

# 27th Thromde Tshogde Minutes

*Thimphu Thromde*

11/27/2015

*Venue : Thromde Conference Hall*

A handwritten signature in blue ink, consisting of a stylized 'T' with a horizontal bar and a vertical line extending downwards.

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**Abbreviations**

ADM : Administration

CD : Current Deposit

DCD : Development Control Division

DCFO : Deputy Chief Finance Officer

DCR : Development Control Regulation

E4 : Environment Precinct

FY : Fiscal Year

GoI : Government of India

HRC : Human Resource Committee

HRO : Human Resource Officer

ICT : Information and Communication Technology

LAP : Local Area Plan

LED : Light Emitting Diode

LG : Local Government

M : Million

MoU : Memorandum of Understanding

MoWHS : Ministry of Works and Human Settlement

NCRP : National Cadastral Resurvey Program

NLCS : National Land Commission Secretariat

Nu : Ngultrum (BTN Currency)

RAA : Royal Audit Authority

RRM : Random Rubble Masonry

UPD : Urban Planning Division

UV2 : Urban Village 2



**Definition**

*Dasho* : A title given to high rank officials

*Dratshang* : Monastic Body

*Lhakhang* : Temple

*Tashi Moenlam* : Concluding Prayers

*Thram* : Land ownership certificate

*Thromde* : City

*Thromde* : Mayor

*Thuemis* : Councilors

*Tshogde* : Council

*Zhabten* : A prayer for long life





**27<sup>th</sup> Thromde Tshogde****Venue:** Thromde Conference Hall**Date:** 27<sup>th</sup> November 2015**Time:** 9:00AM - 12:30PM**Members Present**

1	Dasho Kinlay Dorjee	Thromde	Chairperson
2	Mr. Namgay Tshering	Babesa Thuemi	Dy. Chairperson
3	Mr. Kinley	Olakha Thuemi	Member
4	Mrs. Dorji Dema	Motithang Thuemi	Member
5	Mr. Kinga Yonten	Norzin Thuemi	Member
6	Mr. Ugyen	Taba/Dechencholing Thuemi	Member
7	Mr. Ugyen Penjor	Jungzhina Thuemi	Member
8	Mr. Rinzin Dorji	Changangkha Thuemi	Member
9	Mr. Minjur Dorji	Executive Secretary	Member Secretary

**Invitees**

1	Mr. Kinley Penjore	PM, ADB
2	Mr. Mahesh Pradhan	Chief Engineer
3	Mr. Hastabahadur Sangpang	Chief ADM
4	Mr. Kinzang	PM, WB Project
5	Mr. Geley Norbu	Chief Urban Planner
6	Mr. Jigme Dorji	CSC
7	Mr. Palden Khandu	Head, DCD
8	Mr. Yeshey Wangdi	Env. Division
9	Mr. Oma Pati Luitel	ICT Officer
10	Mr. Sonam Dhendup	Census Officer
11	Mr. Sonam Nima	DCFO
12	Mr. Jigme Dorji	JDWPL
13	Mr. Tashi Tshering	MTO
14	Mr. Ugyen Tshechu Dorji	Legal Officer
15	Mr. Sangay Wangdi	Head, Road Section
16	Mr. Nakphel Drukpa	Head, Water Section
17	Mr. Pusparaj Sharma	UPD
18	Mr. Karma Dorji	Planning Officer

**Opening Remarks by Chairperson**

The Chairperson welcomed all the *Thuemis* and other officials from *Thromde* office and also the media personnel for the 27<sup>th</sup> and the final *Thromde Tshogde*. He informed that the election of *Thromdes* along with other *Thuemis* in 2011 marked the history in the local government of the

first four 'Thromde As' in Bhutan. He also thanked all the *Thuemis* for the active participation in the decision making processes and all the staffs of Thimphu *Thromde* for having worked hard on the decisions of the *Tshogde*.

