of grazing area on Tsarin Churin.

Use of pasture land belonging to Goendey

Ka 8.9 - Grazing land registered in the main Thram in the name of Lhakhang, Goenkhang and Theptsa Yojay etc. can

*Dratshang,
Royal family
and Theptsa
Yojay.*

be grazed without permit. However, if such land is registered in the name of individual persons instead of Lhakhang, Goenkhang, Theptsa Yojay etc. then action should be taken according to rules. Likewise for the use of grazing land belonging to Goendey, Dratshang, Rabdey, Royal family etc., permit will have to be obtained as per rules.

*Grazing land
not registered in
the Thram to be*

Ka 8.10 - If a family is using a grazing land which is not registered in the Thram but has a Kasho in their possession, then

*guided by Ka
6.14 inspite of
a Kasho.*

the right of ownership will be guided by
Ka 6.14. (Sl. No. 3 of 46th Tshogdu,
1977).

CHAPTER IX
**MATTERS RELATING TO TSATONG
AND ITS ALLOTMENT**

*Definition of
Tsatong.*

Ka 9.1 - If a person having land registered in the main Thram dies and all the members of his family also die and there is no claimant to the land from that family, such a land is considered as Tsatong.

*Definition of
Tsatong.*

Ka 9.2 - Even if a person in whose name land is registered does not die but has migrated and there is nobody in his family, such land should also be treated as Tsatong.

<i>Procedure for treating land as Tsatong.</i>	Ka 9.3 - All land registered in the name of a person which has become Tsatong will be treated as Tsatong from the year the person has left the land even if it is being cultivated by someone else (Thrimzhung Ka 10.2, 1957).
<i>Gup, Chimi to report about Tsatong.</i>	Ka 9.4 - Gups and Chimis must report to the office of Dzongdag or Dungkhag as soon as the land becomes Tsatong in their area. A fine of Nu. 100 to 500 or imprisonment of one to three months or both will be imposed for non compliance.
<i>Land already in</i>	Ka 9.5 - A person desirous of getting a

*possession and
Tsatong cannot
be cultivated si-
multaneously.*

Tsatong allotted to him can do so only after surrendering all land already registered in his name to the Government. Both Tsatong and the land already registered cannot be cultivated at the same time. (Thrimzhung Ka 10.4, 1957).

*Non-entitlement
of Tsatong land.*

Ka 9.6 - A person who has sold his registered land to others or has donated it to a monastery within the last 50 years, cannot be allowed to become Tsatong Threlshab. Similarly a person who has mortgaged his registered land

and has not taken it back, and even if he surrenders such land on which he does not have full rights cannot be allowed to become Tsatong Threltshab (Thrimzhung Ka 10.5, 1957).

Relatives of a person whose land has become Tsatong cannot claim such land.

Ka 9.7 - Before a land is declared as Tsatong and the land holder had divided his land among his family members and if these family members have set up separate households for over 10 years, such persons will not be treated as members of the family even if they are closely related to the owner of the Tsatong.

Priority for allotment of Tsatong among the applicants.

Ka 9.8 - If there are two or more applicants for allotment of Tsatong, it will be allotted to the nearest relative of the person whose land has become Tsatong. If there is no relative the Tsatong

will be allotted to the person who has applied first (Thrimzhung Ka 10.7, 1957).

Rules for allotment of Tsatong.

Ka 9.9 - The allotment of either the complete landed property of Tsatong such as Jashing, Tsamdo and household etc. or to a lesser extent to a new applicant will be at the discretion of the Government (Thrimzhung Ka 10.6, 1957).

Procedure for getting Tsatong allotted.

Ka 9.10 - Relatives or others desirous of getting Tsatong should apply to the Government through Dzongdag, Dungkhag, and action should be taken as per Government decision. (Thrimzhung Ka 10.3, 1957).

*Punishment for
use and sale/pur-
chase of Tsatong
without permis-
sion.*

Ka 9.11 - As all landed property regis-
tered in a person's name who has be-
come Tsatong becomes the property of
the Government, nobody either indi-
vidually or collectively can cultivate as
they like, sell or purchase such land
without Government approval. If used
a fine equal to the cost of the land used
will be imposed and land will be taken
over by the Government. Both the buyer
and the seller will be imprisoned rang-
ing from three months to three years.
The witness will also be imprisoned to
half the above period.

