

**ENGLISH TRANSLATION OF THE RESOLUTION
OF THE 81ST SESSION OF THE NATIONAL
ASSEMBLY OF BHUTAN**

I. INAUGURAL CEREMONY

The 81st Session of the National Assembly began on the 29th Day of the 4th Month of the Water Sheep Year corresponding to June 28, 2003. His Majesty the King was escorted to the National Assembly hall with *Chipdrel* and *Serdrang* ceremony. The session commenced with the *Zhugdrel Phuensum Tshogpa*. A copy of the inaugural address by the Honourable Speaker is annexed at the end of the resolution.

II. VOTE OF CONFIDENCE FOR THE SIX LHENGYE ZHUNGTSHOG MINISTERS

His Majesty the King nominated the existing council of ministers, elected through secret ballot in July 1998, for another term of office as their five-year term was expiring. While the National Assembly prepared for the vote of confidence on the 29th Day of the Fourth Month of the Water Sheep Year corresponding to June 28, His Majesty the King shared his confidence that the Assembly Members would not violate the Chathrim. The vote of confidence for the existing Lhengye Zhungtshog ministers and the election of new ministers was scheduled to be held after the discussion on the developmental activities. However, considering its paramount importance and the discussion on development activities would take more than a month to conclude, it was decided in consultation with the Lhengye Zhungtshog and the Speaker that the election should not be delayed. In the past, the Royal Government had not only appointed many ministers but had also appointed a Prime Minister, but without any executive power. Since the present Prime Minister and the council of ministers had been vested with full executive power, the National Assembly members, transcending their vested and personal interests, had the mandate to vote for candidates that they felt would best serve the interest of the nation and the people.

His Majesty the King reminded the Assembly that, at present, the King was responsible for the security of the nation as well as the establishment of a written

constitution, ensuring the well being of the Bhutanese people. Therefore, the election of a capable and a dynamic team of Lhengye Zhungtshog Ministers were more significant than the King.

His Majesty said that Bhutanese people were aware of the grave security threat that the nation was facing with the illegal presence of Indian militants. The country and the people would go through difficult times over the next few years. Therefore, it was particularly important, at this time, to have a strong and dynamic government.

His Majesty the King advised the Members to clarify on any doubts that they would have on the election of ministers before casting their votes. His Majesty also advised the Assembly Members to ensure that the election of the cabinet ministers would set an example of responsible voting to the people in all 20 Dzongkhags.

His Majesty expressed his satisfaction with the performance of the present council of ministers elected in 1998 after devolving full executive power to them. His Majesty also expressed his appreciation to the council of ministers for setting example of good governance to the Bhutanese people and the international community.

The Speaker advised the Assembly Members that the procedures of the vote of confidence had been distributed. If any member had any doubt on the voting system and the candidates, they should clarify before they cast their votes. Casting of votes proceeded after assuring that the members had no doubts on the election procedures.

Out of 152 members, a total of 145 members voted for each Lyonpo through a secret ballot comprising of 10 monk representatives, 29 government representatives, 6 Royal Advisory Councillors, and 100 people's representatives, excluding seven members (6 council of ministers and the Goonglen Gongma).

No.	Candidates	For	Against	Total	%
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1.	Lyonpo Jigmi Y. Thinley,				
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	Foreign Minister	127	18	145	88
2.	Lyonpo Khandu Wangchuk, Trade & Industry Minister	111	34	145	77
3.	Lyonpo Kinzang Dorji, Agriculture Minister	103	42	145	71
4.	Lyonpo Sangay Ngedup, Health and Education Minister	124	21	145	86
5.	Lyonpo Thinley Gyamtsho, Home Minister	79	66	145	54
6.	Lyonpo Yeshey Zimba, Finance Minister	125	20	145	86

Note: the names are in alphabetical order.

All the six ministers secured minimum vote requirement of 51 percent. Therefore, all the six ministers were re-elected as cabinet ministers. The National Assembly concluded the vote of confidence procedure with the Speaker congratulating the six ministers for being re-elected.

III. ELECTION OF THE NEW CABINET MINISTERS

The Royal Government of Bhutan increased the existing ministries ten from June 6, 2003. His Majesty the King had nominated seven ministerial candidates where the National Assembly would elect them through secret ballot. It was decided that the four candidates securing the highest vote would be elected as ministers. The minimum required percentage to be elected was 51 percent. The names and portfolios of the seven new ministerial candidates of the Lhengye Zhungtshog were distributed among the members on the morning of June 30, 2003. The National Assembly members began casting their votes through secret ballot. During the voting, the Deputy Minister of Communication, RCSC Secretary, Trade and Industry Secretary from among the government representatives and Goonglen Gongma were not present in the Assembly. Excluding the four Members, the total members present and casting their votes for and against each ministerial candidate were 148, comprising of 10 monk body representatives, 32

government representatives, 6 Royal Advisory Councillors and 100 people's representatives. The following are the number of votes secured by the seven ministerial candidates.

No	Candidates	For	Against	Total	%
1	Dasho Bap Kesang, Permanent Representative to the UN, Geneva	80	68	148	54
2	Dasho Dr. Jigmi Singay, RCSC Secretary	109	39	148	74
3.	Dasho Karma Dorji, Trade and Industry Secretary	67	81	148	45
4.	Dasho Kunzang Wangdi, Auditor General	86	62	148	58
5	Lyonpo Leki Dorji, Deputy Minister of Communications	125	23	148	84
6	Dasho Ugyen Tshering, Foreign Secretary	96	52	148	65
7	Dasho Wangdi Norbu, Finance Secretary	107	41	148	72

Note: the names of the candidates are in alphabetical order.

The Speaker, on behalf of the National Assembly Members, congratulated the Deputy Minister of Communications Lyonpo Leki Dorji, Dasho Dr. Jigmi Singay, Dasho Wangdi Norbu and Dasho Ugyen Tshering for securing highest number of votes. The Speaker also congratulated the other candidates expressing his best wishes that they would be able to win the election in the future.

IV. APPOINTMENT OF MINISTERS TO DIFFERENT MINISTRIES

As per the Assembly resolutions II and III, His Majesty the King awarded the auspicious five-coloured *dhar* to the ten ministers, elected through secret ballot in the National Assembly, in the throne room of Tashichhodzong on the 10th Day of

the 5th Month of the Water Sheep Year corresponding to July 9, 2003. On the morning of July 10, 2003 before the National Assembly began its deliberation, His Majesty the King announced the portfolios of the new ministers in the National Assembly.

Sl. No	Name	Portfolio/Ministry
1.	Lyonpo Jigmi Y. Thinley	Minister for Home Affairs and Cultural Affairs
2.	Lyonpo Yeshey Zimba	Minister for Trade and Industry
3.	Lyonpo Sangay Ngedup	Minister for Agriculture
4.	Lyonpo Leki Dorji	Minister for Information and Communications
5.	Lyonpo Khandu Wangchuk	Minister for Foreign Affairs
6.	Lyonpo Dr. Jigmi Singay	Minister for Health
7.	Lyonpo Wangdi Norbu	Minister for Finance
8.	Lyonpo Kinzang Dorji	Minister for Works and Human Settlement
9.	Lyonpo Ugyen Tshering	Minister for Labour and Human Resources
10.	Lyonpo Thinley Gyamtsho	Minister for Education

His Majesty said that the ministers would discuss among themselves and decide on the timing of the handing and taking over of the Chairmanship of the Lhengye Zhungtshog and the assumption of their new portfolios, depending on the auspicious dates and convenience. His Majesty said that the people had high expectations from the council of ministers and their mandate carried great responsibilities. There are many new policies and important activities to be implemented during the Ninth Plan for the benefit of the people. The country is going through a difficult period and the government would have to provide effective governance and successful security measures.

It was hoped and prayed that the ministers would be able to serve the best interests of the nation and the people effectively. His Majesty expressed full trust and confidence that all the 10 ministers would serve the Tsa-Wa-Sum with complete dedication and commitment. His Majesty, on behalf of the National Assembly, extended Tashi Delek to the Lhengye Zhungtshog ministers.

Note:

Although 10 ministerial candidates were appointed as the ministers of different ministries, their designations are reflected in the resolution document of the 81st Session.

V. REPORT BY THE CHAIRMAN OF THE COUNCIL OF MINISTERS ON THE PERFORMANCE OF THE GOVERNMENT IN THE PAST YEAR

The Chairman of the Council of Ministers presented a report to the National Assembly on the performance of the Government in the past year. The report included the presentation on the security of the Nation, the Legislative and Judiciary, Royal Civil Service Commission, the Royal Audit Authority, achievements on the socio-economic development, environment and private sector development programme, cultural heritage and other programmes that were implemented specially in the long-term interest of the country. Besides the presentation, a 94-page booklet was also distributed to the members.

After the presentation on the performance of the government in the past year, the Chairman of the Council of Ministers extended his Tashi Delek to the six ministers who won the vote of confidence and the four new ministers elected through secret ballot. He expressed his appreciation for the successful election of 201 Gups in their respective geogs through adult franchise, being introduced for the first time, in line with the DYT and the GYT Chathrim passed during the 80th session of the National Assembly as per the decentralization policy of His Majesty the King. Moreover, he expressed his appreciation for the establishment of necessary foundation for the socio-economic development and enhancing the governance through political reforms.

Many representatives of the people submitted their views and concerns on some of the issues being presented. One of the main concerns that required clarification

from the Council of Ministers was that the Ninth Five Year Plan Budget had not yet been finalised, where none of the development activities during the first year of the Ninth Five Year Plan could be implemented. As this was the first incidence, the Members sought clarification on such a situation of delay in external assistance.

The Chairman of the Council of Ministers and the Finance Minister submitted clarification on the issue. They said that the budget for the first year of the ninth plan was not being disbursed, as the agreement with the Indian government on their assistance for the plan has not yet been finalised. Since India is the closest and friendliest neighbour as well as Bhutan's main development partner, there was no doubt that the Indian Government would not provide financial assistance. The Foreign Minister informed the Assembly while submitting on the current plan talks being held between the government of Bhutan and India, His Majesty the King would visit New Delhi in August, and it was hoped that the 9th plan budget would be finalized.

During the deliberation on this issue, the Members expressed that since the Lhengye Zhungtshog were vested with full executive power, it was their responsibility of seeking financial assistance for the developmental plans and not the responsibility of His Majesty the King. Therefore, it would not be appropriate for His Majesty to visit India.

The Foreign Minister explained that the members had misunderstood about His Majesty's visit to India. He clarified that His Majesty's visit would not be only for the development assistance but many important issues of national, regional and global interests that need to be discussed with the Indian leaders as a testimony of close ties between India and Bhutan. India had sanctioned a sum of Rs. 9,000 million for the 8th plan. A sum of Rs. 20,000 million had been earmarked for the 9th plan, out of which Rs. 8,000 million had been received for the current fiscal year. The Foreign Minister said that talks were held with India on the financial assistance of Nu. 10,000 millions for the 9th plan. It was hoped that the budget proposal with India would be finalized during His Majesty the King's visit to New Delhi.

On this issue, many Chimis submitted their appreciation for the annual audit report being published in Kuensel by the Royal Audit Authority. The Chimis submitted that the Royal Audit should perform their duties as vigilant and strict as possible. The members expressed the doubts of the people that beside the report in the Kuensel, no separate information was reported on the imposition of penalties and fines by the management against defaulters of legal and government accounting system.

The Chairman of the Council of Ministers and the Finance Minister informed the Members that the officers of the respective agencies, departments and organisations provide necessary clarification and explanation on the audit report. After the comprehensive decision, the concerned audit officers, in accordance with the Financial Rules and Regulations, finally submit a report to the Lhengye Zhungtshog. The respective agencies were arranging to shoulder responsibility in the audit report as per the seriousness of cases, in accordance with the audit system. Moreover, if there were other serious cases, it was being forwarded to the High Court where the guilty would be penalised as per the degree of crime.

The BCCI Chimi submitted that the Head of the Government had reflected in the report about the rise in problem of youths seeking employment every year. Like other countries, even in Bhutan, the private sector would be the only sector that creates employment opportunities. As the government would not be able to employ all the job seekers, it was important to establish factories and industries for the development of private sector. The identification of sites for the establishment of industries in Bhutan had been delayed till now. Therefore, the Chimi requested that the government should identify the industrial establishment sites as soon as possible and hand them over to the private sector without delay.

The Finance Minister informed the house that areas for the industrial development were identified in Phuentsholing, Pasakha, Samdrup Jongkhar, Mongar and Zhemgang. However, it had not been possible to allot these sites to the private sector immediately, having to postpone due to the present security situation of the country.

The Speaker said that the representatives were not being able to comprehend the administrative actions taken as per the audit report. As the representatives had

submitted their doubts to the Assembly, it would be appreciated if the government would either disseminate the information in Kuensel or the National Assembly on their actions and compliance after completing the auditing of the ministries, departments and organisations. The house agreed to the clarifications submitted by the Ministers on the Ninth plan financial assistance. Arrangement would be made to hand over the identified industrial sites to the private sectors as soon as possible to facilitate the private sectors in generating more employment opportunities.

VI. PRESENTATION OF THE NATIONAL BUDGET FOR THE FINANCIAL YEAR 2003-2004 AND THE REVIEW ON THE 2002-2003 BUDGET BY THE FINANCE MINISTER

The Finance Minister presented the review of the 2002-2003 Budget and the Budget for the fiscal year 2003-2004 to the National Assembly. A 44-page booklet was also distributed to the National Assembly Members.

During the financial year 2002-2003, 7 percent growth rate was achieved and the consumer price index fell to 2.7 percent. Foreign exchange reserve was accumulated at US\$ 355 million, sufficient to cover around 19 months, convertible currency reserves was accounted at USD 259.40 million and Indian Rupee stand at Rs. 4,617 million. The Balance of Payment remains favourable with the inflow of foreign aid, concession loans and some foreign investment offsetting the persistent trade deficit. The total outstanding debt of US\$ 331.7 million was 58 percent of the GDP and the debt service ratio was under 4 percent. The International Monetary Fund (IMF), Article IV, country surveillance consultations held in 2002 provided positive assessment of the economy and commended on the financial management of the Royal Government. This was based on the strong economic performance, prudent economic policies and successful implementation of development plans.

Due to the resource uncertainties on account of project readiness and the shortfall in expected external assistance, budget had to be cut by 5 percent in the financial year 2002-2003. However, the total revised budget of Nu. 11,201.984 million increased by 17 percent of the approved budget. The projected internal revenue of Nu. 5,100 million has met the current expenditure. Although the current

expenditure during the current financial year had gone up by 6 percent, capital expenditure of 6,024 million had marginally fallen from the approved capital expenditure of Nu. 6,318 million.

With regard to external assistance, grants from other sources increased by 13% but grants from the Government of India were significantly lower than projected, amounting to Nu. 1,655.6 million. As a consequence, the resource gap increased substantially to around 15% of the revised budget. The project assistance in the Ninth Five Year Plan from the Government of India was Nu. 20,000 million, out of which half was targeted for programme assistance. The Government of India disbursed Nu. 800 million only, as programme assistance against the request for Nu. 2,000 million. In addition, the Government of India was also financing other large activities outside the plan including the Tala Hydropower Project, which is expected to cost over Nu. 40,000 million. The Indian Government was of the view that with its completion by September 2005, the Tala Hydropower Project would generate substantial revenue, where Bhutan would no longer need the programme grant thereafter.

The Government of India had agreed to provide Nu. 7,338 million for the project grant assistance suggesting phasing out the program grant. The Royal Government, appreciating the explanations of the Government of India, requested for the consideration of granting Nu. 2,000 million per annum as program assistance till the commissioning of the Tala Hydropower Project. The Government of India had agreed to discuss the matter again.

The main objectives of the financial year 2003-2004 are the improvement of living standards of all the Bhutanese people, addressing the concerns of the people living in the rural areas, focusing on social sector development, concerted efforts to pursue integrated rural development through enhanced rural access, expansion of rural electrification and establishment of rural telecommunications infrastructure.

The total budget in the financial year 2003-2004 is Nu. 11,537.737, three percent more than the previous year's revised budget that did not bear any adverse impact on the estimated 9th Five-Year Plan budget. The resource gap increased by 15 percent of the revised budget and the capital and current expenditure is projected

to increase by around 4 percent and 3 percent respectively over the previous year. A budget of Nu. 10.5 million had been allocated for the establishment of three new ministries. The domestic revenue is projected to increase only by around 2% due to the government's decision in the past year not to impose new taxes. With the domestic revenue amounting to 45.20 percent and the expected increase in the assistance from the Government of India, the resource gap is projected to be 3 percent or Nu. 383 million.

In the sector allocation of the budget, Nu. 2,856 million is allocated to social sector for the major investments in the construction of additional schools. A loan of US\$ 30 million would be sought from the World Bank to finance the resource gap. A 90 percent primary health care coverage had been achieved. The Indian government would be providing support of Nu. 1,020 million for the construction of Thimphu and Mongar referral hospitals to improve the quality and the standard of health care services.

A budget of Nu. 1,450 million is allocated in the agriculture sector to enhance the agriculture productivity through Integrated Rural Development Programme with modern farming technologies and rural credit.

A budget of Nu. 810.60 is allocated for the development of towns in Dzongkhag growth centres, creation of employment and business opportunity to address the issues of rural-urban migration. A budget of Nu. 1,650 million is allocated in the roads sector to expand the farm road network, to improve the national highways and to initiate the construction of new national highways.

The loan would be availed to improve the telecommunications facilities and initiate wireless communications in the rural areas. A budget of Nu. 836.6 million is allocated to distribute electricity in the rural areas. While our tariff is among the lowest, the per capita cost of distribution is one of the highest in the world. Since it is very difficult to secure aids, it is imperative to revise the power tariff. Despite the increase in financial institutions' loan portfolio to the private sectors by 29 percent in the past year, problem of excess liquidity is still being faced. In order to provide access to capital, markets and new technologies, foreign direct investment policy was finalized in December 2002 and Foreign Investment Act would be drafted.

In order to clear the doubts from the minds of the Bhutanese people on the possible estrangement of relationship between India and Bhutan due to problems of the presence of armed militants, an emergency fund of Nu. 1,000 million had been created, which is planned to increase by Nu. 2,000 million if the need arise. During the discussion on the freezing of expenditure in the first year of the 9th FYP, the representatives of the people shared their concerns about the inability to repay the loan in view of the situation of the country and submitted to reduce external loans. They also submitted that the government should reduce unproductive expenditure.

The house expressed their appreciation and gratitude for foreign investment and joining the World Trade Organization (WTO) membership to provide employment opportunities and to develop private sectors. They submitted that study would be conducted by the Education Department on the compatibility between the education of school drop-outs and employment opportunities.

The house expressed concerns on the huge expenditure in the mis-utilisation of the government pool vehicles. They submitted to lower the interest rates to enable the financial institutions to utilize the excess liquidity. They shared their concerns on the adverse impact of infrastructure development to the agricultural land in future.

The Members submitted about the problems of inferior quality of works resulting from the award of contract to the lowest bidder. They also submitted that *Chadrig* in the Dzongkhags is not only harassing the people but a waste of government fund. They shared that savings from the *Chadrig* would benefit in imparting feasible training to the members of the GYT and DYT.

The house sought clarification on the expenditure of Nu. 10.50 million in opening three new ministries. They asked whether it is the Lhengye Zhungtshog or the Council of Cabinet Ministers that has the authority to finalize the budget. The house submitted the need for establishing Finance Committee to oversee the equal budget allocation and to follow up the audit report or Public Accounts Committee in the National Assembly. The Chairman of the Council of Minister said that while there is need to establish the Public Accounts Committee, the National Assembly Members should comprehensively develop the responsibilities,

membership system of the committee and be submitted in the next Assembly session.

The Finance Minister reported that the 9th plan budget would be reduced by around 5 percent only, which would not have adverse impact on the development programmes. The government is curtailing the expenditure wherever possible like banning the imported wine being served during government related occasions. Since the expenditure on pool vehicles is one of the heaviest, the government is exploring means to stop the procurement of vehicles besides the tremendous pressure from the ministries and departments for the requirement of government pool vehicles in the projects. The government is also looking for alternatives in awarding the works to the contractors. The budget of Nu. 10.5 million has been allocated by the relevant officials to induct new civil servants and for the procurement of essential assets for the establishment of new ministries. The inability to reduce the interest rates is attributed to the lack of investment opportunities. He also submitted that there is a standing order from the government to reduce the expenditure related to *Chadrig* in the Dzongkhags.

The members questioned and sought clarification on the budgetary management by the government. The Speaker summarized the long deliberation on this issue into the following 14 points;

1. To minimize the unnecessary governmental expenditure
2. To minimize the external loan in order to avoid debt crisis in future
3. To strive in solving employment problems of the school drop-outs
4. To minimize the interest on loan by the banks with excess liquidity
5. To study the impact of developmental infrastructure on agriculture
6. To minimize the heavy expenditure on government pool vehicles despite the rules
7. To resolve the problems of inferior quality of works triggered by award of contract to the lowest bidder
8. The audit report published in the Kuensel states only the instances of embezzlement of government fund, advances, non-collection of taxes,

unnecessary procurement and general irregularities. The action taken against those defaulters or guilty needs to be made transparent

9. To avoid expending government fund on unnecessary tours and receptions.
10. To provide appropriate training to the Chimis like those provided to the members of the Dzonkhag Yargye Tsogdu and Geog Yargye Tsogchung
11. To explain about the budgeted amount of Nu.10.5 million for the establishment of three new ministries
12. It does not seem necessary for His Majesty to travel to India about Indian Government's assistance for the 9th Five Year Plan
13. To explain about the process and methods of budgetary preparation and finalization
14. To establish a Finance Committee to monitor the national budget management and a Public Accounts Committee to follow up with the audit report in the National Assembly

The Speaker said that the executive government may submit their reports about the actions taken on the above summarized points. The six cabinet ministers expressed their gratitude and appreciation to those who worked to achieve substantive results during their terms of five years.

The National Assembly Members expressed their appreciation and gratitude for the aid provided by foreign countries and the government of India. In the first financial year of the 9th plan (2002-2003), the domestic revenue amounted to 7 percent enabling to meet the current expenditure without any problem. The international community commended on the financial management of the Royal Government. The report on the financial year 2002-2003 and the deliberation on the 2003-2004 budget concluded with expression of appreciation on the progressive results achieved due to commendable job done by the Council of Ministers.

VII. ISSUES RELATED TO DEVELOPMENT ACTIVITIES

i. Samtse-Phuentsholing Highway

The people of Samtse Dzongkhag submitted that the lack of motor road connecting Samtse with rest of the Dzongkhags within the country has posed a serious security threat to the Bhutanese people travelling through the Indian territory. Therefore, the people requested for the immediate construction of Samtse-Phuentsholing motor road.

While deliberating on the issue, most of the members submitted that it was discussed several times in the previous sessions of the Assembly. The distance between Samtse and Phuentsholing is just 79 km. However, as a result of absence of motor road within the country, the Bhutanese travellers plying through the Indian territory were frequently confronted with instances of robbery, kidnapping and other security problems as well as development projects and business activities were delayed. Therefore, while the cost would be high, if the Royal Government would mobilise external assistance and construct the road during the 9th plan, Bhutanese travellers would not face security problems and development and business activities would be carried out without any problems. Moreover, this would provide benefit in the security of the country.

The Deputy Minister for Communications informed the house that the construction of the Samtse-Phuentsholing highway was discussed in the past sessions. He further stated that though it was included in the 9th plan, the construction could not be commenced, as it would require millions of budget. Moreover, it was important to carry out detailed study on the benefits of highway and feeder roads in accordance with diverse socio-economic priorities during the 9th plan. In addition, considering the magnitude of benefit of economic and agriculture development, priority would be given to the construction of feeder road. Therefore, since the construction of Samtse-Phuentsholing motor road would be treated as highway, arrangement would be made to construct the road during the 10th plan.

Some of the members submitted that Samtse is the only Dzongkhag that does not have a motor road connection with other Dzongkhags in the country. Moreover, though the Royal Government of Bhutan has the problem of inadequate fund, the Government should mobilise external fund

and arrange means to construct the highway by the end of the 9th plan completing it by the beginning of 10th plan since Samtse is one of the Dzongkhags with higher population.

The National Assembly noted that although the construction of Samtse-Phuentsholing highway is important, huge fund is needed for the road construction. Moreover, since the country needed to reserve Nu. 1,000 to 2,000 million for the security of the country, it would be difficult to begin the construction immediately. Nevertheless, as the Communications Minister informed, after thoroughly examining the necessity of constructing the highway during the 9th plan, the Assembly resolved that the construction of Samtse-Phuentsholing highway would begin towards the end of 9th plan.

ii. Gyelpozhing-Nganglam motor road

The people of Kengkhar, Jurmey, Gongdue and Mongar geogs under Mongar Dzongkhag submitted that although the 80th session of the National Assembly had resolved to construct the Gyelpozhing-Nganglam motor road during the 9th plan, the construction of road had been delayed due to budget constraint. As the motor road would benefit 4 geogs and 1,313 households under Mongar Dzongkhag, the Royal Government should mobilise fund for the motor road construction.

Many members of the assembly submitted that the Gyelpozhing-Nganglam motor road would be constructed within the 9th plan as per the resolution of the 80th session of the National Assembly by considering not only six eastern Dzongkhags but also the benefits on social interaction and development, establishment of trade and infrastructures and other purposes. The Deputy Minister for Communications informed the house that budget of Nu. 503 million would be required to construct 7 bridges along the 64 km of Gyelpozhing-Nganglam road. In addition, 25 km of the motor road would be constructed during the 9th plan with assistance of Nu. 204 million from India.

The National Assembly resolved that the construction of Gyelpozhing-Nganglam motor road would be carried out during the 9th plan as per the resolution of the 80th session.

iii. Damji-Gasa motor road

The people of Khatoe, Khamey, Laya and Luna under Gasa Dzongkhag expressed their appreciation for the construction of Tashithang-Damji motor road, which was almost completed. Accordingly, they requested for the construction of Damji-Gasa motor road as this would benefit greatly in developing socio-economic infrastructure, agricultural growth and self-reliance.

Some of the people's representatives submitted that tourists from both inside and outside the country visit Gasa because of the hot spring and scenic landscape. Therefore, they supported the importance of Damji-Gasa road construction as it would generate income as well as benefit the people in remotest part of Gasa.

The Deputy Minister for Communications informed the house that the Tashithang-Damji motor road was being constructed in accordance with the programme plan. Although the construction of Damji-Gasa motor road was not included in the plan, it was included in the national road master plan. Accordingly, it was not only essential to carry out the economic benefit to the population of 2,300 of the Dzongkhag and the feasibility of the road construction, but it was also important to scrutinise the expenditure that would be incurred.

The National Assembly resolved that the government should study the construction of Damji-Gasa motor road in accordance with the system as submitted by the Deputy Minister of Communications.

iv. Diversion of National Highway

The people of Bumthang Dzongkhag submitted that the diversion of national highway from Chume Nangar to Ura would isolate Bumthang and have negative economic impact on the Dzongkhag. Moreover, the diversion

would cut across a cliff, near Zhuwig Tertshog village, where tertons Sherub Mebar and Pema Lingpa had discovered many treasures.

While deliberating on the issue, some of the Assembly Members supported the submission made by the people of Bumthang. Some of the Members submitted that the benefits to the three geogs in the Dzongkhag as well as the benefit to the people of six eastern Dzongkhags should be considered in line with the policy and objective of National highway, roads and feeder roads, while some Members pointed out that assessment should be carried out on the negative impact of important *neys* and environment. The Deputy Minister for Communications submitted that economic returns of not only Bumthang but also any Dzongkhag should not be dependent on the travellers along the national highway. He reasoned out that the Dzongkhag should be developed based on Bumthang's great *neys*, public and private business ventures and other produce. Otherwise, it would be difficult to develop the economic of the Dzongkhag depending on the shops and restaurants set up along the national highway.

In accordance with the government's policy, the objective is to shorten the national highway as much as possible. The diversion could reduce the 57 km stretch from Nangkhar to Ura by 32 km. The present Bumthang Jakar road would remain as before and would not harm the economic progress of the people of Bumthang. Moreover, Bumthang has every possibility of becoming a major tourist attraction centre in the future.

Although no incidences of *ter* cliffs were reported while studying the diversion of national highway, it is considered important to carry out environmental impact assessment when constructing any big or small motor roads. Therefore, the diversion of national highway had been resolved after necessary assessment.

The National Assembly noted that the diversion of national highway from Bumthang Chume-Nangar to Ura would be carried out as per the government's policy and study would be carried out to check if any *ter* cliffs would be affected, and if any, the issue would be submitted to the Lhengye Zhungtshog. The National Assembly resolved that the diversion of national

highway would not be restricted as per the decision of the Lhengye Zhungtshog.

v. *Drinking Water Supply in Wangdue Town*

The Rabdey and the people of Wangdue town submitted that it was decided to tap the drinking water source from Ngawang Wakhey Shong. However, water source from Rabten Zam, which was contaminated with agricultural pesticides, poisonous chemicals and drainage from four geogs was tapped. Despite the people's request to the Department of Urban Development and Housing to change the source for the drinking water supply, there had been no response till now and the people had to submit this to the National Assembly.

The Deputy Minister for Communications informed the house that it had been decided to tap the Belchu water source for drinking water purposes as tapping the water source from Ngawang Wakhey Shong, as submitted by the Wangdue Rabdey and the business community, would entail several problems beginning from the fund. However, to clarify the concerns of the people it had been resolved to change the water source and tap from below the Sha Chitokha.

As the concerned representatives did not have any conflicting submissions, the National Assembly concluded the deliberation that the drinking water for the Wangdue Rabdey and business community would be tapped from below the Chitokha, as submitted by the Deputy Minister of Communications.

vi. *Rural Electrification Programme*

The people of Khoma, Gangzur, Menbee and Kurtoe geogs under Lhuntse Dzongkhag submitted that electricity would be supplied to Metsho and Jaray geogs within the 9th plan itself so that equal development activities could take place with other geogs under Lhuntse Dzongkhag.

The Members of the Assembly supported the submission made by the people of Lhuntse on the rural electrification of Metsho and Jaray geogs

during the 9th plan. They submitted that rural electrification has lot of benefits; for instance, it reduces rural-urban migration, improves health and hygiene, promotes small cottage industries, increases weaving hours, increases study hours for the students, and benefits the natural environment with the reduction of firewood consumption using electric cooking utensils.

The Minister for Trade and Industry submitted that rural electrification had been accorded the highest priority in the power master plan, which was framed five years ago. After informing on the number of households being electrified and types of expenditure statement in rural areas of the twenty Dzongkhags during the 7th and 8th plan and the rural electrification programme of the 9th plan, the minister submitted that around 97 households under Metsho and Jaray geogs would be electrified during the 9th plan and around 68 households would be electrified immediately. In case, all the households under Metsho and Jaray geogs could not be electrified immediately, in accordance with the past experience, it is hoped that electricity would be supplied more than the targeted households. If the people, on their part, would help in reducing electricity supply cost, the surplus funds would help in widening the supply of electricity.

The National Assembly resolved that arrangement would be made to supply electricity to the 68 households in Metsho and Jaray geogs included for the supply of electricity in the 9th plan and also to as many households as possible.

vii. Supply of Electricity

The people of Khatoe, Khamae, Laya and Lunana geogs under Gasa Dzongkhag submitted that arrangement would be made to supply electricity to Khatoe and Khamae geogs during the 9th plan considering the livelihood of the people and socio-economic development. They requested to implement the electricity supply programme in the two geogs within the 9th plan.