Many changes for good have taken place in the last five years and it is the collective efforts of all the *Thuemis* and staffs of Thimphu *Thromde*, who have been working so hard to fulfill the aims and objectives of Thimphu *Thromde*. The Chairperson informed that anything that has begun well must end well. The First *Thromde Tshogde* was convened on February 19, 2011 with the traditional ceremonies and the same must be observed to close the last *Tshogde*. The closing ceremony of *Thromde Tshogde* and to mark the end of five year term for the elected *Thromde* and *Thuemis*, the final session will be concluded with *Tashi Moenlam* and *Zhabten*.

The Chairperson informed some of the significant achievements amongst many made by *Thromde* in the recent years. The first one is the successful celebration of the 60th Birth anniversary of His Majesty the 4th King. He on behalf of other *Thuemis* thanked each and every individual of Thimphu *Thromde* who has contributed a lot along with other agencies and organizations for the special event.

Secondly Thimphu *Thromde* has made quite a large difference in terms of solid waste management and maintenance of roads & footpaths within *Thromde*. He also informed that the outsourcing of solid waste to the private sector has drastically reduced the waste going to landfill and increased the production of compost manure in Serbithang. Most of the dry wastes are recycled. For the successful implementation of waste management system, on behalf of *Thromde* staffs and *Thuemis*, he congratulated Greener Way for his effective initiative.

Thirdly, *Thromde* has been working towards self sustainability. One such initiative is the replacement of street light lamps with LED which are efficient in terms of energy consumption. He also informed that even the next *Thromde* local government must work towards replacement of all street lights within *Thromde* with LED. *Thromde* should not only work towards increasing revenue through increased taxes and tariffs but also look at the possibilities of decreasing the expenditure.

Also there are plans to invest in some revenue generating projects such as construction of one centralized meat shop near Centenary Farmer Market (CFM) where all the meat shops located along Norzin Lam, Chang Lam and Hong Kong Market area will be shifted. He also informed that Thimphu *Thromde* must serve as the role model to all other *Thromdes* in Bhutan. All staffs and *Thuemis* of Thimphu *Thromde* must work towards this objective.

#### **Agenda 1. Betterment Charges in Lungtenphu LAP; A case of Mrs. Chencho Lhamu**

The site is located in Lungtenphu LAP below helipad area. 15% land pooling was applied and the new boundary is very close to the permanent structure, without the required safety setback. She had applied for consideration of betterment charge in lieu of land pooling as the land curved out was not benefiting any plans of the *Thromde*.





**Discussion**

The Chairperson informed the floor that a portion of land from her plot has been pooled which is in between the road and her plot. The concerned officials from *Thromde* along with *Thrompon* have made a site visit and found out that the pooled land could not be used for any development purposes. Even if the land is developed as a public parking, the ultimate beneficiary will be the current plot owner and her tenants. Therefore, it's better for *Thromde* to go for collection of betterment charges in lieu of land pooling, which can be used as revenue for further development of the city.

The Chairperson informed that before such decisions are made, it has to be clear that it is according to the Land rules and regulations. He also informed that according to LG Act of Bhutan, *Thromde Tshogde* has the mandate to adopt any planning techniques such as land pooling or others for preparation of the local area plan (LAP).

The Norzin *thuemi* said that the case is not new and similar cases have been already resolved in the past. The same decision could be applied for this case if the pooled land is of no benefit for *Thromde* or government. This idea was also supported by Olakha and other *Thuemis*.

**Decision**

The *Tshogde* decided that betterment charges in lieu of land pooling will be applied.

**Action: SLMS****Agenda 2. Coverage issues in E4 areas; A case of (a) Dawa Zangpo and (b) Damcho**

There are E4 areas within *Thromde* in which the developmental activities are restricted. Only two storied buildings are approved with 20% coverage. Mr. Dawa Zangpo and Damcho have already prepared site plans and drawings. Dawa had already spent substantial amount to excavate the steep slopes and created enough space for construction unlike in an E4 area. It was reported that some of the buildings which are already constructed in the nearby areas are three storied and have exceeded 20% coverage allowable in E4. Thimphu *Thromde* also received an order from the Cabinet that E4 areas to be restricted to two storied with 20% coverage without attic and basement. The cases were put up to *Tshogde* to discuss whether they will be allowed 3 stories and 40% coverage as few other owners in the areas or to strictly apply the E4 regulations.