*Procedure of
taking over
Tsatong by
Government.*

Ka 9.12 - If there is no one to take care of the dead body of a deceased Tsatong, then all landed property, animals etc. of the deceased will be taken over by the Government and cremation and other rituals will be performed by the Government (Thrimzhung Ka 2.18, 1957).

CHAPTER X
**CULTIVATION OF LAND ON CONTRACT
OR SHARE CROPPING BASIS**

*Permissibility
for cultivation
of land on share
cropping basis.*

Ka 10.1 - In order to cultivate land, Jashing etc, on contract or share cropping basis, a land owner cannot force his land on somebody who is not interested in cultivating the same. Similarly a person interested in cultivating somebody's land on contract or share cropping basis cannot take the land by force from the owner of the land. A fine of Nu. 100 to 500 will be imposed for non-compliance of the clause (Thrimzhung Ka 2.1, 1957).

*Penalty for
not drawing
up agreement
and duration
of agreement.*

Ka 10.2 - When land is cultivated on contract or share cropping basis an agreement detailing the payments/sharing crop yield should be drawn up between the two parties at least every three years. If the agreement is not

drawn and dispute arises then the owner of land after payment of a fine ranging from Nu. 100 to Nu. 300, will get the share of the crop for that year based on the size of his land as per the local tradition (As per clause No.4 of 44th session of Tshogdu, 1976).

Agreement on duration of cultivating land on contract or share cropping basis.

Ka 10.3 - While drawing up an agreement for giving land or Jashing on contract or share cropping basis, the number of years involved should be specifically mentioned (Thrimzhung Ka 3.2, 1957).

Procedure for

Ka 10.4 - If a land on contract or share

taking back the land given on contract or share cropping basis without drawing agreement.

cropping basis which remains without an agreement for a number of years, is required to be taken back then the owner should write to the cultivator informing the day and the month from which he wishes to take back the land by giving 120 days notice. On receipt of the notice the cultivator should give back the land to the owner on the specified date without any objection. If crop is standing on the land then the land can be kept till the crop is harvested but a fine as per Ka 10.2 will be imposed for not drawing up the agreement.

The person cultivating land on share cropping

Ka 10.5 - As per Ka 10.2 land cultivated on share cropping or contract basis after drawing the agreement will belong to

and contract basis cannot have right of ownership on the land.

the person in whose name the land is registered in the Thram and the cultivator cannot claim ownership right on the land irrespective of the number of years he has cultivated it.

Person who has taken land on contract or share cropping basis cannot cause damage.

Ka 10.6 - The owner can take back land basis if the cultivator constructs a house or cuts down trees without taking permission of the owner. Besides the house constructed can be dismantled and damages caused will be assessed by the court and given to the owner. The person causing the damage will be fined ranging from Nu. 100 to Nu. 500 (Thrimzhung Ka 2.7, 1957).

*Land acquired
on contract or
share cropping
basis cannot be
sub-contracted
for profit.*

Ka 10.7 - Apart from his family members land acquired on contract or share cropping basis cannot be sub-contracted to anybody for profit and well-being. In default the owner can take back the land if he so wishes and all the profit taken so far will have to be deposited in the court (Thrimzhung Ka 2.13, 1957).

Procedure for entitlement of share cropping.

Ka 10.8 - If a land given on share cropping basis can produce three crops a year than only two crops will be shared with the owner. If the land produces two crops then only one crop will be shared with the owner.

Person cultivating land on contract or share cropping basis cannot take any action which will have adverse effect on the produce.

Ka 10.9 - As specified in Ka 10.8, the tenant cannot take any action which adversely effects the yield of the crops that are required to be shared with the owner.

Preparation of agreement while taking land on

Ka 10.10 - While drawing agreement for cultivation on land on contract or share cropping basis the owner cannot

contract or share cropping basis and hiding etc. of the produce.

exaggerate the normal yield of the land more than what it can produce and cannot draw upon any unjustifiable terms in the agreement contrary to the local tradition. Likewise the tenant also can neither plan to hide the yield with a view to deceive the owner in order to pay less share nor to carry out any activities against the local tradition. In default the guilty person will be fined ranging from Nu. 50 to Nu. 300.

