

**ENGLISH TRANSLATION OF THE RESOLUTION OF THE 80<sup>TH</sup>  
SESSION OF THE NATIONAL ASSEMBLY**

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**ENGLISH TRANSLATION OF THE RESOLUTION OF THE  
80<sup>TH</sup> SESSION OF THE NATIONAL ASSEMBLY**

**I. INAUGURAL CEREMONY**

The 80<sup>th</sup> session of the National Assembly commenced on June 25, 2002, corresponding to the 16<sup>th</sup> day of the 5<sup>th</sup> month of the Male Water Horse Year. The session began with the *Zhugdrel Phuntshum Tshogpa*. In his inaugural address, the Speaker welcomed His Majesty the King, the Chairman of the Lhengye Zhungtshog, and the honourable members to the 80<sup>th</sup> session of the National Assembly. He congratulated the newly elected and the re-elected members. The Speaker said that Bhutan had achieved phenomenal economic growth and has witnessed unprecedented and dramatic political changes. Bhutanese people are extremely fortunate to be blessed with a generous and benevolent King where all political changes and reforms have emanated from the Golden Throne.

In accordance with the precious command of His Majesty the King, a written Constitution for the well-being of the country is being drafted. The launching of the Constitution will call for changes in the system of governance, inevitably resulting in major reforms, particularly in our Legislative system. Therefore, the honourable members of the Geog Yargay Tshogchung, Dzongkhag Yargay Tshogchung and the National Assembly would have to shoulder greater responsibilities and face many challenges that we cannot even fathom today.

The Assembly was informed that in order to enhance the mechanism of check and balance more effectively among the three branches of the Government, His Majesty the King had commanded to de-link the Legislature from the Executive.

Following this, the Council of Ministers had decided to process the de-linking from July 1, 2002.

He informed the house that there is a proposal to establish a Legislative Committee for the time being through an interim office order from the Speaker. The Assembly was also informed that beginning the 80<sup>th</sup> session, the National Assembly Secretariat would publish only the issues of deliberation and the final Resolutions to the public. However, a separate record of full verbatim transcription along with names of the debaters would be maintained. The Speaker also notified the Assembly that the National Assembly of Bhutan had joined the Association of Asian Parliament for Peace (AAPP) as a full-fledged member.

He informed the Assembly that almost all the Dzongkhags had submitted agendas on the serious threats posed to the security and sovereignty of the country by the Ngolops and the continued presence of the ULFA and Bodo militants from the neighbouring states of India, for deliberation in this session. The speaker expressed his hope and prayers that the honourable members would engage in frank and open discussions yielding substantive resolutions, ensuring the success of the 80<sup>th</sup> session of the National Assembly.

## **II. REPORT BY THE CHAIRMAN OF THE COUNCIL OF MINISTERS ON THE PERFORMANCE OF THE GOVERNMENT IN THE PAST YEAR**

The Chairman of the Lhengye Zhungtshog reported to the Assembly on the performance of the Government in the past year. Beside the presentation, a 47-paged booklet was also distributed to the house. It was reported that His Majesty the

King had commanded the drafting of a written Constitution by the National Assembly for the present and future well-being of the country. The house unanimously submitted their appreciation to His Majesty the King for commanding the drafting of the Constitution. This would promote the ultimate interest of the people and safeguard the security and sovereignty of the nation.

The members acknowledged the Royal Government for having established a 39 members Constitution Drafting Committee following the command of His Majesty the King. The inaugural ceremony was held in the Royal Throne room at the Tashichhodzong on November 30, 2001 under the auspices of His Majesty the King.

The Head of the Government said that the Constitution of a country, being the supreme law, should assimilate the salient features and the present and future functional principles of Bhutan. Moreover, provisions of organisations and governance as well as fundamental rights of the society should be incorporated in the constitution. The house supported and expressed their hopes and prayers.

Similarly, the Assembly expressed their appreciation to the Drafting Committee members, the wise expertise with integrity and patriotism, for drafting the constitution, as per His Majesty's vision. The Assembly hoped that it would bring peace, prosperity and justice to the country and the people.

In order to materialize the policy of development plan instituted in each Geog in the Ninth Plan as per His Majesty's command, the revised Chathrim for Geog Yargay Tshogchung and the Dzongkhag Yargay Tshogdu would be endorsed during

this session. This would facilitate the people in deriving more decision-making power of their respective Dzongkhags and geogs.

Many members submitted that to strengthen the system of governance in accordance with His Majesty's policy of decentralisation and the changing system, it is important to bifurcate the three branches of government into separate and independent bodies.

During the past year, Bhutan's socio-economic development, political reforms, administration and financial management and auditing procedures necessary for good governance had been enhanced and strengthened. Moreover, there were new strategies to strengthen the security of the nation, programmes to strengthen the government sectors and plans to establish new systems. Besides, new Pension Plan for the civil servants had also been launched. These days, the failure to provide employment to the youths is an emerging problem in the country. Therefore, it was hoped that policy to develop trade and industry would help in solving the problem. The Minister submitted that the Government has formulated many policies and programmes to provide employment to the youths. The Assembly expressed their appreciation on the programmes to preserve and promote culture and traditional values. The Assembly also commended the Government on the environment conservation programme, applicable legal system development and strengthening of international relations.

The achievements of the Government was made possible firstly as a result of the blessings of *Gedun Kenchog*; secondly the wise leadership and guidance of His Majesty the King; thirdly,

the executive Council of Ministers and civil servants' genuine diligent dedication for the well-being of the country and the good fortune of the people. The Assembly concluded the report on the past year's performance of the government with expression of appreciation.

### **III. REPORT BY THE CHAIRMAN OF THE COUNCIL OF MINISTERS ON THE NINTH FIVE YEAR PLAN**

The Chairman of the Council of Ministers presented the review of Eighth Five Year Plan before presenting the Ninth Five Year Plan Report to the National Assembly. He reported with the introduction, objectives and policies of the Ninth Plan as well as methods to prepare plan programme and expenditure budget. Along with the oral presentation, a booklet with prioritised objectives of Ministries, Departments, Dzongkhags and Geogs, as well as the basis of dividing the plan document into three parts was distributed to the members of the Assembly in advance.

The Ninth Plan, 2002-2007, shall commence from July 1, 2002. The most important salient feature of the Ninth Plan's development programmes is that the plan is prepared based on the requirements of each Geog.

#### **The five development goals of the ninth five-year plan:**

1. Improving the quality of life and income of the people, especially the underprivileged.
2. Ensuring Good Governance
3. Promoting private sector growth and enhance employment opportunities

4. Preserving and promoting cultural heritage and environment conservation: and
5. Achieving rapid economic growth.

The total Budget outlay for the Ninth Plan is Nu. 70 billion, with domestic revenue estimating up Nu. 32 billion. This is enough to cover the current expenditure. An external assistance of about Nu 35 billion is required to meet the capital expenditure.

The Assembly discussed that the problem of ULFA and Bodo militants had ensued before the problems posed by the Ngolops in the south during 1990 were resolved. However, the Eighth Five Year Plan was successfully implemented according to the expectations of the Royal Government and people with the blessings of the *Kenchog*, the good fortune of the people and under the wise leadership and guidance of His Majesty the King. The members expressed their appreciation for the success of the Eighth Five Year Plan.

From the initial preparation of the Ninth Plan itself, the order of systematic plan preparation and criteria were clearly clarified and deliberated from the central government till Dzongkhags and Geogs. Later, the people from their own Dzongkhags and Geogs prioritised the objectives that would be achieved during the Ninth Plan benefiting them in the present and future. Therefore, having decided among the Dzongkhags and the Royal Government, no separate discussions were held to prioritise the plan programmes for the Ministries, central Departments, Dzongkhags and Geogs. Along with the deliberation on the five developmental goals in the Assembly, it was discussed that 79 percent of Bhutanese people were

subsistence farmers. In order to improve the quality of life of the people and to increase their income in the Ninth Plan, policy is prioritised on the underprivileged. However, till now, the production of local rice has not been able to meet the demand of the country. Not only large quantities of Indian rice had to be imported year after year, vegetables as well as chillies and other groceries have to be imported. Therefore, foreboding on the policy of self-sufficiency, great effort should be rendered towards agricultural development programmes.

The Assembly submitted their appreciation on the policy of good governance. Moreover, effective doctrine of check and balance is necessary for the transparent and effective system of administration, management and promotion of governance. It was recognised that separation of power for perfect maintenance between the three branches of government (the Legislative, the Executive and the Judiciary) is indispensable. Furthermore, the Assembly expressed their appreciation for the de-linking of Legislative from the Executive from July 1, 2002 as per His Majesty's command and the decision of the Council of Ministers.

The Assembly supported and acknowledged the Royal Government of Bhutan for framing many policy programmes to promote the private sectors, as private sector is the main basis of the economy. They supported the policies of private sector development and expansion of employment opportunities in the Ninth Plan. The Assembly recognised that since many students are enrolled in the schools, private sectors have more employment opportunities for the increasing number of school dropouts every year. Government owned shares should be gradually distributed to the people.

Plots to establish private industries should be finalised without delay and appropriate new industries should be established during the Ninth Plan. Moreover, financial institutions should arrange reasonable measures to disperse the excess liquidity as loans. Like the establishments in Thimphu, arrangements must be made to establish private schools in other Dzongkhags.

In a fast changing and materialistic world, there is a great risk that Buddhist teachings and Bhutan's traditions would deteriorate. Therefore, it is appreciable that the policy and programme for the promotion and preservation of Buddhist teachings as well as Bhutan's age-old traditions were included in the main development points. Bhutan is one of the most environmentally secured and conserved countries in the world. The Assembly noted that it was always important to conserve and nurture the environment without allowing its degradation.

Likewise, importance is also given to rapidly accomplish the goals of economic development and developmental changes. Motor roads, electricity and telecommunication infrastructure are not only necessary for the rapid socio-economic development of a country but also indispensable nowadays.

The Assembly also submitted their appreciation to the governments and people of the friendly countries as well as the international agencies and organisations for assisting Bhutan in its socio-economic development with their resources and expertise. Moreover, profound appreciations were expressed towards the government and people of the friendly neighbouring countries. It was hoped that the

international organisations would continue to provide assistance and support.

With the blessings of the Triple Gem and the guardian deities, the wise leadership of His Majesty the King and relentless efforts and good fortune of the people and the government, the problems related to the presence of militants of the neighbouring states of India would be solved soon without affecting the socio-economic development programmes. The Ninth Five Year would also be successfully implemented as per the farsighted vision of His Majesty the King and expectations of the Government and people. The Assembly concluded the report on the Ninth Plan with aspiration prayers. It was hoped that the ultimate vision of the country, Gross National Happiness, would be achieved without delay.

*Note: Please refer the Ninth Plan booklet for more information on the Ninth Plan*

#### **IV. PRESENTATION OF THE NATIONAL BUDGET FOR THE FINANCIAL YEAR 2002-2003 AND THE REPORT ON THE 2001-2002 BUDGET BY THE FINANCE MINISTER**

The Finance Minister presented a brief review of the fiscal year 2001-2002 budgets and National Budget of the fiscal year 2002-2003 to the National Assembly and distributed the information booklets. The total budget outlay for the Eighth Five Year Plan was Nu. 30 billion. Due to increase in current revenue and capital expenditure, the total budget outlay increased by about 33 percent. Therefore, the actual expenditure in the Eighth Five Year Plan was around Nu. 40 billion.

The projected domestic revenue of Nu. 13 billion increased by 60 percent. Moreover, the overall resource gap was contained at Nu. 303 million due to the successful external resource mobilization. Concessional borrowings from International Financial Institutions constituted about 5 percent of the Eighth Five Year Plan's total budget outlay.

The Gross Domestic Product growth rate was about 6 percent and the average inflation rate settled at a low record of about 3.5 percent during 2001-2002. The foreign exchange reserves stand at US \$ 300 million, sufficient to sustain around 17 months of import. The total internal revenue debt was about 53 percent. The total debt service ratio was below 4 percent. It was reported that due to increased revenue, the resource gap fell down to 40 percent. The revised budget increased by around 4 percent. The increase in resources in the past year could be attributable to higher grant disbursement of around Nu. 398 million and increased domestic revenue of around Nu 330 million than expected. Consequently the projected 10% resource gap was down to 6 percent.

The new fiscal year 2002-2003 is the beginning of Ninth Five Year Plan. The Ninth Plan will prioritise on improving living standard of the people, rural infrastructure development and increased employment opportunities. The Ninth Plan's main concern is also on increased economic production, maintaining a stable economy and development of private sectors.

The budget outlay for the financial year 2002-2003 of the Ninth Five Year Plan is Nu 11,184,643 million. This would account around 16 percent of the total plan outlay. The

current expenditure is expected to decrease slightly as a direct impact of corporatisation of the Department of Power's utility functions from July 2002. Domestic revenue is expected to cover about 45 percent of the total budget, while grants and concessional borrowings are expected to cover around 50 percent. A 5 percent resource gap is projected. However, it could increase significantly if the projected donor support did not materialize.

In the event of armed confrontation with the ULFA and Bodo militants, the Royal Government would have to divert considerable amount of resources to meet the humanitarian needs of the people affected directly by such conflict. This would pose additional burden on the national budget.

#### **Sector Allocation: Financial Year 2002-2003 Budget**

<b>Sector</b>	<b>Amount</b>	<b>Percent</b>
Health and Education	2863.538	25.60
Agriculture	1,1242.622	11.11
Human Settlement	693.395	6.20
Communications	211.619	1.89
Roads	1,2160.149	11.27
Energy (excluding mega projects)	1,068.555	9.55
General Public Service	2,696.8667	24.11
National Debt service	372.218	3.33
Others	775.680	6.94
<b>Total</b>	<b>11,184.643</b>	<b>100</b>

The projected domestic revenue for the new financial year is Nu. 5,100.215 million. This marks a 3 percent increase over

the revised revenue estimates of the past year. The revenue from Business Income Tax amounts to only about 5 percent of the total domestic revenue. Although a vast majority of Bhutanese live in rural areas, the rural tax constitutes less than 1 percent of the domestic revenue. Despite this, the Royal Government provides numerous highly subsidised services to the people.

### **National Revenue Forecast for the Financial Year 2002-2003**

<b>Source of Revenue</b>	<b>Amount</b>	<b>Percent</b>
<b>A. Tax Revenue</b>	<b>3,086.624</b>	<b>60.52</b>
1. Direct Tax	1,811.485	35.52
Corporate Income Tax	1,090.135	21.37
Business Income Tax	254.488	4.99
Health Contribution	23.556	0.46
Royalty	325.059	6.37
Rural Tax	8.247	0.16
Personal Income Tax	110.000	2.16
2. Indirect Tax	1,275.139	25.00
Bhutan Sales Tax	522.734	10.25
Export Tax	13.794	0.27
Excise Duty	530.374	10.40
Motor Vehicle Tax	72.659	1.42
Import Duty	93.490	1.83
Business and Prof. Licenses	22.212	0.44
Other Tax Revenues	19.876	0.39
<b>B. Non Tax Revenue</b>	<b>2,013.591</b>	<b>39.48</b>
Admin. Fees and Charges	86.920	1.70

Capital Revenue	46.109	0.90
Revenue from Govt. Debt	45.597	0.89
Dividend	1,343.314	26.34
Transfer of Profits	490.071	9.61
Other Non-Tax Revenue	1.580	0.03
<b>Total</b>	<b>5,100.215</b>	<b>100.00</b>

In order to encourage private sector growth, the government has provided Tax Holidays to the private sector on Corporate Income Tax and Bhutan Sales Tax, in spite of huge losses that the government would have to bear.

*Note: Please refer the Financial Report of the year 2002-2003 for clarification on Tax Exemption and Tax Holiday.*

The Assembly members expressed their appreciation on the successful completion of the last fiscal year of the Eighth Five Year plan and fiscal year 2001-2002. The house also acknowledged on the increased in domestic revenue by 60 percent over the projected revenue, which covered the current expenditure. The Assembly further expressed their appreciation on the foreign exchange reserve sufficient to cover 17 months of imports and the reduction of resource gap to 6 percent.

The members also expressed their gratitude for launching the National Pension scheme and Provident Fund Plan as per His Majesty the King's vision on July 1, 2002 for the civil servants, armed forces and corporate employees.