The people's representatives supported the submission that Gasa is one of the remote Dzongkhags, besides being a Dzongkhag without electricity. Therefore, in line with the livelihood of the people, arrangement should be

made to supply electricity to Khatoe and Khamae geogs within the 9th plan. While submitting for the supply of electricity to the villages of Punakha Goenshari, which is on the way, the Trade and Industry Minister informed the house that the main reason for not being able to supply electricity to Gasa was that Gasa was not only a remote Dzongkhag, but its small population was widely scattered. In the 8th plan, solar electricity was provided to the remote places of Bhutan, particularly to Gasa. Plan had been formulated for the supply of electricity to Khatoe and Khamae geogs in the 9th plan, where the Government of Netherlands had assured to provide financial assistance for the project.

The National Assembly resolved that the supply of electricity to Khatoe and Khamae geogs under Gasa Dzongkhag would be as per the finalised electricity supply plan. The government would study the feasibility of supplying electricity to Goenshari Geog under Punakha Dzongkhag as it was situated on the way to Gasa.

viii. Power Tariff

The people's representatives submitted for the clarification about the increase in power tariff by the government while discussing the supply of electricity to Khatoe and Khamae geogs under Gasa Dzongkhag. They submitted that the government cannot revise the power tariff without the approval of the National Assembly. While deliberating at great length on the electricity charges being dictated by the external forces rather than domestic need and capability, the Minister for Trade and Industry informed the house about the National Power Master Plan, plan to establish various sizes of power houses, and mobilisation of power related aids. He also explained about the taxes and charges of power utilisation in detail. In addition, it is the plan of the government to supply electricity to all the households in the country by the year 2020. The power tariff would not be increased beyond the income capacity of the people. He informed that major powerhouses would be constructed to maintain and strengthen the important power infrastructure to enhance the country's income and economic development.

The National Assembly resolved that electricity consumption charges would be fixed by the concerned ministry in accordance with the Electricity Act of the Kingdom of Bhutan 2001, endorsed by the National Assembly.

ix. Renovation of Wangdue Dzong

The people of Shadagay submitted that Wangdue Phodrang Dzong is one of the oldest in the country. According to the report submitted to the Royal Government by the Dzongkhag Administration, a crack of about 6 inches had been noticed in the Dzong structure facing the Tshamed Zam. The people of Shadagay and the Rabdey requested the Royal Government to renovate the Dzong after detailed investigation.

The Home Minister reported that nothing would happen for a few years as per the investigation team of three engineers on the damage to the Dzong. In case of having to renovate the Dzong due to major damage, appropriate plan would be developed after detailed study. The Wangdue Dzongdag informed the house that no damage would occur for a few years as a total of Nu. 56 million and Nu. 63,00,000 had been spent in the restoration of the Dzong between 1997 and 2000. The National Assembly, confirming the report, concluded the deliberation without any separate resolution on the restoration of Wangdue Dzong.

VIII. ULFA, NDFB AND KLO PROBLEM

A. The Minister for Home Affairs distributed the following documents in both English and Dzongkha to the Assembly Members to clarify the points submitted by the people from different Dzongkhags before deliberating on the Indian militants;

1. List of militants camps inside Bhutan
2. Chronology of negotiations with ULFA
3. Chronology of negotiations with NDFB
4. Chronology of negotiations with KLO
5. List of security affected geogs, villages, gungs and population under 10 Dzongkhags

6. Safety procedures and administration of exodus
of people from the conflict areas

The people's representatives of 20 Dzongkhags and the Bhutan Chamber of Commerce and Industry Chimi, while submitting on the illegal entry and presence of ULFA militants from the State of Assam, NDFB and KLO militants from West Bengal in the south-eastern parts of Bhutan, said that other than the places where the militant problem exists, the general peace of the people and development has not been affected despite the grave problem inflicted upon the people and the government by the Indian militants for several years. The people expressed their heartfelt gratitude to His Majesty the King for carrying the full responsibility of resolving the security problem.

However, the Bhutanese people are worried due to the continued presence of armed militants in Bhutanese territory posing grave threat to the security and sovereignty of our country. Therefore, if the peaceful measures would fail to evict the militants, there is no other alternative than to resort to military action as per the resolution of the 80th session of the National Assembly without delay. As pledged earlier by the people, they submitted that they would render full support in terms of resources and manpower and abide by any resolution adopted by the Royal Government to evict the militants.

Despite the peaceful measures adopted to evict the Indian militants from Bhutan as per the resolutions of the past Assembly sessions, the militants had increased the number of camps and their cadres without any consideration. The people of Kangpara Geog under Trashigang Dzongkhag reported that six persons armed with weapons and telecommunications equipment identified as the Bodo militants appeared in Kangpara through Threlphug this year. The problem had instilled worries and fears in the minds of the people in these areas rendering their food tasteless and night sleepless. If the use of military action to evict the militants were delayed, it would jeopardize the sovereignty of Bhutan. Therefore, the people from different Dzongkhags submitted that the militants should be evicted through the use of military action as per the resolution of the 80th session without having to deliberate separately in the 81st session.

It was inevitable to evict the militants through the use of military action. Under such situation, people in the militant affected areas would have to be moved to other Dzongkhags for security reasons. Therefore, the people of other Dzongkhags submitted their readiness to provide necessary shelter and food provisions.

The Minister for Home Affairs reported to the Assembly about the actions taken by the Royal Government to evict the Indian militants from Bhutan. The Royal Government had held four rounds of talks with the leaders of ULFA, including with the Chairman, Mr. Arabinda Rajkhowa, as reported during the 80th session of the National Assembly. In the third round of talk held in June 2001, an agreement was signed to close down four of their nine camps within December 2001, and reduce the strength of their cadres in the remaining camps. The ULFA had closed down four camps as per their agreement within December 31, 2001 and the Bhutanese military burnt down the vacated camps. However, today, the ULFA has eight camps in Bhutan with an estimated 1,560 militants in the Kingdom.

Similarly, the National Democratic Front of Bodoland (NDFB) has eight camps with about 740 militants inside Bhutanese territory. The Royal Government had held two rounds of talks in October 2000 and May 2001, the second round being with its President Mr. D.R. Nabla. The NDFB leaders had not given any commitment that their militants would leave Bhutanese territory refusing to come for talks in the last two years.

It was reported that the Kamtapuri Liberation Organization (KLO), from the state of West Bengal, had three camps in Bhutan. It was believed that about 430 KLO militants are inside the Bhutanese territory. The Ministry of Home Affairs had sent two letters, in June and September 2002, to the KLO leaders asking them to close down their camps and also inviting a delegation led by the KLO Chairman and the Commander-in-Chief. Mr. Tushar Das to Bhutan to discuss on a peaceful solution to the problem.

A four-member delegation led by the Zhung Kalyon, Dasho Rinzin Gyeltshen held meeting with mid-level KLO leaders on March 25, 2003. The Royal Government reiterated its serious concerns over the illegal

presence of KLO militants in Bhutan, the urgent need for a peaceful solution to the problem, and the importance of the KLO Chairman coming to Thimphu for talks at the earliest before the commencement of the current session of National Assembly.

Although, a report on the final dialogue with the Chairman, Mr. Arabinda Rajkhowa, and Commander-in-Chief, Mr. Paresh Boruah, of ULFA to close down their main camp at Phukaptong was to be submitted by the Royal Government to the National Assembly, the dialogue could not be initiated till now. The final dialogue with the leaders of the ULFA had to be postponed because of His Majesty's command to strengthen the government with the election of the new ministers and casting of vote of confidence in the existing ministers whose terms were expiring by June/July 2003, during the 81st session of the National Assembly.

The ULFA, NDFB and KLO militants from India not only have common objectives but also share same ways of actions. Their objective is to gain independence from the Indian government. Everyone is aware that their objective cannot be achieved. The militants have inflicted worries and problems to the nation in general and the people residing in the vicinity in particular, by their illegal entry into an independent country, establishing military camps and conducting training. They bear no regrets or shame whatsoever, showing total disregard for the continuous initiatives and efforts made by the Royal Government to find a peaceful solution to the problem. They neither respect nor fear the Royal Government and the Bhutanese army. They believe that since no action had been taken against them so far, the Royal Government and the Bhutanese army would take no action in the future.

Moreover, during the meeting with leaders of the ULFA and NDFB, they had repeatedly mentioned that they would strive to engage in such militancy actions for generations till the independence of the Assam and Bodoland is gained. Their objective of gaining independence would never be fulfilled, and the ULFA, NDFB and KLO militants intend to stay in Bhutanese territory for a longer period of time.

However, it is of utmost importance to grant last opportunity for the peaceful solution to the problem and talk with leaders of the ULFA as per the resolution of the 80th session of the National Assembly. Nevertheless, the resolutions of the 77th and 80th session of the National Assembly are clear and reasonable. Therefore, separate resolution need not be adopted in the current session.

The main points of the deliberation on this issue and the views expressed one after another by the representatives of the government, Dratshang and the people were that the problems of Indian militants in Bhutan has been prevailing for more than a decade. It had not only become more complicated but the threat posed to the sovereignty and security of Bhutan is apparent. Therefore, it was submitted that military action would be taken for the eviction of militants without delay. Most of the representatives of the clergy and the people stated that although it was time to resort to military action, it was difficult to predict whether the problem would be completely eliminated through military action. Therefore, the newly formed government should hold final dialogue with the main leaders of the militants with final ultimatum to resolve the problem peacefully as per the resolution of the 80th session.

The people's representatives and the Dzongdags of the eastern and southern Dzongkhags submitted that amongst the peaceful measures adopted by the Royal Government to mitigate the militant problem, people had to seek approval either from their Gups, Dungpas or the Dzongdags even to purchase one or two kilogram of food items for their daily sustenance. The rearing of livestock, necessary for rural sustenance, had also been restricted in order to avoid interaction with the militants. Therefore, developmental activities in these areas were badly hampered and the people were under constant difficulties and problems. They shared that military action would entail even greater and endless problems. The Mongar Chimi said that Mahatma Gandhi was able to drive the British out of India through his policy of non-violence. Today the world superpower, the United States of America, has not been able to solve the terrorist problem or bring stability to Iraq through war. He pleaded to His Majesty the King and the Royal Government not to drop the peaceful option.

The Minister for Health and Education along with other members said that even the most powerful countries with best military equipment faced many problems and difficulties during war. Therefore, it was important to weigh the implications of armed conflict carefully. However, if the command came from the Golden throne, we are prepared to even sacrifice our lives for the security of the country. The Yangbi Lupon of the Dratshang, people and government representatives said that Bhutan, with the blessings of the Triple Gem, had not been faced with security threats. The Dratshang would continue performing Kurims and submitted to place full hope, faith and trust in His Majesty the King, strengthening the unity and solidarity in hour of need.

To this, a number of Chimis said that since the militants were Indian citizens and the source of problem was basically in India, the government should try to work out a solution together with the government of India more than the militants. It is the responsibility of the Indian government to stop the militants from entering into Bhutanese territory across the international border and stop the supplies of essential rations and weapons. It was added that it is important to discuss the repercussion of the armed conflict because the militants were from Assam and Bengal and they are based in Myanmar and Bangladesh as well. Therefore, it is important to look at the problem in the overall perspective.

The Royal Advisory Councillors and most of the Chimis said that 2,730 militants living in 19 camps in the jungles of Bhutan would require a large quantity of food. It was important to find out where and how their rations were being brought to their camps. Bhutan shared long international boundary with India and there were Indian security personnel patrolling all along the border. It was incomprehensible as to how the Bhutanese travellers were being harassed at the border while the militants could move in and out. Therefore, it was more important to talk with the Indian government than the militants and ask the Indian government to allow safe passage to the militants who want to return to their own country.

The Samdrup Jongkhar Dzongdag informed the Assembly that Indian newspapers based in Delhi, Kolkata and Guwahati were reporting that the

Indian soldiers were ready to enter Bhutan to evict the militants. This kind of false information might have been deliberately given by the officials of Assam and Bengal to create another problem. He added that, recently, 11 people in Bhangtar had bought supplies from the FCB outlet and sold to the militants. They were apprehended as per the resolution of the National Assembly. The people's representatives said that the continued efforts of the Royal Government to evict the militants through peaceful dialogue, stopping supplies and punishing those who help the militants in accordance with the National Security Act and the resolutions of the past sessions had not mitigated the militant problem due to the negligence of the neighbouring India, which would estrange the relationship between Bhutan and India.

His Majesty the King said that the Members of the National Assembly must understand clearly the implications of the reports in some of the Indian newspapers about the Indian army entering Bhutan to fight the militants. Bhutan and India enjoyed very close relations at every level, between the governments, armies and the people. The government of India is fully aware that the National Assembly had been holding discussions every year on removing the militants from our country. Since this had been going on for several years, the people of India would naturally think it as a ploy to avoid taking action against the militants.

His Majesty the King said that it was very important for the Assembly Members, especially the cabinet ministers and the Royal Advisory Councillors, to understand India's concerns over the militant issue. The ULFA wanted Assam, the largest north-eastern state with a population of around 25 million, to be independent from India. The NDFB, a Bodo tribal group, also want an independent Bodoland. The KLO, which has emerged recently, was a tribal group spread across West Bengal, which also wanted an independent state.

Although these people were not refugees, they were trained and armed militants who had established camps, training centres, and weapon depots in Bhutan with adequate funds. Although they had not killed or robbed Bhutanese people, they committed atrocities across the border in India and escaped into Bhutan when pursued by Indian security forces.

So far, India had respected the international border because of the very close and friendly relations between the two countries. His Majesty himself enjoyed very good relations with the Prime Minister, the ministers and the senior army officials. Although Indian soldiers might have unknowingly crossed the border in hot pursuit, they have always respected the border between India and Bhutan. His Majesty said that it was important for the Assembly Members to understand not only Bhutan's own security problems, but also the threat that the militants posed to the security of India from the perspective of the Indian government.

His Majesty said that it would be easier to understand India's actions if we could understand its concerns. While our own interest is certainly more important and we should concentrate on fulfilling it, we must also understand India's problems and their opinion very clearly.

India had given its assurance that the Indian army would not come into Bhutan without the permission of the Lhengye Zhungtshog and the National Assembly. The government of India, on their part, had expected that the Royal Government and the National Assembly, recognizing the security threat posed by the militants to Bhutan, would not allow them to stay indefinitely, removing them through some actions. Although the 79th and 80th session had taken very clear decisions, the government could not hold the final round of talk with the ULFA leaders because it was necessary to elect the new council of ministers with a fresh mandate to govern and face the critical challenges in solving the militant problem.

His Majesty commanded that it would be the last opportunity to persuade the ULFA to remove their main camp serving as their headquarter within the remaining months of the year. If the ULFA leaders were agreeing to remove the headquarter, it would lead to the closure of other camps. But if the talks would fail, the Members of the Assembly must understand the consequences very clearly. A military clash could mean a confrontation with all three militant groups. Besides many other problems, the civil servants, business people and the general public constantly travelling through Assam and West Bengal would face grave security risks.

The militant problem had been one of the main issues of deliberation in the National Assembly since 1997. The views and concerns of the National Assembly members were always the same. The people submitted the same questions, the government provided the same answers and the Assembly came up with the same resolution every time. His Majesty commanded that the members should exchange their honest views on the government's policies, actions, strategies and also on the discussion with the government of India.

The National Assembly Members submitted that His Majesty should not travel in the security affected areas putting his own life into danger when there is such a grave security problem in the country. His Majesty's frequent visit in the militant affected areas has caused unbearable worries in the minds of the people. The Minister for Foreign Affairs and the Members of the National Assembly said that His Majesty is our protector and the precious gem who is an embodiment of our collective fortune. Therefore, as long as His Majesty is on the Golden Throne, we can face and overcome any threat or challenge. The people pleaded with His Majesty not to travel in the security risk areas and security arrangement for His Majesty the King must be strengthened.

The people raised the question on the issues of internal preparation and capability and arrangement of the armed forces of Bhutan for the military action. To this, the Minister for Home Affairs said that the government has not only taken steps to strengthen the Bhutanese security forces but the clergy under the spiritual leadership of Jekhen Rinpoche also perform Kurims. Moreover, the people across the country had been briefed about the militant problem. Similarly, arrangements and actions to protect the social service infrastructures had been taken after three rounds of security coordination meetings in Gelephu, Samdrup Jongkhar and Gedu. The council of ministers had approved a contingency fund of Nu. 2,000 million. Two refugee camps and 12 transit camps were being prepared and 150 *risoops* had been appointed. The safety of Bhutanese people and their properties is the foremost in the mind of His Majesty the King. His Majesty the King, through his personal initiatives, had greatly strengthened the

Royal Bhutan Army. He has been travelling and looking into the welfare of the people in the remote parts of the security affected areas.

The Royal Bhutan Army representative submitted that around 5,000 Bhutanese soldiers and 177 officers are deployed between Daifam in the east and Sibsoo in the west. He pledged that they were ready to render their service for the protection of the national security. The members of the Assembly submitted that written agreement should be formulated after the dialogue with the Indian government. Some Members expressed that it was not appropriate to raise confidential questions. A closed-door session should be held as the Members did not appreciate the resolution adopted after four days of deliberation to resolve the problem of ULFA and NDFB militants from Assam and KLO from Bengal. Therefore, a closed-door session was held after the tea break recess on July 14, 2003.

The National Assembly, after four days of extensive deliberation on the problems of militants from India, pleaded with His Majesty the King, who is the pillar of Bhutan's sovereignty and security, not to travel to the militant affected areas. The house reminded the concerned officers of the Royal Body Guard to strengthen the security arrangements for His majesty the King.

Among the issues of resolving the militant's problem, the Royal Government should study the matters to be dealt with the Indian government and continue talks with the government of India.

The house resolved that the new government of Bhutan, constituted by the council of 10 elected ministers should make a last attempt to persuade the top ULFA leaders to come for talks and close down their main camp serving as their headquarter in Bhutan. If this round of negotiations were not successful, Bhutan would resort to military action to make the militants leave the Kingdom.

IX. VOLUNTEER MILITIA FORCE

While discussing in the National Assembly on the ways to resolve the problems of Indian militants, the people's representatives of 20 Dzongkhags and the BCCI Chimi submitted that a strong militia force must be raised to support the security troops to ensure the sovereignty and security of Bhutan. Military training would be provided to the able-bodied people and civil servants between the ages of 18 to 50 years to safeguard the institutions, projects, industrial establishments and socio-economic infrastructures of their respective villages for the present and to safeguard the security of the nation in the long run. They also requested that militia training should be provided to the class X and XII dropouts in their respective Dzongkhags.

On this issue, the business community across the country requested that 3 months militia training would be provided for businessmen and women between the ages of 18 to 50 years. The people would bear all the expenses during the training. Some of the members pointed out that the regular and physically fit soldiers should not be allowed to retire for the time being. Moreover, the budget for the planned development activities could also be diverted for the security of the country.

Many Members submitted that as a result of asking tough questions during the selection interviews, fears of deploying them in the security risk areas are instilled well before joining the militia.

In response, Brigadier Badoo Tshering of the RBA informed the Assembly that the 20 Dzongkhags had sent a list of 4,558 volunteers to the Royal Bhutan Army Headquarter. When an officer and an army doctor were sent to each Dzongkhag, only 2,653 volunteers had reported. Out of these, 1,548 said that they had not joined willingly, 335 were found to be physically unfit, 14 were below 18 years, and 96 did not have citizenship ID cards. In the end only 667 volunteers, including 15 women joined the militia. A total of 26 graduates including three women and 45 Class XII students including two women, had asked for militia training. The RBA had decided to train them as militia officers and non commissioned officers.

The two-month training for militia volunteers would start on July 15. His Majesty the King had commanded that the training should be held at locations closer to

their respective Dzongkhags to make it more convenient for the volunteers. Therefore, people from the six eastern Dzongkhags - Lhuntse, Pemagatsel, Samdrup Jongkhar, Trashigang, Trashi Yangtse and Mongar would be trained in Yonphula. For Chukha, Haa and Paro, the training would be held in Samtse. Volunteers from Bumthang, Dagana, Gasa, Punakha, Trongsa, and Wangdue Phodrang would be trained in Tenchholing. Those from Sarpang, Tsirang and Zhemgang would go to Gelephu. The 11 women volunteers would be trained at the Police Headquarter in Thimphu.

The RBA had budgeted Nu 12.9 million for the training, covering their uniforms, food, salary, and armaments. There would be 18 officers and 180 trainers. It would not be possible to impart militia training in every Dzongkhag for several reasons, for instance, the problem was in southern Bhutan and training should also be held under the same conditions. Besides, as the militia trainees would be stationed at different locations, it would require too many training officers and resources. Moreover, the armed forces required their facilities in the military training centres to train the regular soldiers.

Just as the Assembly members had recommended, the RBA had already recruited 38 Class X and XII students who had been trained and were working in specialised fields like telephone and wireless operators, medical aid, computer operators, and desk workers. They were paid higher salaries than the soldiers. If unwilling recruits without genuine volunteerism in the militia were sent on duty after the training, they would affect the morale of regular soldiers and militia volunteers. Since only the interested volunteers understanding the matters of the country with profound interest to shoulder the security responsibility are needed, the armed force had interviewed them in detail from the start. As the representatives of the people were fully aware, as a result of His Majesty's effort and concern, the need and benefits of the Royal Bhutan Army has been enhanced. Moreover, with His Majesty the King's frequent visit to the militia camps, the health and hygiene of the army has been provided as well as other benefits were granted. Till now, recruitment should be on one's own will even in the standing army, and there has not been an instance of forceful recruitment.

While deliberating on the issue, the Chimis submitted that with the increase of allowance and benefit of the armed force, many volunteer militia personnel join

themselves in the standing army. Therefore, it is important that training should be provided even to the volunteer militia from the Dzongkhag along with advice to be concerned about the country. The foreign minister said that the concept of militia force had come from the people and was a sign that the people were indeed concerned about the security of their country. All the three armed force divisions of Bhutan are strong enough to evict the Indian militants from the Bhutanese soil. There was no reason to enhance the capability of the volunteer militia as of now. However, as the people's representatives submitted, Bhutan could train and maintain a permanent militia force just as countries like Switzerland and Singapore did, to be mobilised if the nation was ever threatened. On this, the people's representatives pledged their support.

The National Assembly noted that the Council of Ministers should draft a feasible and viable report on the system of volunteer militia to be employed when sudden uncertainty would appear for the present and future security of the country. The Assembly resolved that the report would be submitted to the National Assembly at an appropriate time.

X. AGREEMENT TO FACILITATE MOVEMENT OF BHUTANESE VEHICLES THROUGH INDIAN TERRITORY

It was submitted that with the lack of direct motor roads within Bhutan connecting some of the districts in the south, Bhutanese vehicles are required to ply through the Indian territory. The vehicles plying through the Indian territory came across many instances of seizure of goods, goonda taxes, imposition of fines and fees and man-handling of travellers without any valid reasons. Since the problem faced by the business community was raised and discussed in the earlier sessions of the Assembly, they wanted to know the steps initiated by the government to remove this problem.

The people's representatives of Sarpang, Dagana, Wangdue Phodrang and the representatives from the eastern Dzongkhags supported the deliberation. They submitted that Bhutanese travellers and vehicles plying through Assam and West Bengal territories were being faced with constant problem. Moreover, when military force is being deployed to evict the Indian militants from Bhutan, not only would there be graver problems and mistreatment, but there would be

problems of losing lives. Therefore, the Government of Bhutan should engage in the most crucial talks with the Government of India to reach an agreement to ensure the security of the Bhutanese travellers and vehicles plying through the Indian territory without delay.

The Communications Minister informed the house that though there was no written agreement, Bhutanese vehicles were plying through the Indian highway based on the close ties between India and Bhutan. A draft agreement was being formulated during the talks held between the two governments in New Delhi and Thimphu in 1994 and 1997 respectively. However, the agreement could not be finalised due to certain difficulties as a result of change in communications policy in the states of the neighbouring India. The government is aware about the inconveniences caused to the Bhutanese vehicles.

Further, the Foreign Minister submitted that many contents of the draft agreement were being modified with the incorporation of views from both the governments on February 27, 2001. Though the central Indian government did not find any unacceptable provisions in the draft agreement, it was reported that the states of Assam and West Bengal did not agree to some of the provisions. According to a report received from the Ministry of Communications, the Communication Ministries of the two Indian states had no problems with the draft agreement. Therefore, the real reason was not known for the emergence of problem as the draft did not mention anything about the Indian vehicles plying in Bhutan.

The Bhutan Chamber of Commerce and Industry Chimi along with several Members of the Assembly submitted that there was no way to compare between Bhutanese vehicles plying in India and Indian vehicles plying in Bhutan. The issue had been submitted to the Assembly because Bhutanese vehicles and travellers were being harassed on the Indian highway. Besides, the disparity in size between the two countries and the number of vehicles in each country cannot be compared. Therefore, under such circumstances, the matter would remain same whether such an agreement is formulated or not. The Sarpang and Samdrup Jongkhar Dzongdag and other members submitted that the road from Gelephu to Samtabari was used every day not only by the Sarpang Dzongkhag but the people from Dagana, Wangdue Phodrang, Tsirang, Zhemgang, Trongsa and Bumthang,

where the security risk is very high with the presence of NDFB militants along the road.

The areas along the border road between Daifam and Nganglam Dungkhag are also affected with militants. Moreover, since the motor road between Samdrup Jongkhar and Assam is the trade route or the lifeline for the people in the six eastern Dzongkhags, arrangement should be made with the government of India for the security of the Bhutanese travellers.

The Home Minister informed the Assembly that Bhutanese vehicles and travellers across the border along the Indian highway had been undesirably targeted for several years mainly with the entry of Indian militants into the Bhutanese territory. In the event of armed conflict, hundreds of Bhutanese vehicles would be attacked, roads would be blocked for weeks and months, and deaths and injuries would be in thousands. The militants would be the rebels from Assam and West Bengal, but they are Indian nationals. Even if one militant were killed, their relatives and supporters would rob, beat and kill Bhutanese travellers plying through the Indian territory in retaliation. Therefore, long after the end of military operation, both Assam and West Bengal would be an insecure place for Bhutanese people and vehicles.

Under the wise leadership of His Majesty the King, the Indo-Bhutan friendship had been excellent besides having close understanding between the two governments on all issues including the militant's problem, because of which the government of West Bengal had reiterated their assurance last year itself for the movement of Bhutanese people and vehicles through West Bengal without any problems. The Government of Bhutan had requested the Indian government to provide security escort by the Indian army along the highway 31 and on the highway to the towns of Phuentsholing, Lhamoizingkha, Gelephu, Sarpang, Panbang, Nganglam, Samdrup Jongkhar, Bhangtar and Daifam.

However, India is a separate country. Though there would not be system even in other countries that allows unrestricted movement of foreigners and vehicles through their territory, security would still be a problem as India is a large country with many layers of government and decision-making processes. The Minister informed that after 15 Bhutanese people were killed and 19 injured on the Assam

road on December 20 and 21, 2000, the Royal Government had imposed restriction to all Bhutanese passenger buses and government vehicles from plying through Assam.

As per the advice of the government to the Bhutanese people to use the internal east-west highway, a sum of Nu. 182 million had been invested over the past two years to further improve the highway. Moreover, additional buses had been introduced and free guesthouses provided for the transit halts in the towns of Mongar and Trongsa.

The National Assembly resolved that the Royal Government should continue talks with the Indian government and arrangement made as soon as possible for the security of Bhutanese people and vehicles plying through the Indian territory. The National Assembly concluded the deliberation with an agreement to be signed between the two governments.

XI. COST OF EXCESS LAND

The people's representatives of Wangdi Phodrang, Thimphu, Tsirang, Sarpang, Dagana, Gasa and Mongar submitted that the people are unable to pay the cost of excess land measured from their ancestral land cultivated and passed on from generation to generation. Excess land had been measured as a result of difference in measurement method and technology between chain and cadastral survey. Discussions were held on the possibility of those land being taken over by the government if they were not able to pay for the cost of excess land. As discussed in the 80th session of the Assembly they submitted that they would be grateful if the Lhengye Zhungtshog would present a feasible report on the 11 agreed points.

The Home Minister informed the Assembly that since land is an important source of livelihood for the Bhutanese people, discussions on the issue of land were held time and again in the earlier sessions of the Assembly. Moreover, a draft Land Act was submitted in the 47th session held in 1976 and was accordingly passed during the 48th session of the National Assembly. The Home Minister reiterated on the issue of land re-measurement being carried out in accordance with the command of His Majesty and the resolutions of the past Assembly sessions that was passed during the 80th session of the Assembly. So far, re-survey of land and

the allocation of new Sathram had been completed in 15 Dzongkhags. The re-survey of land in the remaining Dzongkhags of Chukha, Dagana, Tsirang, Zhemgang and Samdrup Jongkhar has been already started. It is estimated that the land re-measurement and allocation of new Sathram would be completed in all 20 Dzongkhags by 2005.

The Council of Ministers and the Lhengye Zhungtshog discussed at great length in accordance with the resolution of the 80th session of the Assembly. While waiving off the cost of excess land, it is imperative to have uniform system of Kidu in all the Dzongkhags. Since the work on excess land in most of the Dzongkhags was completed except five Dzongkhags, the amendment to the Land Act and granting of Kidu on cost of excess land at this stage would create lots of discrepancies. However, as resolved during the 80th session, the council of ministers, considering the welfare of the people reported on the following five points during the 81st session;

1. The measurement of land through cadastral survey and updating of new land records will be continued till all the 20 Dzongkhags have been covered.
2. Payment for genuine excess land could be postponed till the end of the Ninth Plan, June 30, 2007
3. Until then the people who own those excess land will be allowed to continue cultivation on the land as their own.
4. The cost of excess land will be maintained at the existing government rate.
5. Sale or conversion of excess land will not be allowed unless the land is regularized through payment or other means.

It was hoped that the five points would be agreeable to the Assembly members and accordingly resolved.

To this, although many representatives of the people, in general, agreed with the five points submitted by the Lhengye Zhungtshog, they pleaded that the government should exempt payment for excess land to the humble people owning less than five acres as Kidu and not to everyone owning excess land. They further clarified that this would not apply to the general public but only to those people who had less than five acres of land. Since the National Assembly has the power and the responsibility to amend any Act, it was hoped that the Land Act would be amended accordingly to fulfil the wishes of the people with changing times.

Although the Speaker agreed with the submissions made by people's representatives, he said that changes in the Land Act would have been possible before the re-measurement of land and completion of new land records. Since the re-measurement of land has already been completed in the 15 Dzongkhags it would not be fair to those Dzongkhags if the payment of excess land were reduced at this time as would also create great inconvenience for the country. He expressed his satisfaction with the five points submitted by the Lhengye Zhungtshog.

The Assembly resolved to adopt the five point recommendation made by the Lhengye Zhungtshog and decided that, in future, if any changes were required in the Land Act, it would be submitted in the National Assembly after the end of the Ninth Five Year Plan and necessary changes would be made accordingly.

XII. VERIFICATION OF THE PEOPLE IN THE CAMPS IN NEPAL

The people of Samdrup Jongkhar, Trashigang, Thimphu, Tsirang, Sarpang, Dagana, Punakha, Trashi Yangtse, Mongar and Paro Dzongkhags submitted to the National Assembly on the Ministerial Joint Committee held between Nepal and Bhutan to solve the problem of the people in the camps in Nepal, alleged to be Bhutanese refugees. The people commended on the categorization of the people in the camp under the 4 categories.

However, it was being informed through news that some of the people in the camps in Nepal would be repatriated to Bhutan. Every Bhutanese are aware that these people had not only revolted against the Tsa-Wa-Sum and left for Nepal, but had committed heinous acts of robbery, torture, murder, and terrorism afflicting indescribable sufferings on the innocent people.