The owner should be informed before harvesting.

Ka 10.11 - Before harvesting the crop the tenant should inform the owner of the land asking his presence on the suggested month and date without fail.

If the owner is

Ka 10.12 - On receipt of the information

not able to be present on the month and date notified he cannot complain about the share.

the owner or his representative should be present on the notified day for the harvest. If the owner or his representative fails to be present on the notified day and no information is given to this effect he cannot complain about his share later on.

Labour charges cannot be shared from contract farming.

Ka 10.13 - The owner or his representative should be present at the time of sharing the produce of the contracted land. As the owner of the land is not responsible for all the work done on the land and as it is the responsibility of the tenant, no collection will be made from the common share towards the cost of labour.

Amount of produce to be shared will be as per agreement.

Ka 10.14 - The produce to be shared should be based on the agreement drawn up after reaching the understanding between the two parties in accordance with the prevailing custom in the area.

Provision of seed while giving land on contract or share cropping basis by the owner.

Ka 10.15 - While giving land on contract basis the owner should provide the seed also to the tenant. Before sharing the produce, the amount required for the seed should be set aside and the balance divided. At the time of surrendering the land the seed should also be returned to the owner alongwith the land.

Making drainage on land taken on share cropping basis.

Ka 10.16 - While making a drainage channel on marshy paddy field taken on share cropping basis, no rice plants can be cut without making it through the rows. In case it is not possible to make the drainage without cutting the rice plants, then it should be done without cutting more than two rows of standing crops.

Bullocks for ploughing land on share cropping basis.

Ka 10.17 - The owner of land is not required to provide bullocks for ploughing of land given on share cropping basis. Hence no deduction from the produce to be shared will be made towards bullocks or bullock feed.

Covers for paddy stacks cannot be claimed.

Ka 10.18 - While stacking the harvested paddy crop cultivated on land given for share cropping, no Phungden (base) and Charkab (cover) can be taken out. If it becomes necessary to use covers then it *should be equally divided among both the owner and the share cropper.*

Provision of food during harvesting and food for the owner.

Ka 10.19 - While sharing the produce of land given on share cropping basis, no reduction can be made towards provision of food. The owner should make his own food arrangements during harvest time and cannot ask for it from the tenant.

System of leaving Rishog while

Ka 10.20 - Depending upon the produce, the quality of work and the quan-

sharing the produce tity of Rishog is purely at the discretion of the owner and the tenant cannot claim the quantity.

Labour charges for carrying the produce of share cropping land. Ka 10.21 - Excluding the land on contract basis, the portorage charges for carrying the share of the produce of the owner from the land given on share cropping basis by the tenant to the owner's house can be collected as per understanding irrespective of the distance.

Penalty for nonpayment of share in contract farming. Ka 10.22 - If a person taking land on contract basis does not pay the entire amount of crop stipulated in the agreement then the entire amount of crop as stipulated will be taken over by the

court and given to the owner. If the owner wants to take back the land the same can also be done. A fine ranging from Nu. 100 to Nu. 500 will imposed (Thrimzhung Ka 2.6 Ga, 1957).

*Penalty for
hiding produce
of land taken on
share cropping
basis.*

Ka 10.23 - If the tenant hides the produce of the field taken on share cropping basis and if the owner can produce evidence to that effect then such an act will be treated as stealing and fine imposed accordingly.

No claim can be made based on the agreement in the case of damage of crops due to natural calamities.

Ka 10.24 - If a land given on contract or share cropping basis is damaged by natural calamities then only the undamaged crop from the undamaged field will be shared. If the land is required to be returned then only the undamaged field will be returned. The owner cannot ask for crop as per agreement nor can he object to the damaged field.

Land given on contract or share cropping basis is to be taken back if the tenant cannot cultivate it.

Ka 10.25 - If a person cultivating land either on contract or share cropping basis remains childless and before being able to notify as required under Ka 10.4, dies or becomes very sick and if it becomes necessary to hand back the land then the land should be taken back even before the expiry of the agreement.

Fencing of land given on share cropping basis.