In the Ninth Plan, it is expected that industries founded on developmental basis of motor roads, hydropower and telecommunication facilities would be established at the right time. The members expressed their hope that tourism and

import and export would be developed enabling the private sectors to pay more Business Income Tax than now. Similarly, the members expressed their hope that agricultural production and cash crop cultivation would increase. Augmented by better market access, many small cottage industries would come up in the rural areas. This would increase the rural tax base more than the present.

The assembly discussed on the creation of employment opportunities for the increasing number of youths. The house also deliberated and analysed the benefits and detriments on the enhancement of economic growth and establishment of industries along the border and other Dzongkhags as per the policies.

The Assembly discussed about the privatisation of government executed road construction works, transport services and duty free shops. Besides, allocation of shares of the RICB and Hydro Power Corporations to encourage the private sector development were also discussed.

It was discussed that financial institutions must review and reform the loan procedures and interest calculation methods. The Bhutan Development Finance Corporation should tie up repayment schedules of the rural loans coinciding with agricultural harvesting seasons. It was also discussed that financial institution must mobilise the excess liquidity to finance the economic development activities and private sector development.

The Assembly also discussed on the need to create awareness in establishing private schools in every Dzongkhag, aimed with the advantages and disadvantages of avoiding the people

from migrating to the urban areas. This would also provide education to the students without having to go to other places for their studies.

Many representatives of the people questioned and expressed their concerns and regrets on the possible fraudulences and misappropriations of public fund in the civil service, as the Royal Audit Authority had reported in one of the past Kuensel issue. Consequently, detailed discussion was held on the government's system of procurement, accounting and management of donor funded projects and programmes. The auditing and financial periodicities as well as the system of furnishing responses by the responsible government organizations and officials on the audit report and actions were also discussed. The Assembly also discussed the differences in the understanding of the issues raised in the audit report published in the Kuensel.

The system of verification and investigation of the defendant and imposition of penalty on the offender in accordance with the laws of the country, Civil Service Rules, and Administrative Rules and Regulations through the court of law based on the audit reports were discussed. Moreover, mandatory system to produce audit clearance certificate by all the civil servants for training, transfer, promotion and retirement was discussed.

The Assembly discussed on the need to study the advantages and disadvantages of foreign direct investment in Bhutanese economy and business in light of globalised free trade system. The exemption of tax on the un-rented household properties and non-exemption of taxes from the taxable incomes

mentioned in the Act, passed by the Assembly, were also discussed.

Along with the discussion on the possibility of instituting the pension scheme for the Dratshang community, they also felt the need to form a full time Accounting Committee to overlook the system of allocation and utilization of public funds. However, the institution of Accounting Committee was postponed till the finalization of the constitution.

The National Assembly expressed their appreciation to the donor countries for aiding the development of the country. It was hoped that they would continue their assistance in the future. The house hoped that the first year of the Ninth Five Year Plan's socio-economic development would be successfully implemented despite the problematic illegal entry of militants into our country from the neighbouring Indian states of Assam and West Bengal. The presentation on the National budget for the year 2002-2003 and the review of the 2001-2002 budget concluded with hopes and prayers.

*Note: Refer the National Budget booklet distributed by the Ministry of Finance for further clarification on the financial year 2002-2003.*

## **V. ISSUES RELATED TO DEVELOPMENT ACTIVITIES**

### **1. Road Construction**

#### **i. Gyelposhing-Nganglam motor road**

The people's representative of Jurmey Geog under Mongar Dzongkhag submitted that in accordance with the resolution of 76<sup>th</sup> and 77<sup>th</sup> session of the Assembly, around 10 km of

trace cutting of the Gyelposhing-Nganglam motor road was completed. The Chimi requested for the continuation of the motor road construction.

The Deputy Minister for the Ministry of Communications informed the house that the motor road requested by the people of Jurmey Geog was already included in the Ninth Plan. Moreover, the Department of Roads had already carried out the feasibility study of the construction. Out of 64 km, construction of 25 km of the motor road would be started soon. However, the completion of the road would depend on the security status of the area. The Assembly resolved that the construction of Gyelposhing-Nganglam motor road should be completed within the Ninth Plan.

## **ii. Getana-Bongo motor road**

The people's representatives of Getana and Bongo geogs submitted that Getana Geog is one of the remotest geogs in Chukha Dzongkhag. Though the land in Getana is fertile with tremendous potential for the cultivation of a variety of crops, agricultural development could not be pursued due to lack of a motor road. As access by motor road is the key to development, the people of Getana and Bongo geogs requested for the construction of motor road. The sanction of this road would also benefit the people of Dagana and Tsirang Dzongkhags.

The Deputy Minister for Communications pointed out that requests for new roads in other Dzongkhags would depend on the economic potentiality and cost benefits, expediency of equipments and machineries, budget provision for road construction and environmental assessments. Accordingly, it

is possible that the Getana motor road would not be included even in the national road master plan, 20 years from now.

The National Assembly noted that although road is an important basis for development, the problems of lack of resources, equipments and machinery as well as objectives of environment conservation must be considered. In accordance with the future and present benefit of the road and the need to analyse the issue of sustainability, the construction of motor road in the country should depend on the established plan. Therefore, it was discussed that the requirements for the construction of motor road from Meritsemo-Getana, via Bongo, would be examined during the Ninth Plan. The Assembly resolved that arrangements would be made to construct the road during the Tenth Plan if all the pre-requisite conditions were fulfilled.

## **2. Relocation of mini hydropower station**

The people's representative of Bumthang Dzongkhag submitted that the existing mini hydropower station at Chumey that supplies electricity to both Bumthang and Trongsa does not generate enough power to meet the requirements, especially during winter season. They requested for the relocation of Chumey mini hydropower station to another locality in Bumthang where there is enough water to generate more power until the plan to supply electricity from Kurichu is enforced.

The Minister and the Secretary for Trade and Industry informed the house that to solve the problem of insufficient power supply by relocating the Chumey mini hydropower station would incur an amount of around Nu. 486 million and

a lot of time. It was decided that a 400 KW sub-station would be installed in the Tang region of Bumthang in the Ninth Plan. There are plans for the extension of power transmission during the Ninth Plan via Tingtibi, Zhemgang for the purpose of supplying electricity to Trongsa and Bumthang from Kurichu. Moreover, there are plans to connect the power transmission of Kurichu with Chukha, Tala and Basochu through Wangdue Phodrang, Tsirang and Geylephu at a later time.

The Assembly noted the problem of insufficient power faced by Bumthang and Trongsa Dzongkhags. However, considering the expenditure and time involved in relocating the Chumey power station, the power supply from Kurichu to Bumthang and Trongsa during the Ninth Plan would be sustainable in the long run. It was therefore resolved that the Chumey power station will not be relocated.

## **VI. ULFA-BODO PROBLEM**

The people's representatives of Punakha, Dagana, Lhuentse, Bumthang, Gasa, Zhemgang, Trashigang, Samtse, Thimphu, Trashiyangtse, Chukha, Sarpang, Trongsa, Samdrup Jongkhar, Mongar, Tsirang and Pemagatshel Dzongkhags and the representative of the Bhutan Chamber of Commerce and Industry submitted various points on the need to remove the problem posed by the continued presence of the armed ULFA and Bodo militants from the friendly neighbouring Indian state of Assam who had illegally entered Bhutan, established camps and training centres in the south-eastern Dzongkhags and were refusing to leave the country. The National Assembly deliberated on the issue for two days. The main concern

expressed in the debate was over the militant problem not only disrupting the implementation of socio-economic development programmes for the benefit of the people but the increasingly serious threat it was posing to the very security and sovereignty of the country.

The people's representatives submitted that since the problem had remained unresolved despite repeated deliberations in the National Assembly over many years, the deep concern felt by the people was rendering their nights sleepless and making their food devoid of taste. Furthermore, the people in the militant affected areas were facing great difficulties in meeting the needs of their daily livelihood as a result of the problem.

In its past three sessions, the National Assembly had adopted three peaceful measures to resolve the militant problem. It had also been decided that if these measures failed to yield fruitful results then military action would have to be taken to remove the problem. Three rounds of talks held between the Royal Government and the ULFA had resulted in a signed agreement, with the ULFA giving a commitment to close down four out of their nine camps inside Bhutan by 31st December 2001 and to reduce the number of their cadres in the remaining camps. The members of the house made repeated references to the commitment given by the ULFA leaders in the written agreement and expressed big doubts that while the ULFA had closed down four out of their nine camps, the agreement had not been fully honoured. The frequent movement of armed militants inside Bhutanese territory indicated that the cadres from these four camps may have been merged in the remaining five camps or these four camps may have been shifted to the jungle areas in other parts of

Bhutan. The people's representatives called on the Royal Government to continue talks with the ULFA leaders and find a way to make them close down their remaining five camps without delay. The members also called on the Royal Government to hold peaceful dialogue with the leaders of other militant groups to remove the problem posed by them. They requested to be informed about the measures taken by the Royal Government to deal with people who were found extending assistance to the militants.

The Home Minister assured the National Assembly that the Royal Government was making every effort to remove the problem of the ULFA and Bodo militants. In keeping with the resolutions of the past Assembly sessions to try and remove the problem through peaceful dialogue, the Home Minister had met the chairman of the ULFA in Trashigang last year. During the meeting, the ULFA chairman had assured the Home Minister that they would abide fully by the agreement signed by them and also make every effort to withdraw completely from Bhutan. Although the ULFA had removed four out of their nine camps by December 31, 2001 as per the agreement, they had opened a new camp on a hill above the Samdrup Jongkhar-Trashigang highway. It was possible that the cadres from the Deori camp, which was closed down, may have merged with this new camp. The Home Minister said that it was not possible to confirm whether the cadres of the other three camps had left the country. Nevertheless, the fact that four ULFA camps had been closed down without firing a single shot or the loss of a single life was a small but important step towards finding a peaceful solution to the problem. Regarding talks with the NDFB, the Home Minister informed the house

that after holding the second round of talks with the NDFB leaders in May 2001, no further talks had taken place.

The Home Minister informed the Assembly that in order to ensure that the decision of stopping ration supplies to the camps of the militants was fully implemented, all the shops in Bhangtar, Nganglam and Lhamoizingkha had been closed down. Some shops in Dagapela and shops between Tashilakha and Piping in Chukha Dzongkgag had also been closed down. People found selling rations to the militants were prosecuted in the courts under the National Security Act.

The Home Minister also informed the house that the ULFA today had six camps while the NDFB had three main camps and four mobile camps. It was also recently confirmed that a third armed militant group called the Kamtapur Liberation Organization (KLO) had established two camps inside Bhutanese territory. The KLO were Rajbansi tribal of North Bengal living along the bordering areas with Chukha and Samste Dzongkhags.

The Home Minister apprised the members that the Cabinet Ministers and the Lhengye Zhungtshog had held extensive discussions in February this year to formulate strategies to remove the militant problem. In keeping with the resolution of the National Assembly regarding peaceful dialogue, the Lhengye Zhungtshog had recommended that a final round of talks should be held with the top leaders of the ULFA to give a last chance for a peaceful solution. If this meeting produced no concrete results there would be no other option left but to resort to military action to remove the militants. The Home Minister requested the National Assembly to consider the

decision of the Lhengye Zhungtshog and provide direction for the country to follow.

During the deliberations on the militant problem one of the issues given high importance, and raised repeatedly by the members, was the stopping of rations and other supplies to the ULFA and Bodo camps inside Bhutan. They pointed out that the Royal Bhutan Police and the concerned organizations were carrying out strict checks on all vehicles passing through the check posts inside the Bhutan border. All shops in the border towns like Bhangtar, Nganglam and Lhamoizingkha had been closed down and the people in the militant affected areas had stopped raising livestock. At the same time, the Indian security forces were deployed extensively across the Indian side of the border. The members repeatedly questioned how it was possible for the ULFA and Bodo militants to bring in rations and arms without much difficulty in spite of these measures.

The members also pointed out that many Bhutanese nationals travelling in Bhutanese passenger buses across the border were attacked and killed while there was not a single incident of Indian buses carrying Bhutanese passengers being attacked while plying along the same highway. It was a source of much doubt and concern to see Bhutanese people travelling across the border subjected to so much fear and apprehension. The question of India's role and responsibility in such circumstances, as a good friend of Bhutan, was also raised.

On February 2 and April 4, 2002 armed militants were seen in Tsirang Dzongkhag. 10 fully armed ULFA militants had also entered Dagana through the jungles of Sarpang and Tsirang

between February 18 and 22, 2002, followed by groups of four and 16 militants a few weeks later. These militants were seen moving about without any concern.

Likewise, in Zhemgang Dzongkhag, the militant problem, which had affected only the four geogs of lower Zhemgang, had now started affecting one of the northern geogs and there was every danger of it spreading to other geogs and the neighbouring Dzongkhags. Members also reported that people who were not affected by the problem earlier were now filled with deep concern and fear on seeing the militants appear in their areas.

The militant problem was now further aggravated by a new militant organization called the Kamtapur Liberation Organization (KLO), which had also set up camps inside Bhutanese territory. The KLO militants, who were seen moving about in Bongo, Tala and other parts of Chukha Dzongkhag, could pose a serious threat to the power projects in Chukha and Tala.

An extensive discussion was carried out regarding suitable measures to prevent the militants from moving into new areas inside Bhutan. Members pointed out that it was a matter of grave concern for the people, and very difficult for them to comprehend, that an increasing number of militant organizations from India were establishing their presence all over Bhutan when the Royal Government, on its part, had been making concerted efforts to remove the militants from the country. Since the ULFA and Bodo militants were Indian nationals there was no reason why the Indian Government could not hold talks with them as they had been doing with

other Indian insurgent groups. The militants had indicated that if the border had not been blocked, their cadres would have left Bhutan in keeping with the agreement signed by them. It seems that the militants may be having no choice but to keep shifting their camps inside Bhutan because Indian security forces were blocking the exit points along the border in Assam.

The people's representatives pointed out that while the militants had no problem in crossing the Indian border and coming into Bhutan, they faced great difficulties in crossing back into Indian Territory. This observation was raising doubts, which should not be there, in the minds of the people about the friendly Indian government. Therefore, if due care is not taken, the militant problem could seriously harm the very close and excellent relations between Bhutan and India.

The people's representatives also pointed out that with the establishment of camps by the KLO in the south-western part of Bhutan, Indian militants had now infiltrated along the entire border with India. The Indian security forces, with their large numbers, could have sealed the border. If this had been done it would not have been possible for the Indian militants to have entered Bhutan. The members questioned how the militants could manage to get their rations and supplies from across the border. What kind of support did they really have? Several people's representatives submitted that it was necessary to discuss these issues with the Government of India. They said that if the friend in the south could not be depended upon then the neighbour in the north should not be forgotten. The situation arising with new militant groups establishing camps in the country brought to mind the fate of

Sikkim. If this trend continued it may be necessary to think about establishing friendly relations with the northern neighbour.

The house noted that it was very important for the leaders of the two governments in India and Bhutan to hold talks, which would bring tangible results in resolving this problem.

The Foreign Minister explained to the people's representatives that there was no reason for the Bhutanese people to have any doubts about the Government of India over this issue. India had always been Bhutan's closest friend and neighbour and the most important development partner since the First Five-Year Plan. He assured the members that there was close consultation between the leaders of the two governments regarding the problem of the militants and informed them that India itself was dealing with a far greater and complex problem involving a large number of militant organizations.

While discussing various courses of action, people's representatives proposed that villagers living in high-risk militant affected areas should be relocated to safer places. It was also proposed that the Chengarzam and Panbang bridges in Zhemgang Dzongkhag and the Yangmari Bridge in Mongar Dzongkhag should be dismantled if it became necessary to take military action against the militants. Dismantling of these bridges, which were used by the militants, would restrict their movement.

His Majesty the King informed the National Assembly that the Lhengye Zhungtshog had held several deliberations, in February this year, to find the best possible solution to the security problem facing the country and thereby protect the

interest of the nation. The Lhengye Zhungtshog had arrived at three decisions, which had been submitted to His Majesty.

Firstly, it was decided to hold talks with the chairman and the military commander-in-chief of the ULFA together. This was necessary because, in the past, it was on the pretext of one or the other not being present that no decisions could be taken during the meetings. Therefore, both the chairman and the commander-in-chief must be present for any further talks with the ULFA.