Once they were in the refugee camps in Nepal, they had spread false and malicious accusations against the King, Government and the People. The Assembly had collectively come up with unchanging resolutions while deliberating several times in the past Assembly sessions on the problems of Ngolops that had emerged from southern Bhutan. It was of utmost importance to note that the Royal Government should not deviate from the past resolutions prohibiting their return who had already left the country on their own free will. Moreover, some of the people's representatives submitted their doubts and

concerns whether the government would be deciding to deviate from the resolutions of the past Assembly sessions. Therefore, they requested for a briefing on the Ministerial Joint Committee's decisions between the two governments.

The Foreign Minister informed that the 10th Ministerial Joint Committee held in 2000 had established the joint verification team to categorize the people in camps in Nepal into four categories being agreed by the two governments. The categorization was delayed later on because of frequent changes of Nepalese government. However, the two governments had maintained constant unofficial contacts.

The 12th Ministerial Joint Committee Meeting was held with a new Nepalese Foreign Minister, Mr. Narendra Bikram Shah in January in Thimphu. The two governments were finally being able to harmonise their positions on each of the four categories. A month later, during the 13th Ministerial Joint Committee, the two ministers facilitated the categorization while the 14th Ministerial Joint Committee held in May cleared all problems to finalise the categorization process. The Foreign Minister informed the house that out of a total of 3,158 families being categorized in the first camp in Khudunabari, there were 74 families in category 1, 2,182 in category 2, 817 in category 3 and 85 in category 4. The positions of the two governments had been harmonized for the different categories during the 14th Ministerial Joint Committee.

1. Bona fide Bhutanese, if they were forcefully evicted

The Royal Government would take full responsibility on any bona fide Bhutanese citizen found to be forcefully evicted from Bhutan. People under this category would be repatriated to Bhutan.

2. Bhutanese who had emigrated

- a) Bhutanese who had emigrated shall be dealt with in accordance with the Citizenship Act and Immigration Laws of the two countries.
- b) If any Bhutanese had been forcefully evicted from the country, such people shall fall under category 1 – forcefully evicted – and shall be repatriated to Bhutan.

- c) In a liberal interpretation of the Bhutanese Citizenship Act and Immigration Laws, people falling under this category desiring to return would be given the option to re-apply for citizenship.
- d) Likewise, people under this category not wishing to return would be given the option to apply for Nepalese citizenship in accordance with the laws of Nepal.

3. Non-Bhutanese people

Those people found to be citizens of countries other than Bhutan and found to have come from other countries should be returned to their respective countries.

4. Bhutanese who had committed criminal acts

People under this category should be repatriated in keeping with the laws of the two countries. Those people would have full opportunity to prove their innocence in the courts of law in Bhutan.

With the announcement of the results of the categorization, the Ministerial Joint Committee had given the people in camps an opportunity to appeal either with documentation or proof. Without documentation of proof, the appeals would be rejected even if there were a large number of people appealing. As the joint verification team was currently reviewing the appeals, it would be submitted to the 15th Ministerial Joint Committee scheduled to be held in Thimphu from August 11 to 14.

Starting from August 25, the joint verification team would distribute the voluntary repatriation and reapplication forms to those seeking to return to Bhutan for the people under category 1 and application forms for the people in category 2 who would want to return to Bhutan as well as application forms to those applying for Nepalese citizenship. The forms to apply for Nepalese citizens were approved in the 14th Ministerial Joint Committee and the process of implementation would be carried out on September 25, 2003. The logistical arrangement for the implementation of the categorisation and the selection of the next camp for the joint verification would be discussed in the 15th Ministerial Joint Committee.

The Minister said that the bilateral talks with Nepal after the last Assembly session and particularly from the beginning of 2003, 3 productive Ministerial Joint Committee were held over a period of four months, which was attributable to the full consultation effort between the two governments to find an early

solution to the problem. The Royal Government of Bhutan is taking every advantage of the prevailing conducive environment for dialogue, besides conducting verification as per the Citizenship Act, Immigration Laws and the resolutions of the National Assembly.

It is a cause for concern that although the bilateral talks between the two countries were progressing well, the relations could be harmed because not only certain changes had taken place in the political system of Nepal at the end of May, but the government that had made good progress in the talks with Bhutan had collapsed. The Foreign Minister informed that the new government was criticising the decision and agreement made by the former government and the political parties were even talking of nullifying the decisions of the former government.

On this, several representatives of the people submitted that the Royal Government, while continuing talks with the Nepalese Government, should stress on the facts that many people in the camps in Nepal had not even set their foot on the Bhutanese soil, and others had been making their earnings for a temporary living in Bhutan after coming from outside. Moreover, most of the people that would be Bhutanese nationals had left the country on their own free will after selling their land and properties as well as the cattle. Some members submitted that they had left the country after claiming the cost of land from the government and maligning the country. Some of the members articulated that during the time when many people were leaving the country on their own free will, His Majesty the King not only visited the places in the south, and falling short of begging, personally pleaded with them not to leave the country, but rural taxes and Goongda Woola were also exempted. It would be a matter of shame that the people who had left the country without paying heed despite giving expenses to return to their villages would be expected to come back to Bhutan.

Some of the people's representatives submitted that those who went to Nepal leaving the country had instigated anti-Bhutan uprisings with the display of tyrannical ways and destruction of development facilities of the people of Mochu under Sangbay Geog in Ha, afflicting unutterable sufferings to the innocent people, where the Ngolops would be even apprehended. If these people were allowed to return to Bhutan, they would once again disturb the peace and

tranquillity of the country. Therefore, since they were not forced to leave the country, there is no reason to allow a single Ngolop coming back to the country.

During the deliberation, the Chimis submitted that since it was during Mr. G.P.Koirala's rule as Prime Minister of Nepal that the first camp in Jhapa was established, it would also be the responsibility of Nepal to resolve the problem. Some members submitted that if the Royal Government allowed the people in the camps in Nepal to come back to Bhutan, all the conditions required for Bhutanese citizen should be made clear to them from the start. Some of the representatives submitted that since Bhutan is a lawful country where any effort or conduct are law abiding, any acceptance of the Ngolops should be carried out without deviating from the laws of the land and without heeding to the comments of the outside people.

The Home Minister informed that all policies and strategies on the issue were worked out jointly by the Foreign Ministry and Home Ministry before submitting to the Council of Ministers and the Lhengye Zhungtshog for approval. The policy of the government regarding the people in camps in Nepal had always been very clear and consistent. Therefore, the Home Minister explained some of the reasons that the information reported by the Foreign Minister was in accordance with the Citizenship and Immigration Laws as well as the resolutions of the past sessions of the National Assembly.

Category 1

The concerned Gups and local officials gave reminders to some people who had not decided to emigrate after selling their landed property and did not leave. During the bilateral talks, the joint verification had agreed to include these 74 families in Category 1 in accordance with the Citizenship Act of the Kingdom of Bhutan. It was expected that most of the 74 families, totalling 293 people, would be repatriated to Bhutan this year. On arrival in Bhutan, they would be given full citizenship status as well as all rights and privileges enjoyed by a Bhutanese citizen.

Category 2

Many of those in category 2 were people who had applied to emigrate and sold their land and properties. Since people leaving the country on their own free will automatically forfeit their Bhutanese citizenship, the 8,595 people in category 2 were not Bhutanese nationals. However, re-application for Bhutanese citizenship would be permitted under the Citizenship Act of Bhutan, 1977 and the Amendments to the 1985 Citizenship Act, endorsed by the National Assembly in 1988. As per Article NGA-1 enshrined in the Bhutan Citizenship Act, 1977, if a Bhutanese citizen having left the country and applies for the citizenship, the government shall keep the application on probation for a period of at least 2 years. The applicant would be granted citizenship on successful completion of the probation period provided the person in question is not responsible for any activities against the government. As it would be possible that some of the people, out of 8,595, of Khudunabari camp might come to Bhutan and reapply for Bhutanese citizenship, they would be dealt with as per the provisions of the Citizenship and Immigration Laws and the resolutions of the National Assembly.

Category 3

Those under category 3 are non-Bhutanese people and persons who are citizens of other countries. As the people falling under this category are those who had never been in Bhutan or illegal immigrants or those who stayed after coming to Bhutan to work on roads and other constructions, they had never been Bhutanese citizens.

Category 4

People falling under category 4 are those who had criminal records. Over the past 10 years, the Ministry of Home Affairs had compiled a long list of such criminal activities and civil cases:

- a) terrorists activities
- b) destruction of schools, Basic Health Units, bridges and other service facilities
- c) violent demonstrations
- d) kidnapping, extortion and blackmail
- e) loan default, embezzlement of public funds
- f) attempts to undermine Bhutan's good relations with its neighbouring donor countries

People falling under category 4 would be handed over to the Royal Bhutan Police on their arrival for custody. They would be charged for their crimes at the High Court and given full opportunity to prove their innocence. If they are found innocent and acquitted by the court, they would be released and provided with entitlements similar to those people falling under category 2, including the right to re-apply for Bhutanese citizenship. Those people proven guilty would serve their full sentence.

The Ngolops had not only come in large numbers abusing and shouting at the Bhutanese members of the joint verification team after surrounding the houses they were staying in Jhapa, but confined them like prisoners that caused their families tremendous concern and psychological pressure.

Over the years, the Ngolops had not only indulged in anti-national activities against Bhutan's Tsa-Wa-Sum but had made many demands on the political changes, changes in the Thrimzhung Chhenmo, citizenship and immigration laws, reforms in the court system, amnesty for all types of Ngolops for their crimes, end to all resettlement programmes and demand for land allotment to them on their return to Bhutan. They had made all kinds of false and malicious allegations against the government and did not even spare His Majesty the King. They had formed organisations like Bhutan Gorkha Liberation Front and Bhutan Communist Party to subvert the country.

Bhutan has, today, over 55,000 non-national workers, some of whom have lived and worked in Bhutan for many years, and all of them would also like to claim Bhutanese citizenship. Therefore, it would be imperative that any return of people who have left the country in the camps in Nepal or elsewhere are dealt strictly with the laws of the land, in particular the Citizenship and Immigration Laws.

The ultimate objective of the Ngolop would be to bring a large number of non-Bhutanese people of Nepali origin into Bhutan and take over the country's political power and government machinery providing themselves and other people of Nepali origin with land and Bhutanese citizenship.

On this issue, the members of the Assembly submitted reasons that the people falling under the two categories should not be given the opportunity to apply for Bhutanese citizenship. Some of the members submitted that till now it had not been heard that Bhutanese people were forced to leave, and there would not be anyone in category 1. The people's representatives questioned the Foreign Minister as to whether the laws of Bhutan had been abided by while negotiating with the government of Nepal. Responding to the questions raised by the Chimis, the Foreign Minister explained that in the early 1990s, some of the people placed in the first category were those who had proved that they were issued with written eviction notices by some local officials and Gups that had gone beyond the call of duty. Otherwise, till now, during all the Ministerial Joint Committee meetings with Nepal, the Bhutanese officials had always abided by the laws of the country and decisions of the National Assembly.

The Speaker of the National Assembly expressed appreciation to the Foreign Minister and the Home Minister for briefing the National Assembly on the achievements of Ministerial Joint Committee and government's policy and progress of the people in the camps in Nepal. Under the guidance of His Majesty the King, the concerned ministers had made good progress despite the problem of constant change of governments in Nepal and other difficulties.

The National Assembly resolved that the Foreign Minister and Home Minister and other government officials would continue the bilateral process with the government of Nepal, bearing in mind the country's laws, Citizenship Act, and the Assembly resolutions.

XIII. SEPARATION OF POWER BETWEEN THE THREE BRANCHES OF GOVERNMENT

The people of Dagana, Bumthang and Mongar Dzongkhags submitted that the Speaker of the National Assembly, during the opening of the 80th session, had made an announcement as per the command of His Majesty the King to separate the three branches of the government in order to have a better mechanism of checks and balance, which would be necessary for good governance. Later, the deliberations were also incorporated in the resolutions of the 80th session, and the

representatives of the people had disseminated the information to the people of their respective localities.

However, even now, the management and financial autonomy as well as the employees of the legislature and judiciary had still remained under the executive like before. Like the saying, the command of the King is heavier than the mountain to carry and precious than gold to discard; it is the prime responsibility of every Bhutanese to follow the command of the King with reverence and high regard. Therefore, it is important to separate the three branches of the government to strengthen the system of governance.

On this issue, the Head of the Government, the Agriculture Minister, said that like other countries, three branches of the government in Bhutan had been separated. His Majesty appoints the Chief Justice and the executive does not interfere in the procedures and workings of the Judiciary. Likewise, the election of the Speaker of the National Assembly, Royal Advisory Councillors and the people's representatives are conducted in accordance with the respective Chathrim endorsed by the National Assembly. The executive does not interfere in these affairs. The minister explained that the executive government does not interfere with the procedures and workings of the National Assembly.

The employees of the three branches of the government in other countries are separate as they have more population; resources and government organisations as well as the public servants are more in number. If the civil servants were to be separated among the three branches of the government even in Bhutan, the constitutional bodies like the Election Commission, Royal Audit Authority, Judiciary Commission, etc. would also hope for the separation of the employees under their respective bodies when the constitution of Bhutan comes into effect. By then, there would be lot of inconveniences when a total of inadequate civil servants of about 14,000 would be employed under separate administrative authority.

Furthermore, His Majesty the King had commanded to formulate a Chathrim with a vision of enhancing the capability of the Bhutanese civil servants. His Majesty had recommended around 15 Public Service Acts of other countries to the Council of Ministers to compare while drafting our Civil Service Chathrim, incorporating from the provision of appointing the National Civil Service members to the

welfare of the civil servants. In accordance with the command, although the Council of Ministers had evaluated the current Civil Service Commission and its system, once the constitution is endorsed, as per the committee's aspiration, there would be many changes to the existing Chathrim and system, and the restructuring of Civil Service had been purposely postponed. Therefore, by the time the constitution of Bhutan is endorsed, it would be better to maintain the present system without interference.

Several Chimis submitted that not only the decentralisation of the central government but the power of His Majesty has also been vested to an elected Council of Ministers in the Kingdom of Bhutan. This democratic policy has not been generated from the ultimate need of the people, but has emanated from the Golden throne under the farsighted vision of His Majesty the King for the present welfare and future well-being of the country. The power should be separated fully between the three branches of the government before the endorsement of the constitution.

Some of the representatives of the people submitted that the separation of power between the three branches of the government should be strengthened from now. Moreover, the present system of civil service commission should be reformed for the fact that governance power should be separated, and aiming at the ways not to interlink between the political and civil service, Royal Civil Service Commission should be transformed into an independent body, even if constitutional bodies were instituted as a result of establishment of political institutions. It was hoped that this would benefit the country permanently without having to change later.

The Chairman of the Royal Civil Service Commission, the Minister for Trade and Industry, informed the house that, earlier, the civil servants faced the problem of disparities as every Ministry had their own authority for the recruitment and promotion, salary increment and transfer, retirement benefits and other provisions. To avoid these problems, His Majesty the King had commanded for the establishment of the Civil Service Commission in May 1982. The command had further congregated the extent of the Civil service, common selection procedures, responsibilities, authority and other procedures under a single clearly formulated Civil Service Chathrim not only for the different ministries but the civil servants of the three branches of the government as a whole.

This system has benefited in fulfilling the objective of the Royal Government of creating capable, efficient and transparent civil service without the problem of disparity. Today, from a total of 13,461 civil servants in the three branches of the government, around 97 percent are under the executive branch, around 2 percent under the Judiciary and the Legislature does not even have less than half percent. There is a risk that misunderstanding would arise between the government and the civil servants with the recurrence of problem of discrepancies among the civil servants like the problems prior to the issuance of command by His Majesty the King. In fact, as submitted by the people's representatives to insulate civil service in politics, talks were held in the Council of Ministers two years ago that the executive ministers would retire from the Civil Service membership and new members would be recruited. However, the responsibility of changing the members of the civil service has been continued, as this would be included in the constitution.

In support, the Finance Minister and the Chairman of the RAC expressed their appreciation to the people for having thoroughly understood the policy of decentralisation emanated from the golden throne in the purview of the submission made by the Chimis on the separation of power between the three branches of the government. While discussing on the detailed responsibilities and power between the three branches, they submitted that the current deliberations would occur obviously when the provisions of the constitution are discussed in the Assembly later. Therefore, as no controversial issues had arose between the three branches till now, it would be better if the present Civil Service system were retained without changes until the Assembly deliberates on the constitution.

The people's representatives submitted that all the members of the Royal Civil Service Commission are executive Ministers. It would seem that the authority of Judiciary and Legislature is directly under the Executive body if the employees of the three branches were collectively kept under this Commission. So, it would even be an obstruction for specifically developing the provisions of responsibilities of the two branches.

Therefore, they submitted that in view of the objectives and fundamental basis of separation of power, the civil servants should even be bifurcated under each branch without considering the strength of civil servants in the three branches. Necessary for that, the Legislative Committee reviewed not only the drafts of

Judiciary Service Act and Legislative Service Act, but also the Speaker of the National Assembly Act. So, as the Service Act of the two branches are in line with and do not deviate from the provisions of the existing Civil Service Rules and Regulations, issues of discrepancies would not arise even if the civil servants were separated between the three branches of government.

While deliberating on the issue, some of the Chimis submitted that if it were advantageous to retain the civil servants under the three branches of government without bifurcating under the authority of the three bodies, it would be important to grant independence to the civil service commission after revising the present civil service system.

The Civil Service Commission Secretary, while submitting on the need to make the Civil Service Commission an independent body, said that the mechanism for the establishment of good governance is being implemented since 2000. Moreover, since the Civil Service Act is being amended, Civil Service Commission is equipped to operate as an independent commission. The Secretary submitted that it would be better if the Chairmen of the three branches of the government would jointly discuss on the provisions of transforming it into an independent commission.

The Zhung Kalyon submitted that the three branches of the government existed as separate entity. That also, all the employees working for the executive beginning from the ministries and departments till the Dzongkhags and Dungkhags are headed by the Prime Minister, the head of the executive branch. Moreover, Drangpons and employees in High Court, Dzongkhag Courts and Dungkhag Courts are under the chairmanship of the Chief Justice. The Assembly Members elected by the people, Chairmen and members of the DYT and GYT fall under the Speaker, the Chairman of the Legislature. Therefore, all the three branches would be managed under independent entities.

In support, the Foreign Minister submitted that as the three branches of the government were already separated, the Assembly Members articulated same views without opposition. Moreover, it was consulted that decision should be made on the Commission's authoritative independence under the chairmanship appointed directly by His Majesty the King without including the executive

ministers in the Civil Service Commission as member. The finalised Civil Service Act should be amended with precise appropriateness to fulfil the necessities of the three bodies. The Minister submitted that the deliberation should not be prolonged as no one contrasted to the suggestion for the need to produce a resolution by the chairman of the three branches of government on the features and appointment procedures of the independent civil service commission.

The Speaker said that as the three branches of the government were already separated, the submission made were mainly to pull together the employees of the three branches of the government under the independent Royal Civil Service Commission without keeping under the executive from now on.

The National Assembly noted that the power of the three branches of the government are separated from each other and their employees should not be under the executive, but under an independent civil service commission comprising of independent members serving for fixed term. The heads of the three branches of government shall submit a proposal to the Royal Government regarding the criteria for the members, number of members and procedures for selection of members. His Majesty the King is requested to appoint the chairman of the commission and thereby reform the commission to an autonomous independent commission with full authority in dealing with matters related to the civil servants.

XIV. CLARIFICATION ON THE LEGISLATIVE COMMITTEE

The Chairman and the members of the Legislative Committee submitted that it would be better to finalise the directives from the Head of the Government to the Speaker whether the draft Acts passed by the Lhengye Zhungtshog would go to the legislative committee before they were submitted to the Assembly or whether they would be referred directly to the committee before submitting to the National Assembly. The National Assembly deliberated thoroughly on the issue to come with substantive resolutions. The members informed the house on the establishment of the standing committee of the National Assembly in accordance with the supreme vision of His Majesty the King. Initially, the objective of establishing the legislative committee, the establishment ceremony, procedures of appointing its members and the nature of works had been carried out.

Moreover, while the committee reviews on the draft Act, a system has been introduced for the experts and influential officers to work on the origin and necessity of the Act by the concerned ministries and departments. Therefore, it would not be unopposed even if the draft Acts approved by the Lhengye Zhungtshog would be handed over to the Legislative Committee through the Speaker of the National Assembly. If the Legislative Committee reviews the draft Acts, after having been submitted to the National Assembly, and submit a report again to the Assembly, this would result in delay in the deliberation on the Act. Moreover, some representatives of the people submitted that appropriate Chathrim and rules of procedure should be drafted for the proper understanding of the responsibility and authority of the committee.

The Chairman of the Lhengye Zhungtshog shared the view that the initial establishment of the legislative committee among the establishment of standing committees of the Assembly was an important achievement in the evolution of the National Assembly, and expected that the committee would facilitate greatly in the National Assembly's responsibility of endorsing and amending the Acts.

Till now, all the draft Acts from the concerned ministries and departments as well as the government and private organization that were to be endorsed by the National Assembly were reviewed comprehensively in the Lhengye Zhungtshog and submitted directly to the National Assembly after necessary improvement as per article 6.4 of the Lhengye Zhungtshog Chathrim, 1999, passed by the National Assembly. However, the current session of the Assembly should aspire more than just deliberating on the issue of the need to directly submit the draft Acts either to the National Assembly or the legislative committee by the Lhengye Zhungtshog.

As per the vision of His Majesty the King, not only the establishment of the Legislative Committee, but the National Assembly would require to establish several committees at an appropriate time pertaining to various important areas. Therefore, it was important to formulate a distinct Rules of Procedures for all the committees including the Legislative Committee. So, it would be better to deliberate in the next session of the Assembly based on the detailed draft Rules of Procedure that would be formulated encompassing from the number of members and the mode of appointing the members of the committee to the appointment of

chairman as well as the responsibilities and work-module of the Chairman and the committee.

The Speaker noted that since both the people and the government had no different submissions, and as there were no objections, the National Assembly resolved that the Legislative Committee would formulate Rules of Procedure of the committee and submit in the next assembly session as per the recommendation of the chairman of the Lhengye Zhungtshog.

XV. MISCELLANEOUS ISSUES

1. Procedures for the DYT and GYT

The people of Bumthang and Mongar Dzongkhags submitted that the roles and responsibilities of the Dzongkhag Administration and DYT are not clearly delineated in the Dzongkhag Yargay Tshogdu Chathrim, 2002. As various operational inconveniences are encountered, Rules of Procedure should be drafted and endorsed to facilitate the smooth implementation of the Chathrim.

The people's representatives submitted in support of the Agenda that if a separate Election Act is not drafted, the election of DYT and GYT members would fall upon to the influential and wealthy people as no separate election provisions are mentioned under the DYT and GYT Chathrim. Therefore, there is a risk that the educated and capable people who would serve the interest of the government and the people would be sidelined.

Likewise, some of the people's representatives submitted that under Article 7 of the Dzongkhag Yargay Tshogdu Chathrim, there is no clear delineation of power and responsibilities of the DYT Chairman. It is important to incorporate the matters relating to DYT under the power of DYT Chathrim and matters relating to Dzongkhag Administration under the Dzongdag in the respective Chathrim. Some of the Chimis submitted that as the members of the GYT and DYT are elected representatives, their responsibilities and petition should be submitted to the Speaker of the National Assembly and not to the Executive. Moreover, office furnished with computer and other facilities should be provided to the Chairman of the DYT and the Secretary of the DYT should not be the Dzongrab but separately appointed. The Daily and Travel Allowance for the Chairman and the Deputy

Chairman to interact with the people should be finalised as per Article 7(3) and 7(4) under the DYT Chathrim.

The Assembly also deliberated on the height of the Chairman's chair in the DYT Hall and the understanding of the term 'chairman'. As the Dzongdags are under the Executive with administrative roles for their Dzongkhags, it violates the foundation of checks and balance as one person coordinates both the decision and the implementation. Therefore, the Chairman of the DYT was elected from its members, as Dzongdag was not expected to be the DYT Chairman. Likewise, as the Gup administered the Geog under the Dzongkhag Administration, it was unacceptable for the Gup to be the Chairman of the GYT in line with the mechanism of checks and balance. Even though it is enshrined under Article 8(2) that the election of the National Assembly Members and the Royal Advisory Councillors would be conducted by the DYT, problems arise as the election is coordinated by the Dzongdag.

Likewise, the Chairman of the DYT would monitor as enshrined under Article 10(19) of the DYT Chathrim that the construction of houses and encroachment upon the government owned land, tsamdro, forest, as well as the community land would be prohibited, and Article 10(20) of the Act stating that construction of houses within 50 ft. off the National Highway shall not be allowed. However, as the houses had been constructed during the Dzongdag's DYT Chairmanship, it entails inconveniences to implement the provisions of the Act. Therefore, they requested that the responsibilities that were to be implemented by the Dzongdags should not be imposed upon the elected Chairmen. The phrase 'registered resident' enshrined under Article 2(17) of the Geog Yargay Tshogchung Chathrim is not clear whether it refers to the candidate or the voter. As the phrase 'he or she has been living there for at least one year in the immediate past' was not clear, there were lot of inconveniences during the election, causing troubles to the people. Therefore, several Chimis submitted that both the DYT and the GYT Chathrim should be thoroughly revised.

Further, the Home Minister, Foreign Minister and several Dzongdags submitted that while a number of problems occurred in around 7 geogs during the election of Gups in 199 geogs through secret ballot in accordance with the provisions of the DYT and GYT Chathrim, the problems was as a result of improper understanding of the Chathrim and regional commotion. However, the general result of the

election was satisfactory. As per the Chathrim, around 3 sessions of DYT meetings were held in 20 Dzongkhags and several GYT meetings were also held.

On the command of His Majesty the King, the Chathrim had been circulated to the 20 Dzongkhags twice before submitting in the National Assembly. Then, after the concerned government officers, Gups, Chimis and other people's representatives had discussed and revised, the Chathrim were discussed extensively and approved in the 80th session of the National Assembly. It was not even 8 months that the Chathrim were implemented. Because of these Chathrim, the people are vested with power to implement plan and development programmes in the geogs and villages reaching the government's decentralisation policy to every people in the village.

The people have just been oriented to such major changes and it would take time for the people to understand on the delegation of power and handling of their responsibilities. Furthermore, as the problems submitted by the people's representatives had not occurred in all the Dzongkhags, the provisions of the Chathrim should not be changed. Instead, it would benefit both the government and the people if the Home Ministry would draw up a Rules of Procedure to implement the two Acts without delay.

As the roles of the Gups are related to the executive, Gups were administered under the executive branch and not the legislative from the time the system of DYT and GYT were introduced in line with the decentralisation policy emanated from the throne. The elected members are not included with the civil servants. However, it is unlikely that all elected members would be included as personnel of the legislature. Therefore, it would be better if the DYT and GYT institutions would be retained under the executive branch as before.

The National Assembly noted that the Ministry of Home Affairs should finalise the Daily Subsistence and Travel Allowance for the DYT Chairmen and Deputy Chairmen necessary to facilitate the official duty in the villages. The National Assembly resolved that other problems that emerged during elections should be reported in writing to be included in the Agenda of the next Assembly sitting. The phrase under Article 2/17 of the GYT Chathrim stands for election and not to voters. As requested by the Chimis, the Rules of Procedures for the

implementation of the Chathrim would be drafted and submitted to the Lhengye Zhungtshog for approval.

Similarly, it was resolved that provisions under Article 10/19 and 10/20 of the DYT Chathrim that as per the decision of the DYT, the DYT Chairman should direct the Dzongkhag Administration and the Dzongdags should implement them. As of the Chair, the Home Ministry and the National Commission for Cultural Affairs should convene a meeting as soon as possible and submit the decisions to the Lhengye Zhungtshog.

The National Assembly Members being the observers of the GYT meetings, there is no means for the checks and balance as the GYT Chairmen have dual responsibilities. Therefore, it would be acceptable to elect them through secret ballot from amongst the GYT members. Until the finalisation of the Constitution, the DYT and GYT would be retained under the executive. However, the people's representatives to the National Assembly would be retained under the Legislature.

2. Rights to Cast Vote

The Bhutan Chamber of Commerce and Industry submitted that as per the DYT Chathrim, only those people who had their census registered in the particular town are eligible to cast votes to elect town committee members. Therefore, those people who either own land, building or operate permanent business in the particular town but has no census registration in the town are deprived of voting rights in the election of town committee members. The business operators with active business should be granted the opportunity to cast vote to elect the town committee members irrespective of their status of the census registration in that particular town. He also submitted that the number of members of the town committee mentioned as 9 in the Municipal Act would be increased to 15.

In response, the Minister for Communications said that only about 10% of the Thimphu town population could participate in the past elections of the town committee members. Therefore, the changes and additions proposed in the section 14 of the Municipal Act are:

- a. Who are registered in the census records of the Municipality and;

Or

- b. Who have been residents of the Municipality for not less than 5 consecutive years on the date of the election (from this word ‘consecutive’ is to be deleted)

Or

- c. Who operate permanent business and own land related properties in the municipality. (Additional section to be included)

If the proposed amendments could be approved for implementation till the Election Act is approved, it would not only deliver the benefit of increasing the number of voters but also enable to draw experienced people who can render necessary scientific and technological guidance for the town planning and management and the community needs and infrastructure as the members of the town committee. The members reflected as 9 in clause 11 (3) of the Municipal Act was submitted to be increased to 15.

Similarly, Clause 19 section 4 mentioned as “resident of the municipality for not less than 5 consecutive years” in the Municipal Act could be amended by replacing with one consecutive year and sub clause 5 mentioned as “ Person with established business house in the municipality” to be replaced with “person who has census registration in the particular town”.

Although some of the representatives of the people supported the point raised by the BCCI Chimi, the need to have same election procedures in the country beyond the election of the town committee members was emphasized. It was submitted that if required period of census registration and the duration of stay with regards to the candidate contesting the election and the voters are not fixed at this time, it would entail many problems in future between the people and the government.

The Minister for Home Affairs stated that the election of Municipal Committee members should be conducted in accordance with the Municipal Act 1999. The election of the representatives of the municipality to the Dzongkhag Yargay Tshogdu should be in accordance with Dzongkhag Yargay Tshogdu Chathrim 2002. In this regard, five sections are separately mentioned under clause 14 of the Dzongkhag Yargay Tshogdu Chathrim.

Excluding the guests and observers, the members of the Dzongkhag Yargay Tshogdu comprises of the Chimis elected as per the National Assembly Members Election Chathrim 1995, Gups and Mangmis elected as per the Dzongkhag Yargay Tshogdu Chathrim 2002 and a representative of the municipality elected as per the Dzongkhag Yargay Tshogdu Chathrim 2002.

While the Gups and Mangmis represent the rural people of their locality, it was necessary for the representative of the municipality to represent the people who have census registration within the particular municipal boundary because of the difference in election procedures of the representative of the business community to the Bhutan Chamber of Commerce and Industry.

When the system of secret ballot and the Election Act is being enacted, the problems that exist today due to election procedures in the country would be solved. However, to participate in voting or not would be determined by ones own choice and every individual has a right to register their census in the place of their choice to enable them to cast vote.

Therefore, the Lhengye Zhungtshog after its recent meeting issued the following instructions to the Ministry of Home Affairs:

- 1 To conduct comprehensive National Census as soon as possible for the future needs of the country and to address the constitutional issues.
2. To see that whether the person who wishes to transfer the census to a certain locality owns land or immoveable properties as the criteria of transferring the census.
3. The procedures of application of census transfer by bona-fide Bhutanese meeting all the criteria must be made very convenient and supportive.

Therefore, it was submitted that the National Assembly must consider whether the existing Municipal Act that should be amended or not till the all encompassing Election Act is in place.