**Discussion**

The site visit made by the concerned officials from *Thromde* along with *Thrompon* found out that the owner Dawa has incurred a huge expenditure in excavating the slope and developing the ground. Similarly, Damchoe's land is relatively flat and doesn't involve huge excavation affecting the stability of the slope. It was discussed that most of the plots in the locality have been developed without following the E4 regulations. Hence, the members felt it is not fair for the two to strictly abide by the E4 regulations after most of the plots have been developed. The



Olakha *Thuemi* also supported that the decisions taken should be fair. The member secretary cautioned that if the current scenarios are approved based on the ground profile, there will be more such cases in E4 areas which are relatively flatter. The members felt that these two cases could be considered since they are remaining cases in the areas while all other plots nearby are developed already.

For this the member secretary said that it would be better to first verify the plots which are already developed in the areas and check the plot coverage and number of floors.

### Decision

The *Tshogde* decided that DCD to verify the plots which are already developed around Dechenphodrang and Supreme Court areas and submit a report to the management on plot coverage and number of floors built. The members decided that the *Thromde* and the Executive Secretary can approve the cases after reviewing the report.

### Action : DCD

### Agenda 3. Daily wage increase for the laborers of Taba-Dechencholing

This was submitted to the *Tshogde* by Taba-Dechencholing *thuemi*. The cleaning works in Taba-Dechencholing areas have been managed by the Committee formed by the Community there through a MoU signed between the committee and the *Thromde* management. There are 8 laborers in total, 4 each for Dechencholing LAP and Taba above the highway. The laborers were paid the same wage as the day workers of *Thromde*. However, with the recent revision of minimum daily wages by the government, the daily wage for these laborers could not be raised as they are managed by the committee. The *thuemi* has requested to increase the payment of these laborers to Nu.215 per day up from Nu.195 per day starting October 2015.

### Discussion

The DCFO informed the floor that the wage could not be increased due to the MoU signed initially between the community and the *Thromde*. They have agreed to certain amount to be paid on a monthly basis. For this the Chairperson informed that since it is initiated for the first time in *Thromde*, the clause for such rate revision could have missed out. In this case, even the MoU has to be amended.

According to the Legal Officer, the minimum wage rate of national work force which is by law a rightful decision because no laborer should be paid below the minimum wage rate. Hence the MoU or agreement signed earlier will by default be repealed. The members appreciated the successful involvement of community in maintaining and managing their community clean in Taba and Dechencholing, specially cleaning of the drainage system and removing of litters in open spaces.





## Decision

The *Tshogde* decided to amend the MoU signed between the Community and *Thromde* and approved the wage rate to be increased to Nu.215 per day starting November 2015.

**Action:** Engineering Division

## Agenda 4. Approval for construction of Automobile Workshop on Plot No. BA1-425

The proprietor of Yangki Automobiles who is currently running an automobile workshop in Olakha has put up to *Thromde* for the establishment of fully mechanized automobile repair workshop and vehicle fitness center on the leased land which belongs to Barpa *Lhakhang* measuring 37.266 decimal and *Thram* No.1061. This is mainly because, the current space in Olakha is congested and there is no space for further development and advancement.

## Discussion

Some members expressed whether such developmental activities are permissible according to DCR. According to DCR, such activities are not allowed, but some members were of the view that if the workshop is to repair all heavy vehicles, it can be allowed since such initiative will decongest the Olakha workshop area.

According to Babesa thuemi, in fact such proposal will be great in the area but at first it is near the *Lhakhang* and it won't look nice and moreover people in the area might oppose to the proposal since it would affect the natural and living environment there. Secondly, the land belongs to *Lhakhang* and moreover there are spaces in the Olakha workshop areas where such development could take place. According to Olakha Thuemi, if only the heavy vehicles are allowed, it would help decongest the present workshop areas. According to member secretary, it would be difficult for *Thromde* to let all heavy vehicles to repair in his workshop as there are many in Olakha who also provide services to heavy vehicles.