Secondly, the Royal Government would not agree to any more meetings on the reduction of camps but would only discuss the closure of the main camp which served as their headquarter. If their headquarter were moved out, other camps would close down and their cadres would leave Bhutan. On the other hand, it would be of no use if they agreed to remove two or three camps because it was difficult to check whether they would merge these with their remaining camps or not. It was not possible to determine the number of militants in the dense jungles where it was difficult to even locate them.

Thirdly, if the ULFA leaders did not agree to remove their headquarter, it will be clear to the Royal Government and the people of Bhutan that the ULFA have no intention of leaving the country and there will be no other option but to remove them through military action.

His Majesty said that these decisions had been taken, keeping in mind the importance of ensuring the peace and security of the country and the well-being of the Bhutanese people. If this strategy could be implemented successfully it would greatly

benefit the country. His Majesty advised that it was important for the National Assembly to discuss the decision of the Lhengye Zhungtshog and adopt a clear resolution on removing the militant problem.

His Majesty also informed the Assembly that the Lhengye Zhungtshog had decided, in the past, that it was important for the Royal Government to hold separate talks with the ULFA and the Bodos. It was felt that, even if the negotiations with the ULFA did not come to a successful conclusion, there was a chance that it might succeed with the Bodos who live along the Bhutan-Assam border and have always shared a close friendship with the Bhutanese people. The Royal Government had, therefore, invited the chairman and secretary of the NDFB to Bhutan for talks and they had met with the Home Minister and members of the Royal Advisory Council and even with His Majesty himself.

His Majesty explained that the KLO was a new militant group from West Bengal and, at this stage, it was not even known who their leaders were. However, the ULFA was the most important among the three militant groups, which had established camps inside Bhutan. Therefore, the Lhengye Zhungtshog had decided to hold talks with the top leaders of the ULFA and the Royal Government would tell them that they must remove their main headquarter from Bhutan. Although some government officials and people's representatives believed that if the government took on one militant group first, it would be easier to deal with the others later, the fact was that the militant groups all shared the same goals.

His Majesty said that, ultimately, if the Royal Government had to resort to military action against the militants, in accordance with the resolution adopted by the National Assembly, it would not be just the ULFA that would have to be dealt with. Bhutan would have to deal with all the militant groups who were inside the country.

While deliberating further on the issue, members of the house pointed out that even though the people were facing great difficulties and serious threats to their lives, the process of finding a peaceful solution to the militant problem had been pursued for some time. Since these efforts were not yielding any results and the continued presence of the militants was posing an increasingly serious threat to the security and sovereignty of the country, the time had come to take military action to remove them. Nevertheless, taking into consideration His Majesty the King's views and guidance on the issue, the members proposed that the Royal Government should make a concerted effort to implement the three-point decision of the Lhengye Zhungtshog on dealing with the militant problem. They noted that four ULFA camps had been removed without having to resort to any military action. This had all been possible because His Majesty the King had personally shouldered the responsibility of resolving the militant problem and was always striving to ensure that no harm came to the lives and property of the Bhutanese people. For their part, the people's representatives reiterated the firm commitment of the people to extend full support to the Royal Government in terms of manpower and material resources towards removing the militant problem. They also expressed their appreciation to the armed forces for their readiness to risk their lives in the service of the Tsa-Wa-Sum.

The Speaker noted that while the ULFA had closed down four of their camps they had not fully honoured the agreement which was endorsed by the National Assembly during the 79<sup>th</sup> session because they had established a new camp above the Samdrup Jongkhar-Trashigang highway and they did not seem to have reduced the number of their cadres. However, most of the members had proposed that the Royal Government should make one more attempt to find a peaceful solution to the militant problem.

The National Assembly, taking full note of the Lhengye Zhungtshog decision, endorsed the proposal to hold one more round of talks with the top ULFA leaders. However, if the ULFA leaders did not agree to remove their main camp which serves as their headquarter, the Royal Government will have to resort to military action in keeping with the standing resolution of the National Assembly.

## **VII. HARASSMENT OF PEOPLE IN LHAMOIZINGKHA DUNGKHAG BY POLICE ACROSS THE BORDER**

The people's representative of Lhamoizingkha, Ninchula and Deorali in Sarpang Dzongkhag submitted that Bhutanese nationals were being harassed by the police across the border and even subjected to arbitrary arrest and detention. Bhutanese buses plying across the border were seized and Bhutanese currency notes were being confiscated. DYT members of Lhamoizingkha, while travelling across the border to attend the DYT meetings in Sarpang, were warned that they would be arrested if they returned through West Bengal. The people of the Dungkhag were deeply concerned and disturbed by these threats and harassment inflicted upon them.

The Chimi reminded the house that, in 1998, Indian security forces had crossed into Ninchula, destroyed documents in the Gup's office, extorted money from the public and harassed them without any reason. After talks between the Royal Government and the Indian government, the people received compensation and were informed that such unlawful acts would not be repeated. However, the harassment of Bhutanese nationals had started all over again. The people, therefore, requested for this matter to be taken up seriously with the Government of India.

In this regard, the public also requested that the proposed Lhamoizingkha-Tala motor road should be constructed as soon as possible so that the people would not have to face such harassment from the police and security forces across the border.

During the deliberations on this issue, it was noted that there was only one motor road available for the people of Lhamoizingkha for travelling to Phuentsholing and Sarpang, and this motor road passed through Barabisa in West Bengal. However, Bhutanese nationals had been restricted from using this road from April to mid-May this year. Since all the shops in Lhamoizingkha had been closed down because of the militant problem, the people had to go shopping across the border to Kulkuli, but they faced unwarranted harassment from the local police. This was a matter of great concern for the National Assembly.

Speaking on the issue, the Home Minister reported to the Assembly that on 25th April this year, Indian policemen had crossed into Lhamoizingkha and abducted nine Bhutanese

nationals while in May two Bhutanese women who were shopping in Kumargram had been arrested. The police at Kumargram also detained a Bhutanese passenger bus belonging to Dophu Transport. The release of the Bhutanese nationals and the bus was secured through the interaction of officials at various levels of the two governments. The Home Minister assured the house that there was very good understanding between the Royal Government and the Government of India on all bilateral issues including the militant problem.

During the deliberations, members raised strong doubts that the Indian police across the border were being instigated by the local police OC, Vinod Gazmere who was a relative of Ratan Gazmere, an anti-national leader in Nepal. The house was also informed about incidents like the Sub-Divisional Officer of Nagarkata in Jalpaiguri District seizing and destroying Bhutanese currency notes.

Members expressed the view that while there was very good relationship between the high officials of the two governments, the people living along the border and those travelling through Assam and West Bengal were suffering at the hands of the local officials. They also pointed out that it was against all international laws and norms for the police and security forces of one country to arbitrarily cross the border and enter the territory of another sovereign independent country to arrest and abduct people. The Royal Government must, therefore, hold talks with the Government of India and call for proper measures to be taken to stop such incidents from taking place in the future.

The Foreign Minister assured the National Assembly that there was close interaction and rapport between the senior officials of the Royal Government and the Government of India as well as the local officials of the two countries along the border. He had met the Indian Foreign Minister about six times already and the Chairman of the Lhengye Zhungtshog had met with the Indian Prime Minister twice while the Home Minister had met with the senior officials of West Bengal. Every time a border problem arose, the issue was taken up through the ambassadors of the two countries and resolved.

Regarding the proposed motor road from Lhamoizingkha to Tala, the Deputy Minister for Communications informed the house that a budget of Nu. 175 million would be required to build the 25-kilometre road. However, due to the security problem in the area and lack of funding, it may not be possible to begin construction in the Ninth Plan.

The Speaker noted that the incidents of Bhutanese nationals being harassed by Indian police along the southern border areas were an issue of genuine concern for the National Assembly. However, as India had always been Bhutan's closest friend and neighbour as well as the main development and trading partner, it was apparent that the root of the problem lay with local state and district authorities. Therefore, it was important for the Royal Government to maintain regular contact and dialogue with the Indian officials at the central, state and district levels.

As recommended by the Foreign Minister, the National Assembly resolved that in order to remove the misunderstandings and suspicions arising from this problem,

the Royal Government must pursue close contact and dialogue with the Government of India at various levels.

### **VIII. JOINT VERIFICATION OF THE PEOPLE IN CAMPS IN NEPAL**

The National Assembly discussed the proposals and views submitted by the people's representatives of Samtse, Paro, Trashiyangtse, Sarpang, Punakha, Trashigang, Tsirang and Mongar Dzongkhags on the joint verification of the people in the camps in Nepal.

The Chimis pointed out that the Ngolops had left for Nepal after committing heinous acts of terrorism, inflicting untold suffering on the people and disrupting the peace and tranquillity of the country. Many of them had gone to Nepal despite the personal appeals by His Majesty the King not to leave the country. Once they reached Nepal they tried to malign His Majesty and the Royal Government with many baseless allegations.

The Chimis submitted that if the Ngolops were allowed to come back they would once again inflict suffering upon the people and disrupt the peace and stability of the country. Any proposal or idea of allowing them to come back must not be entertained.

The Chimis emphasized that the joint verification of the people claiming to be Bhutanese refugees in the camps in Nepal must be carried out to correctly identify them into categories of people agreed by the two governments. While taking decisions, the Royal Government must abide by the

Citizenship Act and the decisions of the National Assembly in dealing with the Ngolop problem.

The Foreign Minister informed the members that starting from the winter of 1984 the number of people claiming to be Bhutanese refugees had reached 86,000 within a period of four years. Today the population of the people in the camps stood at about 100,000. Out of 11 Ministerial Joint Committee (MJC) meetings held by the two governments, the 10<sup>th</sup> meeting held in December 2002 produced substantial results. In accordance with the decision of this meeting, a six member Joint Verification Team from Bhutan, led by Dasho Sonam Tenzin, Director General in the Home Ministry went to Nepal and began verification of the people with the Nepalese team in the Khudunabari camp on 26<sup>th</sup> March 2001. The verification of 2,082 family units comprising a population of 12,804 in this camp was completed in December 2001. The Foreign Minister informed the house that, in order to facilitate the resolution of the problem of the people in the refugee camps in Nepal, the senior officials of the two governments and their respective ambassadors were maintaining close contact with each other.

Speaking on the issue, the Home Minister pointed out that many of the people in the seven refugee camps in Nepal were non-Bhutanese who, after working in Bhutan, had gone to the camps claiming to be Bhutanese refugees. Even some of the Ngolop leaders who had studied in Bhutan were found to be non-Bhutanese. Many Nepalese had also registered themselves as refugees to avail the free food, housing, health and education provided under the assistance from international agencies. It was reported that WFP alone had

given assistance worth about US\$ 8.50 million, or Nu. 425 million, for one year for the people in the refugee camps in Nepal.

During the deliberations on the issue, some of the members proposed that the citizenship ID cards issued in 1981 should be cancelled to prevent the Ngolops from entering the country. Furthermore, all talks between Bhutan and Nepal on the problem of the people in the refugee camps must be conducted in accordance with the agreements already reached between the two governments.

His Majesty reminded the members that the 10<sup>th</sup> MJC meeting had been held in Nepal two years ago and the 11<sup>th</sup> MJC was held in Bhutan last year. Officials of the two governments had signed the agreed minutes after extensive discussions. If the Nepal government had abided by the agreements worked out and signed by the MJC, there would have been good progress in resolving the problem of the people in the refugee camps. The delay in holding the 12<sup>th</sup> MJC meeting was caused mainly by Nepal's refusal to abide by decisions made jointly during the 10<sup>th</sup> and 11<sup>th</sup> MJC meetings. While the internal problems in Nepal was another reason for the delay in the 12<sup>th</sup> MJC meeting, it was important to hold the meeting as soon as possible.

The Speaker noted that the Royal Government had abided by the decisions taken jointly with the Nepalese government towards verifying the people in the camps in Nepal into the four agreed categories. He also expressed the appreciation of the Assembly to the Bhutanese officials of the Joint Verification Team for doing their work well.

The National Assembly resolved that the Royal Government must abide by the Citizenship Act and the Assembly resolutions and continue the dialogue with the Government of Nepal to find a lasting solution to the problem of the people in the camps in Nepal.

## **IX. NEW NATIONAL ASSEMBLY BUILDING**

The representative of Bhutan Chamber of Commerce and Industry submitted that the present National Assembly Hall was initially built to host the South Asian Association for Regional Cooperation (SAARC) summit and international conferences. The space was not only small for people coming to witness the Assembly session but the technical equipments required to meet the workloads of the Legislative Committee were also lacking. Further, the building was not designed with adequate working space and amenities. Therefore the Government should initiate process to construct a new Assembly Hall, designed fully to meet the requirements of the National Assembly. The present Assembly premises could be retained to convene international and regional conferences.

While deliberating on the issue, it was submitted that the present Assembly Hall is ideally located with beautiful architectural features. Arrangements to shift other offices, presently in the Assembly Hall to other places, would solve the problems of limited space of the Assembly office and the members. Moreover, it was discussed that addition of necessary equipments and space expansion according to increase in functions of the Assembly would suffice in solving the problems. Although a separate National Assembly building was seen necessary, it was not the right time to construct a

new building because of Bhutan's weak and donor dependent economy. If the militant problem could not be solved through peaceful means having to resort to military action, the construction would utilise a huge amount of government budget. The people's representatives pointed out that no separate Assembly Hall had been built since 1953. In keeping with the possibility to expand the Royal Advisory Council and the need for joint meeting of the RAC and the National Assembly, there are appropriate location nearby Tashichhodzong and other areas for the new Assembly building construction. Since budget difference between the construction of government approved conference hall and the Assembly building is not extensive, the house suggested that it would be better to utilise the conference hall's construction budget for the construction of a new National Assembly building.

Due to huge budget provision required to solve the militant problem without delay, the National Assembly postponed the construction of both the government approved conference hall and the National Assembly building. The Assembly resolved to deliberate and decide the matters in the Assembly when national economic conditions become stable in the future.

## **X. BORDER TALKS**

### **1. Encroachment at Sakten-Tawang border**

The people's representatives of Sakten Geog under Trashigang Dzongkhag submitted that the people from Tawang had dismantled the boundary pillars along the Bhutan-India border and were illegally grazing their cattle inside Sakten Dungkhag on the pasture lands of Dremling, Pengsa and

Zawangteng, which belong to the local people. As a result, the people of Sakten were being displaced from their own traditional pastureland and their income and livelihood was being affected. Likewise, the Samdrup Jongkhar Chimi reported that people from across the border were looting valuable hardwood timber from Daifam, Nganglam and Bangtar Dungkhags. These people had also destroyed the boundary pillars in the area.

The Home Secretary informed the house that the border discussions between Bhutan and the Indian states of West Bengal, Assam and Arunachal Pradesh had been held in Thimphu in 1971 and in New Delhi in 1972. Following this, the border had been demarcated and the maps drawn. However, in 1974 problems had come up in four areas, the most serious being in Sakten and Tawang area. In keeping with His Majesty the King's command to investigate and resolve this long-standing problem, talks were held with India in Thimphu in August 2001. The talks were progressing well and a final decision to resolve the problem is expected to be taken soon.

The National Assembly, taking note of the problems faced by the people in the remote border areas of the two friendly countries, passed a resolution that work on finalising the border between Bhutan and India should be carried out without delay.

## **2. Bhutan China border talks**

The people's representatives of Wangdue Phodrang, Thimphu and Lhuentse Dzongkhag requested the Royal Government to brief the National Assembly on the progress of the latest round

of border talks held with China. The Bumthang Dzongkhag also submitted that the people were deeply concerned over the construction of mule tracks and collection of stones and timber by the Tibetans for building houses inside our territory. In 1999, about 62 Tibetans led by Chinese officials had made a three-metre mule track inside Bhutanese territory leading right up to the hot springs in Pasamlum. They had also cut down timber and collected stones for construction purposes. Such activities would create problems for the people on both sides of the border. It was also reported that the people of Haa, in the areas bordering Tibet, who were dependent on yaks for their livelihood, were harassed by the Tibetans and prevented from grazing their herds on their own pasture land. The Assembly was also informed that the staff of Jigme Dorji National Park had earlier come across fifteen trespassers from across the border and this year, more than a hundred Tibetans were caught stealing medicinal herbs.

The Foreign Minister reported that 15 rounds of border talks had been held between Bhutan and China since 1984 and an agreement on maintaining peace and tranquillity in the border areas had been signed. Meanwhile, the 16<sup>th</sup> round of talks was scheduled to be held in Beijing in October this year. The foreign Minister informed the house that both sides had agreed to let technical experts carry out cartographic discussions and to depict the claims on the map. It was also agreed that common names of the disputed areas would be used to avoid confusion.