Ka 10.26 - Permanent fencing around the area given on share cropping basis should be done jointly by the owner and the tenant, but temporary fencing to protect the crop from horses and cattle and fencing for contract farming should be done by the tenant.

Labour for irrigation works for land on

Ka 10.27 - Annual maintenance of irrigation channels for land given on share cropping basis is the responsibility of the

*contract or share
cropping basis.*

tenant. But major works such as clearance due to flood etc, will be the responsibility of the owner. For contract farming major works such as clearance due to flood will be the joint responsibility of the owner and the tenant and annual maintenance will be done by the tenant.

*Land tax for
contract farming
and share cropping
not to be
paid by the
tenant.*

Ka 10.28 - The responsibility for payment of land tax on land cultivated on contract or share cropping basis lies with the owner. The owner shall not share such taxes with the tenant. (Thrimzhung Ka 2.12, 1957).

*120 days notice
is required for
returning land
taken on contract
or share crop-
ping basis.*

Ka 10.29 - A person who acquired land through Tsatong after taking land or Jashing on contract or share cropping basis can return the land taken on contract or share cropping basis to its owner even before the expiry of the agreement by giving 120 days advance notice to that effect (Thrimzhung Ka 2.9, 1957).

*Circumstances
in which land
can be taken
back before
expiry of
agreement.*

Ka 10.30 - The owner can take back the land given on contract or share cropping basis before expiry of the agreement if the balance land with him is destroyed by flood or natural calamities (Thrimzhung Ka 2,8, 1957).

*Land given on
contract or share
cropping basis
can be taken
back by the
owner before
expiry of agree-
ment under
unavoidable
circumstances.*

Ka 10.31 - Land given on contract or share cropping basis can be taken back before expiry of the agreement if any problem arises in the family and the land is required to be distributed or due to dispute with the neighbour the case goes to court.

Under unavoidable circumstances land taken on contract or share cropping basis can be returned before expiry of agreement.

Ka 10.32 - Land taken on contract or share cropping basis can be surrendered back before expiry of the agreement if there is a dispute in the family of the tenant resulting in division of land or dispute with neighbour regarding land.

A tenant cannot claim compensation for development work on the land taken on contract or share cropping basis.

Ka 10.33 - Any conversion done to land taken on contract or share cropping basis such as making paddy field from Kamshing, construction new irrigation channels, construction of embankment, plantation of cash crops or any development work done to the land should be returned to the owner on expiry of the agreement without claiming any compensation.

Land taken on contract or share cropping basis cannot be sold/purchased or exchanged.

Ka 10.34 - After taking land on contract or share cropping basis the tenant cannot sell/purchase or exchange the land. In case of default the land will have to be returned to the owner and a fine equivalent to the proceeds of sales/purchase of land will be imposed.

*10% tax to be
paid to the
Government.*

Ka 10.35 - In the case of intervention by the court for recovery of crops from the land on contract or share cropping basis, 10% of the recovered amount will be charged as Government tax.

*Declaration of
contract or share
cropping land as
Tsatong.*

Ka 10.36 - If the owner of land given on contract or share cropping basis becomes Tsatong then the land will be treated as Tsatong, whether the agreement has expired or not (Thrimzhung Ka 2.10. 1957).

CHAPTER XI
COMPENSATION FOR CROPS

*Assessment of
crop damaged
by cattle.*

Ka 11.1 - When crops are damaged by cattle both owner of crop and owner of cattle should jointly demarcate the damaged area. At the time of harvest both the owners should jointly cut the damaged crop and make it into bunches; an equal number of bunches from undamaged crop will be harvested to obtain the yield. The owner of the crop will be compensated either equivalent to the yield or its cost at market rate without any objection (Thrimzhung, Ka 3.1, 1957).

Witness to be present while executing work as per Ka 11.1.

Ka 11.2 - Demarcation of area damaged and assessment of damaged crop by making it into bunches as per Ka 11.1, should be done in the presence of community Thoksungpa. In the absence of the Thoksungpa there should be a minimum of two witnesses not related to either party.

Injury to cattle while damaging crop will be dealt with as per animal protection act.