The Legal officer stated the main reason to shift all workshops to Olakha was to prevent establishment of workshop in other areas of *Thromde* according to the structural plan. The Norzin Thuemi supported the proposal since number of vehicles have increased in *Thromde* over the past years. Jungzhina Thuemi also supported the Bab-Thuemi that such proposal in such locations cannot be approved since there are many other UV2 areas within *Thromde* and *Thromde* should anticipate such proposals in future. If the owner want to lease the land of *Dratshang*, there are many other UV1 areas where such proposals are accepted which belongs to *Dratshang*. Also the people will criticize the decisions of *Thromde* if the set rules like DCR are being neglected.

Chairperson however, mentioned that the location is quite excluded from the community. The *Lhakhang* is located at a much higher elevation than the proposed workshop area, thereby may not be of great concern as some of the members felt. Similarly, the waste segregation plant



(transfer station) is located on the one side and the Ngabirongchu on the other, whereby the construction of the indoor workshop facility may not affect the environment. The argument that the other UV2 locations would also come up with such proposals is at the discretion of the *Tshogde* whether to consider or not.

The members were requested to show up their hands to support the proposal or reject considering the difference of opinions amongst the members.

### Decision

The *Tshogde* decided not to approve the proposal after five *Thuemis* showed up their hands in rejection of the proposal.

**Action:** UPD

### Agenda 5. Advance payment to Greener Way for the procurement of waste truck

The DCFO presented to the *Tshogde* that during the progress report meeting comprising of 5 members from *Thromde* and 5 members from Greener Way, it was agreed that *Thromde* will make an advance payment to Greener Way to buy one waste truck. This was put up to *Tshogde* for approval.

### Discussion

*Thromde* has already rented 13 waste trucks to Greener way, most of which are more than 10 years old and it breaks down frequently. This has lead to weakening of the door to door waste collection services to the public and lack of proper timing for waste collection. To increase the efficiency and coverage of the waste collection, the progress report meeting has decided that *Thromde* will provide Greener way the advance to buy the waste truck and recover on a monthly installment basis. A sum of Nu 2.2M will be sanctioned from *Thromde* revenue and it will be deducted from his monthly payments and be liquidated before the completion of the current fiscal year (i.e. before June 2016).

The Chairperson informed the floor that the main reason for helping the Greener way is to encourage him in carrying out the work more efficiently. The Greener way has employed many youths and has even increased the collection frequency a week to a minimum of three times a week. The DCFO informed that he has confirmed that the money is being utilized for the procurement of the vehicle as proposed.

### Decision

The *Tshogde* decided to provide Nu 2.2M from *Thromde* revenue to Greener way and it has to be liquidated by June 2016 through deduction from their monthly payments.

**Action:** DCFO



**Agenda 6: Supplementary budget for settlement of Taba PS construction**

The Legal officer presented the background of the case to the *Tshogde*. The case was between the Lhomon Builders and the *Thromde* regarding the final bill payments. The case has reached arbitration and the arbitration committee's award was in favor of the contractor. According to the award, the bills for price adjustments and the RRM wall have to be given to the contractor by *Thromde*. *Thromde* has appealed to the court against the decision made by the arbitration committee.

Accordingly the verdict issued from the District Court bench IV stated that *Thromde* has to pay for RRM wall but price adjustment which is about 1.2M will not have to be entertained. The contractor has further appealed to High Court. The High Court after deliberation has passed the verdict upholding the decision of the District Court. For RRM wall, a sum of Nu.336,000.00 has to be paid. DCFO explained that since it is a GoI project, the payment has to be adjusted from the CD account of *Thromde*.

**Decision**

*Tshogde* members in recognition of the Court verdict has approved the payment of Nu.336,000 from the CD account of *Thromde*. It will have to be adjusted from the capital budget of the current fiscal year.