The Home Secretary briefed the Assembly on the disputed areas of Doklam in the western sector and Pasamlum in the middle sector, using large maps to explain the claim lines. He

informed the members that he had led an expert group that held talks with the Chinese experts from 10<sup>th</sup> to 13<sup>th</sup> June in China this year. During the talks he had given Bhutan's claim line and *Satsham Dotsham*, in writing, to the Chinese along with the names of mountains peaks, ridges, rivers, streams and prominent landmarks.

His Majesty the King informed the Assembly that the issue of mule track and house construction by the Tibetans and Chinese, which had taken place in Pasamlum in 1999, had been resolved after discussions between the two governments. Since then there has been no further activities in the area. His Majesty also informed the members that there were four disputed areas between Bhutan and China. Bhutan's claim line in Doklam in the west goes along the ridges from Batangla to Sinchela and down to Amo Chhu. The disputed areas in Doklam is about 89 sq. km. The claim line in the disputed areas of Sinchulumpa and Geiu starts from Langmarpo Zam and goes along the stream to Docherimchang and up the ridge to Gomla from where it follows the ridge to Pangkala and then down to Dramana stream. From Dramana the boundary goes up to Zingula and then follows the ridgeline down to Geiu Chhu where it goes to Lungkala. The disputed areas in Sinchulumpa and Geiu covers about 180 sq. km. In the middle sector in Pasamlum, the boundary follows the ridgeline to Kurichhu Tshozam, and then follows the ridgeline to Genla from where it goes to Mela.

During the discussions on the boundary issue, members of the house emphasized the importance of keeping in mind that even a tiny piece of land is very precious for a small and landlocked country like Bhutan. They expressed their hopes

and expectations that the boundary talks would be successfully concluded without delay on the basis of the projected claim lines and in accordance with the decisions passed in by the National Assembly on this issue.

The National Assembly expressed its appreciation for the results achieved during the 15 rounds of talks held until now between the governments of Bhutan and China in the spirit of mutual trust and friendship, and hoped that the 16<sup>th</sup> round of boundary talk would also produce fruitful results. It was decided that every effort must be made to successfully demarcate the northern boundary as soon as possible.

#### **XI. REPORT ON PRESERVATION AND PROTECTION OF TENSUM AND RELIGIOUS ANTIQUES**

The Chairman of the National Commission for Cultural Affairs (NCCA) presented a report to the Assembly on the preservation and protection of *tensum* and religious antiques, in accordance with the 6<sup>th</sup> resolution of the 79<sup>th</sup> session of the National Assembly. Today, out of 2012 Lhakhangs and Goendays and 13,000 chortens in the country, 24 chortens and 24 Lhakhangs were vandalised within the past 12 months. A Review Committee was established, comprising of officials from the Home Ministry, NCCA, Dratshang Lhentshog, Royal Bhutan Police and the Office of Legal Affairs, to review the Royal Kashos, laws, penal provisions and preventive measures to safeguard the *tensum*.

A Kasho in 1993 had decreed that all monks, DYT members and the local community were responsible to look after the *kusung thugten* in their respective community. In 1999, a Kasho was issued to install fireproof safes and theft-proof steel

cupboards in Lhakhangs and Goendeys to safeguard the sacred *nangtens*. A Kasho was again issued in 1999 for the establishment of Cultural Heritage of Bhutan Trust Fund.

Under the penal provision of Thrimzhung Chhenmo, Chapter 10 Part 1, THA 1-1 to THA 1-14 was devoted to theft and desecration of *tensum*, THA 1-9 to THA 1-11 with life imprisonment to persons involved in the theft and desecration of *tensum* and THA 1-12 on more severe punishment for repeated offence. The 77<sup>th</sup> session of the Assembly had adopted 8 additional provisions to prevent theft and vandalism of *tensum*. Although the provision of laws covering accomplices/ abettors/ conspirators were not specifically mentioned under THA 1 of Thrimzhung Chhenmo, it was however covered in Chapter 13 PA 1 and Chapter 13 MA 1 under all types of theft and crimes. The Review Committee found out that the existing laws on desecration of *tensum* were adequate and no additional provisions and amendments were required.

Documentation and computer inventory of 2012 Lhakhangs and Goendeys, including the Dzongs, had been completed in 17 Dzongkhags and fireproof and reliable steel safes were installed wherever feasible. Accordingly, common kitchens in the Dzongs would be continued to shift outside, as per the convenience.

After the proper recruitment and efficiency training of Konyers, the process of handing/taking over was improved. A total of 697 Konyers and Dzongpons had been trained on the protection and caring of *nangtens* over the past 10 years.

Besides establishing *Shedras* and *Drubdras* in appropriate Lhakhangs and Goendeys wherever possible, the gups and mangaps, as well as the konyers would be included in the committee of documentation of *nangten* in their respective localities. Moreover, dogs would be kept for the sole purpose of guarding the Lhakhangs. It was also recognised that imparting moral and religious education in schools and teachings on the rewards of virtuous deeds and retribution of sinful actions to the people would help in protecting the *tensum*. Above that, the resolution of the 72<sup>nd</sup> session of the Assembly to give incentive, 25 percent of the estimated value of the recovered *nangten*, to the person who gave information leading to their recovery, had helped greatly in recovering several lost *nangtens*.

A 15<sup>th</sup> century *Ter Phur*, personally crafted by Terton Pema Lingpa, was returned to the Royal Government by a French couple. The Chairman informed that a 400-year-old statue of Buddha Vajrapani (Tshepami) was also retrieved at the Indo-Nepal border and was handed over to the government.

While deliberating on the report, it was discussed that prisoners serving for the crimes of *tensum* desecration should be punished severely without keeping them with the general prisoners. The repeated offenders should be awarded capital punishment. The system to have strong recruitment and selection procedure of Konyer and Dzungpon and the handing/taking over process of sacred *nangten* and religious antiques needed to be reviewed. It was discussed that effort must be put to establish *Shedras* and *Drubdras* in as many Lhakhangs and Goendeys as possible.

The National Assembly resolved that Bhutan being a religious country and in keeping with the international norms, the offenders shall be sentenced to life imprisonment and the repeated offenders shall not be awarded capital punishment. Effort must be put to establish *Shedras* and *Drubdras* in all possible Lhakhangs and Goendeys for the benefit of humble people, promotion of Dharma and protection of Lhakhangs and Goendeys. The punishment of *tensum* delinquents and robbers should be clearly spelt out in the Prisoners Act. It was resolved that the NCCA should review and develop an ideal and required handing/taking over process of *tensum* and the documentation of categorised religious treasures.

## **VIII. MISCELLANEOUS ISSUES**

### **i. Tsathrim**

The people's representative of Samdrup Jongkhar, while submitting to the Assembly on the Constitution of Bhutan, said that all socio-economic progress and other progressive reforms in Bhutan have emanated from the throne.

Through His Majesty the King's farsighted vision, a Royal Command was issued to draft a written Constitution for the Kingdom of Bhutan. The Royal Command being as precious as gold, a Drafting Committee was formed and work on drafting the Constitution was also being carried out.

Sufferings from internal strife, external aggression and difficulties of forced labour in Bhutan have all ceased since a long time back. Moreover, inadequacies of food and health care have all over come with the extensive implementation of sound socio-economic development policies and planned

development programmes. The people are fortunate to enjoy unprecedented peace and all round progress, made possible by the selfless and wise leadership of our hereditary monarchs.

Therefore, the people's representatives submitted that while drafting the Constitution, the Drafting Committee members should keep in mind that the institution of hereditary monarchy is the foundation of our country's sovereignty and security. The monarchy is also the source of national unity and the present and future well being of every Bhutanese. Hence the Drafting Committee must ensure that the Constitution safeguards and protects the institution of hereditary monarchy in our country.

The National Assembly unanimously supported and acknowledged the deliberation. Considering the location and smallness of population, resources and military strength of the country, the ultimate power for the basis of strengthening the independence and security of the nation through the policy of decentralization, must rest with the monarchy system of the Wangchuck dynasty. Moreover, the Constitution must accurately reflect the views and emotions expressed by every Bhutanese people when the first hereditary Monarch was crowned in 1907. Likewise, it was discussed that the means to safeguard and nurture Bhutan's timeless traditions and customs without deteriorating must be clearly included in the Constitution.

The Speaker said that there was no need for further discussion. As per His Majesty's aspiration, the Constitution must ensure the independence of the country and serve the

present and future well being of the people. Once the drafting of Constitution is finalised, the draft of Constitution would be submitted, in consultation with the people, to the National Assembly for discussion. Thereby, all necessary additions and deletions and other amendments would be made.

The National Assembly concluded that the Constitution must ensure the sovereignty and independence of the country, serve the present and future well being of the people, and invariably safeguard and protect the Monarchy, the unifying force of the country.

## **ii. National security**

The Haa Chimi submitted that the people of Haa reiterated their pledge to support the armed forces with manpower and material resources to safeguard the security and sovereignty of the country when it was going through difficult times. While supporting the pledge from the people of Haa, the National Assembly also deliberated on similar pledges that had been made by all the other Dzongkhags in past sessions.

The representative of the Royal Bhutan Army informed the Assembly that, on the issue of militia volunteers, there was not a single volunteer for militia service from Haa Dzongkhag. From the other Dzongkhags also there were only 24 volunteers for militia service after releasing those who had applied for Kidu or were found to be physically unfit and leaving aside those who had opted to join the RBA as regular soldiers. The Dzongkhags had not lived up to the pledges made by the people's representatives during the 79th Session of the National Assembly.

Some members submitted that even though there were not enough able-bodied men in the villages to implement the many development programmes with large funds sanctioned by the government to promote rural development, the people were ready to come forward and support the armed forces, and even sacrifice their lives if necessary, if the security of the nation came under serious war threat.

While discussing the pledges of the people to come forward with full support in terms of material resources and manpower if the security of the country came under a serious threat, the debate moved from the lack of volunteers for militia service on the part of the people to questions of misuse of soldiers by officers to look after their cattle and orchards and for other private works, and the system of detailing regular soldiers as orderlies for the officers. At the same time, members also pointed out that regardless of whether a person worked in the civil service, armed forces or the religious bodies, all Bhutanese were one people under the same King and belonged to the same country. Whatever harmed or benefited the country would also harm or benefit the people in equal measure. Some of the members suggested that able-bodied youth who dropped out of school after Class 8 or Class 10, and were looking for employment, should be imparted adequate military training, without having to undergo the full course for regular soldiers, so that they could become a reserve force to support the Royal Bhutan Army.

The Speaker emphasized the importance of the spiritual beliefs of the Bhutanese people and the blessings of the Guardian Deities in promoting the well-being and security of the nation in which the Dratshang and religious bodies of

Bhutan must continue to play their important role as they had done in the past. He called on the people and the government to be united as one, like milk and water, with the abiding bond of loyalty and trust in each other and fulfil their pledge to extend in full measure whatever form of support is required for the armed forces. If the armed forces are ready for military action whenever the situation demanded and the people, for their part, are fully united in thought and deed, there is no reason why the security of the country cannot be safeguarded at all times.

The National Assembly noted that while it was not necessary to discuss the system of orderlies in the army, if there were cases of orderlies being misused, corrective measures should be taken in line with the administrative rules and regulations of the armed forces. The Royal Bhutan Army should study the possibility of imparting a necessary level of military training to Class 8 and Class 10 drop-outs from the schools and mobilizing them as a reserve force to support the regular army.

### **iii. Cost of excess land**

The people's representative of Mongar Dzongkhag submitted that the people are unable to pay for the cost of excess land measured from their ancestral land. The difference in excess land had resulted from the measurement method and technology between chain and cadastral survey. The Chimi said that the land had been cultivated and passed on from generation to generation and recorded in the *Sathram*.

The people in eastern Dzongkhags lead a life of dry-land subsistence farming, without enough income from cash crops.

They face a lot of problems even in day-to-day living. Therefore, they appealed to the Royal Government either to exempt the cost of excess land or waive the cost of excess land measuring up to five acres. If these could not be considered, they pleaded to extend the time period to pay for the cost of excess land.

The Mongar Dzongdag submitted to the Assembly in support of the Mongar people's submission that out of 6,517 households surveyed in 16 geogs under Mongar Dzongkhag, excess land totalled up to 15,000 acres amounting to Nu. 242.088 million. Based on this calculation, each household would have to pay an average of Nu. 37,000.00. So far, only 984 households, or 15 percent, had paid for about 263 acres of excess land. This represents a little over 1 percent of the total excess land holdings.

The Assembly deliberated on the subject, basis and reasons of the lack of income to pay for the excess land. The Home Minister said in response to the grievances submitted to the Royal Government to grant *kidu* that land related issues were deliberated and resolved since 1960 in close consultation between the people and the Government. He reminded the members about the Land Act, 1979 passed by the Assembly. He said that re-measurement of land by cadastral survey with modern methods and technology started from Paro Dzongkhag in 1980 to have final and definite land records. However, re-measurement process had to be suspended due to the Ngolop uprising in the south in 1992. The re-measurement and registration process resumed again in 1998 and 1999. Since then, updating land records in 12 Dzongkhags have

completed. It is expected to cover all the 20 Dzongkhags by 2005.

Three reasons of difference due to the re-measurement of land are:

1. Difference between inaccurate method of chain survey and accurate method of cadastral survey of land.
2. The chain survey was initiated to fix and impose land tax. As such, the people under-recorded their land in the *Sathram* to evade land tax.
3. The encroachment of government land and illegal conversion of *Sokshing* and *Tsadro*.

According to the provisions of Land Act Ka 6-2 and Ka 6-3, excess land measured during re-measurement from un-demarcated cultivated land up to 12 decimals and 25 decimals of *Tseri* is permissible for *Kidu*. Moreover, in accordance with the resolution of the National Assembly, the holder of the *Sathram* can purchase the excess land if it is within 25 acres and inherited. Similarly, the excess land, where clear statement of demarcation of boundary is mentioned in the *Sathram* within 25 acres, can be recorded in the *Sathram* free of cost.

Likewise, in accordance with the decree of His Majesty the King, 50 percent of excess land in less productive and high altitude areas can be owned free of cost. If the numbers of terraces in paddy fields were recorded accurately in the *Sathram*, cost of excess land would not be required to pay.

Moreover, half acres of land can be recorded in the *Sathram* free of cost for the house constructed before 1979.

It was submitted that illegally occupied land totalled up to 122,000 acres from most of the Dzongkhags and were acquired by the Government. The government re-distributed most of these land to insufficient landholders and landless people. The Department of Survey and Land Records is computerizing all types of matters related to the on going re-measurement of land. It was submitted that although some of the pleas submitted by the people are genuine, yet the amendment of Land Act before the completion of re-measurement and creation of new *Sathram*, would entail lot of inconveniences and confusions.

The summary of the clarifications offered by the people's representatives on the issue of excess land during two days of deliberation in the Assembly are as follows:

1. Land is the only means of present well-being and future assets in the lives of all the Bhutanese, especially the people in the rural areas. All the people are deeply concerned and worried of not being able to buy the excess land measured from their ancestral legacies and being taken over by the government.
2. In line with the principles, policies and wishes of His Majesty the King in granting *Kidu* to the insufficient landholders and landless people, they appealed the Government to exempt the people from paying for the cost of excess land.

3. It is important to consider that types of land differ in the same country depending upon the altitude, location, fertility and quality of land. Moreover, there is a big difference in land related transactions and economic value of land between the rural and urban vicinities.
4. In spite of all the difference, it was the Government that initiated and co-ordinated the land survey with both chain and cadastral methods. As such, the people could not understand the difference between these survey methods. Moreover, the system of excess land between the maximum and minimum land holdings is enshrined in the Land Act. Besides, there are many people holding less than five acres of land. Therefore, the people's representatives submitted that the Government should examine these kinds of classifications differently.
5. Although the boundary demarcation of all registered land may not be recorded in the *Sathram*, yet real evidential and physical boundaries are marked in all the cultivated lands. Moreover, it would not be difficult for the government to verify whether the *Sokshing* and *Tsadro* had been encroached.
6. Whereas, the government can choose to take up land from the people, the people cannot encroach upon any other areas than the land immediately nearby their own land. Therefore, the people pleaded to have different pricing system of the excess land.

