

Land Acquisition and its ways

- There are various ways of acquiring land such as
 - voluntary purchase,
 - land consolidation (readjusting) and
 - compulsory purchase.
- The transaction or exchange of land is known as **voluntary purchase** (Seppanen, 2004).
- The **land readjustment** allows land assembly, especially when **budgets for compulsory purchase** (expropriation) and infrastructure provision are **limited**. The method enhances development by **re-parceling** of land for better planning and distributing the benefits of the development (Home, 2007).

Compulsory purchase

- In other hand, **compulsory purchase** is the expropriation of land with ownership right or use right.
- The idea for the **expropriation** comes from sovereign's power of eminent (important) domain. This power permits the state to **acquire private land** for **the benefit of the society** and is undertaken worldwide (Kitay, 1985).
- **Compulsory purchase** is one of the way in which local and national governments acquire land for development purpose (Viitanen & Kakulu, 2009).

Squattering

- There are **push and pull factors** that causes **rural to urban migration**
- The factors are lack of access to land in which many people find themselves in a **situation of economically insecure**.
- Similarly, the factors are **better jobs, health, education and other facilities**.
- However, due to lack of affordable land and housing , lack of employment opportunities the migrant population **left to squat and build their shelters on public land and other environmentally sensitive areas like riverbanks or flood plains**, steep slopes and vacant spaces under high-voltage electrical transmission line.
- Besides, the failure of the rural economy and displacement of people for various reasons, **including natural disasters and conflict, are the two major causes for the increase of slums and squatter settlements in the valley** (UN-HABITAT, 2010).

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- The study has also shown that the population that squat are **not legally legitimate** however, there is tendency towards **socially legitimacy** due the actions of various government and civil groups. The failure to close the **gap of social legitimacy and legal legitimacy** has been the major issue.
- The legal legitimacy refers to **tenure security from legal perspective** where as social legitimacy is about tenure security from **livelihood aspect**
- Squatter settlement in Kathmandu valley :Shankhamul Squatter Settlement (SSS), Thapathali Squatter Settlement (TSS) and Kirtipur Squatter Resettlement (KSR).

Licensing

- **License** or **grant license** means to give permission
- A license may be granted by a party ("licensor") to another party ("licensee") as an element of an agreement between those parties.
- First started in 1907 in Wyoming, U.S.A

Question

1. What are the ethical principle of a Surveyor.
2. List out the code of conduct for the Licensed surveyor.

Why?

- To set **norms and standards**
- To **monitor and inspect** the quality
- To fix the **qualification necessary** in order to practice a profession

Licensing is one of the means of **regulating the profession**. The organizations providing engineering services, for example, are expected to obtain approval from professional organizations before starting their business, apart from fulfilling the legal requirements.

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- First attempt in land (survey and measurement) Act 2019 has a provision to **award license to qualified surveyors**, but it is not yet applied due to lack of rules and regulations regarding process, qualification of the surveyor, terms and conditions to honor the license, etc.

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#११घ.स्वीकृति लिई हवाई सर्वेक्षण, नक्सा प्रकाशन आदि गर्न सक्ने: यस ऐनको अन्य दफामा जुनसुकै कुरा लेखिएको भए तापनि तोकिएको अधिकारी अरु कसैले हवाई सर्वेक्षण गर्न, नेपाल सरकारले स्थापना गरेको नियन्त्रण बिन्दुहरू प्रयोग गर्न, नेपाल सरकारले तयार गरेको नक्सा प्रकाशन गर्न वा विदेशमा प्रकाशित नक्सा नेपाल <..... भित्र बिक्री गर्न चाहेमा तोकिएका शर्तहरू पालना गर्ने गरी सो कार्य गर्न सक्नेछ ।

तर विदेशमा प्रकाशित नक्सा नेपाल सरकारले तयार गरेको नक्सासंग बाझिएको रहेछ भने त्यस्तो नक्सा नेपाल <..... भित्र बिक्री गर्न पाइने छैन ।

#११ङ.नाप नक्सा गर्ने अनुमतिपत्र दिन सक्ने : (१) नेपाल सरकारले कुनै व्यक्ति वा संस्थालाई यस ऐन बमोजिम गरिएको नाप जाँचको अधीनमा रही तोकिए बमोजिमको नाप नक्साको काम गर्न अनुमतिपत्र दिन सक्नेछ ।

(२) उपदफा (१) बमोजिम अनुमतिपत्र दिँदा लाग्ने दस्तुर, अनुमतिपत्र प्राप्त व्यक्ति वा संस्थाले पालन गर्नु पर्ने शर्त तथा तत्सम्बन्धी अन्य कुराहरू तोकिए बमोजिम हुनेछ ।