**Action:** DCFO

**Agenda 7: Internet outstanding bills, Nu 479,535.03**

The member secretary explained that this is an old outstanding case. There was a case where the anonymous users have been using the *Thromde* internet and the bills for two months have drastically escalated. *Thromde* has even consulted the Bhutan Telecom regarding the case but the anonymous users could not be traced out. *Thromde* even has written to Bhutan Telecom to consider the case stating that no such cases will occur henceforth. However, Bhutan Telecom did not approve our proposal and hence *Thromde* is required to pay.

**Discussion**

The members felt that it is the sole responsibility of ICT section to monitor such incidences. For this the member secretary said that now the ICT section is being very vigilant and passwords for every broad band or *wi-fi* are changed frequently and no other offices, other than ICT have the access to passwords. Some members also felt that this could have been due to the absence of town hall where all offices could be accommodated in one building. Currently some of the *Thromde* offices are scattered to different locations and hence different ICT set ups have to be developed whereby such problems arises.





**Decision**

*Tshogde* decided that henceforth the ICT section should be held responsible for such cases and no such cases should be entertained in future. For now the outstanding bills of Nu. 479,535.03 will be settled from *Thromde* revenue.

**Action:** DCFO

**Agenda 8: Update on the status of Low income housing**

The Customer Service Center (CSC) presented to the *Tshogde* the status of the low income housing. The work is 80% completed and one building will be completed by the end of December 2015. The people involved in the project have requested for time extension and to revise the labor contract amount. The team has also submitted some of the reasons why the works had to be delayed. The main reasons are due to poor quality materials which had to be rejected and due to lack of caretaker at the site the materials are procured in a limited stock which also added to delaying of the project completion.

**Discussion**

The Chairperson informed that one of the buildings has to be completed by the end of December 2015. The main structural works are completed and therefore even in winter the works should not be halted. The roof truss works have to be carried out during winter. Many members felt the need to provide time extension and the revision of the contract amount. The other places for the upcoming low income housing will be discussed later.

**Decision**

*Tshogde* ordered the project team to complete one building by the end of December 2015. The time extension was approved till the end of March 2016. *Tshogde* also approved the revised labor contract amount of Nu.2M as proposed by the project team, up from Nu. 1.6M.

**Action:** Jigme Dorji and team

**Agenda 9: Short term training proposal for Building Inspectors**

*Thromde* building inspectors, seven of them have submitted a proposal for short term training in Bangkok. They have also submitted that in the last five years, they have helped *Thromde* generate revenue of about Nu.7.9M through impose of fines and penalties and collection of regularization fees. This team did not avail any training as such and hence have put up a proposal. The total cost estimate submitted was about Nu 0.7M for training fee, round trip airfare and DSA.

**Discussion**

The members felt that the training is necessary for them since they are the ones who make sure the approved drawings are implemented as approved at the site. The Jungzhina *thuemi* mentioned



that trainings are important for all officials because *Thromde* is a place where we need to build the capacity of the staff and retain them to work. The nature of work is quite demanding and we should be able to deliver with quality within the stipulated time. The members also stated that if there are other group of people who work hard and help *Thromde* generate more revenue, it could also be looked into and provide such opportunities in future.

### Decision

The *Tshogde* approved the training proposal for the seven inspectors as proposed. *Tshogde* also decided that HRC will be responsible for the selection of the people for training based on the past training details. HRC will also decide upon the institute to which they will be sent, date and the course and the cost estimate. The cost for the training will be met from the internal revenue.

**Action:** HRO/DCFO

### Agenda 10: Issues related to Revenue

The Chief ADM presented to the *Tshogde* the following three points on some of the audit issues.

#### ***Para 1.1.2 RECOVERABLE LATE FINE OF Nu.711,362.59 ON DELAY AND NON-DEPOSIT OF REVENUES OF Nu.5.005 MILLION (3.4.21)***

Penalty already collected and deposited in Revenue Account. It needs to be deposited with RAA.