7. More than 73 percent of Bhutanese people depend their livelihood on agriculture. The Land Act only states that the excess land can be recorded in the *Sathram* after paying the cost. However, there is no separate provision enshrined in the Land Act regarding the rate of excess land. Therefore, granting the cost of excess land as *Kidu* does not contravene the provisions of the Land Act.
8. The government is not only aware that there are many people who had not been able to repay the rural loan taken to improve their livelihood but also know that there are not many people who make income from cash crops and other jobs. Even now, the people in most of the remote areas struggle to afford square meals a day, without having adequate shelter.
9. In case of wetland, if the number of terraces in the paddy fields were mentioned in the *Sathram*, the excess land granted as *Kidu* by allowing updating the *Sathram* free of cost. Similar *Kidu* should be granted to the people who do not possess wetland, especially the people at the higher altitudes and people in the eastern Dzongkhags, where they do not have the system of counting the cultivable dry fields.
10. Ever since the cadastral survey started, people are faced with the problem of not being able to pay for the cost of excess land to record in the *Sathram*. Therefore, starting from the domestic conversation to the community meetings and GYT to DYT, one of the main concerns and subject of discussions was the problem of lack of income to pay for

the cost of excess land. There had never been the opportunity to submit the expressed grievances and problems to the Assembly till now.

11. If at all there were no possibility of waiving the cost of excess land, they appealed to extend the period of payment to 10 years. Like a saying, *the child's place of crying is near his parents*, the peoples' submission for *Kidu* is towards the Royal Government. Therefore, this problem has to be certainly considered seriously either to waive the calculated cost of the excess land or allow recording the excess land up to five acres in the *Sathram* without having to pay any cost.

The Speaker said that land is an important asset for the present and future well-being of the people. However, till the re-measurement of land in all the Dzongkhags is completed, immediate decision to waive the cost of excess land would aggravate more problems. He instead suggested that it would be better to look at the convenience of the Royal Government to re-examine and analyse the possibility of granting *Kidu* to lessen the burden of the cost of excess land on the people in accordance with the grievances submitted by the people.

The National Assembly resolved that the elected Council of Ministers and the Councillors should thoroughly analyse every minute detail of issues and justifications submitted by the people's representatives with concerns and grievances in 11 points during the 80<sup>th</sup> session of the Assembly. After distinguishing that the problem of excess land is not the same throughout the country, the elected Council of Ministers and

the Councillors should come up with practical proposal for further deliberation in the next session of the Assembly.

#### **iv. Regularisation of excess land**

The people's representative of Chang and Kawang, included in the Thimphu municipality, submitted on the regularization of excess land from dry land holdings registered as cash crop orchards. They requested the registration of excess land in the name of the *Sathram* holders after verification as per the *Thram* record. While the issue was included in the agenda of the Assembly, the concerned people submitted that the admissibility and inadmissibility could be verified by comparing the Land Act and *Thram*. A petition was submitted to the Speaker for the exclusion of the issue since similar subjects were deliberated in the Assembly. Therefore, the Speaker cancelled the deliberation of this agenda.

#### **v. Amendments of Acts**

The Bhutan Chamber of Commerce and Industry Chimi submitted that as discussed during the 77<sup>th</sup> Session of the National Assembly, Clause 19 of page 11 of the draft Movable and Immovable Property Act was amended by the Assembly to be read as "however" instead of "in case if it is not included". However, while printing the final version, the phrase was changed as "if not" changing the whole meaning of the sentence. It was submitted that amendments should be made as per the decision of the Assembly. Likewise, the BCCI representative submitted that there might be possibility that many such mistakes would arise in other Acts. Therefore, the Legislative Committee should be constituted with a mandate to review and make necessary changes.

It was decided that a Standing Legislative Committee for the National Assembly would be established through an interim office order from the Speaker for the time being. It was acknowledged as decided that the Legislative Committee would carry out the scrutiny of the Acts, rules and regulations endorsed by the Assembly. The National Assembly resolved that representatives of Finance Ministry and the Legislative Committee, that would be established, would jointly examine the submission made by the Bhutan Chamber of Commerce and Industry on the Amendments of Acts.

**vi. Acts, Rules and Regulations**

The representative of Bhutan Chamber of Commerce and Industry submitted that the Acts passed by the National Assembly mainly summarizes the fundamental principles without outlining the issues of the Acts. Therefore, it was suggested that Rules and Regulations framed in accordance with the endorsed Acts should be discussed and reviewed by the Legislative Committee.

The Assembly discussed that the responsibilities of the Legislative Committee would be to assist and facilitate the endorsement of the Acts, not to monitor the Rules and Regulations passed by the Assembly. The three branches of the Government should maintain their autonomy while keeping their trust and coordination amongst each other. The National Assembly, not a Legislative Committee, must sustain continuous coordination. Once the National Assembly passes an Act, it is the people who remain responsible to legal provisions. The Government has the responsibility and authority to draft new rules and by-laws to be implemented in

accordance with the passed Acts. The Legislative Committee, when drafting the Rules and Regulations, would not be interfering with the executive responsibility but would review the Acts that have direct impact on the people. Such provisions would prevent corruption and manipulation of the Acts in the future. If there were any shortcomings, the people had the right to inquire the government since they bear the responsibility of drafting the Rules and Regulations.

The Speaker informed the Assembly that the establishment of the Legislative Committee would be decided only after the conclusion of the 80<sup>th</sup> session of the Assembly. Since all new Acts were endorsed after careful deliberation in the National Assembly, the concerned Ministries and Organizations shall continue to frame the rules and by-laws in accordance with the passed Acts. The Assembly resolved that though the Legislative Committee would not examine the Rules and Regulations. However, if people were faced with problems, it would be submitted to the Assembly for necessary amendments.

**vii. Concern over Drug Abuse in the Country**

The people's representatives of Toeb geog under Thimphu Dzongkhag and Samdrup Jongkhar Dzongkhag submitted that with the changing times all over the world, the abuse of drugs were increasing in all the nations of the world. The abuse of drugs by juveniles in our country is also taking place. The government is taking necessary steps and measures to prevent the problem of drug abuse. However, more stringent rules should be formulated to effectively prevent drug abuse becoming a problem.

It was deliberated in the Assembly that alcohol and tobacco also fall under the category of drugs. The sale of alcohol was restricted to people below 18 years of age. Though some Dzongkhags had even prohibited the sale of tobacco, this did not yield any effective results. Therefore, parents, schoolteachers and the religious personnel must arrange to advice incessantly on the ill effects and prevention of drugs. Further, it was discussed that an appropriate Act to prevent drug abuse was needed. It was discussed that malady of drugs, HIV/AIDS and other Sexually Transmitted Diseases impaired a person's ability to be productive. In addition, the source of drugs and cause and effects of drug abuse were also discussed.

The Minister for Health and Education informed the house on the programmes initiated by the Departments of Health and Education to achieve the aim of controlling and preventing drug abuse. It was reported that out of 260 cases recorded by the Royal Bhutan Police related to drugs between 1998 and 2002, 90 percent were male below 25 years of age. The juveniles abused drugs ranging from solvents, tablets and marijuana as well as intravenous drugs. However, no arrests were reported on the use of drugs like cocaine, morphine and heroin. Medical treatment and rehabilitation centres would be set up besides providing legal measures and counselling. The Minister submitted that the Youth Development Fund, Youth Guidance and Counselling Division, Bhutan Olympic Committee, Road Safety and Transport Authority, Royal Bhutan Police and National Technical Training Centre at Tshimasham and other concerned sectors should strove together to challenge drug prevention. Further, it was

submitted that the Ministry of Health and Education is preparing a draft Act on the Prevention of Drugs.

The National Assembly resolved that the draft of Act, being prepared by the Ministry of Health and Education to solve the problem of drug abuse, should be submitted for deliberation in the next Assembly session.

#### **viii. Prevention of AIDS**

The people's representative of Metsho Geog under Lhuntse Dzongkhag submitted that according to news in Kuensel, the number of AIDS patients had increased to 29 and 6 people had died. The people were concerned that there may be many more infected persons who had not been detected. They requested the Royal Government to take additional precautions and preventive measures to prevent the spread of this dangerous disease.

The Secretary for Health and Education said that the awareness and preventive measures were launched in our country since 1988. This has enhanced the people's awareness on Sexually Transmitted Diseases and AIDS.

According to the statistics of the World Health Organisation, out of around 6.1 million HIV/AIDS patients in south Asian region, about 3.97 million are in India and 25,000 in Nepal. The detected record in Bhutan is 25, but the actual number could be around 100.

Her Majesty the Queen Azhi Sangay Choden Wangchuck provided continuous counselling on the blood transfusion of patients, health care of pregnant mother, diseases related to

STDs, and the use of condoms. These enhanced the people's awareness on the preventive measures of AIDS. Moreover, AIDS Control Committee was formed under the multi-sectoral task force for the benefit of people in all 20 Dzongkhags. As the UNFPA Goodwill Ambassador, Her Majesty had visited schools and institutes as well as the bases of security forces in the Dzongkhags, creating HIV/AIDS consciousness in the country.

The National Assembly noted that once one is infected with AIDS, it is rare to treat the disease. One of the main preventive tools is to endeavour on the matter and knowledge of acceptance and rejection. Moreover, the use of condoms must be recognised as the main preventive method of AIDS.

It is important that the members of the Assembly engage themselves in counselling the public on the preventive measures of AIDS to the extent possible. The Assembly concluded that the health officials should find means to minimize the number of HIV/AIDS patients. They should also venture to improve the monitoring and evaluation of the preventive measures of AIDS as much as possible.

#### **ix. Wearing of Tshoglam**

The Chimi of Chukha Dzongkhag submitted that the Royal Government's decision on the need to wear Tshoglam during formal meetings and gatherings were laudable to promote our rich culture. They submitted that wearing of Tshoglam should be made mandatory for the GYT and DYT members during formal meetings and gatherings.

The National Assembly discussed that it would be made mandatory to wear Tshoglam by the Chairman and the members of the DYT. However, the members of GYT do not even wear kabneys during GYT meetings, so the system of wearing Tshoglam need not be made compulsory. Furthermore, not only there is lack of shops, but also Tshoglams are expensive to buy. It was discussed that it is important to even out the convenience for the GYT and DYT members with the Tshoglam's set goal objectives.

The Home Minister clarified the issue that Dzongdags, Drangpons, and civil servants above grade 4 were made mandatory to wear Tshoglam as per their entitlements, in accordance with the decision of the Royal Civil Service Commission, during important government functions and formal celebrations. However, other civil servants and officers of different organisations had taken interests to wear Tshoglam according to their entitlements. Likewise, if they were interested, the members of the GYT and DYT were not restricted to wear them. However, it is not compulsory for the civil servants to wear Tshoglam in their offices and formal gatherings.

Along with the deliberation on Tshoglam, discussion on national dress, patags and kabneys relating to Driglam Namzhag were held. The Chairman and the Secretary of RCSC said that white kabneys without fringes and patags should be entitled only to posts such as Dzongdags, Drangpons, Dzongrabs, Drungpas and Ambassadors. Civil servants with white kabneys and patags shall discontinue wearing them once they are transferred to other posts. He reasoned on the possibilities that kabneys and patags would lose their

significance when more civil servants would wear them among other civil servants in the future.

While deliberating on the issue, it was discussed that if a civil servant acquiring a promotional *dhar* with pompous *Zhugdrel Phuntsum Tshogpa* in the midst of people were disallowed to wear *kabneys* and *patags* after changing their posts, it was against the auspiciousness of our rich culture. According to tradition, the sole authority to confer promotion *dhar* was His Majesty the King. It was discussed that a review must be carried out to examine who had the authority to confer promotional *dhar* other than His Majesty the King.

The National Commission for Cultural Affairs, Home Ministry and other related organisations should frame a required and extensive draft of *Etiquette Manual* not only on wearing of Tshoglam but on General Driglam Namzhag like national dress, *patags* and *kabneys*. The Assembly resolved that this would be discussed in the next Assembly session in accordance with the importance and requirements.

#### **x. Ban on slaughtering of animals**

The people's representative of Chukha Dzongkhag submitted that ban should be imposed on slaughtering of animals within Bhutanese territory in accordance with the resolution of the 79<sup>th</sup> Session of the National Assembly. The ban should be imposed during the *Chhothrul Dawa* or the first month, the *Saga Dawa* or fourth month and the auspicious 30<sup>th</sup>, 15<sup>th</sup> and 8<sup>th</sup> days of the Bhutanese calendar. They also submitted that the sale of non-vegetarian dishes should be prohibited during these holy days.

Though the Assembly appreciated the submissions on the ban of slaughtering of animals, convenience of implementing such prohibition were also deliberated. The Agriculture Minister submitted that abandoning the sin of slaughtering is a part of the ten virtuous deeds. However, there would not be slaughters if there were no meat consumers. Since majority of the people consume meat, meat could be transacted from across the Bhutanese border without hindrance like any other commodities. Therefore, prohibition of meat transaction during the auspicious 30<sup>th</sup>, 15<sup>th</sup> and 8<sup>th</sup> days could not be executed effectively as per the resolutions of the past Assembly. With rapid developmental progress of the country, we should not only consider the food traditions of expatriate workers in different departments and tourists, we cannot even instruct our people what to eat or not to eat. Therefore, justifications were submitted that legal provisions by the National Assembly prohibiting non-vegetarian dishes in restaurants would not be implemented.

The Assembly noted that slaughter of animals on the *Chothrul Dawa*, *Saga Dawa* and the auspicious 30<sup>th</sup>, 15<sup>th</sup> and 8<sup>th</sup> days of every month within Bhutanese territory would be prohibited in accordance with the resolutions of the 79<sup>th</sup> Session. The Assembly resolved and concluded the issue that all those concerned should be encouraged to adhere adequately to the prohibition of transportation of meat.

#### **xi. Prevention of Smuggling**

The people's representative of Paro Dzongkhag submitted that smugglers of gold and silver were apprehended at the Phuentsholing check-post. Since the smuggled gold and silver

were brought through Paro airport, the people were doubtful whether the Revenue and Custom officials and the businessmen could have joined hands. If such activities were taking place, many of our precious antiques and religious artefacts could be easily smuggled out of the country. Therefore, the Department of Revenue and Customs should strictly inspect the people travelling through Paro Airport.

The Finance Minister responded that necessary equipments are installed to enable the people travelling through the Paro Airport to avoid unnecessary inspection hassle and problem. Moreover, there were instructions and orders to avoid the other passengers from the trouble of waiting with an extensive inspection of one passenger, unless the need arose. While inspecting in compliance with orders to perform strict checks, there were always someone smuggling amidst strong legal provision and system. Taken by personal gain, there would be a few staff in every department that commits mistake and dereliction involving in illegal activities. However, the Government is acting upon as per the Royal Civil Service Rules and Regulations to avoid such occurrence.

It was discussed during the deliberation on the ban on smuggling that excluding the vehicles of the VIPs, the travellers in Government and private vehicles should be monitored properly at the check posts like the rest of the general public without differentiation. Moreover, judging from the seizure of many kilograms of valuable smuggled gold and silver till now, it was doubted whether there might be malpractice between the smugglers and Custom officials.

The National Assembly noted that smuggling activities were inappropriate. The Department of Revenue and Customs and the concerned governmental departments responsible for checking should strive further to find measures in preventing smuggling. If the employees of the Customs Department were found involving in illegal activities without performing their duties, necessary penalties and punishments must be imposed without any consideration as per the degree of crimes and in accordance with the Administrative Rules and Regulations.

**xii. Prioritisation of court cases**

The people's representative of Chang and Kawang, included in Thimphu municipal boundary, submitted that the court cases should be resolved based on the urgency of the cases and not just on the basis of the time and sequence of the registration of cases. They submitted that cases like family feuds, irrigation channel disputes and public disturbances should be resolved without protracting the case by conceding to the fame and status of others. Similarly, in order to prevent the protraction of the case due to excuses of the judgement debtor, Drangpons should grant leave only in case of death and agricultural cultivation period in presence of both the litigants. They pointed out that cases of judgement debtor in Dzongkhag courts hold the judgement in high court, and the judgement debtor in the high court becomes the judgment holder in the Royal Advisory Council. They reproached the judicial lapses for not penalising the respective Drangpons for their erroneous decisions.