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परिच्छेद— ५

नक्सा प्रकाशन गर्ने र नाप नक्सा गर्न अनुमति दिने

२५. स्वीकृति लिई हवाई सर्वेक्षण, नक्सा प्रकाशन आदि गर्न सक्ने: (१) ऐनको दफा ११घ. बमोजिम नेपाल सरकारका विभिन्न निकाय वा कार्यालयहरूबाट ऐन र यस नियमावली बमोजिम नाप जाँच गर्नेमा बाहेक हवाई सर्वेक्षण गर्न, नेपाल सरकारले स्थापना गरेको नियन्त्रण विन्दुहरू प्रयोग गर्न, नेपाल सरकारले तयार गरेको नक्सा प्रयोग गर्न वा विदेशमा प्रकाशित नक्सा नेपाल ✕ भित्र बिक्री गर्न चाहने व्यक्तिले महानिर्देशक समक्ष निवेदन दिन सक्नेछ ।

(२) उपनियम (१) बमोजिम निवेदन पर्न आएमा देहायका शर्तहरू पालन गर्ने गरी महानिर्देशकले सोको स्वीकृति दिन सक्नेछः—

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- (क) हवाई सर्वेक्षण गर्दा महानिर्देशकले तोकिदिएको क्षेत्र भित्र सिमित रहनु पर्ने,
- (ख) जुन उद्देश्यले नक्सा प्रकाशन गर्न स्वीकृत लिएको हो सो उद्देश्य बाहिर गएर नक्सा प्रकाशन गर्न नहुने,
- (ग) नक्सा उत्पादन गर्नु पूर्व पाण्डुलिपि (म्यानुस्क्रिप्ट) स्वीकृत गराउनु पर्ने,
- (घ) जुन उद्देश्यले नियन्त्रण विन्दु प्रयोग गर्न स्वीकृत लिएको हो सो बाहेक अन्य प्रयोजनमा प्रयोग गर्न नहुने,
- (ङ) नियम ३२ बमोजिमको नाप नक्सा समितिले तोकेका अन्य शर्तहरू पालना गर्नु पर्ने ।

(३) सरकारी तथा सार्वजनिक खर्चमा भएका नाप नक्सा विभागले तोकेको स्पेसिफिकेशन अनुरूप हुनुपर्नेछ ।

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२६. नाप नक्साको अनुमतिपत्र सम्बन्धी व्यवस्था: (१) नियम २८ बमोजिमको योग्यता पुगेको व्यक्तिले वा त्यस्तो योग्यता पुगेको व्यक्ति आवद्ध रहेको संस्थाले ऐनको दफा ११ड. बमोजिम नाप नक्साको कार्य गर्न चाहेमा अनुमतिपत्रको लागि विभाग समक्ष निवेदन दिनु पर्नेछ ।

(२) उपनियम (१) बमोजिम निवेदन प्राप्त भएपछि विभागले सो निवेदन नियम २७ बमोजिमको परीक्षण समिति समक्ष पठाउनेछ र सो समितिले निवेदकलाई अनुमतिपत्र दिन उपयुक्त छ भनी सिफारिश गरी पठाएमा विभागले देहायको नाप नक्साको काम गर्न पाउने गरी अनुसूची—१४ को ढाँचामा अनुमतिपत्र दिन सक्नेछः—

- (क) कित्ता नक्सा र सोको अद्यावधिक गर्ने,
- (ख) इन्जिनियरिङ्ग सर्भे गर्ने,
- (ग) नेपाल × को आधार नक्सा (बेस म्याप) बाहेकको स्थलरूप नापी गर्ने,
- (घ) थेमाटिक नापी गर्ने ।

(३) उपनियम (२) बमोजिम अनुमतिपत्र लिने व्यक्ति वा संस्थाले त्यस्तो अनुमतिपत्र लिनु पूर्व महानिर्देशकले तोकिए बमोजिमको रकम बैंक ग्यारेण्टी वा जेथा जमानत राख्नु पर्नेछ ।

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२७. परीक्षण समिति सम्बन्धी व्यवस्था: (१) नाप नक्साको कार्य गर्न अनुमतिपत्र पाउने व्यक्ति वा संस्थाको उपयुक्तता परीक्षण गरी सिफारिश गर्ने प्रयोजनका लागि परीक्षाको पाठ्यक्रम निर्धारण गर्न र परीक्षा सञ्चालन गर्न देहाय बमोजिमको परीक्षण समिति रहनेछः—