#### ***Para 1.1.5 – CHEQUES DEPOSITED BUT NOT CREDITED IN THE BANK RESULTING TO NON-DEPOSIT OF REVENUE COLLECTED – NU.351,409.91 (2.1.2)***

Cheque amount already collected and deposited in Revenue Account along with 24% penalty. Approval is sought for depositing Nu.351,409.91 with RAA recovery account.

#### ***Para 1.2 SHORT LEVY FINES AND PENALTIES ON THE REVENUE COLLECTIONS IN LIEU OF DISHONoured CHEQUES DUE TO INSUFFICIENCY OF FUND IN ACCOUNTS- NU.675,800.05 (2.1.12)***

The penalty is already collected in full. Out of Nu.675,800.05, we have already deposited with RAA Nu.300,000.00. Balance of Nu.375,800.05 needs to be deposited now.

The total collection made was more than Nu. 5M and the amount payable to RAA is Nu. 1,438,572.55.

### Discussion

The members thanked the people involved in the collection of the revenue (taxes and fines) which were left out earlier. The members expected the people involved to be very efficient in collection of taxes and fees and charges in future as well. The meeting was also briefed on the revenue reforms carried out through the support of World Bank, which will not only improve the



tax collection compliance but the deposits will be regularly updated through internet banking. Henceforth, the collection and deposits are monitored through SMS alerts with the revenue in charge and the Executive Secretary.

### Decision

The *Tshogde* approved the payment of Nu 1,438,572.55 to RAA from the reserve fund.

**Action:** DCFO

### Agenda 11. Parking related issues, Compensation and deletion of parking spaces

The road section submitted two cases related to parking.

1. The first one is the Compensation against M/s. Thuen Drel Yangsum Enterprise for the affected parking behind NN shop at vegetable market area (42 slots). Compensation could not be adjusted during his contract tenure (2012-2014) as it was decided that DCD will collect this compensation from the building owners at vegetable market area who were responsible for affecting the parking lots. However, DCD was not able to collect the compensation from the building owners till date, the compensation amounting **Nu.45,360.00** due for M/s Thuendreal Yangsum Enterprise needs approval to be made from our reserve fund and later to be adjusted once the collections are received from the building owners.

### Discussion

The members cautioned that it should be a lesson for future approvals. *Thromde* should receive collections or compensations, before according approval to use the space.

2. The cancellation of 27 parking slots from present contract inventory with M/s Global Sport, Thimphu (2014-2017). The Present Parking contractor operating the collection & management of parking fees outside the MLCP concession area has repeatedly put up a request to the TT management for removal of (27 slot) Parking area from their Contract inventory, as they are not able to collect any fees from that area (i.e, Old maternity ward) junction till the Changzamtog School Junction) since the start of their contract period from 1<sup>st</sup> July, 2014 till date.

### Discussion

The members were of the view that the parking slots cannot be deleted now after the tenders were floated and awarded based on the said terms and conditions. If the slots were added later on upon new creation by the *Thromde*, then we could consider.





**Decision**

1. *Tshogde* decided to pay the amount Nu. 45,360 from the reserve fund to M/s. Thuendrel Yangsum Enterprise as a compensation and the same amount has to be collected from the building owners in vegetable market and be replaced. The DCD inspectors will have to be responsible for collections from all the concerned building owners.
2. *Tshogde* did not approved the deletion of 27 parking slots as requested by the M/s Global Sport.

**Action:** DCD inspectors for collection of compensation.

**Agenda 12. Update on crematorium development**

This was presented by the Environment Division as information to the *Tshogde* regarding the development of crematorium. The Division informed that the materials for the electrical incinerators are on shipment and has reached Kolkata. Upon receipt of the materials at site, the proprietor along with the technicians will be in Bhutan beginning first week of December 2015 and it will be completed in three months duration. Three electrical incinerators will be installed in addition to the one already installed in the past and more is being planned in near future.

The members acknowledged the effort put in by the team to seriously dialogue with the supplier and make the project commence to complete within the allocated budget.