Dasho Thinley Yoezer, the special invitee representing the judiciary, stated that as per the *Kadon Ka-13* of the Civil and Criminal Procedure Code 2001, the civil cases are heard within 108 days and criminal cases within 10 days in order of registration. Nevertheless, he stated that an additional urgent cases are heard out-of-turn under section 74.1 of the Civil and Criminal Procedure Code when;

*Ka)* there is an imminent danger of loss or destruction of documents, evidence and goods,

*Kha)* it is characterised by rapid deterioration of health of a critical party or witness in the dispute,

*Ga)* there is a severe and augmenting monetary implications to the parties.

He informed the house that if any of the litigants were not satisfied with the verdict of the Dzongkhag Court, they could appeal either to High Court or the Honourable Chief Justice. However, if he/she were declared judgement debtor by an appellate court, the defendant is liable to pay for all the expenses incurred for the case by the plaintiff. He also stated that there was no system of penalizing the concerned Drangpons whose verdict gets changed by the higher appellate courts anywhere else in the world.

Among the deliberations in the Assembly, it was discussed that justice is one of the important foundations of peace in the country. It was submitted that Drangpons also fall under the purview of law. Proper system of administration, management and delivery of justice as well as penalization of Drangpons for their erroneous judgements were not included

in the Civil and Criminal Procedure Code. However, it should be clearly included in the Judicial Personnel Service Act as resolved in the 79<sup>th</sup> session of the Assembly to be submitted in this session.

Similarly, failure to frame and submit rules and regulations of observation by *Jabmis* and fixation of their fees as well as failure to submit the draft of the Advocates Act and Judicial Personnel Service Rules in this session, as resolved in the 79<sup>th</sup> session, is an indication of disregarding the legislative body. Even in the High Court, if any one of the litigants were not satisfied with the verdict of a bench, the case can be heard in the full bench with the approval of the Honourable Chief Justice. They expressed their suspicion on the legitimacy of the decision of the full bench due to the presence of same Drangpons involved in the case at bench level. They also discussed that law would be disregarded if Drangpons would deliver distorted, inconsistent and unfair justice.

The Speaker reminded the house that although the three branches of Government has independent authority, all the Acts and Resolutions passed by the National Assembly applies equally to all the bodies. It is understandable that the case is prioritised in accordance with the Civil and Criminal Procedure Code in various courts. Nevertheless, Drangpons must bear in mind the issues raised. The judiciary should also investigate upon the frequent changes and forwarding of different cases from Dzongkhag courts to High Court and further to the Royal Advisory Council.

The National Assembly resolved that the draft of Judicial Personnel Service Rules incorporating the penalty system of Drangpons for awarding repeated erroneous verdicts in contravention to the country's judicial system would be submitted in the next Assembly session. The draft Advocate Act governing their conduct and fees fixation for the *Jabmis* would also be submitted for deliberation in the next Assembly session.

### **xiii. Retention of Chang Geog**

The people of Thimphu Dzongkhag submitted that the people of Chang Geog still continue to render their services toward the 8 Wangtshochen of the pazap tradition established by Zhabdrung Rinpoche during Thimphu *Lhamoi Drubchen* and Punakha *Goenpoi Drubchen*. Nowadays, a major part of Chang population had been included in the Thimphu municipal boundary with the developmental changes. This would depreciate the genuineness of Chang Geog. With the lack of purpose to participate in Thimphu *Lhamoi Drubchen* and other arrangements of traditional practice by those included in Thimphu municipality, it would be hard to sustain the ancient practices in Thimphu Dzongkhag. Therefore, the people of Chang Geog requested that households from Toewang and Mewang should be included to the existing excluded 29 households from the Thimphu municipal boundary of Chang according to feasibility, and retain the Chang Geog as it was.

The Home Minister said that the extension of Thimphu municipal boundary had reduced Chang Geog from 216 households to 29 households with a population of 192 people. As it has no appropriateness to stand as a geog, the remaining

households could either merge with Mewang Geog or Thimphu municipality. Out of 8 Wangtshochen, only five geogs (Kawang, Mewang, Baap, Toebisa and Chang) are in Thimphu Dzongkhag and the remaining three geogs (Kabi, Toewang, and Bjemi) were in Punakha Dzongkhag from before only. The system of imbursement during the Punakha *Goenpoi Drubchen* would help encouraging pazaps to come forward. An annual remuneration of Nu. 6,000 and a daily amount of Nu. 135 are paid to the *Umze* (ritual master) and *Magpon* (army chief) during the *Drubchen*. The *pazaps*, participating from amongst the people, are remunerated with an annual sum of Nu. 4,500 and Nu. 100 daily during the *Drubchen*.

It was discussed that the remaining 29 households of Chang Geog would be included in the Thimphu municipality. The Chang Gup, maintained under the Thimphu city, would preserve the traditional practices of *pazaps*. New settlers in Chang Geog and the remaining 29 households would be retained separately as Chang Geog. Moreover, while deliberating on the convenience and impact of including the people falling within and outside the municipal boundary under one Geog, the importance of retaining Chang Geog without allowing its degradation was discussed.

Therefore, the National Assembly resolved that the Home Ministry, the concerned Gup, Chimi and the people, Thimphu Dzongkhag Administration and Thimphu City Corporation should discuss on the jurisdiction of Chang Geog. The role and the employment of the Gup should also be discussed and retain Chang Geog as it was.

#### **xiv. Employment of Youth**

The people's representatives of Samar and Sangbay geogs under Haa Dzongkhag submitted that unlike in the past the government would not be able to provide employment to all our youths. Employment of our youths outside the country should be encouraged to ease the problem of employment in the future. This would not only provide a good opportunity for our youths but would also enable them to stand on their own feet.

It was discussed that the school curriculum should be made more career-oriented. The government should also enhance training opportunities to blue colour jobs. Moreover, both the Government and private sectors should strive towards the policies of employment creation and expatriate workforce reduction. Investments should be made in mega-projects like Tala Mega Project. Establishments of private college should be pioneered. Moreover, parents and teachers should counsel the youths on the affairs of jobs. It was also discussed that students should not only be encouraged to opt for science subjects but they should also understand the benefits and detriments of seeking jobs outside the country.

The Health and Education Minister informed the Assembly that in accordance with the command of His Majesty the King, the National Technical Training Authority and the National Employment Board were established in 1999 and 2000 respectively to provide employment to the youths without difficulties. The system of Tax Holidays was introduced in the Ninth Plan encouraging private sectors to generate more employment opportunities. Moreover, many programmes are

initiated to develop Foreign Direct Investment, Tourism and Information Technology. The Department of Employment and Labour is drafting the Labour Administration Policy and Labour Legislation to create conducive working condition in the private sectors. Since Bhutan employs over 50,000 foreign workers even now, Bhutanese youths should be provided with necessary capability trainings to replace them. In the Ninth Plan, out of 70,000 job seekers, the civil service would employ around 6,000, about 500 by corporations, and about 7,500 by the security force. It was hoped that the private sector would employ most of them.

The Head of the Government informed that in line with programmes to generate employment opportunities in the Ninth Plan, employment creation would be emphasised even in the villages through animal husbandry and agricultural programmes. In the present employment scenario, with the policy to provide enough employment opportunities to Bhutanese people, out of 800 workers currently employed by the Penden Cement Authority Ltd, 89 percent are Bhutanese. It is also commendable that Bhutan Ferro Alloys Ltd. employs about 85 percent, Bhutan Carbide and Chemicals Ltd. has about 87 percent, Chukha Hydro Power Project about 84 percent and Kurichu about 82 percent Bhutanese workers.

In accordance with globalisation and the system of cross border employment interaction, Bhutanese seeking employment outside the country is prospective. However, it was also necessary to develop a coherent policy to understand their situation and provide advice and guidance to the Bhutanese seeking jobs abroad in the long run.

The Speaker said that the Royal Government's priority is to provide employment to every Bhutanese youth. However, parents and teachers should primarily provide continuous guidance to the school-going children to endeavour in learning subjects of occupational interests.

The National Assembly expressed their gratitude to the government for initiating numerous policies and programmes to promote employment receptiveness in the private sectors. The Assembly also commended the Royal Government for the establishment of programme plans to discontinue Bhutan's dependence on expatriate workers in the near future.

**xv. Entry restriction of non-Bhutanese Lams and Trulkus and issue of Bhutanese passport**

The representative of Bhutan Chamber of Commerce and Industry submitted that since there were many highly revered *Lams* and *Trulkus* in our country, it was not necessary to invite foreign national *Lams* and *Trulkus* into Bhutan. In the past, the humble citizens of the country generously offered properties, belongings and even cattle to the *Lams* and *Trulkus* invited from outside. This would not only lead to loss of wealth from the country, but would increase the possibility of creating misunderstanding between the Government and the people. Moreover, there is a serious threat that false belief would transpire against Buddhist teachings. A false *Trulku* had come to Bumthang and had even discovered a false *Ter*. Such false *Lams* and *Trulkus* with such conducts should be restricted to enter our country to the extent possible.

Likewise, if some of the non-Bhutanese *Lams* and *Trulkus*, issued with Bhutanese passports, were involved in

controversies or engage in illegal business activities, it may have serious negative implications for the Royal Government. Therefore, it would be in the interest of the country to cancel all the passports issued in the past and restrict the issue of passport to non-Bhutanese *Lams* and *Trulkus* in the future.

The Assembly deliberated that inviting *Lams* and *Trulkus* from outside would imply that *Lams* and *Trulkus* in Bhutan do not render teachings as per the expectations of the devotees. It further suggests that *Lams* and *Trulkus* from outside were revered more than the *Lams* in our country. Foreigners possessing Bhutanese passports would claim to be a Bhutanese citizen, creating inconvenience to the Government. Ways of identification of *Lams* and *Trulkus* were also discussed. To restrict the entry of false *Lams* and *Trulkus* to our country, the Government should carefully examine their entry into Bhutan with all necessary identification of each *Lam* and *Trulku* visiting Bhutan.

In this line, it was also submitted that if the entry of foreign national *Sadhus*, receiving properties with trickery from the simple-minded Bhutanese people, were not restricted, it would create misunderstanding between the Government and the people in the long run.

On this issue, the Home Minister, Chairman of NCCA, said that some of the foreign national *Lams* and *Trulkus* visit Bhutan for various purposes. They come as pilgrims, as disciples to receive teachings from Bhutanese *Lams*, to establish their abode and seeking economic benefits. When they come to Bhutan, they have to follow the same procedures as any foreigners visiting Bhutan. Moreover, in accordance

with the Bhutan Citizenship Act, 1985, the Land Act, 1979 and the Inheritance Act, 1980, all foreigners as well as foreign national *Lams* and *Trulkus* are prohibited to own land, houses, Lhakhangs, Goendeys and other immovable properties in the country. Likewise, as per KA 5.9 and KA 13.1 of the Land Act, Bhutanese nationals are prohibited from donating or transacting immovable properties to any foreigner. If this rule is violated, the government would confiscate the properties and fine shall be imposed to the guilty.

The case of the false *Lam* discovering *Ter* in Bumthang was true and his identity was ascertained. Having closely monitored his movements by the Bumthang Dzongdag, he was sent out of Bhutan advising him not to indulge in this kind of fraudulent acts.

While deliberating on the entry restriction of foreign national *Lams* and *Trulkus* as well as devoted sponsors towards Bhutanese *Lams*, it was discussed that restriction would also be imposed on Bhutanese going outside. The Yangbi Lupon, a Dratshang Lhentshog representative, said that telling devotees which *Lam* or *Trulku* they should follow and who they should not is against the precept of Buddhist Doctrine. The Dratshang also does not distinguish between Kargyu and Nyingma Buddhist sects. It would be good if a *Lam* or *Trulku* with high spiritual accomplishments and compassion towards all sentient beings came into the country. But if they use Dharma as the shield in guise to accomplish their hidden policy, they would harm the country. Therefore, they should be subjected to the laws of the land.

A circular no 11 (26) 92-93/1056, dated February 3, 1993 on the methods of recognizing *Trulkus* born in Bhutan and the activities of foreign national *Lams* and *Trulkus* in Bhutan was issued by the Dratshang Lhentshog. With the need to report to the house, the Assistant Documentation Officer, with the Speaker's command, read the circular to the Assembly.

The Foreign Minister explained about the issuing of Bhutanese passports to foreign national *Lams* and *Trulkus*. If only a court of justice had imposed restriction to travel outside, every Bhutanese citizen is entitled to a passport. Bhutanese passports were issued to non-Bhutanese *Lams* and *Trulku* when Tibet lost its sovereignty. Not every *Lam* and *Trulku* asking for Bhutanese passport was issued with one. Bhutanese passports were issued, in accordance with His Majesty's command, only to those who were highly revered by the Bhutanese people and who would help in spreading the Buddhist teachings in other countries.

About 65 passports were issued to the non-Bhutanese *Lams*, *Trulkus* and their attendants. Only 36 passports were held by the Government and the rest were not renewed. According to the Citizenship Act of the Kingdom of Bhutan, the authority of granting Bhutanese citizenship to outsiders rest only with His Majesty the King. The address in the passport affirmed the holder of the passport as "resident" and not as "Bhutanese citizen". Therefore, anyone holding Bhutanese passport could not be considered as Bhutanese citizen. Likewise, in case a holder of a Bhutanese passport was found to be involved in illegal activities or if the passport was misutilised, the Royal Government had the authority to revoke it.

The main reason for issuing Bhutanese passports to non-Bhutanese *Lams* and *Trulkus* was not for profit or trade. We are a peace-loving nation where Buddhism has progressed well. It was out of compassion for those who had lost their homeland that the passports were issued. The passports were issued with a noble thought that *Lams* and *Trulkus* had the ability to spread the teachings of Buddha to other nations of the world. The Bhutanese passports that were already issued would be retained without collecting them. It would be appropriate if the issuing of new passports from now on were determined to comply with discretion.

The Speaker said that the concern of the people about the activities of the non-Bhutanese *Lams* and *Trulkus* in Bhutan and the identification of *Lams* and *Trulkus* were addressed in the circular issued by the Dratshang Lhentshog in 1993 and the resolutions of the 30<sup>th</sup> Session of the National Assembly. It would be adequate for the concerned authorities to adhere to them. The Royal Government would carry on with the issuing of Bhutanese passport and their renewal in accordance with the command of His Majesty the King.

The National Assembly resolved that outside *Lams* and *Trulkus* wishing to visit Bhutan would have to follow the same procedures as any visitor coming to Bhutan. In addition, the present system of issuing Bhutanese Passports was adequate. However, the renewal of Bhutanese passports issued to the foreigners should be reported to His Majesty the King in accordance with the provisions of the Citizenship Act.

## **xvi. Training for GYT members**

The people's representative of Paro Dzongkhag submitted that though Dzongkhags were co-ordinating the developmental plans till now, the plans in the Ninth Plan would not only be formulated as per the needs and requirements of the geogs, the Geog Yargay Tshogchungs would be responsible for their implementation. Therefore, to enhance the efficiency of the members of the GYT, they requested the Royal Government to provide them with necessary training from the very beginning.

The Secretary for the Royal Civil Service Commission said that His Majesty the King had established the Dzongkhag Yargay Tshogchung in 1981 and Geog Yargay Tshogchung in 1991. Since then, the concerned departments and ministries provided several trainings and orientation courses to enable the members of the GYT and DYT to understand the government policy and development programmes. This has enhanced their capabilities and efficiency. Several workshops on regional policies and presentation on the outcome of the Geog Yargay Tshogchung were oriented to 196, out of 201, Gups during 1994 to 1995.

Likewise, in the Eighth Plan, the Home Ministry and Planning Commission Secretariat jointly trained around 679 members on the preparation of plans and review of Geog development programmes. Further, the Royal Institute of Management and Home Ministry trained around 1,800 members on capacity building. Selected members from Thimphu, Haa, Lhuntse, Samtse, Sarpang and Bumthang Dzongkhags were sent on a study tour to Switzerland to observe the decentralisation policy, in April 2002.

Even in the Ninth Plan, the government has formulated policies to provide adequate trainings to strengthen the efficiency and capability of both the government and private workers. Moreover, the government is bearing immense concern to deliver necessary trainings to the working members of 201 geogs, far better than before. The Royal Institute of Management (RIM) would organise the trainings for the members of GYT and DYT. No matter how many policies and programmes the government would formulate, the benefit and success of the training would solely depend on the qualities of interests and attitudes of the elected representatives of the people themselves, participating in the training.