- (क) विभागका राजपत्राङ्कित प्रथम श्रेणीका अधिकृत
मध्येबाट महानिर्देशकले तोकेको एकजना — अध्यक्ष
- (ख) त्रिभुवन विश्वविद्यालय, इन्जिनियरिङ्ग अध्ययन
संस्थानका सम्बन्धित विषयका प्रतिनिधि एकजना — सदस्य
- (ग) गैर सरकारी पेशागत व्यक्ति वा संस्थाबाट
महानिर्देशकले तोकेको दुईजना नापी विशेषज्ञ — सदस्य
- (घ) विभाग, योजना शाखाका प्रमुख — सदस्य सचिव

(२) उपनियम (१) बमोजिमको परीक्षण समितिले आफू नो कार्यविधि आफू निर्धारण गर्नेछ ।

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२८. अनुमतिपत्र प्राप्त गर्न चाहने व्यक्तिको योग्यता: अनुमतिपत्र प्राप्त गर्न चाहने व्यक्तिले सभै विषयमा स्नातक वा गणित विषय लिई वि.एस्सी. वा भूगोल विषयमा स्नातकोत्तर तह उत्तीर्ण गरी मान्यता प्राप्त संस्थाबाट कम्तीमा एक वर्षको नापी तालीम लिएको र सरकारी वा गैर सरकारी क्षेत्रमा कम्तीमा दश वर्षको अनुभव प्राप्त गरेको हुनुपर्नेछ ।

२९. अनुमतिपत्र दस्तुर: अनुमतिपत्र बापत पाँच हजार रुपैयाँ दस्तुर लाग्नेछ ।

Participation

- According to (Coenen, 2008), Public participation can be defined as the key term to **incorporate stakeholder, community and citizen participation**.
- Participation practices are used in many different contexts such as environmental **decision making, land use planning** etc. According to Michelle Portman (2009), Participation is an interactive process that **engages the public**, establishes **areas of agreement** and disagreement, and enlists contributions to the decision process.

Participation

- According to Smith (2003), public participation is the processes in which individuals, groups, and organizations have the **opportunity to participate in making decisions that affect them**, or in which they have an interest.

Why ?

- Public Participation engages the public, establishes areas of agreement and disagreement, and enlists contributions to the decision process.
- If expectations of society from public participation are not fulfilled then **easy and timely development of projects cannot be expected.**

Why?...

- According to Coenen (2008), Participation will **increase the legitimacy of decision** taken and reduce the **level of conflict**.
- By participation, it is considered that **local people know their problems best**. Hence, the exercise of democratic rights and freedoms is most optimal participating at the local level.

Participation Technique

- **Traditional public participation** techniques involving Publications, Public meeting and advisory committee/task force, Workshops, Focus groups, bilateral meetings, Interviews, Surveys and Public hearings, Crowd sourcing.
- **Emerging public participation** techniques involving Open space technology: social media, conferences, E-participation etc.

Public- Private Partnership

- ☐ Partnership between public organization and private company
- ☐ Medium to long term relationship
- ☐ Partners work closely together to deliver improvements to services
- ☐ Agreed arrangements for the sharing of risks, benefits and rewards, risks.
- ☐ Utilization of skilled man power, technology and security.

Public- Private Partnership

- **Agreement draft** between public and private sector to achieve **certain goal** or objective in a defined way.
- Taking **strengths of both sector** and removing or mitigating weakness so as to **bear risk** or uncertainty by both and also **sharing benefits**.
- Optimum utilization of existing resources (economic, technical, human, physical) for **fast, efficient, reliable service delivery** and keeping mutual relation for long.

Contd....

- Public sector

1. Late service delivery

2. Complex procedure

3. Not focused on quality but focused on how to show more monthly progress

But is people centric and service centric

Contd....

- Private

1. More profit seeking
2. No social responsibility
3. Not interested to work with public sector
4. Syndicate

But fast, efficient management and output oriented

Possible Advantages of a Public-Private Partnership in Land Administration

- ❑ Improvement of procedures for setting up **land registration** in countries in transition
- Mutual economic benefits (outsourcing of work,) through appropriate business models, development of new market segments
- Increased flexibility of land registration services
- Promotion of **use of geospatial base data** for additional (e.g. private sector) customer groups
- Improved customer orientation of LA services, ..

Re-engineering Land Administration Systems

- Global drivers such as sustainable development, globalization, urbanization, economic reform and **technology are changing** the way humankind relates to land.
- This changing relationship **requires new land administration infrastructures and tools**. As a result, existing land administration and cadastral systems are being re-engineered.

Re-engineering Land Administration Systems