**Action:** Environment Division

**Agenda 13. Amenities fees for Pelkhil School**

The construction of G+1 Academic block A and B for Pelkhil School has been approved in 2008. A scrutiny fee of Nu 59,000/- and an amenity fee of Nu. 32,000/- were applied. The proprietor has requested *Thromde* to waive off the amenity fees as the school doesn't need any amenities from *Thromde*.

**Discussion**

Some of the members were of the view that the rule should apply same for all those residing in the *Thromde*. The amenities are applied even in some E4 areas where *Thromde* could not provide any amenities currently. Legal officer clarified that fee must be applicable only for the building and not for access road as there is separate fees that people pay to RSTA. In this case, the proprietor has also not asked for any amenities from *Thromde* and not even in future as well. The same justification was also supported by Babesa Thuemi. However, in case of E4 areas the residents pay amenity fees because there are plans of developing amenities by the *Thromde* in future. Hence amenity fee is not applicable.



**Decision**

The *Tshogde* decided that amenity fees will not be imposed considering all amenities are developed by themselves and *Thromde* will not provide in future as well. Amenity fees of Nu 32,000/- is being waived off after substantial deliberations.

**Action:** DCD

**Agenda 14. 5% tax on transaction in Semtokha LAP between Mr Pelden and Mrs Sonam Choki**

Mr. Palden has bought 13 decimal land from Mrs. Sonam Choki in 2013 along with a building which was amidst construction and just a floor was complete at the time of transaction. When he put up an application for ownership transfer to *Thromde*, it could not be processed due to the decision to freeze all transactions till the completion of NCRP. The building has been completed now, when the application for the ownership transfer was processed after NCRP and has become liable to 5% property transfer tax on the whole building. The owner has requested for the 5% tax on one floor only.

**Discussion**

Many members felt that similar cases have been discussed earlier and because of the moratorium on transaction due to NCRP, the common people should not be victimized. The documents submitted at the time of applying such requests should be verified with photographic evidences the status of construction. The members enquired the evidences that the building was completed one floor at the time of submission of transaction. The DCD informed that his request matches the inspection report that was produced by the inspectors, who have inspected the site at that point in time. There are no pictorial evidences but the inspection report clearly specifies that there was only one floor completed then. Also informed the application then was first put up to *Dasho Thrompon* which was confirmed through his incoming register and then was forwarded to DCD for necessary follow ups. It was also noted in the incoming ledger of the DCD.

The Jungzhina *thuemi* supported by other members cautioned that the inspector responsible should be held accountable for the due process of site verification. The meeting also acknowledged that such cases in future will be less due to completion of the NCRP, however the need of the pictorial evidences should be a priority requirement.

**Decision**

Based on the evidences of the inspection report, the 5% property transfer tax is applied only to the first floor of the building.

**Action:** SLMS





### Agenda 15. Land related issues with NLCS

The UPD presented some of the land reconfiguration issues that have been rejected by National Land Commission and the land owners have been constantly following up with *Thromde*. There are many cases even in the past where the cases that we have referred to NLCS have been rejected and sent back to *Thromde*. The issues are mainly related to change of plot shapes and sizes and relocations within the approved LAP due to steep slope. NLCS has mentioned that the changes in the NCRP completed areas where *kappas* have been signed by all concerned planners, surveyors, *theumis* and owners will not be considered as these are now final legal documents.

Puspa Raj Sharma, the planner presented the following cases which were returned back in spite of furnishing proper justifications:

1. Jamyang Loden's case of plot reconfiguration in Changbangdu.
2. Lam Kunzang Wangdi's case of plot reconfiguration also in Changbangdu. Not approved vide letter no: NLC/ULD(29)/2015-2016/003064 date: 19<sup>th</sup> November 2015.
3. The plot relocation of *Dasho* Gagey Lham vide notesheet no: 05/UPD/TT/Babesa LAP/2015/398 date: 16th October 2015.
4. The plot relocation of Sunita Chhetri and Dhan Maya Kharka vide notesheet no: 05/UPD/TT/Babesa LAP/2015/409 date: 23rd November 2015.
5. The plot relocation of Tenzin Wangmo vide note sheet no: 05/UPD/TT/Babesa LAP/2015/412 date: 24th November 2015.
6. Khandu Wangmo's case in Simtokha LAP (SM1-269).

