

Need of Licensing in Surveying Profession in Nepal

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Background

The main purpose of licensing in any profession is to protect the public from unqualified and unscrupulous people in the related field and to utilize the public fund in an appropriate manner. A professional is distinguished by certain characteristics, such as mastery of a particular intellectual skill which is acquired by education and training. Besides, it deserves an outlook that is essentially objective in rendering services to a high standard of conduct, performance and liability with an acceptance of duties to clients, employers and society.

In Nepal, there are provisions to issue licenses to the professionals such as lawyers, medical people, dentist etc. from the concerned organizations in accordance with the articles of the regulation. So far as the licensing system to the surveying professionals in Nepal is concerned, it is not yet promulgated. But it is a high time to formulate and execute the registration system to those professionals who are engaged in surveying and mapping. Because mapping and its related activities are expanding in Nepal in private and public sectors with the pace of time.

Licensing / Registration

Licensing to the professionals is not a new phenomenon in the world. The first regulation of this type was contained in the code of laws of Hammurabi of Babylon in the eighteenth century B.C. But the code was something like "eye for an eye and tooth for a tooth" for example a builder constructed a house that collapsed and killed owner; the builder would be killed. If the collapse caused the death of the owner's son, the builder's son would be killed and so on.

Regarding the licenses to the Surveyors and Engineers, it was started in 1907 in Wyoming. George Washington and Abraham Lincoln of the United of America had possessed surveyor's licenses. Today surveying professionals of the developed countries of the world must obtain licenses before they make practice land surveying. Singapore, Malaysia, Sri Lanka, Japan etc. in the continent of Asia has introduced the system of licensing / registration to the surveyors.

Surveyors Duty

The duty and responsibility of surveyors have been expanded tremendously in this modern world. International Federation of Surveyors (FIG) has established and defined surveyor as a professional person with the academic qualification and technical expertise to practice the science of measurement. They have to assemble and assess land and geographic related information to use for the purpose of planning and implementing the efficient administration of the land, the sea and structures thereon and to instigate the advancement and development of such practices.

Surveyors must understand the licensing governing land and property, the makers on it, the services supporting it and the economics of construction, management, acquisition and disposal. Above all surveyors are fact finders and providers of opinions and advice because they collect, process and establish data, which are generated from the field.

In additions surveyors and professional people who have four basic element i.e. education, organization, experience and exclusion. Education means obtaining of formal school degree and the completion of as m any surveying courses as possible. Also it can be of self-education and continuing professional development (CPD) for improvement of personal qualifications and skills by handling tasks and duties through a lifelong process of learning.

Organization means participation in a professional organization and membership of professional Associations, such as Nepal Surveyors Society, Royal Institution of Chartered Surveyors etc. Membership of such as organizations may lead the surveyors towards obtaining the recognition and status of a true professional man. Experience is obtained over the years-undertaking specific tasks and it will be as a gradual transformation of knowledge with the solution of problems.

Exclusion is regarded as to avoid, unfit and unworthy activities which are restricted by the code of ethics or code of professional conduct. One has to bear in mind that there is always a possibility to be expelled from the registered land surveyors, if he had unethical behavior and incompetence on the code of conduct.

In the bygone days land surveying was generally said to include the determination of areas of tracts of land, the surveying needed for preparing descriptions of land establishing or re-establishing land boundaries and the preparation of plots for land tracts and sub-divisions. In course of time with the development of new technology and equipment, surveying have been involved in a board range of activities, which may occur either on, above or below the surface of the land or the sea and may be carried out in association with other professionals.

Need of Licensing in Nepal

Field of surveying and mapping in Nepal is expanding year after another because Nepal is developing its infrastructure with the national resource and international assistance as well. Many development projects have been formulated and implemented for the economic upliftment of the Nepalese people such as local development, traffic management, road construction, urban development, hydro-electric generation projects etc.

All these development projects need exact, accurate, standard and up-to-date maps and map-related data. Capable and competent surveyors could prepare such accurate maps that are required for the planning and implementation of various construction projects. Capability and competency of surveyors can be judged and certified in one way and the other through the registration and licensing system.

It is felt need to manage and issue the licenses to capable surveying and mapping professionals and firms. The licensing system could maintain necessary norms and standards homogeneously on the maps and data, which are prepared also from the private sector companies, agencies and organizations.

For the introduction of licensing system to the Nepalese surveyors and firms, the first and foremost obligation is to be incorporated this issue with an amendment in the existing Land (Survey & Measurement) Act 2019 and its Regulation 2032.