The representatives of the people submitted that the rural areas falling under the expansion of urban areas are considered as urban areas and even to construct ones own house has to be abided by the rules applicable to the urban areas without any

benefits of urban amenities. Therefore, they submitted for the immediate solution to the problem faced by the people. Otherwise, when the party system comes, there is evidential danger of the election procedures being dictated by the rich and powerful. Some Chimis submitted that transfer of census to the place of their business operation from the respective birthplaces would entail inheritance problems. They suggested to develop the voting system based on the operation of business in particular town by retaining the census in the respective Geogs and Dzongkhags.

Due to the frequent election that has to be administered from the election of the Cabinet Ministers of the central government to the members of the DYT's and GYT's in the rural areas, the National Assembly must recognize the necessity of an Election Act applicable throughout the country. Since the members of the municipality are elected for next three years there is no reason to amend the Municipal Act in haste. It was resolved that till the National Assembly approves the Election Act, any problems that arise out of the Municipal Act shall be referred to Lhengye Zhungtshog and shall be dealt according to the resolution of the Lhengye Zhungtshog. It was also resolved that the town committee members would be increased from 9 to 15.

3. *Driglam Namzhag, National Dress and Culture*

The Punakha and Wangdue Dzongkhag Chimis submitted that it is important to uphold and respect the unique culture and traditions of *tendrel* without subjecting to personal likes and dislikes. Moreover, they submitted that it is necessary to identify definite places of wearing proper national dress in accordance with the Driglam Namzhag and it is important for people to know the name of the agencies, functional reasons and place of wearing uniforms by some departments and corporations. Similarly, they submitted that it must be made mandatory for the tourists while visiting Dzongs and Lhakhangs to observe their dress code. The decentralization policy has empowered the people with the responsibility of protecting and preserving the culture and tradition of the country. The people submitted to appoint a Driglam Namzhag instructor in the Dzongkhags.

The representatives of the people not only supported but also shared that the externally visible welcome arrangements should not be done according to ones

convenience and relations. It is important to accord proper protocol to the guests in accordance to their importance and entitlements as per the Driglam Namzhag. The continued explanation of the meaning and values of Driglam Namzhag to the students and its comprehension by the students would be evident from their behaviours. It is important to ensure such values are being imparted at the young age by the department of education. Some members asked whether Rules of Procedure pertaining to the Driglam Namzhag is being drafted as per the resolution of the 80th session of the National Assembly.

The Chimis submitted that the colours of the Rachu should be resolved and the wearing of half Gho and Kira banned. *Tendrel* is an integral part of Bhutanese tradition observed by the people during appointment to important post by the government. Therefore, it would be inauspicious for the concerned civil servants and opposing to the traditions to stop wearing the conferred Kabney and Patang after being transferred to another post. Henceforth, no other than His Majesty the King should award promotional *dhar*. Wearing of Patang and Kabney by senior officials, being awarded the post without *dhar*, under the Dzongkhag Administrations and Judicial Courts including the Dungkhags would be discontinued.

The Chairman of the Council of Ministers and Minister for Agriculture and the Minister for Home Affairs, Chairman of the National Commission for Cultural Affairs, reported that a draft rules of procedures of the Driglam Namzhag with respect to National dress, Patang and Kabney has been drafted by the concerned commissions and departments and submitted to the Council of Ministers with the consent of the Cultural Commission as per the resolution of the 80th session to address the concerns of the representatives of the people. Due to the important works related to the security of the country, the talk on Driglam Namzhag rules of procedures could not be concluded and presented in the current session.

As per the syllabus of the teacher training institutes, all the trainees are trained on Driglam Choesum in order to impart training and education on the values of the Driglam Namzhag in the schools. All the Bhutanese students are therefore practising and orienting themselves with the traditional values. Since the National Commission for Cultural Affairs has the practice of sending Driglam Namzhag Lopens to various organizations and Dzongkhags as per their needs, separate

appointment of Driglam Namzhag instructor in every Dzongkhag is not necessary. The government is reviewing the proposal of appointing Cultural Officer in all the 20 Dzongkhags to manage and promote cultural related institutions as submitted by the Dzongdags after their annual conference.

The National Assembly resolved that any civil servant who has been awarded Patang and Kabney by observing Phuensum Tshogpai *Tendrel* prior to the 81st session of the National Assembly can continue wearing Patang and Kabney even after their transfer to any other government organizations.

The National Assembly resolved that henceforth Patang and Kabney awarded other than by the His Majesty the King, specially designed to identify the position of the officers of the Dzongkhag Administrations, Judicial Courts and Dungkhags could be worn only during the occupation of such posts and should not wear if they were transferred to different ministries, departments and organizations.

The National Assembly resolved that the Rules of Procedures to promote and sustain the values of the Driglam Namzhag should be drafted in accordance with the resolution of the 80th session and after incorporating the people's concerns, the Lhengye Zhungtshog would revise and implement them.

4. Establishment of Institute for Language and Culture Studies

The people of Thimphu Dzongkhag submitted that tradition, culture and national language are the symbols of country's independence. Since Semtokha is the only institute of language and culture, the house submitted for the establishment of additional language and culture institute to further promote language and culture during the times of future generations.

Further, the people of Tashi Yangtse stated that government has not only endeavoured to develop Dzongkha but also introduced the non-formal education program for the benefit of those who could not avail the education opportunity. This has delivered the benefit of Dzongkha reading and writing knowledge those who have crossed the student age and also enabled further development of Dzongkha. Therefore, they submitted to the government to introduce even more Dzongkha development programs.

In support, many representatives of the people stated that if there were means to establish additional language and culture studies, there would not be better submission than this. However, due to the situation of the country and the problems of budgetary constraints, it may not be possible to establish such institutes. However, it is necessary to expand the existing institutes related to the language and culture. Further, they also submitted that equal and fair employment opportunity should be provided without any difference between the graduates of other degree colleges and graduates of the institute of language and culture.

Similarly, some Chimis submitted that subjects taught in schools would be converted into Dzongkha for its development as much as possible. Since the official correspondences and conferences are conducted mostly in English the government should discourage such practices. Some Chimis shared that merging of Dzongkha Development Commission with the Ministry of Education would affect the development of Dzongkha. They said that it would be better if it were kept as a commission as in the past. Some Chimis suggested that a member from the public from different Dzongkhags should be included as members of the Dzongkha Development Commission.

The Chairman of the Council of Ministers and Minister for Agriculture said that unless the central government maintain strong Dzongkha development policy and implement Dzongkha development activities in the Dzongkhags and villages on daily basis as per the policy, Dzongkha cannot be developed. Therefore, today, there are 1,30,000 students who are actually learning Dzongkha on daily basis. Considering that reading and writing of Dzongkha language as the roots of its development, it is imperative to fully learn the Dzongkha script and literature. The government has decided to put the Dzongkha Development Commission under the Ministry of Education after about seven rounds of Council of Ministers meeting. Since it is the main function of the executive, there is no need to discuss the issue in the Assembly.

The Chukha Dzongdag and some of the representatives in support of the earlier submissions made by the representatives of the people, submitted that the non-formal education program has helped the development of Dzongkha. Merging of the Dzongkha Development Commission with the Ministry of Education would enable it to use the nation wide infrastructure and teachers that are available under the Education Ministry, which would greatly benefit in the development of

Dzongkha. Therefore, it would be better if the Dzongkha Development Commission is merged with the Ministry of Education.

The Minister for Health and Education reported that the main curriculum of the *Rigney* institute established in 1961 was upgraded to a level of Language and Culture Degree College in 1997. Today, there are 22 lecturers teaching three years course of language and culture studies equivalent to a bachelor's degree to a total of 236 class 11 and 12 students. The graduates of the institute are accorded equal opportunity with the graduates of the other colleges through Officer's Selection Examination under the coordination of the Royal Civil Service Commission. Moreover, many graduates of this institute have undergone training as indigenous doctors, physicians and teachers.

Although it is imperative to establish Institute of Language and Culture Studies in other place as per the submission of the people, it has not been possible due to the necessary human resources and budgetary constraints. However, Institute of Language and Culture Studies at Semtokha will be shifted to Trongsa Taktse and upgraded to Masters and Phd courses to house about 530 students during the 9th Five Year Plan.

Similarly, the activities of Dzongkha development initiatives by the government are faring well as per the wishes of the people. However, since the Dzongkha is in the process of its development, the National Assembly and the government ministries must accord continued support and guidance.

The National Assembly resolved that additional Institute of Language and Culture Studies would not be established due to the present human resource and budgetary constraints. However, as per the 9th Five Year Plan the Institute of Language and Culture Studies at Semtokha would be expanded and shifted to Trongsa Taktse. Similarly, office of the Dzongkha Development Commission would be merged as per the resolution of the Council of Ministers. The house directed all those concerned to strive hard in the endeavours of developing the national language by using Dzongkha in the official correspondence and meetings. Moreover, the Bhutan Broadcasting Service Corporation should broadcast announcements and programmes in Dzongkha after the Dzongkha news. They should broadcast the

announcements and programmes in accordance with the language and not by mixing Dzongkha and English.

5. Control of HIV/AIDS

The people of Zhemgang and Trashigang expressed their concern on the increasing number of HIV/AIDS infected persons every year despite the continued awareness campaign from the government side about the HIV/AIDS. Therefore, they submitted to the Ministry of Health to develop ways to check up HIV/AIDS disease for all Bhutanese people. Otherwise, there is danger of small Bhutanese population being wiped out by the disease. Similarly, the government must enhance the monitoring procedures in the border areas for the timely prevention of disease like SARS outbreak in some countries in the region.

While deliberating on this issue, some of the members said the numbers of AIDS infected persons are increasing mainly because of the general public being not informed of the infected persons. Therefore, they submitted to publicize the AIDS infected individuals. Comparing with the millions of people dying of AIDS elsewhere in the world, 42 numbers of AIDS infected persons in Bhutan is very negligible. Nevertheless, if no effective preventive measures are adopted henceforth, there is the danger of entailing enormous problem to socio-economic development of Bhutan due to its small population.

Therefore, in accordance with the farsighted vision of His Majesty the King, the government in order to prevent the disease has formed Dzongkhag Multi Sectoral Task Force, Geog Task Force and Chiwog Task Force. Moreover, the Assembly appreciated the policy, programs and works of the task forces.

The National Assembly expressed its appreciation to Her Majesty Ashi Sangay Choden Wangchuck for her tireless efforts to enhance the AIDS and family planning awareness amongst the armed forces, schools and people in remote villages. This has greatly benefited the prevention of the disease.

As the establishment of Multi Sectoral Task Force in Dzongkhags, geogs and chiwogs and provision of budget by the Ministry of Health has benefited the

preventive programs of the disease, the house submitted to provide continued budgetary support and assistance.

As submitted earlier by the representatives of the people, the Secretary for Health and Education said that the number of AIDS infected persons in Bhutan, is one of the least in comparison to other countries. However, it is a big problem in view of the small population. Therefore, it is extremely important for the government and people to jointly develop the disease preventive measures. It is hoped that the number of AIDS infected person would decrease year by year because of the establishment of task forces from central government to the Chiwogs. The house was informed that besides the full support of the Ministry of Health, the international financial institutions has also committed fund for the AIDS prevention programmes.

The disease could be prevented by testing all the Bhutanese for HIV/AIDS as submitted by the representatives of the people. However, as per the human rights, such tests cannot be conducted if the people were not indicating their individual interests. Moreover, such tests would require enormous amount of fund. Similarly, one of the main reasons of maintaining the confidentiality of the AIDS infected person is to uphold the human rights. Therefore, the Ministry of Health has no system of declaring even a single identity of the infected persons.

The Ministry of Health is not only monitoring and educating on AIDS but also test all patients for HIV before the blood transfusion is carried out. The sterilized and single use syringes and needles are used. Moreover, condoms for sexual intercourse are being distributed freely and available free of cost in all hospitals. The issue of HIV/AIDS has been deliberated over the last three sessions including the current session. This is mainly due to the increased awareness, understanding and concerns of the people about the disease. Recognizing the prevention and protection of the disease as the responsibility of every individual, the house submitted for the necessary cooperation from everyone.

Similarly, despite the outbreak of SARS in some countries over the world this year, the disease did not break out in Bhutan because of the timely prevention initiated by the Health Department. It was reported that a total of 9,873 people inclusive of both Bhutanese and foreigners coming into Bhutan were checked and 34 people had to be quarantined in the hospitals for check up.

The enhanced information, knowledge and awareness among the Bhutanese people about the HIV/AIDS is because of the concerted efforts put in by the Ministry of Health in general and tireless efforts of Her Majesty Ashi Sangay Choden Wangchuck in particular in disseminating the information and knowledge about the sexually transmitted diseases, family planning and HIV/AIDS to the people in the remote areas, students and the families of armed forces. The house expressed their confidence and appreciation to Her Majesty Ashi Sangay Choden Wangchuck. The discussion on the HIV/AIDS concluded with an urge to continue the HIV/AIDS preventive measures that is being implemented by the Ministry of Health. The Assembly also urged the Gups and Chimis who are elected with the confidence of the people to cooperate and take the HIV/AIDS prevention responsibilities.

6. Clarification on the Bankruptcy Act

The People's representative of Chang and Kawang municipality submitted that the Bankruptcy Act applied only to those who availed large sum of loan from financial institutions and did not cover the general public. In case, both the Bankruptcy Act and the Loan Act were applied simultaneously for one issue, then the Court of Justice would not be able to dispense justice to the people. Therefore, it was submitted that the Bankruptcy Act would be applied only to the Financial Institutions.

The Finance Minister informed the Assembly that the Bankruptcy Act and the Loan Act passed in 1981 and 1999 respectively had entirely different objectives and purposes. He reminded the members that Chapter 1 to 4 of the Loan Act was repealed with the enactment of the Moveable and Immovable Property Act in 2000. The Finance Minister informed that up till now, except for the submission made today in the Assembly there had been no confusion in dispensing justice adhering upon these two Chathrim. However, if any confusion arose in future then necessary amendments would be made in consultation with the judiciary and submitted in the Legislative Committee of the National Assembly.

The issue on Bankruptcy Act was resolved as per the submission made by the Finance Minister.

7. Resettlement Programme

The people's representative of Pemathang, Langchenphug and Gomdar geogs submitted their sincere appreciation to His Majesty the King for graciously considering the resettlement programme for the benefit of the people living in the high security risk areas. They submitted that since there is enough vacant land in Samdrup Jongkhar they would appreciate if resettlement took place in these areas.

The Home Minister informed the Assembly Members that when His Majesty the King visited Bhangtar Geog on foot, he noticed that 9 villages to the east of Bhangtar were not only living in poverty with no development facilities whatsoever, but were also highly scattered and isolated bringing them under the risk of attack by the militants. Following the command of His Majesty, about 1,700 people and 247 households were resettled in Bhangtar Dunkhag last year.

According to the Royal Government's policy on resettlement, landless and near landless people should put up their application to be included under the National Resettlement Programme. It was noted that in case of military operation against the militants, the people of Pemathang, Langchenphug and Gomdar geogs would be under the militancy threat, and would have to be resettled to another safe area.

The Assembly resolved that the submission made by the people of Samdrup Jongkhar Dzongkhag for resettlement programme would proceed in accordance with the submission made by the Home Minister and National Resettlement Programme.

8. Chathrim to govern religious practice

The people's representative of Gasetshogom and Gangtey geogs under Wangdue Phodrang Dzongkhag submitted that for different issues with the changing times, continuous dealings with the foreigners have helped in the economic development of our country. Moreover, as a result of other traditions, there is a possibility that interest towards our age-old religion and tradition would be declined. Therefore, similar issues were discussed time and again in the past

sessions of the National Assembly and resolutions had also been adopted. However, people interested in proselytising other religions in the mind of the people had been influencing the vulnerable Bhutanese people. Therefore, a Chathrim governing the practice of other religions in the country should be drafted.

The people's representatives supported that conflicts arose in Tibet between people practicing different religions for power. Moreover, many conflicts have aroused in the neighbouring countries due to the difference between religions communities. Such problems could also arise in our country. Even today, religion is the main cause for the internal conflicts and wars in the world. In order to prevent such circumstances in the country, a Chathrim governing the proselytising of other religions should be drafted.

Some of the people's representatives submitted that during the time of second Buddha, Ugyen Guru Rinpoche, many great neys were visited and blessed and treasures were hidden, initiating Buddhism in the country. Later, with the coming of Zhabdrung Ngawang Namgyal, the old Kargyu tradition of Buddhism has been flourishing without interruption. Since the people of Nepali origin with Hindu faith entered southern Bhutan, no religion other than Hinduism and Buddhism had been practised in Bhutan. Therefore, drafting a Chathrim ruling the proselytising of other religions at a time when there is no religious conflicts among the community in the country would benefit the present welfare and future well-being of the country.

The Home Minister informed the members that although Buddhism is the national religion of Bhutan, some of the people in the south practice Hinduism. In March-April, 2001, with the doubt that some people were engaging in proselytising other religions, an officer from the Home Ministry had briefed three Bhutanese men spreading Christianity on the laws concerning the proselytising activities and were provided with relevant resolutions book of the National Assembly. This had resulted in bitter allegations against the Royal Government by the international press. The newspapers had falsely alleged that the Bhutanese Police beat-up and harassed the people practising Christianity by entering their houses, imprisoning hundreds and thousands of people practising Christianity

and were given an ultimatum of either giving up Christianity or to leave the country.

Moreover, it was alleged that these people were terminated from their jobs, their trade licenses cancelled and were denied all social services. As usual, the Ngolops living in the camps in Nepal had falsely accused the Royal Government on such atrocities. Even some of the government representatives of the friendly countries began enquiring about these allegations in the press.

He said that the reason for submitting such report in the Assembly was to remind the Members about such people with vested interests distorting facts with the intention of deliberately maligning the Royal Government and the people of Bhutan, particularly when it comes to issues like religion, Driglam Namzhag and Human rights.

As reported in the past sessions of the Assembly, the existing laws of the country do not restrict the practice of other religion in their respective homes. However, practice of other religion in public places is prohibited. Similarly, proselytising of Buddhist or Hindu through persuasion is restricted.

The heads of other religions, in an effort to proselytise, often condemn and criticize Buddhist lams and Lopons and Hindu religion as well as the cultural practices, which hurts the sentiments of the Bhutanese people. This would, in turn, disrupt the existing peace, harmony and unity in our families, communities and ultimately at the national level, which a small country like Bhutan cannot afford.

In the past years, different religious system has been conflict-ridden in many countries and societies. The history of the world is covered with numerous conflicts and crisis among different religious systems. As a result of different sects of a religion, like the Catholic and the Protestants in Christianity, and the Sunni and the Shiite Muslims in Islam, even today, many conflicts and wars are going on in many parts of the world.

Bhutan, a small country with small population, has mainly Buddhists or Hindus, generally known for their deep religious sentiments and close family ties. The Kingdom cannot afford to have too many divisive entities, which would divide

and even lead to conflicts and crisis within families, communities and eventually at the national level.

Proselytising usually takes place amongst the people who are sick, poor, illiterate and among people who are vulnerable. It is therefore not appropriate to rely on laws alone to curtail proselytising. To this end, Bhutan's achievements during the past 40 years in the field of socio-economic developments as well as promotion and preservation of its rich religion and cultural heritage had been deterrent to proselytising by other religions.

Therefore, as the existing laws of the country are judicious, enactment of a new Chathrim prohibiting outside religion is not necessary. As practiced in the past, Bhutanese should continue making efforts to uplift the livelihoods of our people, particularly the most disadvantaged, so that they are not vulnerable to outside religions as well as preservation and promotion of our own rich religious and cultural heritage.

In other countries, when incidence of religious sacrilege or proselytising of their own religion or conflict between religious faiths arise, they have an Act to confer fair judgements of punishments and penalties. Likewise, Chathrim governing the proselytising of other religion would be necessary in the country.

Some of the Chimis supported that conflicts arising out of political issue is small that could be resolved from time to time. However, conflict arising out of religion could turn into a bigger issue. Therefore, spreading one's religion through conversion is a violation of human rights. In order to stop such practice, enactment of a Chathrim would not contradict both national and international laws. As a result, clear resolutions were adopted in the past Assembly sessions on the proselytising of other religions. As the proselytising of religion had been continuing in the country, it is an impact that the Royal Government had not been working in compliance with the resolutions of the Assembly.

The Thimphu Dzongda along with some chimis submitted that as per Buddhism, it is sacrilegious to prejudice other religions in order to spread our own religion. Moreover, we should tolerate with loving kindness as ruins of University like the Nalanda, Varanasi and Bodh Gaya built during the times of Lord Buddha could

still be seen. Even though there was destruction, the Buddhist practitioners had not raised any conflict. Moreover, it is the norms of the human rights to be guided by individual faith and religion. So, if we enacted a Chathrim, other countries would raise criticism to our country. Some members expressed their view that many people, adorned with monk robes, are personally interested in the politics of the country. The most important factor in Buddhism is belief and reverence. Therefore, various classes on Buddhism would be conducted by the education department in the respective places during winter holidays, teaching them about the karmic effects and the benefits of acceptance and rejection.

The people's representative of Wangdue Phodrang Dzongkhag submitted that some of the people with self-interest reported slanderous news in the newspapers and the Internet. If a Chathrim were not enacted when it is needed, religious conflicts may arise in future and it would be difficult to control the conflict. Since it is usual for any person to promote one's own interest and restrict other's interests, it is commendable to draft a Chathrim to prevent proselytising of different religions in the country.

The Speaker noted that, anywhere in the world, it is the right of an individual to practice any religion. It has also been included in the draft Constitution of Bhutan that the choice of religion is one of the fundamental rights of the people. It was understood that the repeated submission made by the people's representatives is as a result of their concern that there is a risk of creating problems by committing sacrilege to the religion.

However, the Members of the Assembly had supported the submission made by the Home Minister on the drafting of a Chathrim to prevent proselytising of other religion without any disagreement. Therefore, there was no need for further deliberation.

The National Assembly resolved that in order to prevent the spread of other religion in the country, the Geog Yargay Tshogchung and the Dzongkhag Yargay Tshogdu along with the Dzongkhag Administrators should disseminate the respective resolutions to the people of their constituencies and any person deviating from these should be dealt with as per the Assembly resolutions.

9. Incorporation of repealed, revised and amended laws

The people's representatives of Chang and Kawang geogs under Thimphu Municipality submitted that the laws would only be repealed, revised and amended through the decision of His Majesty the King or the National Assembly and others would not exercise the same. As the inquiry had not been carried out in accordance with Kadon Nga/3, where the High Court would carry out an inquiry every year whether the Dzongkhag Drangpons had awarded a just case or not, the people's benefit and loss had remained unsettled. Therefore, if differences arose when the case reached the High Court, as per Kadon Ga/9, where a case comes in appeal before the High Court and the High Court, after thorough investigation and hearing, discovers that the Drangpon has committed a serious error which is not at all in accordance with the provisions of the laws, resulting in a grave injustice to the aggrieved party, not at all in accordance with the provisions of the law, the High Court may report the matter to His Majesty the King and such Drangpons may be liable for appropriate action as may deemed necessary. However, the High Court does not distinguish the case in accordance with the enshrined provisions.

Likewise, it is enshrined in Kadon Ga/10 that where a case comes in appeal before His Majesty the King, and it is discovered that the Judges of the High Court have committed a serious error which is not at all in accordance with the provisions of the laws resulting in a grave injustice to the aggrieved party, they may be liable to appropriate action as His Majesty the King may deem necessary. However, no incidence of such penalising had occurred unless such penal provisions had been amended.

There is a misreading between provisions under Kadon Ka/15 where it states that where a case has already been decided by a District Court and comes in appeal before the High Court, the High Court shall hear the case *de novo*, and provisions under Kadon Nga/2 that no person shall amend or alter any judgment of a District Court or the High Court, the exception being in cases appealed to His Majesty the King. If the High Court decides faulty Justice, which is not in compliance with Kadon Nga/2, it is also not in conformity with the laws.

It is enshrined that the Royal Advisory Council should decide on the appeal of cases, resolved at the full bench of the High Court to His Majesty the King. Therefore, the Royal Advisory Council probes into the case and after

finding necessary shortcomings, appeal the case to His Majesty the King as per the practice.

The Chief Justice of Bhutan was invited as the guest speaker in the National Assembly to clarify these doubts. The Chief Justice said that to award fair justice to the people, the litigants had the right to appeal the case to His Majesty the King within 10 days in accordance with the provisions enshrined under Kadon Nga/2 that no person shall amend or alter any judgment of a District Court or the High Court, the exception being in cases appealed to His Majesty the King. This is important to ensure fair justice to the people. However, if Kadon Nga/2 is to be amended, though this is not a legal matter, the National Assembly should reconsider as this encompass appellations to His Majesty the King by all the appellants. A new legitimate groundwork should be drawn up for the implementation of Kadon Ka/15.

Although the Judiciary is looking after the duration and transfer of the Drangpons, the Drangpons are responsible to the people as per the provisions under Kadon Ga/9 and Ga/10. In accordance with the command of His Majesty the King and the resolutions of the 79th and 80th session of the National Assembly, if the draft of Judiciary Service Act, which was being submitted to the government by the High Court, would be endorsed, levying of penalties to the Drangpons would be founded and all penalties, imposition and categories of penalties enshrined under Kadon Ga/9 and Ga/10 would not be included as it would not be feasible.

Even the Drangpons of Bhutan have security protection like the Drangpons of other countries. However, if they violate their responsibilities or violate the code of conduct, they do not have any security protection, and some of the Drangpons had to be unavoidably terminated.

As for the resolving of case and award of judgment by the Dzongkhag and Dungkhag Courts, the Chief Justice had personally carried out inspection in 1992 as per the system of inspection, after which the High Court had sent people for such inspection time and again. Recently, a thorough inspection was carried out by the High Court Drangpon Dasho Pasang Tobgyal and Dasho K.B.Galay from April to July 2003. Looking at the report of the

inspection, the Drangpons and judges had conferred commendable and effective judgements, which is as a result of proper establishment of Civil and Criminal Procedure Code and proper understanding of other provisions of the laws.

However, like the Judiciary of other countries, there is no tradition of public hearings on the Judiciary system and resolving of case, verdict and imposition of punishment, and imposition of penalties to Drangpons violating the laws in Bhutan. Therefore, no instance had occurred to inform on the performance of the Judiciary to the Members of the Assembly. The improvement and reformation of the working of the Judiciary till now has not transpired at once or walked on scattered grassland but is a result of incessant effort for the last decades.

Therefore, with the aim of closing the case that had been pending in the courts from 1993 to June 2003, a total of 6,364 cases had been completed within June 30, 2003. A total of 2,608 cases had been resolved in 108 working days till June 30, 2003 and a total of 4,049 remaining cases would require about 108 working days to be completed.

The classification of bench, appointment of Drangpons and order of cases in the courts is within the authority of Judiciary; which indicates that the Judiciary is an independent body. Therefore, if impartiality appears among them, the Chief Justice would not be responsible.

The National Assembly resolved that the machinery of the upright justice as per Kadon Nga/3 exercised by the Judiciary would be taken into account and the draft Act drafted by the Judiciary with inclusion of provisions under Kadon Ga/9 and Ga/10, which is submitted to the Royal Government, should be submitted in the next session of the Assembly. The National Assembly also resolved that the High Court should distinguish the appeals of petition reaching the High Court by considering the Kidu of the people and not as per the provisions under Kadon Nga/2.

10. Kidu on Timber for Community Schools and Outreach Clinics

The people of Chukha Dzongkhag submitted that the expenditure would be high if the people had to purchase timber at the commercial rate for the construction of community schools and out reach clinics. They submitted that the cost of timber for the construction of the community schools and out reach clinics should be based on the estimates of Kidu granted on timber for construction of Lhakhangs and rural houses.

In support, some of the members submitted that a number of new community schools, out-reach clinics, suspension and foot bridges have been included in the planned development programmes in the villages. The Royal Government has been providing CGI sheets and cement for the renovation of existing infrastructures. Moreover, it would be grateful if timber could be provided without having to pay the commercial rate.

In response, the Agricultural Minister informed that it is enshrined under the Rules and Regulations of the National Environment Conservation Chathrim passed in 1995 that villages without road facilities would avail the Kidu of not paying the cost of timber and those villages with road facilities would buy the timber at commercial rate from the saw mills. Till now, about 17 community schools and 6 out-reach clinics had been constructed from the Kidu granted on timber. Similarly, in the areas without road facilities, Kidu had been granted on timber in order to renovate and build new Lhakhangs. As enshrined in the Rules and Regulations, if the villages were having road facilities, they would have to buy the timber at the commercial rate. Since many of the outreach clinics and the community schools are constructed either by the Royal Government or through financial assistance from donor countries, even if they had to pay the cost of timber at the commercial rate, it would be financed through government expenditure. Therefore it would not affect the people in any way. In case, there is no assistance from the government and a new community school or an out-reach clinic need to be constructed and renovated where the villagers are required construct or repair them, Kidu on timber would be granted as per the provisions under the Rules and Regulations.

Some of the members submitted that Kidu on timber for the construction and renovation of Lhakhangs and Goendeys would have to be routed through their respective Dzongkhags to the National Commission for Cultural Affairs in Thimphu and to the Ministry of Agriculture. To avoid this system of culpability and the problem of delaying, respective geogs and Dzongkhags should be delegated with the authority on the basis of experimentation.

The National Assembly resolved that Kidu should be granted on timber for the construction and renovation of community schools and out-reach clinics at the Kidu rate on rural timber similar to the Kidu on timber for the Lhakhangs and Goendeys. The National Assembly noted that the Home and Agriculture Ministries should discuss and decide on the experimentation of the delegation of authority to respective geogs and Dzongkhags as soon as possible.

11. National Environment Conservation

The people's representatives of Haa Dzongkhag submitted that it was important to preserve the natural environment, as it was one of the most precious wealth of the country. Therefore, it is the responsibility of the Bhutanese people to conserve the surrounding environment.

The Deputy Minister for National Environment Commission informed the assembly that about 72 percent of the land area of Bhutan is under forest cover. This could be attributable to the wise policies and sound traditions introduced by our rulers and forefathers. More recently, starting from the year 1970 onwards, it is due to His Majesty's farsighted visionary policies on environment that Bhutan is one of the top ten hot spots of the world.

During the 8th Five Year plan period, the National Environment Commission conducted Environmental awareness workshops and trainings in 20 Dzongkhags and 201 geogs with assistance from the UNDP. At the end of the workshop, there was increase in request on support for the implementation of over 1000 micro environmental action plans, such as protection of drinking water source, community forest, waste disposal etc. This indicates that the awareness on the importance of environmental conservation was increasing in the rural community. He also reminded the assembly that as per the GYT and DYT Chathrim, the

responsibility of conservation of environment such as air, water, soil and forest fell on the respective geogs and Dzongkhags.

Some of the members submitted that it is a matter of great pride that today Bhutan is seen as a model country with regard to its environment. They also submitted that, in case there was a break in the conservation of the environment, then all the hard work of nature conservation that had been taking place for many years would be destroyed in a few years.

Some of the people's representatives submitted their doubt on the fact that if all the efforts were made on the conservation of environment, this policy would harm the policy of making our country self-sufficient and independent. The policy of environment conservation prevented the people from clearing the forest areas in and around the cultivated areas, disallowing the people from killing wild animals, which are a nuisance to the farmers as they destroy the crops. The farmers had the problem of not having abundant harvest. They requested that the Royal Government should take equal efforts without neglecting the agriculture while environment is being conserved.

In support, some of the members submitted that system should be developed for the clearance of the areas around the respective farms to check the entry of wild animals. Some members submitted that award of logging project in some Dzongkhags above the villages would entail environment related problems to the people living below the project areas. Therefore, the Royal Government should conduct thorough study on the benefits and damage of logging projects and the concerned public should also be included in such consultation.