### Discussions:

The chairperson highlighted Khandu Wangmo's case, where her plot reconfiguration was rejected by NLCS many a time upon sending the valid justifications. Her plot was originally in the green area and was shifted during the LAP preparation through land pooling. The present plot is half in very steep area where the owner did not accept during NCRP. However, now she plans to fragment the plot into three and accept two in the LAP location and bring one plot back to the green area. Her original location was visited many times during NCRP and found that it is very flat and above the flood risk of the depression. This case is different from the other cases as the land owner has not accepted the plot and NCRP survey was never carried.

TABA thuemi also supported by saying that we should actually know the ground reality, to re-configure or relocate is not that easy, it involves lots of man power and time. And if after spending lot of energy and time, if NLCS simply rejects then there is no need of having *Thromde* office.

The members deliberated at length and considering the safe distance available between the gorge and the plot within the green area, approved the deletion of the green area falling within the plot in the LAP.

For the other 5 cases, the members deliberated on the issue of the legality of the reconfiguration carried out after the NCRP. All the members also acknowledged that if *Thromde* planners



reconfigure or relocate plots after signing the *kappas* against the will of the land owner, then it is illegal. But in the above cases, the land owners have approached the *Thromde* to either reconfigure or relocate their plots because of stability issues. *Thromde* recognizing the ground situation and availability of vacant spaces in the close vicinity of the plots within the same LAP has agreed to reconfigure or relocate. The members strongly argued that the responsibility to save the people from any disaster due to stability of the ground is the local government.

*Thromde* will do the necessary reconfiguration or relocation based on the practical problems encountered at site to avoid any mishaps or accident or threat to the people and if NLCS do not approve, then *Thromde* should not be held responsible.

All the members felt that NLC has the wrong perception that once the NCRP is completed, everything on the ground is frozen. The LAP preparation has mostly happened in the computer and the geographical terrain is not taken in proper cognizance. Due to this, LAP implementation has seen many incidences where drain provisions have to be created now to avoid future complications. In such cases *Thromde* is required to reconfigure or shift plots slightly to create half a meter to one meter corridor for drainage and sewerage lines.

Dechencholing thuemi also stated that the roles of *Thromde* and NLCS have to be set out clear. If the roles are not clear, people working in *Thromde* will have difficulties in implementing the plans at the site.

### Decision

The *Tshogde* decided that for the case of Khandu Wangmo, the green area is deleted for the plot location considering the space available on the ground, safe from the depression. For the other cases, the recommendation of the *Tshogde* members will be discussed separately with Land Commission to come to a common understanding that we should reconfigure or relocate to safeguard people from disasters or environmental degradation.

**Action:** UPD

### Agenda 16. Study tour of *Thromde Thuemis*

The study tour for *Thuemis* has been decided during the follow-up meeting of 25<sup>th</sup> *Thromde Tshogde* which was held on 3<sup>rd</sup> August 2015. The case is resubmitted to *Tshogde* to decide on the need to send two (one male and one female) officials to accompany the *Thuemis*. The two officials are Ms. Kuenga Wangmo, Land Record Officer and Mr. Ugyen Tshechu Dorji, Legal Officer. The members acknowledged the hard work Ms. Kuenga had put in during her five years tenure in *Thromde* land management section, where she was instrumental in resolving many land issues including transaction. Also, both the nominations have been processed through the HR committee.

**Action:** HRO & DCFO for payment



**Conclusion**

The chairperson thanked all the members for their active participation and for having successfully completed the tenure of five years and wished all the *Thuemis* good luck in the next election if they are re-contesting. Also thanked all the participants from *Thromde* and media personal for having taken time to cover the session. The *Tshogde* adjourned with offering of the *Tashi Moenlam* and *Zhabten* at 12:30PM.

**Minute keeper:** Karma Dorji, Planning Officer

\*\*\*TASHI DELEK\*\*\*