Ka 11.3 - Cattle caught while damaging crop should be looked after till the owner turn up. Breaking of legs, killing of animal, using them for ploughing etc. is not permitted. If it is reported to, it will be dealt with as per animal protection act (Amendment to Thrimshung Ka 3.2. 1957).

*Penalty for
letting cattle
loose to damage
other's crop.*

Ka 11.4 - If a person does not look after his cattle and damages others crop and the owner of crop has repeatedly warned the cattle owner in the presence of witnesses, then the cattle owner will have to compensate the damages as per Ka 11.1 and 11.2 and fine ranging from Nu. 50 to Nu. 300 will be imposed for not looking after the cattle.

Penalty for

Ka 11.5 - If the owner of cattle deliber-

*deliberately
grazing cattle
in other's crop.*

ately grazes his cattle in other's field causing damage to the crop and the owner of the field can prove it with the help of witnesses then a fine of Nu. 20 per cattle and three months imprisonment to the owner will be imposed. The amount of crop destroyed will also be compensated to the owner of crop. Grazing of cattle in others pasture will also be treated in the same manner.

*Compensation
for damaged
crops if cattle
is injured*

Ka 11.6 - Even if the owner of crop beats the cattle responsible for destroying his crop, he will be fully compensated as per Ka 11.1 and 11.2 (Thrimzhung Ka 3.4, 1957).

*Compensation
for crops dam-
aged by hired
cattle.*

Ka 11.7 - If hired cattle damages other's crops then the compensation for such a damage will be paid by the person who has hired it and not by the owner of the cattle (Thrimzhung Ka 3.6 Ga, 1957).

*Compensation
for crops dam-
aged on fields
cultivated on
contract basis.*

Ka 11.8 - If crops on fields cultivated on contract basis are damaged then the compensation will be paid to the contractor.

*Compensation
for crops dam-
aged on fields
cultivated on
share cropping
basis.*

Ka 11.9 - If crops on fields cultivated on share cropping basis are destroyed then the compensation will be equally shared between the tenant and the owner.

*Compensation
for crops dam-
aged on
common land.*

Ka 11.10 - If crops on common field cultivated by a group of people are damaged by cattle then the compensation will be paid to the group and one or two cannot receive their share of the compensation nor can they receive it on behalf of the group. In case one of the members takes the entire compensation then he will have to pay an amount equal to the compensation he has received as fine and the actual amount of compensation will be given to the group.

CHAPTER XII
ENCROACHMENT OF LAND

<i>Encroachment on other's land not permissible.</i>	Ka 12.1 - For expansion of one's registered plot one cannot change the boundary or the description of boundary; nor can make other's plot small by damaging crops, grass and trees etc. The defaulter will have to pay compensation for the damage, restoration of the boundary, description of the boundary as before and will also be fined Nu. 100 to Nu. 500 (Supplement to Thrimzhung Ka 1.12, 1957).
<i>Use of land without legal</i>	Ka 12.2 - Growing of crops, construction of house, plantation of trees, con-

right and harming others plot is not permissible.

struction of new roads, collection of grass and firewood, collection of dry leaves for manure, making fire, denial of free passage, stoppage of irrigation channel, drainage etc., on land not legally belonging to a person is not permissible. Any action that will harm other's house, land, Jashing, Tsamdo, crops etc., is also not permitted. In default fine ranging from Nu. 50 to Nu. 300 will be imposed and compensation for the damage done to others as decided by the Thrimpon will be collected and paid to the aggrieved person (Supplement to Thrimzhung Ka 1.13, 1957).

Anything found to be reported to Thrimkhang.

Ka 12.3 - Anything found on a land and not claimed within 10 days by the owner should be reported to the Thrimkhang of the area. In default it will be dealt with under the Act of stealing (Amendment to Thrimzhung Ka 1.16, 1957).

*Right to objects
found in ones
house and on
ones land.*

Ka 12.4 - If nobody claims within 120 days of the issue of a circular by the Thrimkhang the object will be taken over by the Government and 1/4 of the property will be given to the person who found it (Thrimzhung Ka 1.14, additional 1957).