The Agriculture Minister agreed with the submission made by the Chimis that the wild animals were a problem for the farmers and that the Royal Government was aware of it. The Chimis were aware that one development activity would always impede other development activities. It was important to follow the policy of the National Environment Commission as per the distributed copies of the environmental policy document, "The Middle Path" while conserving the nature. The clearing of the forest cover surrounding the agricultural farms would not assure the protection of farm against wild animals unless a study is done.

Therefore, nothing would be submitted on this matter in this session of the Assembly.

Similarly, logging on the areas has been done as per the approval of the National Environment Commission and so far, there had been no complaints on the logging operation by the people. Even then, a survey would be carried out. If the people were affected by the process, changes would be made in the logging policies of the government to resolve the difficulties that the people would be facing.

The National Assembly expressed its appreciation for the farsighted and visionary policy of His Majesty the King in the conservation of the environment and its recognition in the world with regard to its environmental policies and programmes. It was resolved that the DYT and the GYT along with the Department of Forest would conduct a study on reducing the problems of wild animals and if required, necessary action would be taken with prior permission from the Royal Government.

12. Kurims

The people under Thimphu Dzongkhag submitted that in view of the prevailing situation in the country, various monk bodies and religious centres in the country should continue performing prayers and Kurims for the peace, prosperity and security of the country.

The Yangbi Lupon, the Dratshang Representative, followed by several Members of the Assembly said that a small and developing country like Bhutan had withstood several Tibetan and Indian wars. Till now, the people had been living in peace without difficulties of any epidemic, famine, and conflict without any notion of threat to the sovereignty of the country. These had been possible mainly due to the blessings of the Triple Gem, and particularly to the power of the guardian deities of Bhutan as well as the farsighted and visionary leadership of the hereditary monarchs and the good fortune of the people.

The King, government and the people had been striving hard to resolve the problem of militants from the neighbouring India that has threatened the sovereignty and security of the country. However, the problem had remained

unresolved till now despite the continued effort of the King, Ministers and the people. Time has come to resolve the problem through peaceful means without delay.

Therefore, if the monk body and the religious patrons were supplicating continuously to the guardian deities of Bhutan with immaculate conduct asking for supreme allied force troops, the problems would be definitely resolved.

Likewise, it was announced in the Assembly that His Holiness the Je Khenpo had issued a Kasho to the Dratshangs, Rabdeys, Goendeys and Choedeys to perform the Kurims instantly in resolving the problem effortlessly. While submitting the hope that the Menjong Choethuen Tshogpa would provide necessary fund to perform the Kurims, some of the Assembly Members submitted that as the people of the country would remain peaceful as ever without external threat to the religious and secular sovereignty of the country, it is important to be concerned about the sovereignty of the country more than one's own life. Therefore, as the people had already pledged their material and manpower resources, it was hoped that the people, civil servants and the business community would provide financial resources. Further, it was expected that the Government would arrange to provide the deficit budget. The security of the country would be protected and enemies defeated if the armed forces would take care of the external security. The internal security under the responsibility of His Majesty the King and the Lyonpos and the secret security supplicated to the guardian deities of Bhutan.

The National Assembly expressed its appreciation to His Holiness the Je Khenpo for issuing the Kasho to the Dratshangs, Rabdeys, Goendeys and Choedeys to perform the Kurims with concerns to protect the sovereignty of the country for the benefit of all beings. The National Assembly resolved that Kurims should be performed soon and efficiently under the supervision of His Holiness the Je Khenpo and the religious community with the financial assistance from three organisations, firstly the Choethuen Tshogpa, secondly the civil servants comprising of Officers and employees from all the Ministries and thirdly the private sector. The Royal Government should arrange the Kurims through the Home Ministry.

13. Child Maintenance Allowance

The people of Kawang under Thimphu Dzongkhag submitted that as per the provision Kha/7-5 under the Marriage Act, no maintenance allowance should be provided by the father if the wife commits a misdemeanour, and the courts had been levying the child allowance on the husband. It was submitted that the child maintenance allowance should be levied on any spouse who is at fault as per the universal concept of gender equality. If not, the husband was the loser if he had to provide the allowance when the wife caused the divorce. The wife not only lived with a new husband but she received an allowance from the previous husband. More people would engage in such conducts, which is against the laws.

The Honourable Chief Justice, who was invited as a guest speaker by the National Assembly, said that although there was truth in the submissions made by the Thimphu Chimi, yet not only the Marriage Act is being considered while the court solves different cases of family dispute but respective laws are also taken into account. For instance, the phrase under section Kha/7-5 of the Marriage Act states that the child maintenance allowance of the discrepant child should be referred to the Inheritance Act. Since the divorced parents would be included in the discrepancies, basing on the phrase and in accordance with Section Ga/6 and 17 of the Inheritance Act, during the discrepancies of the divorced parents with a child, the child would not inherit anything because of the parent's discrepancies. Nevertheless, if the child is less than 9 years old, the child should be kept with the mother while the father should bear the cost of child maintenance irrespective of who is at fault. They submitted that they have been abiding by such provisions.

Although there is a Bhutanese saying, *Male though weak is a benefactor, Woman though powerful is a beneficiary*, yet the Court of Justice illustrates the lapses in accordance with the issues under the provisions of the respective Acts. It is the responsibility of the legislature to amend and endorse laws. Likewise, as it is enshrined in the *Michoe Tsangma Chudrug*, if the National Assembly would amend and review the above Act or its Articles, the court of justice does not have any misgivings for its implementation.

Some of the members submitted that it is clearly enshrined under Kha/7-5 that subsequent to a divorce being granted on the grounds of a misdemeanour having been committed by a wife, no maintenance allowance shall be admissible to that wife for the children. Moreover, the reason for being in accordance with the Inheritance Act is that the shares of inheritance of the property that they had accumulated before their divorce and the maintenance allowance for the children after their divorce are two different issues. Therefore, lapses in accordance with the provisions under Kha/7-5 of the Marriage Act should not entail setbacks.

Likewise, for instance, if a person paid a maintenance allowance to one or two illegitimate children amounting to 40 percent of 20 percent each of the income, it should be well thought-out whether the remaining 60 percent after paying 40 percent for paying for the 5 children out of 4 to 5 children from the legitimate wife would be sufficient. Therefore, for the proper comprehension of these issues in the Marriage Act, the Act should be amended.

Similarly, until 9 years of age, the child should stay with the mother and after 9 years of age, it is as per the wish of the child either to stay with mother or the father. Therefore, it should be clearly enshrined under the Marriage Act whether the remaining part of the child maintenance allowance, which is calculated and given as per the laws till the child attains 18 years of age, would be returned if the child stayed with the father after attaining 9 years of age.

The Speaker noted that as informed by the Chief Justice, it is the authority and responsibility of the National Assembly to amend and alter the existing laws. Therefore, the National Assembly resolved that as per the wish of the people, proposal on the necessary amendments of the Marriage Act should be submitted to the National Assembly Secretariat before the sitting of the next Assembly session for necessary incorporation of important issues and it would be discussed and endorsed in the 82nd session of the Assembly.

14. Levy of Taxes

The people of Dagana Dzongkhag submitted that it had been a problem and difficulty to the small-scale business entrepreneurs when the Revenue and Customs levy unreasonable amount of taxes to the shopkeepers regardless of the volume and income of their business. For instance, if a shopkeeper had paid Nu.

3,000.00 in the previous year, it was made compulsory to pay Nu. 5,000.00 in the current year, causing innumerable problem to the shopkeepers depending on their small business to make their daily living. Therefore, it was submitted that it would be of immense help to the small-scale entrepreneurs if the Assembly could consider this issue.

In support, some of the Chimis submitted that in line with the socio-economic progress in the country, some of the rural people had set up small scale business either by investing their own money or seeking loans from others with the hope to enhance their livelihood more than before. Moreover, some people had sought loans from financial institutions to set up shops along the motor roads, and others had ventured businesses in their geogs and chiwogs by constructing huts wherever there are no motor roads. Following four to five years after their procurement of business licence from the government, these people are not being able to clear the debt as a result of not only small capital, but also small income returns. Moreover, as a result of human sufferings, they are not being able to maintain business account and they have to sustain without improvement. The people submitted their request to consider Kidu that the annual business tax should be levied to the shopkeepers based on individual business returns without levying 30% business tax based on the previous years' record. Further, it was requested to waive off business tax completely to the small-scale business entrepreneurs whose business capital is below Nu. 10,000.00.

Likewise, some of the people's representatives submitted that transportation charges of goods carried by rural shopkeepers from the motor road to their shops should be accounted. Moreover, as there are fewer customers, goods are piled up. As the goods should be sold at marked price, there are no ways to compete with bigger business enterprises. Therefore, it would benefit both the people and the government, if the small scale business entrepreneurs in the rural geogs were granted Kidu of not having to pay the business tax, where the shops along the motor roads would be liable to shift and dismantle.

The Finance Minister said that while collecting business tax during the year 2002, out of 162 businessmen in Dagana Dzongkhag, 26 business entrepreneurs had paid business tax below Nu. 1000.00, 45 paid between Nu. 1000.00 to 2000.00, 71 had paid between Nu. 3,000.00 to Nu. 5,000.00, and 19 entrepreneurs had paid

business tax between Nu. 5,000 to 10,000.00 only. Looking at the figure, most of the shopkeepers had paid less than Nu. 3000.00.

Trade and industry establishments should be developed as much and as fast as possible for the progress of the country. However, even if the government were not increasing the business tax, it is an international norm that the limit of business tax would automatically increase as a result of annual business volume and profit. As the tax should be levied mainly on the guarantee of profit, it is important that all the business entrepreneurs should maintain proper book of accounts on the transaction of goods, expenditure and income of business. However, most of the businessmen in the rural areas do not manage proper book of accounts because of several inconveniences. Therefore, if all the businessmen keep an account of only the inventory of stock and transaction, this would not only help in understanding the system of business taxation, but also help in understanding their business approach. With the lack of foundation for levying taxes in most of the Dzongkhags, business representatives are included among the tax collectors acting as witnesses while collecting taxes, thereby levying appropriate taxes. Further, if the people had inconvenience as a result of business tax, it is the responsibility of the Finance Ministry to ease the trouble as per the Income Tax Act. Therefore, the Finance Ministry would do all it could to reduce the problems submitted by the Dagana Chimi.

The National Assembly noted that the amount of tax collected from business entrepreneurs in geogs and chiwogs are not abundant and high. The Assembly resolved that considering the Kidu of the humble businessmen, the Finance and Trade Ministries should conduct thorough deliberations as to whether businesses in rural areas set up with a budget of less than Nu. 10,000.00 should be exempted from paying tax, and if not, the ministries should present their decisions along with appropriate taxation perimeter in the 82nd session of the Assembly.

15. Issue of Marriage Certificate to Bhutanese marrying non-nationals

The people of Dagana Dzongkhag submitted that as per the Citizenship Act of 1985 and the resolutions of 67th session, Bhutanese citizenship is not granted to foreigners marrying Bhutanese citizens. However, it was observed that many Bhutanese have married non-Bhutanese and it has been reported that they occasionally approach the Geog authorities requesting for census enumeration.

Moreover, it was reported that they even produced marriage certificates issued by the Royal Court of Justice. In this regard, the people of Dagana submitted that the National Assembly should deliberate and resolve in discouraging Bhutanese national marrying foreigners and issuing of marriage certificates by the Royal Court of Justice.

Some of the Members requested for clarification on the basis of issuing marriage certificates by the Royal Court of Justice to Bhutanese marrying foreigners so that the people would understand them. Some of the people's representatives further submitted that even the foreigners who have married Bhutanese approach the Gups requesting for Bhutanese citizenship census enumeration with marriage certificate issued by the Royal Court of Justice. Therefore, several instances of people taking interest to marry Bhutanese with the objective of acquiring Bhutanese citizenship were cited, thereby cautioning the perils in respect of census registration.

Likewise, several Members submitted that the main objective of foreigners taking interest to marry Bhutanese is either for acquiring Bhutanese citizenship or trade licence. If not, the reason would be to get employment for their livelihood. Therefore, if the Royal Government did not impose restriction from the start, lots of inconvenience as a result of census would be caused in the future.

Some of the Members submitted that as per Kha/2-1 to 2-11 of the Marriage Act, if Bhutanese had married foreigners, they would not get opportunities of promotion, trainings and studies abroad. Moreover, they would not get equal benefits as other Bhutanese citizens. However, they are given equal opportunities and benefit these days, which is against the provisions of the Marriage Act. The Royal Government should examine the provisions Kha/2-1 to 2-11 under the Marriage Act and strengthen the marriage certificate system. Moreover, submissions were also made that the Royal Government should restrict the Royal Court of Justice in issuing marriage certificates until the Royal Government decides on the issue of marriage certificates to Bhutanese marrying foreigners.

The Home Minister informed the house that in accordance with the Marriage Act of 1980, marriage certificate is issued to the married couple irrespective of their citizenship in recognition of their bond as husband and wife. The Marriage Act,

1980 and the Citizenship Act of 1985 do not restrict marriage between Bhutanese and foreigners. Moreover, during the 67th session of the National Assembly, His Majesty the King had commanded that there would not be restriction if Bhutanese and foreigners were married in accordance with the Marriage Act and Citizenship Act of Bhutan.

Further, it is stated under Chapter 2, Section Kha/2-1 of the Marriage Act that any Bhutanese settled in Bhutan marrying foreigner should require at least two Jabmis and out of that, a Jabmi recognised as Bhutanese citizen is required by the Court for the issuance of marriage certificate. Moreover, that Jabmi should be well informed on the nature of the couple that would be married.

The marriage certificate is issued only for the benefit of recognising the married couple as husband and wife, and not as a warrant to grant them Bhutanese citizenship. Therefore, the issuance of marriage certificate by the Royal Court of Justice to any foreigner does not guarantee them Bhutanese citizenship. Moreover, provisions Kha/2-2 under the Marriage Act states that granting of Bhutanese citizenship to foreigners marrying Bhutanese should be in accordance with the Citizenship Act. Furthermore, section Kha/1 under the Citizenship Act of 1977 states that the Royal Government is solely vested with the authority to grant full citizenship.

In line with the changing times and socio-economic development, citizenship would be exploited and transgressed as a result of marriage. It was being heard through news that in other countries, foreigners marry the citizen of that country with the aim of gaining citizenships and divorce them after they get citizenships.

There are Citizenship Act of 1977 and 1985, Land Act of 1979 and the Inheritance Act and Marriage Act of 1980, and many resolutions were passed by the Assembly on this issue. As per resolutions no. 3 of the 67th session of the National Assembly, there is no inconvenience on the Bhutanese marrying foreigners.

As of marrying the foreigners and approaching the Geog authorities requesting for their enumeration in the census, it is the responsibility of the Royal Government to enumerate the census as the registration of census is important and sensitive. This is also incorporated in the GYT and DYT Chathrim, 2002.

Accordingly, as all the census registration are being held jointly by the Dzongkhag and Geog Administration under the guidance of the Officer of the Department of Census and Immigration, there should not be lapses in the census registration.

Deliberating on this issue, some of the members submitted on behalf of the Home Ministry that even if the Bhutanese and foreigners had married with marriage certificate from the Court of Justice, they should not be awarded Bhutanese citizenship. However, if they had legal marriage certificate, they would be entitled for residential document to stay in Bhutan, trade licence and free movements in the country. Moreover, after some years, basing on the marriage certificate, many people would approach with application to His Majesty the King through the Home Ministry for citizenship. Therefore, the Royal Government should consider and impose restriction.

On that, some of the people's representatives submitted that during the census in geogs and Dzongkhags, there is continuous demand from people with adopted foreign child for the enumeration of adopted foreign child in their census. Therefore, while submitting on the need to restrict the adoption of foreign child, some of the members submitted that helpers in the private sectors, waiters in the restaurants and baby sitters are not only foreigners but also most of them are married to Bhutanese. Therefore, the Royal Government should consider on their appropriateness. Some of the members submitted that it is of utmost importance for any person to come during the census in the geogs despite individual inconvenience and problems.

The Home Minister informed the house that the adoption of child would be carried out as per the respective resolutions of the 67th session of the Assembly. Though people should be present in person during the census in the geogs, civil servants fail to present themselves because of their responsibilities. So, it is sufficient if the respective authoritative officers send authorization letters to the census officers of the respective geogs.

The National Assembly noted that the Dzongdags, DYT Chairmen and the Town Committee should conduct thorough assessment whether the submission made by the Chimis on the problems resulting out of marriage certificates between the Bhutanese and foreigners is true or false. The National Assembly resolved that if

the findings are true, from now on, it should be implemented in strict compliance with the Marriage Act and Citizenship Act. The National Assembly also resolved that the Home Ministry should examine the provisions from Kha/2-1 to 2-11 and if necessary, it should be submitted with draft of amendments and alterations during the next session of the Assembly.

16. Renovation and Restoration of Dzongs, Lhakhangs and Goendeys

The Central Monk Body submitted that the fund allocated by the Royal Government for the maintenance, renovation and restoration of Dzongs, Lhakhangs and Goendeys should be utilized fully. For the efficient use of the fund, restoration works would be carried out in joint consultation and discussion among the Dratshang, the Dzongkhag Administration and the beneficiaries.

The Home Minister, Chairman of the National Commission for Cultural Affairs, informed the Assembly that a total of 97 Dzongs, Lhakhangs and Goendeys are under construction, reconstruction and major renovation under government funding including Lhakhangs in the Trongsa, Chukha, Tsirang, Semtokha and Tashichhodzong as well as Paro Taktshang, Talo, Gangtey, Petsheling and Rigsum Gonpa. In accordance with the government's policy on the preservation and promotion of Bhutan's cultural heritage, it was important that the original design and architecture of the renovating Dzongs, Lhakhangs and Goendeys are maintained.

As per the DYT and GYT Chathrims, respective DYT and GYT have the mandate to prioritize Lhakhangs and Goendeys from Dzongkhags and geogs for renovation. The Dzongkhag Administration is providing guidance on the provisions and estimate budget of the renovation of Dzongs, Lhakhangs and Goendeys as per the approved plan of the government. However, before seeking approval from the Royal Government on the renovation of Lhakhangs and Goendeys, thorough consultation are being held during the formulation of renovation plans, led by the concerned Dzongkhag Administration, Dratshang Rabdey and the people benefiting out of renovations. With these benefiting aims, it would be acceptable if a committee is formed comprising of the members of concerned Dratshang Rabdeys, DYT and GYT.

Some of the Assembly Members, while submitting on the need to establish a common system for the committee on the renovation of Lhakhangs and Goendeys, said that it should not be formulated as per the GYT and DYT Chathrim. If strict provisions were drawn up on the renovation of Lhakhangs and Goendeys, the interest to renovate Lhakhangs would be lessened and there is a risk that the old Lhakhangs would be dilapidated. Therefore, there were no submission against the existing provisions on the renovation of Lhakhangs and Goendeys.

The National Assembly resolved that the establishment of committee is appropriate as submitted by the Central Monk Body to help in planning in the renovation of Dzongs, Lhakhangs and Goendeys. It was also resolved that for the reconstruction of ancient Lhakhangs, approval should be sought from the National Commission for Cultural Affairs.

17. Return of recovered/confiscated stolen religious items

The Central Monk Body submitted that stolen priceless and antique religious items that had been recovered by law and penalties levied in cash by the Courts in lieu of stolen religious artefacts should be restored back to the Lhakhangs and Goendeys from where they had been taken out. This should be done in consultation with the Dratshang.

In support, some of the Rabdey and people's representatives submitted that it is important for the Dratshang and Rabdey to know that the RBP had investigated the case of stolen *tensum* and *nangzung* from the Lhakhangs and Chortens in the geogs and villages. Moreover, a copy of the document submitted by the RBP to the Court should be forwarded to the Dratshang by the Court.

The Home Minister said that the Royal Government of Bhutan used its discretion whether or not to return the nangtens to the Lhakhangs and Goendeys. Several stolen nangtens and artefacts were recovered as a result of the RBP's initiatives. Moreover, some of the nangtens were returned by Indian and Bhutanese friends. The artefacts were returned to Lhakhangs and Goendeys that assured responsibilities of not losing them, for instance, Geling Gonpa in Chukha, Khujula and Sangay Lhamo Lhakhang in Wangdue, Goentshephu and Ritsho Lhakhang, Lateng Lhakhang in Paro and Gonpa Karpo in Lhuntse.

At the time of returning the nangtens, the Royal Government provided steel and fireproof safes for the protection and safety of the recovered nangtens. If there were no security guarantee, the recovered nangtens are often maintained and protected by the government. The kutens are kept at the National Museum in Paro and the sungtens at the National Library for all to see. Moreover, most of the stolen artefacts are recovered by giving 25 percent of the total cost of the nangtens as a reward for secret information. Bearing these issues in mind, the National Assembly should support and provide guidance as much as possible.

Some of the people's representatives expressed their appreciation to the government for recovering the nangtens that were accumulated by the ancestors for the benefits of the sentient beings, though the impious people had vandalised them. The submission was mainly focussed on the nature of karmic effect to the tensum desecrators. Thereafter, no substantial proposals were submitted.

The National Assembly noted that the issue of stolen artefacts and their return to their respective Lhakhangs, Goendeys and Chortens were discussed in the past assembly sessions, with resolutions on the responsibilities of the concerned Dratshang, Royal Government and the people. Therefore, the National Assembly reminded that the concerned people should strive towards protecting the kusung thuktens and artefacts before their theft. The National Assembly resolved that the government should continue adopting the present practice of returning the nangtens to their respective Lhakhangs and Goendeys as per the submission made by the Chairman of National Commission for Cultural Affairs.

18. Use of wine, meat and display of food items during cremation

His Holiness the Je Khenpo had kindly discontinued the practice of offering any cash or kind to the monks during the time of cremation for the welfare of the people. However, some affluent people still use wine, meat and display varieties of food items as if it were a celebration. Therefore, the people of Punakha submitted that the government should discontinue the use of wine, meat and display of food items during cremation.

During the deliberation, some of the Chimis submitted that His Holiness the Je Khenpo had discontinued the practice of offering cash or kind to the monks

during the time of cremation for the welfare of the humble people. A custom of not having to offer even a glass of water to the monks had been introduced. Moreover, the people are grateful for the issuance of Kasho of not having to offer meat and wine to those coming for the dead and the *jing sed* (burnt offerings). However, some affluent people still display meat, wine and varieties of food items. This not only violates the purpose of His Holiness the Je Khenpo's Kasho, but also reveals the difference between the rich and the poor. It is disheartening to see unnecessary competition being created among the society. Therefore, it would be of immense benefit to the humble people if the government and the Dratshang would discontinue the practice of displaying meat, drink and food items during the cremation.

On this issue, Yanglop, the Dratshang Representative, submitted that His Holiness the Je Khenpo, on behalf of the respective Dratshang and Rabdey, provided burnt offerings' materials for the fire offerings of the dead. Further, without discriminating among the government, people and the Dratshang, His Holiness the Je Khenpo attend the cremation at Thimphu and Punakha. In case His Holiness the Je Khenpo could not attend, arrangements are made for the four Lopons to attend cremations on a three-month rotation basis. Moreover, the Tshochey Lam in Dratshang is always available for the convenience of the people, even on telephone, to make appointments and prepare the monks for the cremation.

The Home Minister informed the house that all class of people had been following the new directives, submitted by the people's representatives, at the Thimphu and Punakha crematorium initiated by His Holiness the Je Khenpo for the benefit of the people. However, as the Members are aware, this had not been able to discontinue in the village crematoriums in different Dzongkhags.

The Lams and dharma practitioner of Dzongkhags had been giving Dharma teachings on the retribution of tobacco, and the officers of the Health were advising on the affects of tobacco to the body. Though there are no separate resolutions by the Royal Government and the National Assembly, the concerned DYT and GYT had adopted resolutions banning tobacco in their Dzongkhags. Likewise, it would be better if the DYT and GYT would arrange means of

banning the use of meat, wine and display varieties of food items during the cremation.

The National Assembly decided that His Holiness the Je Khenpo, on behalf of the respective Dratshang and Rabdey, would provide burnt offerings' materials for the fire offerings of the dead free of cost at the crematoriums for the benefit of the people. The offering of cash and kind to Dratshang and Rabdey monks during cremation should be totally discontinued, and Dratshang and Rabdey monks need not be offered even a glass of water. Moreover, expressing immense appreciation for issuing kasho for stoppage of meat and wine for the dead and burnt offerings, the Assembly noted that if the ban of meat and alcohol during cremation were left to DYT's and GYT's, there is risk that it would remain as before. Therefore, the National Assembly resolved that the 20 Dzongkhag Authorities should take the responsibilities with an order from the Home Ministry, and as per the Kasho issued by His Holiness the Je Khenpo, for banning the use of meat and alcohol during cremation.

19. Menjong Choethuen Tshogpa and Moenlam Chhenmo ceremony in Trashig Yangtse

The people of Trashig Yangtse Dzongkhag submitted that the establishment of the Menjong Choethuen Tshogpa in all the 20 Dzongkhags by His Holiness the Je Khenpo would further help in promoting Buddhism in the country. His Holiness has also said that Moenlam Chhenmo would be performed starting from 2004, during the Chorten Kora celebration. The people wholeheartedly pledged their support in organising the Moenlam Chhenmo, as the people would have the opportunity to receive religious teachings and blessings within the country. The Choethuen Tshogpa and Moenlam Chhenmo would not only help in promoting the Buddha Dharma in our country, but would also curb the spread of other religious faith in the country which is increasing in recent years.

Several Chimis led by Dratshang Representative Yanglop submitted that Buddhism has been flourishing in Bhutan since the coming of Ugyen Guru Rinpoche, Zhabdrung Ngawang Namgyal and other saints. The country has been enjoying peace, tranquillity and happiness by virtue of the Dharma, judging good and evil, acceptance and abandonment as well as the blessings of the triple gem.

His Holiness the Je Khenpo has established the Menjong Choethuen Tshogpa for the present welfare and next life's benefit of the world in general and the Bhutanese people in particular through revival and promotion of Buddha Dharma. Moreover, they pledged full support and expressed their appreciation for starting the Moenlam Chhenmo at Chorten Kora in Trashigang. The main objective of the Choethuen Tshogpa is to preserve and promote Buddhism by constructing new Lhakhangs and Goendeys and renovating the old ones. Further, it would provide food and clothing and study opportunities to the poor and needy people. The people would be taught on the result of cultivation and avoidance as a result of aspects of benefits through virtuous deeds and karmic effects of unwholesome deeds. The Tshogpa would also conduct necessary Kurims continuously.

The Choethuen Tshogpa has a total of 15 members including the Chairman and Deputy Chairmen. Dzongkhag Choethuen Tshogpa is being established in every Dzongkhag led by Dzongdag, Drangpon and Lam Neten. Moreover, to fulfil the budgetary needs of the Tshogpa, there is Choethuen Tshogpa membership opportunity. The Members of the Assembly should extend their support for donation by the members, government, private sector and businessmen, which would be collected every month.

The Home Minister and the Chairman of the National Commission for Cultural Affairs expressed his gratitude to His Holiness the Je Khenpo for establishing the Choethuen Tshogpa, which would benefit the Dharma and sentient beings. Moreover, he expressed his hope and prayers that the objective and requirement of the Tshogpa would be fulfilled without intervention. Although the objectives of the Choethuen Tshogpa is altruistic aspiration in nature, Chungdu Tshogpa in Ha, Moenlam Tshogpa in Thimphu and Bumthang, Tshechu Tshogpa in villages and other similar Tshogpas are also established. Likewise, the Minister informed the house that the Choethuen Tshogpa would also be included under private management without government authority.

It is important that even the method of membership and donation should be as per the wish of the people. As it is a non-governmental organisation, it would not be proper for the Dzongdag and Drangpon to be Chairman and Deputy Chairman of the Tshogpa. Therefore, it would be better if the Chairman and Deputy Chairman of the Tshogpa were elected through secret ballot from amongst the members,

joining on their own free will. As the Lhengye Zhungtshog is in the process of drafting a bill for the non-governmental organization (NGO), the bill would be passed by the National Assembly at an appropriate time in the future. Therefore, all the non-governmental organizations would be registered, founded and functioned in accordance with this Act, once it is adopted by the National Assembly.

The Speaker reminded the Assembly that although the Choethuen Tshogpa would be a non-governmental organization, it would be better if the Tshogpa would draft a bill and submit it to the National Assembly Legislative Committee for its approval and support. Until the foundation of branch Tshogpas in the Dzongkhags are finalised, it would be better if Dzongdags and Drangpons would continue working as the Chairmen and Deputy Chairmen of the Tshogpas.

Although the National Assembly supported the Choethuen Tshogpa's propitious objective, the Tshogpa is recognised as a non-governmental organization. Therefore, the membership of the Tshogpa and the collection of donations should be as per the will of the people. The national Assembly resolved that all such non-governmental organization should be included under the Non-Governmental Organization Act in the future.

20. Extraction of Lemon Grass Oil

The people of Trashi Yangtse Dzongkhag submitted that the extraction of lemon grass oil in some of the eastern Dzongkhags has very little impact on the income of the majority of farmers compared to the adverse affect it has on the natural environment as a result of forest fires and firewood consumption for its distillation. Therefore, a complete ban on the extraction of lemon grass should be imposed. If it is not possible to altogether stop this programme, the distillation should be either carried out by using electric power or the distillation should be allowed only in identified locations along the roadside where the firewood could be purchased from sawmills or from the firewood contractors.

Some of the people's representatives submitted that if we look at the people's income generation from lemon grass and the impact of cutting lemon grass to the environment, the impact of using firewood for the distillation of oil is small.

While some of the Chimis submitted that as a result of lemon grass oil distillation in areas without forest coverage, there is a risk that the little vegetation of the area would be destroyed completely. Therefore, extraction of lemon grass oil should be allowed only in areas where there is electricity. The Trade and Industry Minister informed the Assembly that the objective of lemon grass extraction is to enhance the income of the rural community through the management of natural resources. Therefore, till now, the government has distributed a total of 170 lemon grass oil distillery machineries; 24 to Lhuntse, 98 to Mongar, 27 to Trashigang and 21 to Trashy Yangtse. Over the past 8 years, 87 metric tonnes of lemon grass oil has been exported and income of Nu. 42 million has been generated. This has provided financial benefit to the owners of the distilleries and the concerned people in the above Dzongkhags.

It is appreciable to note that the people are aware and concerned about the deterioration of environment as a result of lemon grass oil extraction. Therefore, the Ministry of Trade and Industry would focus as much as possible to depend on electricity for the extraction of lemon grass oil. The lemon grass oil plants situated near the roads would be made to buy firewood from the firewood contractors and the nearest sawmills. The Ministry of Trade and Industry would also consult with the concerned departments and augment the extraction of lemon grass oil with minimal damage to the environment. During the deliberation, the Deputy Minister of the National Environment Commission supported the proposal.

The National Assembly resolved that as the lemon grass oil extraction has enormous benefit to the income of the rural people, the concerned ministries and department should deal from time to time in switching the lemon grass extraction to electricity minimising the collection of firewood.

21. Personal Income Tax

The Bhutan Chamber of Commerce and Industry submitted that in keeping with the view of the Royal Government's policy towards implementation of the PIT system for the long-term benefit of the Bhutanese people, the business community extended their support and commitment to be a part of this endeavour. However, the business community expressed that several provisions in the PIT

system call for review and reconsideration. Following are some of the pertinent issues that would be deliberated and adopted by the National Assembly:

1. Enhancement of tax exemption level from the existing Nu.100,000 (One hundred thousand) to Nu.200,000 (two hundred thousand)
2. Defer imposition of tax on cash crops as this produce still does not have adequate market to sustain itself
3. Increase the existing provisions of Nu. 50,000.00 per child granted as education allowance, as the allowance is not at all adequate to meet education costs.