It was discussed that the main development programmes in the Ninth Plan were formulated in accordance with the basic requirements of each Geog. The success of its implementation would also lie with the GYT. Therefore, it was recognised that frequent trainings for the GYT members were important. It was discussed that non-formal education programmes had assisted in acquiring a better understanding of trainings.

The Home Minister said that around 3,400 people, including the GYT members of the 201 geogs under 20 Dzongkhags, were requiring to be trained. Moreover, it would be necessary to provide continuous trainings, as the terms of office of the members of the GYT and DYT are just 3 years. The basis of RIM's training facilities is necessary and their lecturers would provide great help in training the members of the two Tshogchungs. The concerned ministries and departments would conduct necessary trainings in the capital, Dzongkhags or geogs wherever feasible. However, it is hoped that the capability and efficiency enhancement of the members of the

GYT and DYT would be successful without difficulties in accordance with the farsighted vision of His Majesty the King.

The National Assembly resolved that RIM would provide necessary trainings, and the ministries and departments would also continue imparting relevant trainings. The Assembly also resolved that the people should select responsible and capable persons that would benefit their respective geogs and Dzongkhags.

#### **IX. REVISION OF DRAFT GEOG YARGAY TSHOGCHUNG CHATHRIM**

The Home Minister, while discussing on the important background of the revised GYT and DYT Chathrim in the Assembly, said that His Majesty the King has entrusted the present well being and future security of the country in the hands of the people. His Majesty the King has decentralized the central government power more than before since the establishment of DYT in 1981 and GYT in 1991.

Bhutanese people have gained lot of experience over the last 21 years. Considering thus, His Majesty the King had commanded the GYT to identify and formulate socio-economic development plans and programmes in consistence to their needs.

Moreover, His Majesty the King had commanded to make necessary changes to the GYT and DYT Chathrim. Accordingly, a 12 member committee, lead by the Home Ministry, comprising of the secretaries of the Home Ministry, Royal Civil Service Commission, Ministry of Finance, Planning Commission, four Dzongdags and four selected

senior officials was constituted. The Committee reviewed and revised the Chathrim without involving any external consultants.

The draft Chathrim were circulated among the 201 Geogs and 20 Dzongkhags to collect and incorporate as many views and feedbacks as possible in the revised Chathrim. The comments and feedbacks from the GYTs and DYT were incorporated in the revised Chathrim. Among the major changes in the Chathrim, appointment of *Mangmi* and office assistant of the Gup, abolition of “one-goong-one vote” system and adoption of adult suffrage, based on the secret ballot system to any legitimate citizen above 21 years of age, were incorporated. The Chathrim governing the secret ballot system will be drafted and submitted to the Assembly.

It was reported that GYTs and DYT would be empowered with the equivalent power of Department and Ministry respectively in formulating and managing all the administrative and financial matters in accordance with the Chathrim. Therefore, the Chathrim clearly delineates the working procedures, dos and don'ts of the people's representatives and other stakeholders in the Dzongkhags and geogs.

It was reported that the members of GYTs and DYT, government officials and other stakeholders must render necessary support to the ministries and departments in accordance with the Chathrim. They must execute their jobs in appreciation and gratitude to His Majesty's vision of decentralization right down to the Geog level to achieve both long and short-term goals of the people.

Different issues ranging from inconsistency between the name, meaning and title of the Chathrim, requirements of the accountants, responsibility of auditing the geog budgets and the jurisdiction of Gups over the civil servants involved in execution of plan activities in the geogs were discussed. They also shared the views on the state of the *Gups, Mangmis and Tshogpas* who are elected by the people through secret ballot for certain term among the civil servants whose service are structured and governed by the Civil Service Rules and Regulations.

Owing to the fundamental difference between the systems, it is important that the three branches of the Government extend till the Geog level in a clearly differentiated manner to ensure standardized and fair mechanism of check and balance in the national state of affairs. It was discussed that same line of reporting for both the politicians and civil servants would breed fraudulence and corruption.

While the politicians are replaced upon the completion of their tenure through secret ballot system, it is the civil servants who continue to carry out the government activities. Therefore, it is important that they are restricted from participating in political matters and taking any sides. Moreover, it was discussed that neither politicians nor private entrepreneurs should be governed by the Civil Service Rules and Regulations and vice versa.

Similarly, advantages and disadvantages on the submission of the National Assembly agendas through GYT's and DYT's and the absence of clear delineation of responsibility of Chimis in the Chathrim were discussed in the Assembly.

Therefore, repeated doubts and concerns were raised on the possible future problems between the people and the government due to the lack of proper check and balance mechanism for the Gups and members of the GYT. Submissions were made for the traditional etiquettes in conducting GYT meeting, right of freedom of speech of the members, resolution making methods and fixation of reasonable monthly salary of the *Tshogpas* and *Chipons* in the rural areas.

The house agreed that accountants of the geogs would be under the Dzongkhag finance officers. More accountants would be sent to the geogs depending on the volume of budgetary funds. The Royal Audit Authority will be responsible to audit all the budgets of the geogs. Moreover, the GYT will remain under the executive control of the government till the finalization of constitution, which is being drafted.

It was resolved that civil servants involved in implementing the plans in the Geog levels will be governed by the Civil Service Rules and Regulations. They would be restricted from taking any sides and participating in the political matters. However, the Civil Service Rules and Regulations will not govern the elected representatives and other representatives of the people, whose term is based on rotation system of the community. Since some Chimis and Tshogpas assume their responsibility turn wise periodically, the Assembly resolved that they would not be entitled for the monthly salary. The documentation of the resolution of the GYT in Dzongkha under the official seal of the Chairman of the GYT as well as convention of the GYT meetings with the traditional code of

conduct and right of freedom of speech were resolved to be included in the GYT Chathrim.

As per the GYT Chathrim, members and Gups and the Chairman of the GYTs should be efficient and capable for the success of the Ninth Five Year Plan programmes. Therefore, extensive discussions whether to keep the existing Gups and the members of the GYT till the completion of their tenure or to elect new Gups was intervened by His Majesty the King.

While it would be ideal if all the members of the GYTs and DYT's could be elected immediately, His Majesty commanded that it would be time consuming to elect 3,337 members through secret ballots with the Ninth Plan having just launched in July this year. His Majesty the king shared his doubts and concerns on the lack of proper familiarization of the people about the election procedural changes initiated in the current GYT Chathrim.

His Majesty advised that Gups are vested with important responsibilities as the chairman of GYTs. They will now have to steer the proper functioning of the Tshogchungs. The government will impart necessary trainings to Gups, enabling them to fulfil their new roles. However, some Gups have served half of their tenure and some are about to complete their tenure. Therefore, as the Ninth Five Year Plan begins, His Majesty the king advised that, for the moment, 201 Gups could be elected through secret ballot immediately. However, other members of the GYTs and the DYT's could be elected as and when their terms ended.

The Assembly resolved that in accordance with His Majesty of the King's vision, training Gups who have already served a

fair part of their tenure would be of little benefits for the success of the Ninth Five Year Plan programmes. Therefore, other members of the Geog Tshogchung would be elected only upon the completion of their tenure. All 201 Gups would be elected with the commencement of Ninth Five Year Plan through secret ballots. The Assembly endorsed the GYT Chathrim, 2002, with the amendments on 22 July 2002 corresponding to the 13<sup>th</sup> Day of the 6<sup>th</sup> Month of the Male Horse Year.

### **Amendments effected to the Geog Yargay Tshogchung Chathrim, 2002**

It was resolved to change the sequence of first paragraph and second paragraph in the preamble, and the phrase **mig-yul-ngo-ma-ra** shall be replaced with the phrase **thuki-gong-zhed**.

In Article 1, section 4, the phrase **tang-chhop** is changed to an appropriate term called **nang-chhop**. Similarly, in Article 2(1), the term **mi-ngom** is replaced by **pho-mo** and the phrase **kho-mo** in section 3 is also replaced with **pho-mo**.

In Article 2(14), the phrase **thuemi zermi dei geog yargay tshogchung gi thue mei** must be changed to **tsagthu drupai geog yargay tshogchung gi thue mei**, and the sentence **mei tse thokoed bedey yoed mi pho-mo gara bedrung saney dekhar** shall be replaced with **mei tse thokoed dang mei khung lakher yoedme pho-mo gara bedrung saney dekhar**.

In Article 3, the phrase **geog yargay tshogchung gi yigtsang due yuen** has been changed to **geog yargay**

**tshogchung gi yigtsang ney yuen**; and in Article 3(5), the phrase **geog drungyig lu ngultrum 4000 rey** has been replaced with **geog drungyig lu ngulphog ngultrum 4000 rey**.

In Article 4(5), the phrase **sem tenpor yoedmi chig** must be rephrased as **sem tenpor dang shechoed rangzhin zangpo yoed mi chig**; and under section 6 of the same article, the phrase **kelo 25 ley 65 ber bedmi chig goe** shall be rephrased as **kelo 25 yenchey nedmi chig goe**. Similarly, it has been resolved that the new provisions on marriage with foreigners and on the requirement of respect and appreciation to our drig-lam-chhoe-sum.

In Article 8, the phrase **thrim luk** shall be replaced with **lam luk** or with another appropriate term; and under section 12 of the same article, the phrase **ju-ngul** must be replaced with **ju-ngul dang bung**.

In Article 9(1), the phrase **gang-drag** shall be replaced with **nyepar-du**; and under section 2 and 3, the phrases **lhakhang dang lhakhang** and **nyen zhu phueni** must be replaced with **lhakhang and goendey** and **dango sum gi nang khoed nyen zhu tsarey phuelni** respectively.

In Article 9(8), the phrase **nagtsel tsu** shall be replaced with **nagtsel dang menna tsu** and under section 9 of the same article, the phrase **gara aien rue** shall be replaced with **saney gatey aien ru**; and the phrase **boen soel** shall be deleted from section 11 of the same article.

In Article 10(2), the words **zin-chong** shall be deleted and the phrase **dey thab rimpa zoni** shall be replaced by an

appropriate term, which shall convey the meaning of the English term re-appropriation. Similarly, the phrase **loe sem dang den per thoen song pa chin** shall be replaced by **ngultse lamluk dang thriltey** in section 8 of the same article.

In Article 11(2), the phrase **lobthruk sartsuk** shall be replaced by **lobthruk sartsuk dang yezhip koetshog**.

In Annexure 1(c), the phrase **thruе gi jabchor bed jin goe** shall be rephrased as **thruе gi jabchor nyepar du bed jin goe**.

The National Assembly members agreed that auspicious prayer of dedication must be included at the end of the Act.

#### **X. REVISION OF DRAFT DZONGKHAG YARGAY TSHOGDU CHATHRIM**

The Home Minister, in his summarised report of the revisions of the draft DYT Chathrim to the Assembly, stated that DYT members will be purely constituted by those elected through secret ballots. Dzongdags and sector heads shall be considered as the observers representing the Government. The DYT members will be elected as per the Chimi Election Chathrim, 1995, till the Election Chathrim of the DYT members is passed. However, the election of the Gups and *Mangmis* will be in accordance with the current DYT Chathrim. The Article 4 of the DYT Chathrim will govern the election of the representatives of the business community. The Chairman of the DYT will be elected from the members through secret ballots.

It was submitted that Dzongdags, as the executive heads of the Dzongkhags, are responsible for the coordination and

implementation of the resolution of the DYT. The Dzongdags shall also observe that DYT deliberates on the interest of the people and country in accordance with the government policies and the Chathrim.

While the Assembly deliberated every section of the DYT Chathrim page-wise, the issues on the election of the DYT Chairman, the responsibility of the Dzongdags and Administrative Officers of the Dzongkhags as the Secretary of DYT, disbursement of the salary to the representatives of the business community and salary increase of the Chimis were also discussed. Moreover, it was proposed that the authority of fixing the entitlements of the politicians should rest with the National Assembly just as the authority of fixing and increasing salary of the civil servants rests with the Royal Civil Service Commission.

It was suggested that the rights to cast vote and contest in the election would be in accordance with the hometown and census registration. The members raised their concerns on the possible future problems and complications that would arise due to lack of clear delineation of responsibility and working procedures of the Dzongdags in the Chathrim. Inclusion of Dratshang and religious community representatives as DYT members were also discussed. Although the invocations at the beginning of both GYT and DYT Chathrims are very good, it was seen necessary to include an auspicious prayer of dedication at the end of the Chathrims.

The National Assembly resolved that the Chairman and Deputy Chairman of the DYT would be elected through secret

ballots from amongst the members. If only would it entail problems in the future, Dzongrabs and Dzongkhag Administrative Officers will bear the responsibility of Secretary of the DYT as per the Chathrim for the time being. It was resolved that Dzongkhag Administration will pay monthly salary to the business community representatives equivalent to the Mangmi. Moreover, it was resolved that the salary revision of the National Assembly members would be considered by the Speaker in consultation with the Council of Ministers.

It was decided to leave the entitlements of the politicians unresolved till the finalization of the constitution, which is being drafted. It was resolved that the rights of voting and contesting in the election can be exercised in accordance with the National Assembly Members Election Act, 1995. However, right to vote and contest in the election would be determined by the domicile of their census registration.

It was resolved that the responsibilities and working procedures of the Dzongdags, as per the need and importance in accordance with DYT Chathrim, would be submitted to the Assembly. Since all the DYT members are elected representatives of the people, it was resolved that the representatives of the Dratshang, as well as the civil servants, would be the special observers of the DYT. It was resolved to include auspicious prayer of dedication at the end of both the DYT and GYT *Chathrims*. The DYT Chathrim, 2002, shall come into effect in accordance with the amendments endorsed by the Assembly on the 15<sup>th</sup> Day of the 6<sup>th</sup> Month of the Male Horse Year corresponding to 24 July 2002.

## **Amendments effected to the Dzongkhag Yargay Tshogdu Chathrim, 2002**

In paragraph 3 of the preamble, the phrase **mig yul** shall be rephrased as **thuki gongzhed**.

In Article 3, the phrase **yigtsang gi due yuen** shall be replaced by **nye yuen**. Similarly, in Article 3(10), the phrase **longo sumgi ringlu** shall be rephrased as **longo sum tsuen tsoed lu**.

In Article 5(1)-A, the phrase **mitsi dokluk** shall be rephrased as **mikhung dokluk** and a new provision stating that the right to vote and election procedure for the DYT members shall be same as that of GYT members. Moreover, a new provision on the **driglam namshag** shall be enshrined under Article 5.

Similarly, in Article 5(1)-F, the sentence **yang na thromdey dang thromtshog ki tshogchhung thuemi bedmi chig goe** and in Article 5(2), the phrase **thromdey tshogchhung gi** shall be deleted.

In Article 7(1), the word **kathrim** shall be replaced by an appropriate word and in Article 8(8), the phrase **rangrey gyalkhab ki ngar soel lamluk** shall be rephrased as **palden drukpai ngar soel lamluk**.

Under Article 9, it was decided that a new provision, **gyalyong lamtoen dnag yangna Chathrim dang thriltey mimang gi throedten sungchop bedni** shall be enshrined.

In Article 10(3), the phrases **lopdra dringma dang lopdra chhaywa zheten sheyoen tewa** shall be rephrased as **dringrim lopdra wogma dringrim lopdra barma** and

**dringrim lopdra gongma**. Similarly, in Article 10(4), the word **menkhang** shall be replaced by words **dzongkhag menkhang** and in 10(19) and 10(23), phrases **khim chabni** and **dzongzhi dang lhakhang chhoeten la sokpa** shall be replaced by **khim dang doeney chabni** and **dzongzhi dang lhakhang goendey deylay chhoeten la sokpa** respectively.

The phrase in Article 13(7) **zhiyokpa deytsen chupa menched ki mingom khodrup** shall be rephrased as **dzongkhag laytsen khag gi doenlu zhiyopa tsu zhiyok lhentshog ki Chathrim dang Chayig dang thriltey khodrup bedey**. In section 10 of the same Article, the sentence **lopdra dringma dang lopdra chheywa shenyang zhitenz sheyoen tewa sok sarzuk bedni** shall be rephrased as **dringrim lopdra wogma dringrim lopdra barma and dringrim lopdra gongma deylay zhiten sheyoen tewa sok sarzuk bedni**. Similarly, in section 18 of the said Article, the phrase **Chathrim tsu dang thriltey** shall be rephrased as **lamluk dang chayig tsu dang thriltey**.