Following provisions should be mentioned in the amended Act and Regulation:

- * Formulation of National Board of Examiners as Surveying Council.
- * To fix the minimum academic qualification with an approved course in surveying according to the categorization of licenses.
- * Minimum years of surveying and mapping experience as an apprentice should be added requirement.
- * Written examination and viva under the supervision of Board or Council.
- * Number of Board Examination should be once or twice a year.
- * Issue of license as a certificate to permit to perform the job with the surveying ethics and code of conduct.
- * To prohibit a person from practicing surveying and mapping without a license.
- * To prepare a model code of ethics and professional conduct.
- * To ensure the discipline of surveying who practice them should meet the needs of the community they serve.

Licensing Category

Category of licenses may be of three types for the time being and it could be added in future as necessary. If we have a look on the classes of Lawyers in Nepal, it is classified as Pleader, Advocate and Senior Advocate. With example of this system, the Licensed Surveyors could be classified as:

- Assistant Surveyor as Basic Type:* To carry out the maintenance of the cadastral maps, demarcation of the parcel boundary, recording of lands and land surveying under the guidance and planning of a Surveyor.

- ❑ *Surveyor as General Practitioner:* To carry on all types of surveys and mapping with computer technology using the equipment and instruments such as GPS Receiver, Total Station Theodolite etc.
- ❑ *Resources Managers as High Grade Surveying Consultant:* To frame terms of Reference of the projects, to prepare Tender Documents, to supervise the work of surveyors.

Reasons to be a Licensed / Registered Surveyor

Surveyors may be desirous to be a Licensed / Registered Surveyor because of the fact that:

- * To be legalized as a person or firm to perform the duty.
- * To be recognized the work of a licensed surveyor as per standard set by the concerned authorities.
- * Registration provides a person recognition as a professional in this community.
- * Registration raises the status of a surveyor and the profession as a whole.
- * A registration / licensed surveyor may be offered the job rather than an unregistered one.
- * The desire for obtaining a license encourages a person to study further and improve his technical ability and aids in his professional career through continuing professional development (CPD).

Ethical Principle

Ethics may be defined as the first duty of a surveyor as normally owes to his clients or employers but as a professional, he also has a duty to the public and to his fellow professionals. It is important that a person must meet certain minimum requirements to obtain license to make practice on land surveying, for example a surveyor:

- * Must be diligent, impartial, unquestionable and competent in his work though no one can be perfect one hundred percent.
- * Measures accurately, record and interpret all data based on facts and figures.
- * Maintains the highest standard of honesty and integrity in ensuring that the information and data he provides are true and complete.
- * Confers the opinions and advice that he gives are of the highest quality of his ability, giving due consideration to the rights of all parties and keeps concern with the safety and welfare of the public and his employers.
- * Maintains confidentiality about private information of his current and former clients / employers / the public, unless to make disclosure by the law or client's permission.
- * Avoids conflict of interests and recognizes the interest of the public.

Code of Conduct

A professional surveyors must follow the code of conduct as:

- * Not to accept assignment those are outside the scope of his professional competency.
- * He exercise unbiased and independent professional judgment.
- * Conducts through research and consulting with other experts as appropriate.
- * Admits and accepts his own mistakes, if there are.
- * Encourages his employees for further education also through continuing professional development and facilitates to attend / participate in professional meetings and to become registered.

- * Cultivates professional obligations of surveyors to society and promotes the surveying profession to clients and public.
- * Surveyors must not place monetary values above other values as no amount of money is as adequate substitute to a spotless reputation.
- * He does not receive remuneration for one project from multiple sources without the knowledge of the parties involved.
- * He employs the expertise of others when his knowledge and ability are inadequate for addressing specific issues.

Remarks

Registration of the surveyors and issuance of licenses to them will help to maintain the accuracy and homogeneity in mapping works in the nation. Concerned department and ministry have to formulate the Act and Regulation to adopt procedures to provide licenses to the professionals and firms. Government agencies should prepare necessary specification, norms and standards on surveying and national map system to enforce the licenses.

Regulation should be established for those qualified Nepalese nationals or foreigners, who work on surveying and mapping of a part or whole of the kingdom to obtain permission / license from the concerned organization. The private sector firms and consultants should carry out productive works whereas their work must be supervised and evaluated by the government agency, whether the final products meet the national standard.

Reference

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