The BCCI representative submitted that 82 percent of the taxpayers under the PIT implemented in 2002 are salaried personnel; where as only 18 percent of the taxpayers are from private sectors. The government employees were in fact paying the tax even before the implementation of PIT. In 2002, out of a total of Nu. 91 million, the PIT collection was Nu. 84.3 million after tax returns. Moreover, considering the large expenditure for the campaign on the PIT, the PIT has not incurred great benefit to the government. Furthermore, business people paid 30 percent BIT and 25 percent PIT. If the business people would pay more than 50 percent of income tax per year, this would result in inconsistencies. With the Chukha Hydropower Corporation contributing about 43 percent of the country's total revenue and the Tala Hydropower Project to substantially increase the government revenue, PIT would not make any difference to the national revenue. The introduction of PIT system has been early and if possible, the PIT should be completely stopped or it should be suspended for some years.

In support, some of the people's representatives submitted that as the market for cash crops is still inadequate, tax on cash crops would be deferred. Some of the Chimis submitted that though they are grateful for the allocation of a maximum of Nu. 50,000.00 per child as education allowance, under such situation, the allowance is not adequate to meet education costs abroad. Therefore, education allowance should be increased to meet education costs.

Some of the Members submitted that many people of higher income group had evaded tax by hiding actual business accounts while some business people had maintained correct accounts and paid more tax, resulting in discrepancies in

paying tax. Many large property owners were not among the top 10 taxpayers. Therefore, PIT should be either stopped or suspended for the time being.

Reiterating their concern, some of the Chimis submitted that in Bhutan it is not only the business that generates huge income, but large real-estate property, house and land, also generate income annually. However, judging from the list of top 10 taxpayers published in Kuensel, it is evident that many of the eligible personal income taxpayers had evaded tax. If the number of evading taxpayers is more than honest taxpayers, this would only affect the people and change the mentality of the people. Therefore, if there were no way to stop the PIT system, tax ceiling should be increased from Nu. 100,000.00 to Nu. 200,000.00 and the highest bracket of 25 percent should be reduced to 15 percent.

The Finance Minister informed the house that as a result of the foundation of socio-economic development and people's welfare in the country, most of the Bhutanese have availed the opportunity of setting up different income generating ventures. However, like any other countries in the world, Bhutan also has people without enough means to sustain themselves. Therefore, it is the main policy of the government to bridge the gap between the have and have-nots. Personal Income Tax is one of the important policy programmes to fulfil the service foundation. The policy would also benefit in realising self-reliance and help in safeguarding the sovereignty and security of the country.

Therefore, the system of PIT was established only after repeated consultation among the private sectors, the government and foreign experts. As per the Personal Income Tax Act, which was endorsed by the National Assembly in 2001 after thorough discussion, only people who earned more than Nu. 1 million paid 25 percent. Those who earned between Nu. 100,000.00 and Nu. 250,000.00 paid 10 percent, those who earned Nu. 250,000.00 and Nu. 500,000 paid 15 percent, and those who earned between Nu. 500,000.00 and Nu. 1 million paid 20 percent. Therefore, not only the rich people but the Royal Family have paid PIT. As per the tax slab, the tax would be levied only to rich business people enterprising voluminous business, having huge business shares, huge business companies and income generating movable and immovable properties. The tax would not be levied to humble Bhutanese as well as all the people.

As of the people evading tax, it is true that some of the people had reduced their PIT by dividing their properties in the family in accordance with the law.

However, the people who got the dividends had to pay other tax. The Minister clarified that Bhutanese business people need not pay PIT. Moreover, if people would evade paying tax, the government would investigate and impose fine without any exemption as per the respective Acts.

The Finance Minister also informed the house that compared to other countries, exemption of tax to those people earning less than Nu. 100,000 annually is one of the highest slab. The highest slab is 25 percent and the lowest tax-paying slab is 10 percent in Bhutan comparing to 25 and 10 percent in India where the minimum tax exemption is Nu. 50,000. If the income exceeds Nu. 1.5 million, they have to pay the full 30 percent for the entire income. It is same even in Nepal and Pakistan. In Bhutan, 25 percent is applied only to those exceeding an annual income of Nu. 1 million.

Even if the taxable amount is increased from Nu. 100,000 to Nu. 200,000 and the maximum limit reduced from 25 to 15 percent, this would only help the people in higher income groups without any benefit to the humble citizens as the annual income of most Bhutanese is about Nu. 15,000 only. Anywhere in the world, the rich get richer and the poor remain poorer resulting in public chaos. If the situation would come to Bhutan, the mentality of the people would be agitated by then. This is the reason for the introduction of PIT system in Bhutan.

As of PIT from cash crops, it is only the large productive cash crop owners in some of the Dzongkhags and not the people owning small orchard that should pay PIT. Therefore, no information regarding problem of not being able to pay PIT from cash crop has been reached.

Education is provided free of cost in government schools in Bhutan and the cost of private schools did not exceed the limit of Nu. 50,000. Only those who could afford send their children outside to study. Even if the education allowance is increased, this would not benefit the people.

In support, the new Finance Minister informed the house that the main reason for the introduction of PIT system is to tax the higher income groups because of which the PIT has generated income amounting to Nu.91 millions within a short span of time. Therefore, there is opportunity that the income would be increased continually. In the past, salary tax was levied on all civil servants. Even a grade

14 employee, with a monthly salary of Nu. 4,100, paid Nu. 984 as salary tax. Today, civil servants below grade 7 are not levied any tax.

Those in grade VI earning a monthly salary of Nu. 8,551 and an annual income of Nu. 102,600 having to pay Nu. 3,078 in the previous years as salary tax, paid only Nu. 260 as tax under the PIT system. The Department of Revenue and Customs had spent Nu. 1.5 million, just 2 percent of the revenue collected, to collect PIT and on awareness workshops, printing brochures and books.

The Sarpang Chimi submitted during the deliberation that the people's pledge to support the government at the time when the country was facing security problems both in terms of material and human resources and opposing the PIT that would be levied to the rich people are contradictory. Instead of relying on external donors, it would help in fulfilling Bhutan's policy of self-reliance and safeguarding national security if we rely upon internal revenue. Therefore, there was no need to change the PIT system.

The Trade and Industry Minister informed that the government has introduced PIT system as an important policy to achieve self-reliance. Although, Nu. 91 million collected through PIT is not a substantial amount; it is a step towards the economic goal of self-reliance. Many governments have commended Bhutan when PIT was introduced last year. If major amendments were made to PIT, justifications would have to be provided to donor partners that provide aid to Bhutan's development. Bhutan's development partners have always been stating that their assistance is not aimed at creating a permanent dependency, but meeting the resource gap. They would question our goal of self-reliance if dependency on external assistance is continued.

Likewise, the Foreign Minister informed the Assembly that the Royal Government is aiming to create economic equity among the population by taxing the rich to benefit the poor. Out of 9,000 Personal Income Taxpayers, majority of them were civil servants. As the ministers earned the highest income, every Lyonpo paid more than Nu. 150,000 every year, which is equivalent to 2 months of their salary. While taxpayers in most countries complained, the Bhutanese civil servants have not, till now, raised any complaints. Likewise, the Chimis did not have the names of the people in the villages who complained about PIT. The

Minister expressed his doubt that the Kidu asked by the people's representatives were for just a few people.

On this issue, the BCCI Chimi and several people's representatives submitted that the National Assembly is vested with full authority to decide on the drafting and amendments of Acts for the welfare of the people. Therefore, the matter should be resolved accordingly by examining which would be good to the people, without merely being withdrawn that the foreign countries would question. Some of the Chimis submitted that the maximum limit of 25 percent should be reduced to either 15 or 10 percent and based on that, the other slabs should be reduced, and they did not submit that the PIT Act should be completely dissolved. Some members expressed their opinion that the reduction of PIT on the higher income groups would benefit the general public.

The National Assembly resolved that based on the requests made by the Assembly members, the maximum limit of PIT would be reduced to 15 percent, and the Department of Revenue and Customs should reduce the other slabs.

The Finance Minister submitted that if resolutions were passed based on the submission made by 18 Chimis out of 152 National Assembly Members, the Finance Ministry did not have the authority to increase and decrease the tax as the matter is included in the PIT Chathrim. Accordingly, it would be better to form an ad-hoc National Assembly Committee comprising of some Assembly Members to review the PIT slabs, and would be submitted in the next session of the Assembly. Furthermore, Rules of Procedures should be drafted by the Legislative Committee, for the conduct of debate and method of passing resolutions, and submit in the next Assembly sitting.

The National Assembly noted that as the Finance Minister has said, the Acts should be submitted to the National Assembly for amendments. The house resolved that ad hoc committee would be formed comprising of officers of the concerned departments and National Assembly Members, and work out a new progressive slab for PIT with a 15 percent ceiling, as well as amend the PIT Act, 2001, for approval in the 82nd session of the Assembly.

22. Approval to be sought for checking and verification of the chapels of the Protective Deities and some rare and important religious items (nangtens)

The Central Monk Body submitted that in the appointment and transfer of caretakers of the Lhakhangs and Goenkhangs, approval should be sought from the Khen Lop Dus Tshog and the Rabdey Dratshang in Dzongkhags during the handing taking over of the Nangtens to verify and check that the Nangtens have not been replaced. It is very important to restrict the verification and checking of the contents of the chapels of the protective deities and artefacts without approval.

The Chairman of the National Commission for Cultural Affairs informed the Assembly that even during the 80th session of the Assembly, resolutions had been passed to care and safeguard the national *tensum*. It was resolved that Kusung Thukten of the Lhakhangs and Goendeys in the respective Dzongkhags and geogs were examined thoroughly and registered accordingly. Within a span of 21 years, from 1981 to 2002, verification of a total of 2015 Lhakhangs and Goendeys in the country were completed. The government had approved Nu. 10.2 million for the registration of nangtens and artefacts in Lhakhangs belonging to revered Lams and Trulkus by the National Commission for Cultural Affairs in 5 years. Registration of religious items and Sungtens by respective Lhakhangs and Goendeys had been decentralised.

During the first year, out of 646 Goendeys under Chukha, Punakha, Bumthang and Lhuntse Dzongkhags, 93 Lhakhangs were under government authority, 28 under Lams and Trulkus, 183 under community and 99 under the private ownership. A total of 10,548 kuten, 281 sungten, 341 thukten and 1,073 precious gems had been verified and registered. Repeated verification was carried out and 20 kuten, 40 thankas, 2 phurpas, 5 rhino horns, 1 volume and 14 paged gold-transcribed book, 2 elephant tusk and 12 zees were found shortage in the four Dzongkhags, which was reported to the RBP and investigation was being carried out. The re-examination of tensum was done by 4 members comprising of an officer from the NCCA, a representative from the respective Dratshang and Rabdey, an officer from the Dzongkhag Administration and Gup or Mangmi of the respective area. While they re-examined the tensum, tensum sealed by His Majesty the King and His Holiness the Je Khenpo as well as His Majesty's Kukhor, and chapels of the Protective Deities are being left without verification.

If the National Assembly resolves to verify the nangtens in the chapels of the Protective Deities, the respective Dratshang Rabdey should perform the necessary

reallocation, rabney and atonement ceremonies. The handing- taking of the nangtens and artefacts in the government Lhakhangs, which is under Dratshang Rabdey Administration, is in the authority of respective Dratshang and Rabdey. As the Lhakhangs under Lams and Trulkus are under their Administration, the power to verify the Goenkhangs is also under them. Likewise, the concerned people have the authority of the recruitment and handing-taking of caretakers of the community Lhakhangs as per their traditional practice. The private Lhakhangs are also left within the authority of the private individuals.

Based on the full responsibilities vested on respective Lams and Trulkus, Community and the private organizations for the construction, renovation, security and administration of Lhakhangs under Lams and Trulkus, Community and the Private, the National Assembly should deliberate and decide on the issue as to whether the verification and checking of the contents of the chapels of the protective deities and artefacts should be approved by the Punakha-Thimphu *Khen Lop Dus Tshog*.

Some of the people's representatives submitted that even if there is a need to verify the nangtens in the Dzongs, Goendeys and Goenkhangs, the NCCA and the concerned Dratshang and Rabdey would decide whether it would be proper to unveil and reveal the protectors and guardians of Dharma. However, it would be malignant to verify the sealed items without the prior permission of the protector. As the Lhakhangs under Lams and Trulkus and the privately owned have their own authority, nothing would be said. As there is a clear provision mentioned in the DYT and GYT Chathrim about the community Lhakhangs, it would be better to retain the tradition without disturbance. While verifying the nangtens and religious artefacts, it is important to verify whether the kusung thukten and religious artefacts, which are not allowed to be sold or replaced, are in their same place.

The National Assembly noted that several discussions were held in the past sessions on the issues related to *tensum*. Moreover, the NCCA has initiated working in accordance with the resolutions of the 80th session and there is no need for amendments of the past resolutions. The National Assembly resolved that the verification of the chapels of the Protective Deities and nangtens, excluding the sealed nangtens in government Lhakhangs and Goendeys, would be based on the

existing practice in accordance with the order of the government after the team under the NCCA comprising of concerned Dratshang, Rabdey, Dzongkhag Administration and the people had reported necessary and proper information.

23. Non-Bhutanese Labour Recruitment Policy

The Bhutan Chamber of Commerce and Industry submitted that as per the rules in force, permit for recruitment of non-Bhutanese labourers is limited to a total of 45,000 only. As this is not adequate to meet the requirement of both the government and the private construction firms, it is requested that the number be increased. The policy needs to be revised and permission granted for the recruitment of unskilled labourers in the country.

With the socio-economic development of the country, the Bhutanese do not come forward for manual labours. Non-national labourers had to be employed as the successful and dropout students do not take interest in manual labours. The number of expatriate labourers being small, the work is not completed on time; for instance, the problem of government construction awarded to the contractors at Chang Jiji in Thimphu. Likewise, when any contract project is not completed on time, the contractors have to pay interest for the bank loan and bear loss for the value added materials. Moreover, it incurs loss to both the government and the people as a result of inflation as well as loss of time.

As the private entrepreneurs and contractors are also Bhutanese, they are concerned about the security problem related to expatriate labourers. Therefore, the concerned contractors and private sector are ready to abide by the existing mode of having to provide necessary agreements along with the security money even if it becomes firmer. Mainly, a policy that amalgamates the accomplishment of developmental foundation and yielding of expatriate workforce should be formulated. They requested to pass a decision on the recruitment of exact number of expatriate labourers based on duration and volume of work and not on same quota for all the contractors and private enterprises.

Several Chimis submitted that the concerned contractors bear the loss of having to pay monthly salary and other benefits to the engineers and assistants. As a result of reducing labour quota from 9 to 5 for the completion of construction within 5 to 6 months, it remains without completion for more than a year.

Moreover, the fewer expatriate labourers are naturally forced to remain in the country for longer duration and as they get acquainted with our customs, they would pose security threat.

Some of the members submitted that as most of the expatriate labours in Bhutan are from the militant inflicted territories, both the government and the private sectors should think on the recruitment of expatriate workforce. Moreover, at one side, there are lot of Bhutanese without employment and on the other side; there is a submission for the recruitment of expatriate labourers. Extensive study should be carried out on the difference between the wages of labourers from outside and inside. Formulating a labour recruitment procedure, Labour Recruitment Agency should be identified to give the employment priority to the Bhutanese, and the expatriate would be recruited to fill up the gap.

Some Chimis submitted that the Bhutanese contractors employ only male labourers while Dantak and Tala Hydropower and other big projects employ not only the skilled labourers but also allow their children and other people to stay in the country. Therefore, such harms and risks that would be entailed should also be examined.

The Home Minister informed the house that as per the resolutions on the expatriate workforce in the past 16 sessions of the Assembly from 1966 to 2001, the Home Ministry has carried out strict registration and observance of the expatriate labourers as much as possible. Moreover, as per the consultation with the Royal Advisory Council, the Home Ministry submits the list of expatriate labourers in Bhutan to the Lhengye Zhungtshog and discuss after every 6 months. The following points were drawn during such discussion in the Lhengye Zhungtshog:

1. Till the completion of Tala, Basochu and Kurichu Hydropower Projects, the maximum limit of expatriate workforce was increased from 30,000 to 45,000
2. The expatriate labourer limit for private construction firms was decreased from 9 to 5
3. For the work of contractors, it was approved that 25 percent expatriate labourers would be allowed.

4. During the season, the import of expatriate labourers would be reduced to 75 percent in 2001 and 50 percent in 2002, and from 2003 onwards, it would be reduced to 25 percent.

There were 32,776 expatriate labourers registered under regular employment in the country till May 30, 2003. Further, around 5,000 expatriate labourers are given seasonal permits for mining related works in southern Bhutan during the dry winter season. Likewise, there are 10,000 to 20,000 labourers from outside in southern Bhutan working daily during the day in Bhutan and returning to their homes across the border in the evenings without needing work permits.

Therefore, Bhutan has between 55,000 to 60,000 expatriate labourers, amounting to around 12 percent of its total population. As it is included among the countries with high expatriate workforce comparing to other countries, this should be a concern to all Bhutanese. All the Assembly Members are well aware that today, expatriate labourers are working in the areas of Gasa and Lhuntse. The current rise in expatriate labourers is because of labour intensive works at the Tala Hydropower Project. However, the number of expatriate labourers would drastically reduce in a few years time after the completion of the project.

Those days, in 1987 and 1988, as a result of illegal immigration into the country, the expatriate labourers had reached 1,13,000. Bhutanese people should not forget that the main reason for the emerging of Ngolop problem in the south is as a result of driving out the expatriate labourers working in Chukha, Penden cement, road and construction works. Today, a total of 8,595, around 69.10 percent, people living in a refugee camp in Khudunabari in Nepal falling under Category 2 are those that had worked in the country after immigrating illegally and those who left after the expiration of their work permits, identified in the report of the current joint verification team. The presence of large numbers of expatriate labourers in a small country would pose grave threat to the security and sovereignty of the country. Moreover, this would also pose a threat to the peace and welfare of the general people.

Secondly, the increase in expatriate labourers in the country would increase crime. Even the free medical and education facilities that we enjoy would also be availed by them. It is important to examine the point of relationship of the security problem as a result of conflict with ULFA, NDFB and KLO militants and

the presence of many expatriate labourers as most of the labourers in Bhutan are from Kamtapur Rajbongshi and most of the KLO militants are also from that area.

Thirdly, it is estimated that around 50,000 students would leave school and seek employment within 5 years from now. Therefore, arrangements should be made to employ them in place of the jobs being done by the expatriate workforce and many new employments should be created. Consequently, effort should be made to employ Bhutanese and the employers should provide handicraft skilled jobs by exploiting machinery in their respective firms to Bhutanese as much as possible.

Since the endorsement of Non-national Labour Recruitment Act, drafted by the Lhengye Zhungtshog, during the 72nd session of the National Assembly, the recruitment of expatriate labourers had been implemented in accordance with the Act.

Some of the people's representatives submitted that non-national labourers are employed not only for the construction of buildings, but are present in every Bhutanese house. Therefore, the system of issuing permits for expatriate labour recruitment should be reviewed. The newly established Labour and Human Resource Ministry should provide continuous labour force, both national and non-national, for the labour requirement of government and private constructions as per the capable and skilled labour requirements. Some of the Chimis submitted that though the submission made by the BCCI on the increase in number of recruitment of non-national labourers is genuine, the entry of more foreigners in the country would aggravate that much harm and problem to the security of the country. Therefore, they submitted that it would be better if the executive ministers elected this year should carry out thorough study on the merits and demerits of non-national labour recruitment and submit a proposal, based on the past resolutions of the Assembly on non-national labourers, during the next session of the Assembly.

The Labour and Human Resource Minister informed the house that as submitted by the people's representatives, firstly the security of the country, secondly the socio-economic development and thirdly, providing employment opportunity to the youth of the country are of utmost importance. The government, private sector

and the people should bear the responsibility of safeguarding the security of the country. If the socio-economic development did not progress well, the peace, tranquillity and security of the country would be harmed. Therefore, as the private sector should lay foundation for the economic development and provide employment to the youth, it is important to develop the private sector.

It is not only construction works but the emergence of other works which is needed for economic development. Therefore, continuous submission for the formulation of methods to complete these works on time is a deliberation of ascertaining consciousness. The main reason for the Royal Government of Bhutan to establish the Ministry of Labour and Human Resources is as a result of these issues. The new Ministry would formulate new policies by studying the basic essential policy and it is hoped that the aspirations of the people would be fulfilled and the new ministry would get support from National Assembly in the achievement of its objectives.

The Trade and Industry Minister also submitted that if more non-national labourers were recruited in the country, economic development and employment opportunities of the country would be impaired. Moreover, the Assembly is well aware that the government and the people are concerned that the security would also be jeopardised. The employment opportunity for the Bhutanese people is not only for the youths completing their studies, but many people in the rural areas are also without adequate farmland. Therefore, the new Ministry of Labour and Human Resources should be given time for opening of job opportunities within the country and formulate policies and system for the requirement and coordination of national and non-national labourers to annihilate the difficulties submitted by the Chimis soon.

The National Assembly noted that there is truth about the submission made by the BCCI Chimi on the need to increase the number of non-national labour recruitment. However, despite the size and difference of the firms, the increase in non-national labourers in the country would jeopardise the security of the country, which is more pressing than the benefit to the private sector and contractors. Therefore, as per the resolutions adopted in the past sessions of the National Assembly, it would not be possible to withdraw the non-national labour recruitment policy and system instantly.

It is the policy to provide employment opportunities to the educated and illiterate Bhutanese people in the socio-economic development ventures necessary for the self-reliance. The National Assembly resolved that the Census and Immigration Department of Home Ministry and Ministry of Labour and Human Resources should examine thoroughly on the recruitment of cooks, servants, helpers and baby sitters in any Bhutanese home and people married non-nationals without marriage certificates as per the existing Non-national Labour Recruitment Act and submit a report in the 82nd session of the Assembly.

24. Non-compliance to Land Act

The Thimphu Municipality submitted that the procedures regarding the transfer of land thram seem not to be done as per the Land Act of the Kingdom of Bhutan. The representative of Chang and Kawang, which is included under Thimphu Municipality, submitted that unless His Majesty the King issued a Kasho to this effect, if not, only the Court of Justice is vested with the authority to transfer land thram as per the Land Act. However, the Chimi requested for clarification as to whether the ministries, departments and agencies have the authority of transferring land thram.

In response, The Chief Justice who was invited by the National Assembly as the Guest Speaker informed the house that the Court of Justice had been implementing the sale/purchase, exchange and transfer of land as per the provisions under Ka/5-1, Ka/5-2 and Ka/5-3 of the Land Act. If the land were within the urban area, the sale /purchase of land and transfer of thram would be in accordance with Section 69 of the Municipality Act, which was passed by the National Assembly. Therefore, except the Court of Justice and the City Corporation, the ministries and departments have no authority to transfer land thram.

The Chang and Kawang Chimi submitted that it is enshrined under Ka/5-1 of the Land Act that before sale/purchase, or exchange of land, both the parties shall approach the local Court and submit proper application for that purpose. The Drangpons would keep such an application pending for one month without making any decision. However, some of the Drangpons concur with the land buyer, and without any consent from the land seller, transfer the

thram with an agreement. Likewise, despite being acquainted with the provisions under Ka/5-6, where it states that if a member of a family has only five acres of land, the land cannot be sold or purchased; there are lots of people who sale/purchase the land. Therefore, sale/purchase and transfer of land as well as the transfer of thram should be done from the Court of Justice according to the provisions enshrined in the Land Act. Penalties should be imposed to those Drangpons and persons violating the Land Act while selling/purchasing and transferring of land thram.

Similarly, the Chimi submitted that provisions under Ka/6-14 of the Land Act, 'if any land inherited, purchased, allotted through Kasho, received as gift, new allotment by Government etc., is not registered in the main Thram within 360 days from the day of acquisition, the same will be treated as Government land and the owner will not have any claim to it,' is not acceptable to the people. As there are no provisions under the Land Act on the authority to examine whether the land sold/purchased less than 5 decimals would be enough for house construction, the authority could be bequeathed with the City Corporation.

The Home Secretary informed the house that the transfer of thram, after the land had been sold/purchased, should be done as per the order of the Court of Justice. However, under the credibility of Home Ministry, the landowner cannot transfer the thram and the Home Ministry does not have any authority to transfer the land thram. When the land within the urban area approved by Royal Government is being transferred to the concerned municipality, the municipality has the right to transfer the land thram in accordance with the Municipality Act.

Likewise, while the restrictions of thram transfer for land less than 10 decimals are the land in the urban areas and not in the rural or villages, the humble people did not suffer any Kidu. The City Corporation had framed rules restricting the transfer of thram for land below 10 decimals as the land below 10 decimals did not accommodate standard house. As per the Land Act, although sale /purchase is not permitted if the land did not exceed 5 acres, the thram owner has the full authority to inherit the land. Therefore, these kinds of landowners divide the land into 2 to 3 decimals and as the land is not enough for construction, they encroach on to government land and then ask for kidus. This entails enormous inconvenience to the government and after having appellants to the Court of Justice, the transfer of thram for land measuring less than 5 decimals had been restricted.

Some of the people's representatives submitted that during either the sale/purchase of land or inheritance of land, the transfer of thram should be done

within one month through proper legal arrangement of land thram transfer. However, the Court of law and the city corporation with a pretext of either having to restrict temporarily or whimpering on their inconvenience and grievances, delay the transfer of thram by more than 9 to 10 months, and sometimes by around 2 to 3 years. Thereby, when the cost of land rise up, disputing trouble arise between the seller and the buyer of land, which is because of the work habits of the City Corporation and the lack of concern of the Court of law.

Furthermore, when the thram is transferred for the inherited land or the land acquired through inheritance among the family, there are lot of instances of delaying the transfer of thram on the pretext of land transaction tax. Therefore, tax should be exempted on land acquired through inheritance. They requested that the concerned City Corporation and the Court of Justice should transfer the legally binding land thram within the designated timeframe.

Similarly, some of the Chimis submitted that though the owner would have right of inheritance and sale/purchase of land under individual thram, as per the advice of the Home Ministry, the Court of Justice has issued Kasho disallowing the transfer of thram in the urban areas for land measuring less than 5 decimals. As this has created immense inconvenience to the people, the thram transfer of any volume of land should be done as per the Land Act. As of the sufficiency and insufficiency of land for construction in the urban areas, it would be better to carry out the works in accordance with the Municipality Act.

In support, some of the Chimis submitted that these days as a result of having to deal with the government on several issues, individual thram number should be registered correctly. Therefore, when transfer of thram is not incorporated in time, even acquiring permit for the firewood in the rural areas is delayed as thram number is required to be included in the permit. Therefore, transfer of thram name should not be delayed.

Likewise, unless His Majesty the King has issued a Kasho to this effect, transfer of thram for the legal inheritance and sale/purchase of land in the municipality and rural areas should only be done as per the Land Act endorsed by the National Assembly. The ministries, departments and the Court of Justice cannot alter and restrict the provisions of the Act by issuing Kasho related to laws. Therefore, the

Kasho issued by the Home Ministry and the Court of Justice should be cancelled and implement as per the respective Acts.

The Chief Justice of Bhutan informed the house that it is enshrined under provision under Ka/1-14 of the Land Act that if any land inherited, purchased, allotted through Kasho, received as gift, new allotment by Government etc., is not registered in the main Thram within 360 days from the day of acquisition, the same will be treated as Government land and the owner will not have any claim to it. Since this would cause huge Kidu to the people, His Majesty the King has cancelled this section for the welfare of the people. As for the restriction of thram transfer in the urban areas for land less than 5 decimals, the submission made by the Home Secretary would be befitting. As submitted by the members, it is not known whether the Drangpons also commit some errors. However, the errors would be corrected and reduced and the Assembly was informed that no commitment would be made to eradicate the errors.

The Chairman of the Municipality, the Deputy Minister for Communications, informed the house that as there is a minimum requirement for the construction of house as per the Municipality Act, there had been difficulties of thram transfer for such land failing to meet the requirements. However, inheritance and transfer of thram are implemented in accordance with the Inheritance Act and Land Act. When the construction of house is implemented as per the Municipality Act, there had been no inconveniences. When dispute arise between the plaintiff and defendant or among the family, naturally the inheritance and transfer of thram get delayed not by 8 to 9 months but sometimes by years. As it is not the responsibility of the City Corporation to solve the case when dispute arise between the plaintiff and the defendant, the Municipality does not have any inconvenience if the cases were routed through the respective Courts.

The Speaker noted that as submitted by the people's representatives, if the Drangpons transferring the land thram not in compliance with the Land Act is true, the Chief Justice should send an intimation as per the legal system. From now on, if the allegations arising on the illegal transfer of thram appear to be true, the erroneous Drangpons should be cross-examined by the Court of Justice.

The National Assembly resolved that Kashos issued by the Home Ministry and the Court of Justice on the restriction of thram transfer for land less than 5 decimals would be invalidated. The Court of Justice and the Municipality should implement the transfer of land within the stipulated timeframe not to impose Kidu on the people. It was resolved that transaction tax would not be

imposed for the transfer of thram of legally inherited land. It was also finalised that from now on, no other than His Majesty the King and the National Assembly shall have the authority to issue Kasho and announcements. If there were no inconveniences during the transfer of thram in the municipality, land thram should be transferred within a month and if inconvenience arose through the incidence of disputes, the case should be forwarded to the Courts. Further, the National Assembly resolved that the Chief Justice should carry out assessments whether the Drangpons are committing errors while implementing the issues related to transfer of land and submit a report during the 82nd session of the Assembly.

25. New Degree College

The people of Punakha Dzongkhag submitted that the Royal Government has established enough schools for providing equal opportunities to every child in availing education. However, there is only one degree college in the country. Most of the parents cannot afford to send their children outside the country to avail further studies. Education for children outside the country by those who can afford results in resources going outside and the children come back with adverse influences. Therefore, the Royal Government should establish a new degree college or allow any private entrepreneur to establish a degree college, based on the resource capacity. Further, they also requested the Department of Education to consider employing government teachers in all private schools.

The government is well aware of the fact that with the progress of education in the world, the education requirement is increasing in the country also. In accordance with the need and progress of the country, there is a need to disseminate standard college education programme. With this reason, to strengthen the quality of tertiary education programme, the Royal University of Bhutan was established, with the Kasho of His Majesty the King, on June 2, 2003.

The main function of the University is to expand and reform the existing schools and education programme. Moreover, procedures for the resourceful plan formulation and budget plan for education requirements would be initiated. It was hoped that the National Assembly would support the Royal University in formulating plans in identifying the requirements of the country and feasibility of expanding tertiary education.

Besides Sherubtse College, there are other institutions in Bhutan to avail tertiary education. Out of students studying in Bhutan, about 27 percent of the students are in Sherubtse College and 72 percent in the other tertiary institutes. These institutes also provide similar education as in Sherubtse College.

Institutes under the Royal University of Bhutan are Sherubtse College, Institute of Language and Culture Studies at Semtokha, Natural Resources Training Institute, National Institute of Education at Paro and Samtse, Royal Institute of Technology, Royal Institute of Management, Royal Institute of Health Sciences and National Institute of Traditional Medicine.

These institutes provide the school teachers, engineers, health workers, office workers, etc., with study programmes necessary for the country's progress. Not only the syllabus based curriculum, but other vocational subjects should also be studied for the socio-economic development. Therefore, the patronage of the Royal University of Bhutan should not only enhance the education, but also focus on the intellectual development of human resource proficiency.