*Right to graze
cattle for
manuring pur-
pose on land not
belonging to the
cattle owner.*

Ka 12.5 - Anybody who has got land in somebody elses area. can keep the ploughing bull and manuring cattle for the purpose of agricultural practices in the other's village by getting a permit from the Thrimkhang of the area. If the

cattle are kept after the expiry of the permit a fine of Nu. 1 per cattle and per day will be imposed (Amendment to Thrimzhung Ka 1.16, 1957).

*Use of
community land.*

Ka 12.6 - If anybody wants to cultivate, construct a new house, collect firewood, collect leaves for manure or graze cattle etc., on community land then he has to obtain permission from the community where everybody should be present. If any member is not present then permission cannot be given. In default both

parties will be fined Nu. 50 to Nu. 300.
However if there is any damage it will
be guided by Ka 12.2 (Supplement to
Thrimzhung Ka 1.18, 1957).

*Penalty for
burning Tseri
beyond one's
boundary.*

Ka 12.7 - While setting fire to Tseri if
the fire spreads beyond one's boundary
into Government forest land then no
fine will be imposed upto 150 yards
beyond the boundary. If the fire spreads
beyond this limit it will be governed by
Forest Act. Fire spreading from the end
of one's field or orchard to the Govern-
ment land will also be governed by the
same Act.

Rules guiding

Ka 12.8 - Fire spreading while setting

*damages caused
to forest, human
beings, animals,
crops, monaster-
ies, houses etc.
by careless
setting of fire.*

fire to Tseri or from the camp fire into Government forest land causing damage to human beings, animals, crops or burning down Lhakhang and houses, if proved it is due to carelessness then the person who has set fire will be fined as follows: For every person burnt down Nu. 600 to be paid for the cremation and Nu. 400 as compensation, for every person injured - half the expenditure on treatment, for every animal killed - half the cost of the animal, for every animal injured - half the cost of treatment and half the cost of the crops damaged, for damaged crops, Lhakhang and houses

burnt down - half the cost of property burnt down. Besides this imprisonment ranging from 6 months to 3 years will be imposed. The items not covered in the above list may also be compensated in the same manner.

*Penalty for
illegally
registering
other's land.*

Ka 12.9 - If a person illegally registers somebody else's land without consultation or registers it in somebody else's name and cultivates the land then an amount equal to cost of the illegally registered land has to be paid to the Government. The land has to be given back to the rightful owner alongwith half the cost of crops for the number of years the land has been illegally cultivated.

Fine for stealing

Ka 12.10 - If a person has just registered

*Thram even if
land is not put to
cultivation as per
Ka 12.9.*

the land in the Thram as per Ka 12.9 but has not put the land to cultivation, he will be fined a sum equivalent to the cost of land. If he illegally gets someone else's land registered in his name and with the convenience of an other person and if it is proved that the person had done so knowingly, then he will also pay the cost of land as fine.

*Any action taken
by minor on land
will be invalid.*

Ka 12.11 - Males who have not attained 18 years of age and females 16 years, can not sale/purchase land and apply for new allotment from the Government. Besides any land transaction deed executed by them will also not be accepted in the Thrimkhang except as per Ka 1.7.

CHAPTER XIII

PROCEDURE FOR DONATION OF LAND FOR RELIGIOUS PURPOSES.

*Permissibility of
donation of land
for religious
purposes.*

Ka 13.1 - Anybody who wishes can offer land for religious purposes or buildings to various Lhakhang, Goenkhang, Dratshang, Goendey or monk body if these are within the country. However, if anything is offered to Lhakhang, Goenkhang, religious body outside the country then whatever offered will have to be returned and a fine double the cost will be imposed (Amendment and supplement to Thrimzhung Ka 7.1, 1957).

Procedure for offering land for religious purposes.

Ka 13.2 - Before offering land for religious purposes one must submit complete information to that effect to the Thrimkhang of the area. In default a fine of Nu. 50 to 200 will be imposed.

Action by Thrimkhang when land is offered for religious purposes..

Ka 13.3 - The Thrimkhang will thoroughly investigate, whether the land so offered is disputed or not, or whether the Lhakhang is entitled to the donation. Then, the Thrimkhang should act according to the following rules.

Land not fully owned cannot be donated.