In Article 14(1), the phrase **ngulgi khey phen yoedey bedwa chin** shall be rephrased as **ju ngulgi khey phen yoedey bedwa chin** and in section 2(A); the phrase **misyer gi ju ngue** shall be replaced by **zhung dang misyer gi ju ngue**.

Similarly, in Article 14(4), the sentence **mi garang aien rung nyeja chigtsung phokp aien** shall be replaced with **thrim dang thriltey nyeja phok**.

The National Assembly members agreed that auspicious prayer of dedication must be included at the end of the Act.

## **XI. MEDICAL AND HEALTH COUNCIL ACT**

While discussing the draft Medical and Health Council Act by the Assembly, the Health and Education Minister in his brief background report of the Act, said that the Government of Bhutan is delivering free medical and health facilities under the auspices of His Majesty the King. He said that in accordance with the development changes, it is necessary to enhance coverage and quality of health and medical facilities more than ever before. It is important to protect and prevent all the emerging health and medical matters. As the population in the country is increasing, it is becoming necessary to employ doctors from outside wherever it has not been possible to employ enough doctors and health workers.

Moreover, it was reported that there were many medical dealers and health workers not recognized by the government posing threat to the health and lives of the people. The Medical and Health Council Act, consisting of ten chapters, drafted by several experts after detail research and evaluation, is submitted through Lhengye Zhungtshog to the Assembly for endorsement. This would deliver medical and legal protection, should such situation arise.

It was discussed during the deliberation in the Assembly that village health workers had delivered enormous benefits. They are important element in the health system. Therefore, it was discussed that they should be provided with necessary trainings in the Ninth Five Year Plan. The Assembly recognised and discussed all the main contents. The Assembly passed the Medical and Health Council Act of the

Kingdom of Bhutan, 2002 on the 15<sup>th</sup> Day of the 6<sup>th</sup> Month of the Male Horse Year corresponding to 24 July 2002.

### **Amendments effected to the Medical and Health Council Act, 2002**

The title of the Act shall be rephrased as **Palden Drukpa Sowa dang throeten tshogdeyi Chathrim, 2002** and a word **nyonjoed** shall be inserted after the title.

In chapter I, section 2(ka) the word **gangzag** shall be replaced by an appropriate word and the provision of section 2(da) of the same chapter shall be rephrased as **chayig zermi di Chathrim gi gongdon tar tshogdey gi duerim zhindu zomi gi chayig tsu dang thrimdon nangsels tardu go.**

In chapter IV, section 8, the sentence **chathrim digi woglu yoedpai migi shamkhoed tsu bedchhok** shall be rephrased as **chathrim digi woglu thokoed bed yoedpai migi rangsoyi shetsed dang thriltey shamkhoed tsu bedchhok.**

The house decided that the National Assembly shall amend the required provisions of the Act should any amendment need arise. Likewise, it was also decided that auspicious prayer of dedication should be included in the end of the Act.

## **XII. EXPRESSION OF APPRECIATION**

The people's representatives from almost every Dzongkhag expressed their appreciations and gratitude on different issues

during the 80<sup>th</sup> Session of the National Assembly. His Majesty the King had been working tirelessly for the present and future well being of the Bhutanese people and country since His accession to the Golden Throne. The people's representatives offered their heartfelt gratitude and appreciation to His Majesty the King in his effort for the phenomenal socio economic development taken place in the country. Moreover, His Majesty established the Geog Yargay Tshogchung and Dzongkhag Yargay Tshogdu to enhance the decentralization policy. The executive power was devolved to an elected Council of Ministers. Further, the people's representatives expressed their profound appreciation for the command to draft a written Constitution. The members also extended their appreciation to the Constitution Drafting Committee for taking up the responsibility of drafting a constitution.

The people's representatives offered their gratitude and appreciation for the farsighted vision of His Majesty the King to achieve the goal of Gross National Happiness with the establishment of programmes based on the requirements of the geogs during the Ninth Five Year Plan. Moreover, appreciations were expressed on the devolution of authority and responsibility to GYT and DYT in implementing the programmes of the Plan, which is a real altruistic decentralisation process.

With the ultimate thought of enabling the officials and employees of GYT and DYT to properly and effectively monitor the Ninth Five Year Plan programmes, both the GYT and the DYT Chathrim were amended emphasizing mainly on the decentralization process. The people's representatives

expressed their appreciations for having passed the Acts during this session with hopes and prayers. They hoped that these would entail enormous benefits to both the Government and people.

Likewise, hydropower projects are being set up harnessing natural water resources as the main source of economic development of the people of their respective as well as neighbouring Dzongkhags in general and the Bhutanese people in particular. The establishments of Chukha Power Project and the Kurichu Power Project have been completed. Moreover, the First Phase of Basochu Power Project has also been completed and work on the completion of Second Phase has already begun. Further, the task at the Tala Power Project is in progress. Therefore, the people's representatives expressed their satisfaction that the policy of self-reliance could be accomplished where the benefits would be seen and reaped. The Chimis expressed their profound gratitude and appreciation to His Majesty the King, the Royal Government, and the friendly Indian Government and Austrian Government who provided their assistance for the Power Projects.

It is important for the general public to properly understand the laws and its conventions in an era where many changes are taking place in the nation with the changing time. In accordance with the visions of His Majesty the King, the Chief Justice and the Judiciary officials conducted induction programmes on the indispensable benefits and detriments of the Civil and Criminal Procedure Code of the Kingdom of Bhutan. Moreover, the people's representatives expressed their appreciations for the trainings and participation provided

to all the DYT members and other people's representatives on the Civil and Criminal Procedure Code of the country.

The Chimis offered their gratitude to the monk body of Dratshang and the spiritual community for having preformed *Kurims* for the peace and tranquillity of the Buddhist practitioners, Buddhist patrons, His Majesty the King and the people without inharmonious calamity, destruction, hindrance or disharmony in the Kingdom. The people submitted their requests to the religious community to continue performing rituals without exasperation and discrepancy.

Similarly, the people's representatives expressed their inexpressible gratitude and appreciations with admiration and pride to the officials and personnel of the three armed forces for their services rendered towards the security throughout the seasons, continuing their service amidst difficulties, willing to sacrifice their own lives. Moreover, the people's representatives expressed their unambiguous hopes and prayers that the Armed Forces would continue to step forward to carry out their responsibility in safeguarding the nation without fail.

Despite the emergence of militant problem in the country from neighbouring India, the Eighth Five Year Plan had been successfully completed. The people's representatives expressed their gratitude for the successful implementation of development programmes of schools, health care centres and hospitals, RNR Centres, roads, bridges, telecommunication, drinking water, electricity, irrigation, protection of forests even in the geogs of Dagana and its neighbouring Dzongkhags. The Chimis expressed their appreciation for laying the foundation

and finalization of the Trashiyangtse Township. The people's representatives expressed their profound gratitude not only on the construction of living quarters for the monks and new Congregation Hall in Trashiyangtse Dzong but also for providing the funds and resources to renovate the ancient and sacred Rigsum Gonpa. They also commended for the completion of the renovation of the Trashiyangtse Dzong.

Likewise, the assembly acknowledged the career counselling and trainings initiated by the Health and Education Minister for our youths. This would help them to make the right career choice in life and explore all available options in their career and work after former education in their future. The people's representatives of Haa expressed their appreciation for the approval of Tourism in Haa Dzongkhag. Moreover, the Chimis of Wangdue expressed their gratitude for the completion of the Wangdue Bridge and thanked the donor associates for supporting Bhutan's socio-economic development.

The Finance Minister and the Foreign Minister informed the Assembly on the policy and system as well as procedures of seeking foreign aids and its utilization. Even though there has been a change in the system of governance in the country, the government is consistently continuing the judicious policy initiated by His Majesty the King in seeking foreign assistance for the socio-economic development of Bhutan. While seeking funds from outside, the government examines the Five Year Plan programmes submitted by the concerned heads and officials of Dzongkhags and geogs. After differentiating the means to implement them either through internal revenue or donor-assisted funds, the government seeks loans from those

countries with which we have close relations, international agencies and NGOs.

The Ministers informed that while seeking funds, it is important to note that Governments interested to provide assistance have different policies. These days, in a time where the numbers of aid dependents were increasing and donors assistance were decreasing, it was reported that Bhutan's means of procuring aids has not been altered. The Government of Bhutan has been appreciated for the utilisation of aids. This was, firstly, the Planning Commission and Finance Ministry along with respective organisations and departments discuss thoroughly and identify the programmes needing assistance. Secondly, the Foreign Ministry seek for aid in accordance with the policy of the Royal Government. Thirdly, after having signed the finalised document of the donor aid, the donor assisted project or the programme is put into effect. Until the completion of the project, both the donor and the assisted, monitor the activities periodically, every month and every year till it is completed so that the money obtained from the donor country is properly utilized without wasting. Moreover, the Royal Audit Authority has the system of monitoring all donor-assisted projects and grants annually, which makes the utilization of the donor funds prudent and transparent. It was submitted that the donor countries are satisfied and willing to give more grants to our country.

The only objective that the Bhutanese people should bear in mind while seeking aids from outside is that, being dependent over a long period of time would deter the achievement of the policy of self-sufficiency and the independence and sovereignty of the country. As per His Majesty the King's constant

reiteration and advise to the Council of Ministers, the Government is accepting aids after examining the present and future benefits and detriments of the people and country. Since Bhutan is weak in terms of population, economy, scientific as well as political and other affairs, relationship with other countries should be strengthened. Though seeking assistance is becoming difficult, at present our country received assistance from 14 countries, 13 UN agencies, 7 Non-Governmental Organizations and 4 international and regional financial institutions.

The National Assembly firstly commended and expressed their gratitude to the Royal Government for the prudent and transparent utilization of the donor money and resources effectively. Secondly, the assembly expressed their appreciation to the Government and the people of India for the generous financial assistance starting from the First Five Year Plan. Thirdly, the Assembly also expressed their appreciation to all the Governments of friendly countries, international agencies, non-government organization and international and regional banks for assisting Bhutan in its socio-economic development financially and professionally. Further, the Assembly expressed their hope that Bhutan's development partners would continue assisting Bhutan to help attain Bhutan's goal of self-reliance and Gross National Happiness without delay.

### **XIII. LIST OF DOCUMENTS DISTRIBUTED DURING THE 80<sup>TH</sup> SESSION**

- i. Report on the performance of the Government in the past year

- ii. Speech by the honourable Speaker on the opening of the 80<sup>th</sup> session of the National Assembly
- iii. Report by the Finance Minister on the National Budget for the Financial Year 2002-2003 and the report on the 2001-2002 Budget
- iv. Report on the Ninth Five Year Plan
- v. Revision of draft Dzongkhag Yargay Tshogchung Chathrim
- vi. Revision of draft Dzongkhag Yargay Tshogdu Chathrim
- vii. Medical and Health Council Act, 2002
- viii. Speech by the honourable Speaker on the concluding ceremony of the 80<sup>th</sup> session of the National Assembly

#### **XIV. CONCLUDING CEREMONY**

The Honourable Speaker extended his Tashi Moenlam to His Majesty the King, Chairman of the Lhengye Zhungtshog, and the honourable members of the National Assembly on the auspicious concluding ceremony of the 80<sup>th</sup> session of the National Assembly. In his concluding speech, the honourable Speaker said that the 80<sup>th</sup> session had been a success through the grace and inspiration of His Majesty the King and the sincere and frank deliberations of the honourable members. He submitted eternal gratitude to His Majesty the King and all the honourable members of the National Assembly.

The Speaker said that it is more important for the National Assembly to take decisions that really deliver peace and development to the people and the country. The National Assembly should shoulder the responsibilities of check and

balance adequately, rather than proclaiming as the highest legislative institution in the country.

Therefore, the Assembly members must, above all, conduct their deliberations in the interest of the people and the nation. They must not be intimidated by personalities, nor be influenced by their own personal interests. At a time when our self-less Monarch is devolving the authority of governance to the people, the representatives, elected with trust and confidence by the people of their constituencies, must, more than ever, be totally committed to their responsibilities.

In this 80th session of the Assembly, the honourable members clearly demonstrated their understanding of these realities. During discussions on the GYT and DYT Chathrim, a sense of satisfaction was derived with contributions made by the Dzongdags and Chimis who emphasised the importance of their roles in the context of the major administrative changes being introduced in the Ninth Plan. They were frank in expressing their concerns over the potential problems, which would arise for both the government and the people unless the *Chathrim*s ensured a clear and balanced separation of powers.

With the introduction of the Fifth Five Year Plan, the posts of Dzongdag Wogma was introduced and centrally administered development activities, including the budgets, were decentralized to the Dzongkhag administration. By the end of the Fifth Plan, both the Government and people had faced a number of problems. Therefore, as the National Assembly had repeatedly debated, the need for a good system of check

and balance is critical. The people's representatives should facilitate the effective monitoring and evaluation of development programs to enable corrective measures by the concerned officials in the Dzongkhags and geogs.

Among the unprecedented reforms established in our country by His Majesty the King, the Constitution, that is being drafted, will bring phenomenal changes. In this transitional period, all Bhutanese people should not only appreciate the farsighted wisdom of His Majesty the King, it is vital that we prepare ourselves for the change.

The decentralization of administrative power to the GYT in the Ninth Plan will not only test the interest and capability of the people in the implementation of the activities for their own well being but will also challenge commitment to shoulder our responsibilities. The geog-based Ninth Plan not only represents socio-economic reforms but major political transformation.

Since the threat imposed to our security and sovereignty by the presence of militants from neighbouring India is an intolerable concern for all the Bhutanese people, the National Assembly repeatedly endorsed the strategies that the Royal Government should adopt to resolve the problem without further delay. The Speaker expressed his hope and prayer that, under the wise and farsighted leadership and guidance of His Majesty the King, the leaders of our government will spare no efforts in implementing this grave task in accordance with the resolutions of the Assembly.

The Speaker requested His Holiness the Je Khenpo, the monk body, and other religious communities in the country

to continue performing *Kurims* for the peace and stability in the kingdom. At the same time, it is important that the people, more than anything else, live up to their pledge to support the Royal Government both in terms of material and manpower resources if such a need ever arises. Above all, the Speaker vouched his full confidence to the security forces that are ready to sacrifice their lives to protect the nation's security that they have the capability to carry out military operations, at any time, in the event that we are forced to resort to such action.

As submitted to the Assembly during its deliberations on the militant problem, if the government and people are completely united, the militant problem can be resolved. Therefore, the Speaker reminded the house that we must all be ever ready to bear this responsibility.

The Speaker hoped and prayed that the aims and objectives of the Ninth Five Year Plan, as outlined by the Chairman of the Lhengye Zhungtshog, Lyonpo Khandu Wangchuk, and the Finance Minister, Lyonpo Yeshey Jimba, will be achieved.

Before he concluded, the Speaker informed the house firstly that His Majesty the King had granted full support to the submission made by the people's representatives on the salary revision. Therefore, in accordance with His Majesty's command to decide soon, the Lhengye Zhungtshog and the Speaker held meeting and decided that the salary of the people's representatives would be increased at par with the Gup's salary. Likewise, the salary of the business community representatives of respective Dzongkhags would be raised at par with the *Mangmi* where the Dzongkhag Administration

would make the payment. Secondly, the Speaker informed the Assembly that the Resolutions of the Assembly session would be printed and distributed to the honourable members of the Assembly without delay. In this regard, he requested the people's representatives to disseminate the resolutions to the people of their respective constituencies within two months from the date of receiving the resolutions.

Lastly, the Speaker offered prayers for all the sentient beings to be saved from disease, epidemics, wars and natural calamities. He wished that the precious teachings of Lord Buddha, a source of well-being for mankind, continued to flourish. The Speaker urged everyone to offer prayers for the long life of His Majesty the King and the happiness of the Bhutanese people. The 80<sup>th</sup> session of the National Assembly of Bhutan concluded amidst the reverberation of *Serdrang* on the 20<sup>th</sup> Day of the 6<sup>th</sup> Month of the Water Male Horse Year of the Bhutanese calendar.

(Ugen Dorje)

Speaker

July 29, 2002

National Assembly of Bhutan

## **Disclaimer**

The Resolution of the 80<sup>th</sup> session of the National Assembly of Bhutan has been translated from Dzongkha. In the event of inconsistency between the two versions, the Dzongkha text shall prevail.