The Royal Government has a budget constraint to establish a new degree college. Though it would not be possible to establish a new college soon, it would be less expensive if the existing institutes were expanded. Moreover, the aspirations of the country would also be fulfilled. Therefore, as per the plan of the Royal University of Bhutan, the syllabus and research techniques of the existing institutes would be revised and the intake capacity of the institutes would also be increased by about 1,400 students, which is about 60 percent, during the 9th plan. It is the responsibility of the Royal University of Bhutan to carry out necessary feasibility study and research process on the establishment of new degree college. Therefore, it would be better to let the Royal University study on the prospects of fulfilling the submission made by the people of Punakha in the future.

Some of the people's representatives expressed their appreciation for providing free education infrastructure and facilities in Bhutan by His Majesty the King. As the number of children going to school increase every year, most of the children are compelled to be sent out despite the other 8 vocational institutes. Besides being educated, the children are also susceptible to other religious faiths and bad influences. This would, in the long run, lead to degeneration of our culture and

religion. Therefore, if the government is not being able to establish a college, permission should be granted to private firms, like permission granted to establish private schools, to establish a college in the west like the college in Kanglung.

Likewise, some of the Chimis submitted that though it is of utmost importance to establish another degree college, the existing Higher, Middle and Lower Secondary schools should be equipped with educational tools and amenities. Some Chimis said that it would benefit in providing education if Higher and Middle Secondary schools were established in the centrally located areas to serve two or three populous geogs. Some of the Chimis also submitted that thinking about the humble people of not being able to send their children outside for tertiary education; another degree college should be established at a suitable location in the country.

The Speaker said that unless thorough research and studies are carried out, as the Education Minister submitted, the National Assembly cannot adopt a resolution for the establishment of a Degree College. The National Assembly resolved, after considering that there were no one submitting the motion, that the newly established Royal University of Bhutan would establish a new degree college based on the feasibility in accordance with the education policy of the Royal Government and the capability of either the government or the private firm.

26. Role of the Office of Legal Affairs

The Thimphu Municipality submitted that the people would be grateful if the functions of Office of Legal Affairs are explained as the government has established this office. The officials of the Office of Legal Affairs appear in the court time and again. It was not known as to why and when they should come and for what purpose and for whom.

The Head of the Government informed the Assembly that after His Majesty the King devolved the executive powers to the council of ministers in 1998, a 25-member consultancy committee was established for good governance. Through the Committee meetings, the system of governance was revised. The

establishment of the Office of Legal Affairs was not only noted as necessary, but was urgently needed with the present economic development and political reformation. Therefore, the Office of Legal Affairs was established in April 2000, and its office work commenced. Though the Office of Legal Affairs is an autonomous office, it is a part of the Executive. Therefore, for the time being, the office is administered under the Head of the Government.

The Office of the Legal Affairs is not only headed by a Director, but it has three divisions comprising of Prosecuting Division, Legal Service Division and Drafting Division. The Prosecuting Division prosecutes on behalf of the government, defends if the government is prosecuted, and penalises the offence associated with civil servants. The Legal Service Division provides legal consultancy to the Ministries and Departments as per their need, formulate an agreement between Bhutan and international organisations conferring with the government on their benefits and demerits and broaden the legal consciousness among the people. Likewise, the Drafting Division drafts and reviews the Acts as per the order of the government and carry out investigation as per the needs.

Furthermore, although the National Legal Course was previously under the High Court, now it is instituted under the Office of the Legal Office. Moreover, in accordance with the need of the nation, international norms and the enhancement of human resource, it would be upgraded to the Office of the Attorney General.

Several members submitted that as per the people's notion, the role of the Office of Legal Affairs is to provide trial in cases like the trial of Ngolops, prosecution related to the militants and border issues between Bhutan and neighbouring countries. Beside these, the people had not hoped that this Office would defend the government and prosecute against the people.

Reiterating on the issue, some of the members submitted that if the Office of the Legal Affairs is an autonomous office, it would also have immense power. Therefore, if the office is administered directly under His Majesty the King, and not under the Head of the Government, the people would have firm conviction. If not, problem of inconveniences like partiality would arise.

Several other members said that it is an harassment to the people when the officials of the Office of Legal Affairs prosecute the people at the Court of Justice representing the government. Moreover, when the legal officers prosecute the humble people without law background, these people are often not awarded fair verdict. Therefore, from now on, the Royal Government should arrange not to prosecute the humble people in the Court by the legal officers with law knowledge.

Many of the members submitted that the National Assembly has separated the Royal Civil Service Commission from the three branches of the government. Therefore, from now on, the Royal Civil Service Commission should take action on the issues related to the administration. Issues related to prosecution on illegal matters could be presented at the Court of Justice directly by the Royal Civil Service Commission without having to route through the Office of Legal Affairs and implement it in accordance with the sanction of the Court of Justice.

The Head of the Government submitted that if prosecution against the Ngolops and militants arise, the responsibility should be vested with the Office of the Legal Affairs. However, even if the Office of the Legal Affairs is upgraded to the Office of the Attorney General, the roles would remain the same.

Likewise, if errors occur while the Ministries and Departments implement their authority and people have to submit petition to the Court of Justice for prosecuting the case, the legal officers with college degree would be the defendants of the respective ministries. As this system is practised not only in our country, but is an international norm, there shall be no inconvenience. Furthermore, as a result of their offence, if the officers of the ministries and departments prosecute the people, the Office of the Legal Affairs would not defend the offending officials. Moreover, if the case is between the government and the officers, the government, and not the officers, would be defended.

As per the command of His Majesty the King to give a fair verdict to the humble people without legal knowledge, around 160 people had been

provided with Jabmi training. In line with human rights, as the clients have the right to choose any Jabmi of their choice, the instance of not giving fair verdict to the people should not arise.

As the members had submitted, the Royal Civil Service Commission takes administrative actions to the civil servants violating the civil service rules and regulations. In case of the felony against the misuse of government fund, the Office of the Legal Affairs, officiating the Civil Service Commission, would only file and defend the case, where the decision would be made by the Civil Service Commission.

Some of the members submitted that during the prosecution, the government defendants not only know about the laws, but the Legal Officers are vested with authority. There would be a lot of difference when the people fight the case with a Jabmi. Therefore, from now on, it would be better if a decision is passed where the Jabmis, and not the Legal Officers, should prosecute both the government officials and the people.

Some members submitted that the petition submitted to the Court of Justice should determine whether the case is between the government and the people or between the people and the civil servants. If the petition is submitted by the civil servant, the case should be settled with the civil service appellant where the Legal Officers has no reason to take part in the prosecution. The main reason for the people's doubt is that as per the news in Kuensel, there was a case between the government and the people, where the government had won and the people had lost the case.

The Trade and Industry Secretary submitted that as the civil servants work for the government and not for personal gains, it is imperative that the Office of the Legal Affairs should defend if the people filed a case that is in opposition to the government responsibilities and policies. If not, always having to live in insecurity and apprehension, the integrity and diligence of civil servants in the country would never be attained. Moreover, it would be hard to accomplish the aspirations of the government and people.

The National Assembly noted that, as the Head of the Government submitted, the present office established as Office of the Legal Affairs would be

upgraded into Office of the Attorney General in accordance with the need, political reformation of the country and international norms. Moreover, when the Constitution of Bhutan is endorsed, it would be a constitutional organisation with separate power. Therefore, it is resolved that for the time being, the Office of the Legal Affairs should be managed under the Prime Minister as before. The Office of the Legal Affairs should draft an Act with clear mandates and submit it in the next Assembly session.

XVI. THE JABMI ACT OF THE KINGDOM OF BHUTAN, 2003

Although the Judiciary was not able to submit the draft of Jabmi Act for endorsement during the 80th session as per the resolution of the 79th session of the National Assembly, the draft Act was distributed to the Assembly Members for endorsement in the 81st session. The Act was deliberated in the Assembly on August 1, 2003 for endorsement.

The Speaker informed the house that the Chief Justice was being invited as Special Invitee, which was necessary if the members wanted clarification and have some doubts to be clarified on the interpretation of provisions during the discussion of the Jabmi Act of the Kingdom of Bhutan. Therefore, the Members are reminded to submit their doubts directly. The Jabmi Act of Bhutan, drafted by the Judiciary, was not only submitted to the Lhengye Zhungtshog but was also submitted and reviewed thoroughly by the Legislative Committee.

The Chief Justice expressed his appreciation for getting an opportunity to make clarification on the Jabmi Act of the Kingdom of Bhutan on behalf of the Judiciary. In fact, the Assembly Members had submitted during the 79th session of the National Assembly that the humble people were facing the problem of not being able to pay Jabmi fees because of lack of standard fee for the Jabmi. The Chief Justice submitted his repentance for not being able to submit the Draft Jabmi Act during the 80th session despite the resolution of the Assembly as a result of some inconveniences.

Moreover, the Act would not only uphold the principle of fair trial with the help of Jabmi mediation, but would also benefit in establishing and securing people's rights in the entire order of trials. As the Act is a guide for Jabmi's profession, conduct and responsibility, the Chief Justice shared his hope that professionalism would develop in the legal system and enhance the dispensation of justice through fair and effective ways.

Likewise, although it is not the responsibility of the Judiciary to draft Acts and formulate laws, till now Acts are being drafted as per the resolutions of the National Assembly. It is important to adopt resolutions where the Judiciary should not draft Acts from now on. If not, severe inconveniences would crop up in the future as the three branches of the government are independent and their responsibilities are separate.

When the National Assembly was deliberating each article of the Jabmi Act of Bhutan, some of the Members submitted that it is enshrined under Section 25 that no retired *drangpon* shall practice before any court of law as *Jabmi*. However, if they have carried out their responsibilities well during their term as Drangpon, they would be allowed to practice as Jabmi as they would be of immense benefit to the court of law and the humble people since they are well versed in the law. Therefore, it is important to amend this section allowing them to practice, if not, the retired civil servants would also be disallowed to practice.

The Chief Justice informed that the litigants who appealed to the High Court and the appellants to His Majesty the King had repeatedly submitted that allowing the retired Drangpons to practice as Jabmi was not fair to the general litigants. Moreover, it was not only discussed in the committees for the exclusion of retired Drangpons from practising as Jabmi, but such submissions were also made to the court of law, whereby Article 25 of the Act disallowing their practice was included. As per the international norms, if the Jabmi Tshogdey had issued certificate, the retired Drangpons of the Dzungkhag Court are allowed to practice as Jabmi in the Dzungkhag Court. Moreover, Drangpons of the Dzungkhag Court are allowed to practice as Jabmi in the High Court. Likewise, retired Drangpons of the High Court are allowed to practice as Jabmi in the Supreme Court.

However, it is enshrined that the retired Drangpons of the Supreme Court are not allowed practice as Jabmi.

The Speaker noted that the members had made clear submission on the rationale and requisite of allowing the retired Drangpons to practice as Jabmi. Moreover, the Chief Justice clarified the house that retired Drangpons are allowed to practice as Jabmi as per international norms, but our Chathrim does not allow the retired Drangpons to practice as Jabmi. The National Assembly noted that once the Constitution is being endorsed, international political norms would have to be followed. Therefore, the National Assembly resolved that, for the time being, Article 25 of the Act stating that no retired *drangpon* shall practice before any court of law as *Jabmi* would be retained

Some of the Members submitted that though there is a provision of fee for the Jabmi under Article 45 but there is no provision in the standard of fee. If the Jabmi fee is not clearly fixed in the Act, problem of Jabmi fee faced by the humble people would remain unsolved. Therefore, the Assembly should deliberate thoroughly on the issue and fix standard of the Jabmi fee.

The members of the committee led by the Zhung Kalyon submitted that while the draft Act was discussed in the Lhengye Zhungtshog and Legislative Committee, the Jabmi fee was categorised under 3 sections, national wage rate, daily wage, and up to 5-10 percent of the price of commodities. However, while deliberating on each section, there was lots of inconvenience in all three sections. Moreover, if the Jabmi fee is fixed in the Act, there would be inconveniences as the fee would be levied irrespective of the nature and duration of the case. Therefore, it was decided that the Jabmi and the Client should mutually fix reasonable fees with legal agreement prior to taking up the case.

The Speaker noted that firstly, the Jabmi Act was being drafted by the Judiciary after thoroughly scrutinising the legal aspects and examining inconvenience of the people so as to avoid them from undergoing Kidu as a result of laws. Secondly, as the Zhung Kalyon had submitted, the Act was submitted to the Lhengye Zhungtshog and was endorsed after deliberating for 5 days by considering the government, people and other laws of the country. Furthermore, it was discussed thoroughly in the National Assembly's Legislative Committee by inviting

representatives from the Judiciary. The National Assembly noted that if the fixed Jabmi fee is incorporated in the Act, the people would face inconveniences as the fee would govern all cases irrespective of their nature and duration. Therefore, the National Assembly resolved that provisions under Chapter 6, Section 45 of the Act would not be amended. The National Assembly endorsed the Jabmi Act of the Kingdom of Bhutan, 2003 on the 3rd Day of the 6th Month of Water Sheep Year corresponding to August 1 2003 with the following amendments:

It is resolved to delete **chhajog gi thed namlo....datshe..... chilo....lu gyelyong tshogtheng 81 nangley chhajo zaydrup** in section 1 Kha of Chapter one from this Act.

Likewise it is resolved to delete **Thrimzhung Chhenmoi katak Da/3-3, Da/3-4 and Da/3-5** in section 2 of the Chapter one.

Similarly, **jabmi thuen tshog ki tsoezin** and **driglam tshogchung gi tsoezin tsu matog** were deleted from **tsoepon yongchap dang jabmi thuen tshog ki tsoezin driglam tshogchung gi tsoezin tsu matog thuemi zhengi thed tsakthu dupai dueyuen ley lo ngo sum inn** in section 9 of the chapter one and amended as **tsoepon yongchap matog thuemi zhengi thed tsakthu dupai dueyuen ley lo ngo sum inn.**

XVII. THE BIO-DIVERSITY ACT OF BHUTAN, 2003

A draft copy of the Biodiversity Act was distributed to the National Assembly Members in advance. Before the discussion on the Act in the Assembly, the Agriculture Secretary informed the Assembly about the need to amend this Act:

1. Bhutan has signed the agreement on Biodiversity. As it is a logical written contract of intellectual property and related trade being a member of the WTO, genetic resources would be made the national rights of the Royal Government of Bhutan in accordance with the national laws of respective countries and international laws. Therefore, the Act was drafted as per the 9th five-year plan, 2002 and the implementation of the biodiversity plan documents.
2. The biodiversity and genetic resources would be conserved and sustained.

3. Technology transfer and capacity building, including scientific and technological capacity relevant for conservation and sustainable use of biodiversity, would be developed and promoted.
4. The practice of traditional knowledge and innovation by the local communities and the people of the country associated with biodiversity would be recognised and protected.
5. The process through which collectors may legally obtain genetic resources would be regulated and facilitated.
6. The illegal practice of traditional knowledge on biodiversity and genetic resources would be protected.

The Agriculture Ministry began drafting the fundamental basis of the law on the biodiversity resources in May 2000 in accordance with the above objectives and undertaking. For the surveillance of law and administration, green tree plantation, farming, conserving tradition and international biodiversity issues, a policy advisor was invited from Netherlands based on the national necessities and policies in May 2001. Respective Acts and Laws on the biodiversity in the country were monitored and concerned ministries and departments as well as the WTO were consulted.

Likewise, it was also studied in the international organizations dealing in genetic resources. After the initial monitoring and consultation in Bhutan and evaluation by the international Netherlands Organization and Summit, a draft bio-diversity policy and principle laws of international obligation was submitted to the Government of Bhutan.

A report was presented to the concerned departments, National Environment Commission, Intellectual Property Organisation under the Ministry of Trade and Industry, WTO, Indigenous Hospital, Department of Forestry, Ministry of Agriculture, Office of the Legal Affairs and other Departments. Over a passage of time, when several rounds of workshops were conducted, in accordance with the guidance of the consultants, the biodiversity resource policy and Act was amended and endorsed.

Furthermore, the second round of the biodiversity policy and Act was given to a Costa Rican Environmental Lawyer, from the Costa Rican Biodiversity Training Institute, to be monitored. In 2002, representatives from Bhutan consulted the people working for the biodiversity, when they visited Costa Rica. During that time, they shared their opinion that would be their fundamental Biodiversity Act. Moreover, all the genetic resources of the living genetic resources would be incorporated.

The Costa Rican Environmental Lawyer who was invited to Bhutan as consultant for the Biodiversity Act from February 12 to 28 2003, met with the Agriculture Minister and Deputy Minister of National Environment Commission and briefed the concerned officers. The first draft of Biodiversity Act was endorsed by the Biodiversity Authority Committee and commended the National Biodiversity Centre for completing the Act.

The Members expressed their doubt on the Biodiversity Act 2003 during the deliberation in the National Assembly. However, clarification by the Agriculture Minister and Secretary cleared their doubts. The National Assembly passed the Biodiversity Act, 2003, on the 3rd Day of the 6th Month of the Water Sheep Year corresponding to August 1, 2003 with the following amendments:

The word **Posor** in section 10 subsection **j** in chapter two on page number 10 has been amended as **jesor**.

The word **baygop** in section 49 in chapter 6 in page number 23 has been amended as **zeygop**.

Similarly the word **bayni** in section 50 to be amended as **baygo**.

It was resolved to delete the word **tshogdey sum** in section 51 Ja and add any appropriate word in its place.

XVIII. THE MEDICINE ACT OF THE KINGDOM OF BHUTAN, 2003

A draft copy of the Medicines Act and its re-amended annexure were distributed to the members of the National Assembly. Before the discussion on the Act commenced, the Secretary, Ministry of Health presented a brief background as to why the Act has been re-amended:

Under the dynamic leadership of His Majesty the King, Bhutan has made a tremendous progress within a short span of time. Moreover, the Royal Government has been providing free medical service for the well being of the citizens of Bhutan. But with the development of the country, trade in medicines are increasing annually and there is a risk that low quality and ineffective medicines would be traded without permission in the country. It is because of this that there is not only the risk of causing damage to the health of human beings and sentient beings but also many young people may possess and indulge in drugs. In order to prohibit and regulate such trade, the real enforcement of the Medicines Act of the Kingdom of Bhutan is very important.

The final achievements of this Act are to maintain the standard and quality of medicines within Bhutan; improper utilization and control of medicines; facilitates the procurement of required medicines; enable the competent person who has the license to impart information on medical issues; to enable the proper segregation of groups and classifications of medicines and essential drugs.

The Ministry of Health had initiated the drafting of Medicines Act in 1996. In order to refine the draft, the bill had been discussed and deliberated in the meetings of the National Council for Essential Medicines, other ministries and in the meetings of the related expertise. Besides, the draft was submitted to the Cabinet and Legislative Committee and all additions and refinements were incorporated in this draft.

In the brief information on medical service presented to the Members, it was submitted that in order to provide equal medical health and care to all the citizens of Bhutan, the medical provisions and facilities were established. In total, there are 616 hospitals including the National Referral Hospital, Regional Referral Hospitals and Dzongkhag Hospitals. There are 1,143 health workers, including doctors and other medical staff. In addition, 27 doctors from the neighbouring

countries have been hired for the services and Nu. 10.5 million are being spent on them annually.

Similarly, we have sent 22 doctors to pursue further studies outside the country and serious patients whose disease could not be cured in our country are referred to hospitals in neighbouring countries irrespective of their status. The expenditure for both the patient and attendant were being borne by the government, spending around Nu. 53 million per year. In order to develop and expand the skills of indigenous medical science, Medical Research Laboratory was established long time ago. This Laboratory was established mainly to carry out scientific research on the quality and effectiveness of medicines and determine to their standard. Both the modern and indigenous hospitals are endeavouring to render their service jointly. The government has been spending Nu. 2.7 million annually for producing essential indigenous medicines and Nu. 75 million for purchasing and procuring general essential drugs.

Since there is only one indigenous hospital which manufactures medicines, all the medicines and drugs have to be imported from other countries. The essential drugs committee procures the medicine through international market tender in accordance with the types and degree of national diseases ensuring its effectiveness and quality. The quality of the medicines is examined at the laboratory approved by the World Health Organization in Bangkok. As of now, there are 337 types of medicines and drugs. There is a system and policy of procuring and providing medicines to individuals to treat the exceptional diseases.

Similarly, the essential drugs program has come a long way since 1987. The people have to buy their medicines only in rare cases depending upon the patient, disease and the prescription of the doctors. Otherwise, more than 90 percent of the essential drugs are arranged for sustained provision. Therefore, our country has reached to a level higher than other countries in the region in terms of essential drugs despite its being a developing country. For instance, the per capita expenditure on medicines in other countries are: Nu.6.63 in Bangladesh, Nu.9.50 in Sri Lanka, Nu.147.40 in India, Nu.47.50 in Nepal and Nu.9.50 in Myanmar, whereas it is Nu. 117.32 in Bhutan.

However, the people say that there are only white tablets in the hospitals. The patients prefer injections and capsules to white tablets. It is submitted that the Members of the National Assembly must carry the message that irrespective of the colour, shape and size of the medicines, they are all designed for quick recovery and easy digestion. They should not have any kind of preferences whatsoever.

The free provision of medicine and health services to the people is one of the rare services provided in the world. His Majesty has always commanded to provide medical and health services to the people as usual. Therefore, in compliance to His Majesty's command to provide free medical and health services to the people, a Health Trust Fund has been established. Moreover, the Ministry of Health has spent huge amount of funds to promote health programmes. Toady, most of the people are aware of the medicine, treatment and preventive measure due to the strong commitment accorded to the dissemination of information and awareness campaign on health related matters.

The provisions incorporated in the Medicine Act of the Kingdom of Bhutan would help in monitoring, managing and controlling the spurious drugs that are dangerous to the human and animal health. Since this Act is an umbrella act, any legislation in the matters of medicine has to be based on this act. It was hoped that this would facilitate in achieving the national policy objectives in future. It is extremely important for the National Assembly to recognize and endorse the Medicine Act of Kingdom of Bhutan.

The members suggested that the word **selkod** in “whether prescription or non-prescription medicine/traditional medicine” on page number 11 section 16.1 subsection **Ja** to be written akin to what is written on page number 6. They sought clarification on Section 17.2 **mengi rigtsu chide rigming yang na gyelchi dagwang mepai ming drigop yoedmi dang** Section 17.3 **Tshongtag chen gi menrig tsu tho koed bay gop.**

The phrase **tshong dang zodra** in the Act has to be replaced by **tengye lhenkhag**. They sought clarification on Section 20.2 on page number 15 **nge thrim phog mi** and Section 21.2 on page 15 **menrig thodep nang koey oedmi dang puethsed tshe zhi yoedmi menrig chamchi zotruen bay go.**

The Section 29 Subsection Kha "...or both. He shall also be liable to compensate the damaged caused by this violation" does not specify the kind of liability. They sought clarification on whether this would include the damages that may result from wrong diagnosis and surgery failure. They asked the definition of word **Koen Chag**.

The Health Secretary and the members of the Legislative Committee said that word **selkoed** in page 6 is a generic term and the word **koedzin** in page 11 apply to those doctors directly handling the medicines. Therefore, the differences lie in its interpretation. In Section 17.2 and 17.3, the medicines have to be listed as per its classification depending on whether it is of **yelchi dagwang yoed pai men** or **dagwang med pai men** accordingly.

In case of damages being suffered by any individual due to the wrong prescription during medical treatment and surgery, the cause of such incident and the degree of damages caused has to be investigated and penalty has to be imposed as per the Medical Health Council Act 2002.

With regards to replacement of **Tshong dang Zodra Lyhenkhag** by **tengye Lyhenkhag** the Speaker said that although the direct translation of Ministry of Trade and Industry in English into Dzongkha would mean **Tshong dang Zodra Lyhenkhag**, the **tengye Lyhenkhag** has been used since the time of third King. Therefore, it was resolved to replace all the words **Tshong dang Zodra Lyhenkhag** by **tengye Lyhenkhag**. Since the members expressed their concurrence on the explanation provided by the Health Secretary and the Members of the Legislative Committee on Section 21.2, it was resolved to keep as specified in the Act.

As per Section 29 of the Act, the plaintiff will be compensated and the defendant penalized as per the Medical and Health Council Act. In case of any problem, the case will be settled in compliance to the **Thrim Zhung Chhenmo** through various levels of court. Therefore, it was resolved to retain Section 29 without any amendment. The National Assembly passed the Medicines Act of the Kingdom of Bhutan 2003 on the 8th day of the 6th Month of the Water Female Sheep Year corresponding to August 5, 2003 with the following amendments:

The phrase **Tshong dang Zodra Lyhenkhag** to be amended as **tengye Lyhenkhag** in Section 4.2 **Chha** and Section 20.1, 20.2 and 23.3.

XIX. INTERNATIONAL CONVENTION ON THE SUPPRESSION OF THE FINANCING OF TERRORISM

The Foreign Minister presented a brief background on the International Convention on the Suppression of the Financing of Terrorism before the deliberation in the National Assembly. The International Convention on the Suppression of the Financing of Terrorism was unanimously endorsed by the General Assembly of the United Nations on December 9, 1999. He said that the main purpose of this convention is to investigate, apprehend and punish those providing financial assistance to the terrorists and to promote a uniform international law.

The growing number of people engaged in terrorist activities in the world is attributed to the rising number of people providing financial assistance to the terrorists. Not considering the terrorists, it is primarily aimed at those financing any terrorist activities. In this, an individual providing the financial assistance can be apprehended even if the terrorist activities could not be executed. In the past, only those having participated by providing financial assistance to the executed terrorist activity could be apprehended. Whether or not a terrorist activity is carried out, any intentional provision of fund and procurement will be considered as a serious crime by this convention.

The recognized member countries must arrange to impose appropriate punishment against similar crimes by promulgating laws to practice the provisions of this convention. Moreover, the member countries must also render all possible cooperation and support to investigate and prevent such terrorist activities. To this, the banks and financial institutions must also bear the responsibility of monitoring and reporting about any body engaged in suspicious financial transactions that would possibly result into terrorist activities. The special arrangement that the financial institutions must develop for this is that they must maintain documents of financial transactions that can vouch such activities.

These special arrangements will not only pave way for excellent co-operation between law enforcement agencies and the monetary authorities but also gain benefit of policy to scrutinize other financial misconduct.

Till now, Bhutan has not only strongly opposed every aspect of terrorism but also has honoured the fact that terrorism in many countries has continuously violated the principles of protection of individual and human rights. Since the innocent people are primary targets of the terrorist activities, it is the major issue of human rights violation.

Since the September 11 incident in the USA, the general image of terrorism had to be viewed with great reflection. Therefore, it has forced the powerful nations and international community to strive in achieving lasting results in removing such heinous actions. Recognition of this convention is indicative of Bhutanese concurrence, and solidarity with the international conventions and international community in matters of terrorism. Moreover, the Security Council of the United Nations has adopted resolution No. 1373 to deal with international terrorism on September 28, 2001. Therefore, among other subject matters, one of the special matters that is stipulated is that all the member countries had to be signatory to this convention. Since Bhutan is also one of the members of United Nations, it must bear the responsibility of recognizing the resolutions of the Security Council in compliance with Article 25 of the United Nations Charter.

Bhutan is also a member of the Human Rights Commission and terrorism is an important agenda being deliberated repeatedly in the Human Rights Commission. The ratification of this convention would bear positive impression about Bhutan in the international level. The ratification of this convention by the National Assembly would benefit in resolving the problems caused by intrusion of terrorists from outside the country.

To this, many members of the National Assembly expressed their appreciation to the third King His Majesty Jigme Dorji Wangchuck, for enabling Bhutan to participate in the international comity of nations. The justifications and clarifications about the importance of ratifying this convention, whether or not the militants in our country fall under terrorism and the possibility of resolving

resultant problems by this convention was deliberated. Similarly, the hopes and prayers of removing the terrorism with the help of this convention were offered.

The Foreign Minister submitted to the National Assembly to decide on the benefits of this convention to the security of the nation and classification of militants as terrorists and expressed his inability to comment on the above issue.

The Speaker of the National Assembly resolved that the issue of whether the militants could be classified as terrorists or not could be deliberated in accordance with the need in future. The National Assembly ratified the International Convention on the Suppression of the Financing of Terrorism on August 6, 2003 corresponding to the 9th day of the 6th Month of the Water Female Sheep Year.

XX. SAARC CONVENTION ON THE PREVENTION AND COMBATING TRAFFICKING IN WOMEN AND CHILDREN IN PROSTITUTION

Before the commencement of the deliberation in the National Assembly, the Foreign Minister gave a brief background presentation on the SARRC Convention on the Prevention and Combating Trafficking in Women and Children in Prostitution.

The Foreign Minister said that ever since the establishment of SAARC, the heads of the SAARC countries has continually addressed the concerns about the conditions of the women and children in the region. Therefore, a competent and resourceful committee has been in existence to deal with issues related to women and children enabling to organize high-level conferences in the region to address the issues pertaining to women and children. Beside the regional forums addressing the issues in the promotion of human rights in international associations and bodies, it is the recognition of issues related to rampant trafficking of women and children for prostitution in the SARRC countries.

The 9th meeting of the South Asian Association for Regional Co-operation in May 1999 has directed to explore the possibility of formulating a regional convention to address the problems of trafficking women and children for prostitution. Therefore, with the support of all the member countries, this convention was endorsed during the 11th regional ministerial conference held in Kathmandu on

January 5, 2002. Since then, recognition documents from Bangladesh and Pakistan has also been received in the office of the South Asian Association for Regional Co-operation.

The main objectives of the convention to promote co-operation within the seven member countries of South Asia addressing two problems related to such immoral conduct are:

1. To prevent, reduce and suppress such immoral conduct and,
2. To rehabilitate and settle the people who had suffered damages due to such immoral conduct.

The member countries must arrange to fulfil the national responsibilities of the convention. The immoral acts that are incorporated in this convention must be made liable to punishment under the laws of the respective member countries. While executing the investigation and lawsuits incorporated in the convention, full co-operation must be rendered for mutual legalities to the legal entities of other countries. Training and awareness must be given to the legal entities. Moreover, such immoral conduct triggered by the problems, such as poverty and lack of awareness, must be addressed. The member countries must meticulously arrange to rehabilitate and settle the people who have suffered damages through institutions and training of the people engaged in such works. It has also incorporated the need to establish a regional working committee to work on and conduct periodic review of the convention.

At present, Bhutan does not have any problems related to prostitution. Moreover, Bhutan has small population with balanced developmental opportunities. Bhutan is not included in such trafficking networks and there is no possibility of emerging such problems in future as well. Bhutan's participation in such programs of the South Asian Association for Regional Co-operation is mainly to indicate our interest without expecting to derive any direct and substantial benefits and results thereof. Nevertheless, as these problems have emerged as the real cause of concern in many countries in the region, we cannot afford to remain aloof without even considering our religious concept of love and compassion to all those simple and suffering people.

Bhutan, having signed the convention is one of the first nations to recognize this convention. Therefore, it was submitted that it would be appreciated if the National Assembly could ratify this regional convention.

In compliance with the expression of benefits to the people of the country by the National Assembly Members, the SARRC Convention on the Prevention and Combating Trafficking in Women and Children in Prostitution was ratified by the National Assembly on August 6, 2003 corresponding to the 9th Day of 6th Month of the Water Female Sheep Year.

XXI. UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION (UNCCD)

Before the commencement of the deliberation in the National Assembly, the Deputy Minister for Environment presented a brief background report on the ratification of the United Nations Convention to Combat Desertification in those countries experiencing serious drought and desertification problems particularly in African countries.