Ka 13.4 - Land owned by a joint family or jointly owned with the spouse or given to children etc., where there is no

full ownership, cannot be donated for religious purposes without the consent of others. In default such a land will be returned to the rightful owner. If he has no right at all over the land then a fine equivalent to the cost of such land will be imposed on the person who offers the land (Supplement to Thrimzhung Ka 7.2, 1957).

Penalty for offering jointly owned land for religious purposes by any one partner.

Ka 13.5 - If the person donating land for religious purposes is a part owner of the said land then only his share will be treated as religious offering and the other's share will be returned to the

rightful owner. For offering other's share for religious purposes he will be fined half the cost of land so offered.

*Registration
of land offered
for religious
purposes.*

Ka 13.6 - The land which has been offered for religious purposes, in the name of a particular Lhakhang, Goenkhang, Dratshang, Monk body, Goendey, religious body should be registered. The procedure for registration should be as per Ka 1.3 after routing it through the Thrimkhang as required under Ka 13.2 and Ka 13.3.

Land offered for

Ka 13.7 - The land so offered is purely

religious purposes should be registered only in the name of the institution and not in the name of individual person.

meant for the performance of specific religious ceremony, clearly specifying the number of days and the time the ceremony is performed. If the land is offered to Monk body, religious body, Goendey, Dratshang etc., it should be registered only in the name of those organisations and cannot be registered in the name of caretaker or any other individual.

Tax on donated land.

Ka 13.3 - Once the land offered for religious purposes has been registered in the name of Lhakhang, Goendey, Religious body etc., and the Government decides to tax such land, then the person who is looking after these institutions will have to pay the tax (Thrimzhung Ka 7, 4, 1957).

Land offered for religious purposes cannot be claimed by anybody else unless there is special command from H.M. the King.

Ka 13.9 - Before the circulation of these rules, individuals donating from their land holdings to any religious institution like Lhakhang and Goendey, and after registering in favour of Lhakhang, Goendey, Dratshang, etc. reclaiming the land will not be entertained even if the registration appears in the old register (Chazhag Thuanu) or any other private form of certificate. These can be reclaimed provided a Kasho authenticated by His Majesty the King is obtained, otherwise nobody is allowed to make any issues (Thrimzhung Ka 7.6, 1957).

*Donated land
left uncultivated.*

Ka 13.10 - Once a land is donated the responsibility for its cultivation or otherwise, lies with the Dzongpen, the caretaker or whosoever else, but they should perform the religious ceremony without fail. The defaulter will be fined equivalent to the cost of produce and has to perform religious ceremony.

*Donated land
belonging to
Lhakhang,
Guenkhang, etc.
destroyed and
lying uncared
for should be
reported for
taking over by
Government.*

Ka 13.11 - The entire property viz animals, buildings, land, tensum, choezey etc., private and Government Lhakhang, Goenkhang, Dratshang, Goendey etc., destroyed by natural causes like flood and fire etc., for which no new construction, renovation and repair has been undertaken, will be taken over by the Government as per the Tharam of Monk body, Dratshang, Goendey, religious body. The gup and chimi of the area should report about the matter to the Government. In case of failing he will be fined Nu. 100 to Nu. 500 or

given imprisonment of 1 to 3 months or both (Supplement to Thrimzhung Ka 7.7, 1957).

Performance of religious rites from the produce of the donated land.

Ka 13.12 - The Government and private Lhakhang, Goenkhang Dratshang and Goendey etc., should perform the religious ceremony as per the time specified in the Thram and should spend the produce from the donated land on the ceremony. The defaulter will be fined equivalent to the cost of the produce of the land (Amendment and supplement to Thrimzhung Ka 7.3, 1957).

Inspection and submission of report to Home Ministry as per Ka 13.12.

Ka 13.13 - Inspection should be carried out by the respective Thrimkhang to check whether in accordance with Ka 13.12 the produce of the donated land is spent on the religious ceremony and a report should be sent to the Home Ministry in the 12th month of the Bhutanese Year.

Exchange of donated land not permitted.

Ka 13.14 - The donated land registered in the name of Dratshang, Rabdey, private and government Goendey, Lha-

khang etc., irrespective of the classification of the land cannot be exchanged or substituted. In default the land will be taken over and the cost equivalent to the substituted land will be recovered.