The need for global and national assessment of desertification was recognized since 1970. The desertification has adversely affected the economy, social and environment in many countries and regions of the world. In 1992, the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro, considered three major environmental issues; biodiversity and conservation of biological resources, climate change and desertification.

The United Nations Convention to Combat Desertification was adopted in 1994 and came into force on December 26, 1996, three months after the fiftieth country ratified it.

As of July 2003, 188 countries and the European Union had ratified the convention. The Conference of the Parties (COP) is the supreme body comprising of ratifying governments and regional economic integration organizations. Its functions are assisted by two subsidiary bodies, the Committee on Science and Technology and the Committee for the Review of the Implementation of the Convention. The COP held five sessions till 2001, the first of which was held in Rome in October 1997. The COP will meet biannually in the future.

The main objective of the convention is to combat desertification and mitigate the impact of drought in countries experiencing serious drought and desertification, particularly in Africa, through effective action at all levels, supported by international co-operation and partnership arrangements. Initiatives would be taken to achieve sustainable development in affected areas to improve land productivity and conservation as well as sustainable management of its resources leading to improved living conditions at the community level in consistent with Agenda 21.

Desertification means land degradation in the dry areas resulting from various factors, such as climate variation and human activities. Land degradation means reduction in the biological productivity of dry rain-fed cropland, irrigated cropland, or orange, pasture, forest and woodlands resulting from the processes such as soil erosion, caused by wind and water and ultimate loss of natural vegetation.

The soil, vegetation and fresh water sources tend to remain resilient under the natural climate. When the land is degraded, this resilience is greatly weakened. This has both physical and socio-economic consequences.

Due to the loss of vegetation cover and land degradation, topsoil of this area can be eroded by rainstorms causing the soil's physical structure and bio-chemical composition to change. The soil can become waterlogged and salts may build up due to inadequate drainage system.

The depletion of the vegetation cover is due to the land degradation. The over grazing of pastures by too many cattle and unsystematic felling of trees not only affects the biological resources, but also cause extinction of edible plant species and medicinal herbal plants allowing poisonous plant species to thrive.

The degraded land may not only cause downstream flooding, reduce water sources, sedimentation and siltation but also worsen the health problems, such as eye infections and respiratory illness due to wind-blown dust.

The desertification is considered a major global environmental issue largely because of the link between dry land degradation and food production.

The land degradation causes movement of people and conflicts resulting into probable loss of cultural identity and undermining social stability. The main obligation of the member countries of the United Nations Convention is related to financial and technical obligations. Bhutan's accession will not impose any substantial financial obligation.

The UNCCD Secretariat has provisions to provide financial and technical assistance to Least Developed Countries (LDCs) in preparation of national reports on the implementation of the UNCCD. It also covers the participation to the conferences of the parties and the technical meetings. The assessed contribution for LDCs is US\$ 80.

It is recommended that member countries create the necessary legal and policy framework to tackle the important issue of mitigating land degradation. It requires national governments to carry out research, introduce technology, build up capacity and allocate resources to combat desertification. Member countries will have to formulate strategies and priorities, within the framework of sustainable development plans, to combat desertification and mitigate the effects of drought. Affected member countries may prepare national action plans. Each member country must bear the responsibility of participating in conferences and reporting on the measures adopted and results achieved.

At any time after three years from the date on which the convention is put into effect, a member country may withdraw from the convention by furnishing written notification to the depositary. Any such withdrawal shall take into effect upon the expiry of one year from the date of withdrawal notice.

Bhutan being predominately an agrarian country, will benefit from the convention as it provides resources, technology and information exchange to contribute in mitigating land degradation. Mitigating the negative impacts of land degradation is also beneficial in conserving biodiversity and would contribute in meeting the objectives of the United Nations Framework Convention on Climate Change.

All member countries have one vote and Bhutan can participate in the international debate with full powers, including voting at sessions of the conference of the member countries. Becoming a party enables the country to demonstrate solidarity with affected countries facing these urgent problems.

It is possible for some members to bear reservations regarding the convention. However, our ancestors in general and His Majesty the King in particular with their strong convictions and visions in “prevention is better than cure” have maintained our natural environment in its pristine state for the present welfare and future stability. Even as we pray to keep the problems faced by the African countries at bay, it is submitted that all the Assembly Members should render all possible support in ratifying this convention.

The National Assembly while deliberating on the United Nations Convention to Combat Desertification in those Countries experiencing serious drought or desertification particularly African countries expressed its concurrence in ratifying the convention as a preventive measure. Therefore, the National Assembly ratified the International Convention on August 6, 2003 corresponding to the 9th Day of the 6th Month of the Water Female Sheep Year.

XXII. SAARC CONVENTION ON REGIONAL ARRANGEMENT FOR THE PROMOTION OF CHILD WELFARE IN SOUTH ASIA

At the beginning of the deliberation on the SAARC Convention on Regional Arrangement for the Promotion of Child Welfare, the Foreign Minister gave a brief background on the establishment of South Asian Association for Regional Cooperation.

He said that the leaders of SAARC countries have constantly bore the promotion of child welfare as an important issue. The resolutions adopted at Colombo in 1992 and at Rawalpindi in 1996 regarding issues of child welfare, and moreover, consideration of the 1991-2000 as the Decade of Girls and 2001-2010 as the Decade of Children’s Right indicates the degree of importance that the regional leaders accord in the interest of the children.

The 9th South Asian Association for Regional Cooperation Conference held in Male in 1997 decided to promulgate a convention to announce the decade of children’s rights and to explore the means to mitigate the complex child problems. This convention was signed by the regional ministers during the 11th South Asian Association for Regional Cooperation Conference held in Kathmandu on January 5, 2002.

It is aimed at benefiting the fulfilment of the commitments made by the member countries of the South Asian Association for Regional Cooperation in international conferences in general and the South Asian Regional Conferences in particular. It is also aimed at making regional arrangements to enhance the individual children's awareness of their rights, responsibilities and to strive in enhancing the wholesome capability of the children.

Bhutan is also one of the members of the United Nations Convention on Children's Right. The responsibilities specified in the regional convention are congruent to those specified in the international convention. There is need to promote co-operation within South Asian countries to fulfil the commitments of the conventions through training and information exchange.

The convention aims at bringing cooperation in fulfilling the responsibilities specified in the United Nations Conventions on Children's Rights. The convention may also deliver mutual benefit to the member countries. Since Bhutan was one of the first nations to address the issues of Children's welfare, it was submitted to the National Assembly for ratification.

The Members offered their agreement in ratifying the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. Therefore, the National Assembly ratified the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia on August 8, 2003 corresponding to the 11th Day of the 5th Month of the Water Female Sheep Year.

XXIII. CONVENTION ON INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA

At the beginning of the deliberation the Agriculture Secretary gave a brief presentation on the Convention on International Trade of Endangered Species of Wild Fauna and Flora in the National Assembly.

He said that the convention came into effect in 1973 and Bhutan had acceded in 2002. As of 2003, more than 180 nations had acceded to it. The objective of the convention is to prevent excessive exploitation of endangered wild plant and animal species required for medicinal and chemical purposes for commercial

gains triggered by its demand in other countries. The species covered by CITES are listed in three appendices, according to the degree of protection; firstly, the species which are confirmed of their extinction requiring utmost protection, secondly, protection of the species that has the danger of extinction, and thirdly, the protection of those species not reflected in the above two appendices at the international level, but has the danger of extinction within our country.

Moreover, this would help in securing funds to carry out research on endangered plant and animal species in the member countries. It will also help in training the people involved in implementing the conservation laws of endangered species. Similarly it will facilitate the exchange of research findings among the member countries.

This convention would benefit Bhutan in;

1. Securing aids to document the list of endangered species in Bhutan,
2. Securing aids to train Bhutanese in the international and national convention practices,

The international convention encompasses only the endangered species whereas our Forest and Nature Conservation Act and Rules and Regulations have broader coverage than the convention. We will have global recognition of having joined the convention where many other countries will recognise our national efforts in conservation. Although Bhutan is a small country, it has far stricter and better conservation system. Therefore, it would accord unprecedented recognition to Bhutan.

Considering the importance of this convention, we have acceded to it in compliance to our government policy. The right to submit for amendment of the convention is granted only after our accession to it. Therefore, it is of paramount importance to ratify this convention by the National Assembly.

Some of the Members submitted while deliberating to ratify the International Trade of Endangered Species of Wild Fauna and Flora in the National Assembly that the English version of the International and regional conventions “Article” is uniformly written but in some of the Dzongkha version of the conventions it is

written either as *Thrimdon* or *Dontshen*. They said that it is important to have one consistent word. To this the Agriculture Secretary opined that the word “*Thrimdon*” would be more appropriate. Therefore, the Speaker resolved to replace all the *Dontshen* with *Thrimdon* in all the conventions.

Since the Convention on International Trade of Endangered Species of Wild Fauna and Flora would benefit in conserving our endangered plant and animal species, all the Members of the National Assembly offered their agreement in ratifying the convention. Therefore, the National Assembly ratified this international convention on August 8, 2003 corresponding to the 11th day of the 6th Month of the Water Female Sheep Year.

XXIV. INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

The Minister for Agriculture presented a brief background on the International Treaty on Plant Genetic Resources for Food and Agriculture.

He said that Bhutan had been participating as the member country in this international convention adopted by the Food and Agriculture Organization in Rome, Italy, since 1981. The draft international treaty was tabled for voting during the 31st session of the ministerial meeting of the member countries in 2001, after five years of works and consultation by the World Food and Agriculture Organization. While casting the vote to ratify the treaty, Bhutan was represented by the Minister for Agriculture, where out of 118 member countries, 166 countries voted and two countries abstained from voting.

Thereafter, the Minister for Agriculture had participated as the representative of Bhutan and had cast the vote with the permission of the Bhutanese government. As per the approval of the government, the Minister for Agriculture signed the International Treaty during the World Food Summit 2002. In relation to this convention, two other international treaties that were signed during the Sustainable Development Conference, 1992 were treaties on genetic resources and climate change. These two conventions were ratified by the National Assembly during 73rd session in 1995. The government has initiated to execute the policies and works of the convention as per the visions of His Majesty the King

since 1998. The new plans and strategy incorporated after the amendment in 2002 are specified exclusively. The existing interrelationship between the Biodiversity Act of Bhutan and the convention is because of the need of wild flora and fauna for food and agriculture.

The objective of the Treaty is the conservation of plant genetic resources, which is imperative for food and agriculture through their sustainable use of sharing the benefits resulting from the use of a seed given to other countries. This would also help to sustain the essential agriculture and food security for the people.

In the history of the world, agricultural cultivation has used around 10,000 plant species for food. Today, it is reduced to 120 species, and most of these species are nearing extinction. The convention would help in conserving and managing food in the world in general and Bhutan in particular through conservation and sustainable management of the plant species reflected in this convention.

The contracting party must survey and maintain the inventories of food and agriculture related species within the respective countries. They must initiate preventive measures to conserve and nurture the species that may be under threat of potential extinction. Therefore, it would benefit in carrying out research in agricultural development as per the existing policy of the Royal Government. It would also benefit in distribution and exchange of plant genetic resources within the contracting parties. The practice of such exchanges would benefit Bhutan from developed countries in its food and agriculture endeavours in terms of new agricultural technology and enhanced capacity of farmers. It would not only secure financial assistance, but also deliver the benefits of trade with the member countries.

Moreover, the treaty accords full power to Bhutan for the plant genetic resources that are available within Bhutan. It is also recognized in the treaty that the management of plant genetic resources, crucial for agriculture, are entrusted to the farmers. Should there be a problem to any country in relation to the convention, they can withdraw within one year. Since the convention is a part of the Biodiversity Act of Bhutan, it was submitted that there is no problem.

Since the International Treaty on Plant Genetic Resources for Food and Agriculture would benefit towards the food and agriculture of our country, the

Members of the National Assembly offered their agreement in ratifying the convention. Therefore, the national assembly ratified the international convention on August 8, 2003 corresponding to the 11th Day of the 6th Month of the Water Female Sheep Year.

XXV. BASEL CONVENTION ON THE CONTROL OF TRANS-BOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Deputy Minister for the National Environment Commission presented a brief background on the Basel Convention on the Control of Transboundary Movements of the Hazardous Waste and their Disposal in the National Assembly.

The Basel Convention on the Control of Transboundary Movements of the Hazardous Waste and their Disposal was approved on March 22, 1989 and it was implemented since May 5, 1992. As such, under the International Environmental Programme, the Secretariat was established in Geneva, Switzerland on January 1, 1993. As of November 20, there were 158 member countries that had ratified the Convention. The Convention was initiated and implemented with the fear that the developed countries may dispose their hazardous waste to the developing countries in the form of export. The main objective of this Convention is to minimize the hazardous waste through waste management and reduce the risk of damage to human health and environment.

The member countries would make programmes to control or prevent the activities that are in violation to the objectives of the Convention, and punish the offender. The member countries must also submit the report on hazardous waste and their disposal to the Secretariat. Further, convenient programmes would be made for the exchange of information on the mechanism for disposal of hazardous waste; the location of the company which is producing the waste; restriction, control and experiment which is globally or internationally practicable.

Therefore, competent authority would be established in Bhutan. A separate organization would also be appointed as the focal point for sending and receiving information. Moreover, for the protection and management of these matters, training would be imparted to the personnel of Royal Bhutan Police and the Department of Revenue and Customs.

In order to achieve the provisions or objectives of the Convention and to enable better management of the hazardous waste, the Secretariat also provides assistance in human resource development, training and machineries to the member countries. If dangerous situation arose due to the leakage or disposal of hazardous waste, the immediate assistance of experts and required facilities would be obtained through joint venture of the members of the Secretariat and other related international organizations.

The Ministry of Agriculture has collected 29 metric tons of outdated insecticides from various part of Bhutan. It must be disposed off or destroyed without any damage being caused to the environment. Therefore, appropriate machines would be needed for their disposal. Since we do not have the technological capability, we have to dispose it off to a country, which has the capability to do it. But it can be disposed off on the basis of a system that requires pre-declaration. Therefore, it is very important that both the countries have to accede to the Convention.

In Bhutan, people are still in the process of orienting themselves with the knowledge of hazardous waste management. Moreover, till date, we have the problem of not having a clear-cut system on collection, segregation, export and disposal of hazardous waste. Therefore, this Convention would be helpful in solving this problem.

Bhutan has neither the expert nor the technology for the disposal of hazardous waste. Switzerland has agreed to take over the hazardous wastes from Bhutan as it has the technological capability to dispose off the hazardous wastes. But when we export these wastes, it has to pass through Indian Territory. Therefore, we have discussed this issue with the Indian Minister for Environment who has agreed that it should be exported by ship via Kolkata. The Ministry of Agriculture and National Environment Commission would jointly export and take care of these hazardous wastes from Kolkata till it reached Switzerland. Therefore, it would be appreciated if the National Assembly ratified this important Convention.

Since no Member raised any objection to the ratification of this Convention, the National Assembly ratified the Basel Convention on the Control of Transboundary Movements of the Hazardous Waste and their Disposal on August

11, 2003 corresponding to Fourteenth Day of the Sixth Month of Water Female Sheep Year.

XXVI. CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

The Home Minister presented a brief background on the Convention of the Means of Prohibiting and Preventing the Illicit, Export and Transfer of Ownership of Cultural Property in the National Assembly.

Bhutan became the member of United Nations Education, Scientific and Cultural Organization (UNESCO) since 1982. There are 26 Articles in this Convention, and the following are the summary of these Articles:

1. Definition of Cultural Property.
2. Obligation on the member countries to make policies and frame laws for the protection of Cultural Properties.
3. International co-operation between the member countries must be constituted for the prohibition and prevention of illicit import, export and transfer of ownership of cultural properties.

Under the dynamic leadership of His Majesty the King, the policy of the protection and preservation of cultural properties has been incorporated in the developmental policies and programmes long time ago in Bhutan, before the commencement of this Convention. Moreover, the issue regarding the protection and preservation of cultural properties has been discussed and resolved in the past sessions of the National Assembly. All these resolutions were passed mainly for the protection of cultural properties.

Since the provisions of this Convention are related to the objectives of the policies of Government of Bhutan, the Cabinet decided to sign this Convention in its 227th meeting, which was held on 28 August, 2002. Accordingly, Lyonpo Khandu Wangchuk, the then Prime Minister, had signed the Convention on behalf of the Government of Bhutan. Bhutan had become the member to this Convention on 26

March, 2002. Lyonpo Thinley Gyamtsho, the Chairman of the Commission for Cultural Affairs, had handed over these signed documents to the Director General of UNESCO during the meeting on Culture in Istanbul. Signing this Convention would enable maintaining of uniform co-operation between the member countries and it would be beneficial for us to recover those stolen Kusung Thuktens.

It is because of this Convention that Bhutan would not only be able to make policies and frame laws that are necessary for us, but would also be able to seek the assistance of expertise and reasonable amount of budget from UNESCO. It would be appreciated if the Members could ratify this Convention on the basis of the above-mentioned reasons.

Since not a single member had raised any objection on this Convention, the National Assembly ratified the Convention on the Means of Prohibiting and Preventing the Illicit, Export and Transfer of Ownership of Cultural Property on August 11, 2003 corresponding to the 14th Day of the 6th Month of Water Female Sheep Year.

XXVII. SAARC CODE FOR THE PROTECTION OF BREASTFEEDING AND YOUNG CHILD NUTRITION

The Secretary for the Ministry of Health presented a brief background on the SAARC Code for the Protection of Breastfeeding and Young Child Nutrition in the National Assembly.

In South Asia, more than 50% of child below one year do not get the required nutrition due to lack of proper feeding of the child. Hence, policy has been made that all advertisements, information materials, treaties, etc. should indicate that the child should be given breast milk till it attains four months and between four months to two years, some additional nutritious food must be given along with breast milk. Moreover, during the World Health Conference in 1981 and Innocent Declaration of August 1990, all the countries have approved the International Code of marketing of Breast Milk Substitutes.

During the third meeting of South Asian Association for Regional Co-operation, which was held in Pakistan in 1996, the member countries have signed the

SAARC Code for the Protection of Breastfeeding and Young Child Nutrition. In February 1995, the members of South Asian Association for Regional Cooperation framed the first draft of legislation on Infant Milk Substitutes and related matters in Kathmandu, Nepal and thereafter established a Technical Committee for this purpose. In April 1996, the Technical Committee approved the Code, which has achieved good result. The main purpose of this Code is that health workers and the public would be able to know the benefits of breastfeeding the infants and to regulate and control the marketing and promotion of other supplementary food and related products that are harmful to the health of infants.

The countries that are signatory to this Code must make policies, laws, mechanisms and guidelines on the basis of this Code and implement them. Besides, member countries of the Regional Cooperation must support each other. Bhutan being a member of the South Asian Association for Regional Cooperation and had signed the Code must carry out the above-mentioned issues. The Cabinet had approved the policy of breastfeeding in April 2002, and thereafter, received full support and assistance from the ministries, departments, private sectors and other institutions. It is due to this Code that Bhutan, being a member of the South Asian Association for Regional Cooperation, would be able to join other member countries in promoting the child health. Therefore, it would be appreciated if the members of the National Assembly could ratify this Code.

Since not a single member raised any opinion on the adoption of this Code, the National Assembly ratified and adopted the SAARC Code for the Protection of Breastfeeding and Young Child Nutrition on August 11, 2003 corresponding to Fourteenth Day of the Sixth Month of Water Female Sheep Year.

XXVIII. EXPRESSION OF APPRECIATION

1. Training and study tour for DYT and GYT Chairpersons and Geog Clerks

The people of Samtse, Chukha, Trashigang, Tsirang, Sarpang and Paro Dzongkhags expressed that under the auspices of His Majesty the King, workshops and training were held with the aim of enhancing the capability of the elected DYT Chairmen, Deputy Chairmen, GYT Chairmen and Gup's Clerks, as well as the training on Administrative and Financial Management,

which was jointly organised by the Home Ministry and the Royal Institute of Management in accordance with the 2002's DYT and GYT Chathrim. They expressed their appreciation to His Majesty the King, the Royal Government, Home Ministry and the Royal Institute of Management as the experience bequeathed out of the workshops and training yielded benefits in their roles and responsibilities.

Further, they not only had an audience with His Majesty the King, but also had the opportunity of interacting with ministers and senior government officials. They expressed their confidence that they would be able to discharge their duties and responsibilities as per the delegation of authority and fulfil His Majesty's aspirations in line with His Majesty's decentralisation policy.

His Majesty the King has initiated and strengthened the decentralisation policy, gradually empowering the people, with the objective to ensure present welfare and future well-being of the country. Moreover, the Royal Government has provided salary and other entitlements to the Gups, Chimis, Mangmis and the clerks of all the 199 geogs for the implementation of decentralisation policy. The training has strengthened the capacity of the Geog Administration. Further, the opportunity to utilise the revenue from the rural taxes within the Geog would benefit the Geog management and the implementation of the 9th Plan activities. Therefore, the people of Zhemgang, Chukha, Samtse, Trongsa and Ha Dzongkhags expressed their deep appreciation to His Majesty the King and the Royal Government. The people of Sarpang Dzongkhag expressed their appreciation to His Royal Highness the Crown Prince for inaugurating the Workshop and Training for the Chairmen of DYT and GYT by the Royal Government.

The DYT and GYT Chathrim approved by the National Assembly has further empowered the elected Gups, Mangmis, Tshogpas and Chairmen of GYTs and DYT. However, it would take quite sometime for the people to fully comprehend the Chathrim and implement them smoothly. To avoid further confusion, the people submitted that the launching of the Constitution, which is at the drafting state, should be delayed till the people are confident about the implementation of DYT and GYT Chathrim. The people of Samtse and Punakha Dzongkhags offered their sincere gratitude to the Royal Government

for the completion of Kuenphen Zam over Diana Bridge and Khuru Tshangchu Zam, which have greatly helped the people in their transportation.

As per His Majesty the King's aspiration of providing sustained primary health care facilities in the country and to fulfil the objective of Gross National Happiness, Lyonpo Sangay Ngedup, the Minister for Health and Education, and his team undertook 15 days health walk from Trashigang in the East to Thimphu in the West in his effort to generate adequate Health Trust Fund. The people of Bumthang, Zhemgang, Trashigang, Ha, Lhuntse, Dagana, Punakha, Gasa, Paro, and Trashi Yangtse expressed their appreciation to the health walk team led by the Health and Education Minister, and to all those government organisations, public sectors, projects, external donors and individuals that have contributed to the Health Trust Fund. Further, they expressed their wish that the Health Trust Fund would, in the long run, serve the people of Bhutan. They also expressed their hope that the Honourable Health and Education Minister would strive to develop agriculture and animal husbandry further as he had worked for the Health.

The Non-formal Education programme of the Health and Education Ministry has helped the country at large and the women in particular. Therefore, the people of Bumthang and Paro Dzongkhags expressed their appreciation to the Royal Government and the Health and Education Minister. Likewise, it is the hope of the people that the new Minister would continue the programme. Moreover, appreciation was also expressed for the establishment of Health Trust Fund and Multi Sectoral Task Force in 20 Dzongkhags that would help in combating the spread of HIV/AIDS and SARS in the country.

On that, the representatives of the Dratshang submitted that the pledge of the government servants, Gups, Chimis and the people would fulfil the aspirations of His Majesty the King continuously without any obstruction. On behalf of the Je Khenpo, the Dratshang and the Monk Body expressed their appreciation to the Health and Education Minister for the generation of Health Trust Fund. Moreover, from now on, the Dratshang and the monk body led by His Holiness expressed their vows to invoke the guardian deities for the fulfilment of any plan objective of the civil, military and rural Geog programme plans.

Some of the people's representatives submitted that though they did not submit any agenda for the expression of appreciation for the Health Trust Fund, they feel more grateful and indebted. Moreover, they expressed their appreciation to the Foreign Minister as the Minister had worked with foreign delegation for the ultimate interest of the country and the government.

The Health Secretary informed the house that the Health Trust Fund has collected a sum of Nu. 82 million, where 70% of the amount is generated within the country. The establishment of Health Trust Fund is one of the ways and means to fulfil His Majesty's aspirations. Within a span of four years after the establishment of Health Trust Fund, a sum of USD 18 million has been collected. In fact, though the required estimate of USD 24 has not been met, 73% of the achievement has been realised. The achievement is as a result of contributions from our people and donations from international agencies and other countries. From that, the highest donors are: USD 1 million by the Royal Government of Bhutan, USD 1 million by Bill and Melinda Gates Foundation, USD 1 million by Summit Foundation; USD 1 million by the Norwegian Government and a sum of USD 2 million had been generated through Move for Health Walk. Further, the Royal Government has borrowed a sum of US\$ 10 million from the Asian Development Bank and deposited in the Health Trust Fund.

Therefore, though 50 percent of the estimated fund from USD 24 million needed to be provided by the government is almost realised, till now only around 26 percent had been realised through donations. Meanwhile, other programmes are being arranged for seeking contributions. As the main objective is to acquire medicines and injections from the fund, it is planned that essential drugs would be procured from the fund generated commencing the previous year. Likewise, it would be appreciable if opportunity is provided to present a report in the annual sittings of the Assembly.

The Speaker noted that 73 percent of the Health Trust Fund had been realised firstly as a result of His Majesty's vision, secondly, as a result of the Health and Education Minister's enormous effort and thirdly, the diligent effort by Health Department. The National Assembly expressed its appreciation to His Majesty

the King, Health and Education Minister and the work done by the Department of Health.

2. Expression of Appreciation to His Majesty the King for devolution of power

The people of Trongsa and Haa Dzongkhags expressed their heartfelt gratitude to His Majesty the King for the devolution of power to the geogs with the aim to enhance self reliance for the present benefit and future well being of the people. They also expressed their appreciation for the trainings provided to the Chairmen of the DYT's and GYT's, and the Gups to enhance their capabilities in carrying out their responsibilities to achieve the aspirations of the people through the decentralisation policy. Further, it is an insignia of untarnished commitment between the people and His Majesty the King kept the country unharmed despite the Ngolop's uprising and the militancy problem for the last 14 years. Like the saying, King is not significant but the Lyonpos are, the elected ministers with executive responsibilities, bearing the policies emanated from the throne in mind, had generated immense results with the systematic devolution of power to the geogs beyond the expectation of the people. Therefore, they expressed their heartfelt gratitude to His Majesty the King and the Royal Government.

Some of the people's representatives expressed that the country had been enjoying peace and tranquillity till now without external aggression and internal strife firstly as a result of forefather Jigmi Namgyal, secondly since the enthronement of Sir Ugyen Wangchuck, the country was introduced to unprecedented development like the waxing moon. His Majesty the late King established the unprecedented Parliamentary system in 1953 and in accordance with the full completion of fifty years of its establishment, it is important to express our appreciation to His Majesty the late King in the National Assembly. The fourth and the present King has devolved his power to an elected council of ministers to promote the welfare of the people. As per the devolution of power and full trust reposed in the people since 2002, it is important to serve with the best of ability in fulfilling the aspirations of His Majesty the King.

The people of Punakha and Trongsa Dzongkhags expressed that as per the command of His Majesty the King, the restoration and renovation of Puna Dewa Chenpoi Phodrang Dzong was completed successfully. The consecration ceremony was conducted by His Holiness the Je Khenpo from the 11th Day to 15th Day of the 3rd Month of the Water Sheep Year and they offered their heartfelt appreciation to His Majesty the King for restoring and renovating the Punakha Dzong. Furthermore, they expressed their appreciation to His Majesty the King, the Royal Government and the Government of Austria for the comprehensive study of the damage to the Trongsa Dzong and providing fund for the renovation.

The Yangbi Lupon of Zhung Dratshang expressed that the Puna Dewa Chenpoi Phodrang was built by Zhabdrung Ngawang Namgyal, the destined blossom of Bhutan's devotion, in 1637, after Zhabdrung Ngawang Namgyal came to Bhutan following the vision of Pel Yeshey Goenpo to promote the country into a Buddha land. Thereafter, the succeeding Desis restored and renovated the Dzong. His Majesty the King, having realised through the unparalleled vision on the importance of renovating the Dzongs, commanded the executive government to renovate the Dzongs. The government employees and the people, considering the urgency, had provided adornments and religious items, completing the renovation for the benefits of the people in eons to come. This is as a result of His Majesty the King, the external donors and the financial assistance from the Government of India. Therefore, the Dratshang expressed its appreciation to His Majesty the King, external donors and the Government of India.

3. His Holiness the Je Khenpo's visits

His Holiness the Je Khenpo has established the Trashi Yangtse Choethuen Tshogpa for the benefit of the people and peace and prosperity of the country. His Holiness has travelled across the country conferring Wang Lung Thri Sum to the people and performed cleansing ceremony and consecrated Lhakhangs, Chortens and Dungkhors. Moreover, His Holiness has also visited other places and installed Sachu Bumter. Through the personal fund, Kurims were performed for peace and prosperity in the country. Therefore, the people of Zhemgang, Paro, BCCI, and Trashi Yangtse expressed their profound gratitude to His Holiness. Furthermore, as the current year was His Majesty's 'gungka', it

is important that Kurims are performed for the refutation of 'gungka' and to safeguard the peace and tranquillity of the country.

Some of the people's representatives expressed that the visit by His Holiness in remote Dzongkhags had provided opportunities for the humble people to meet His Holiness in person and obtained Wang and Lung of the sublime Dharma, where the people are immensely grateful. His Holiness has initiated Wang Lung Thri Sum and established Shedra and Drubdras as per different religious branches during the visit. Moreover, appreciations were also expressed to His Holiness for the transmission of Dharma teachings, Ka Wang Thri Sum and refuge precepts in the schools.

Like the saying, horse is steered with the bridle; mind is steered by Dharma, appreciations were expressed to monk body led by the monks of the Dratshangs of the country for the performance of Kurim of the country and for promoting Buddha Dharma in the people. It was hoped and prayed that the people would continue to be religious patrons and benefactors and promote the Dharma activities in accordance with the initiatives of His Holiness the Je Khenpo.

4. The development of Dzongkha language

The people of Dagana Dzongkhag expressed their profound gratitude and appreciation to the Dzongkha Development Commission for working towards the development of Dzongkha language, as per the aspirations of His Majesty the King. They submitted that for further improvement and promotion of national language, all the Ministries and Departments should issue circulars, orders and general correspondences in Dzongkha, and Geog accounting forms, vouchers and receipts should be in both Dzongkha and English language.

Some of the people's representatives expressed that during the transfer of land thram, all the documents should be incorporated in Dzongkha in accordance with the land documents and Acts. As the identity of the country should be based on Dzongkha language, the establishment of Dzongkha development infrastructure in the Dzongkhags and villages by the Royal Government and the Education Ministry has enhanced the development of Dzongkha. However, the usage of English during the meetings in all the

Ministries and Departments having few foreigners without the usage of Dzongkha would result in the disappearance of Dzongkha wasting the expenditure of the government. Moreover, even the students study Dzongkha just to pass the examinations, concentrating on the English with the thought that Dzongkha would not be necessary when they join in the Ministries and Departments, declining their interest to learn Dzongkha. Furthermore, even if they know better Dzongkha, there is no recognition and credit and they are not even included in the job selection. Moreover, even if they get employed, there is a difference in the cadre and promotion between the Dzongkha literate and English literate people. Therefore, each ministry and department should think twice and change this system to maintain the country's identity even in any meetings or talks. As His Majesty the King had included in the visionary objectives of the 6th Plan, it is developing even now. From now on, if employees of the three branches of the government and the people place the command of His Majesty the King on the crown of the head and work accordingly, like inscribing on the rock than on the water, the benefits would be more.

5. The exemption of tax

The people of Tsirang, Sarpang, Dagana, Punakha and Trashigang expressed their appreciation to His Majesty the King for waiving off 10 percent tax on loan repayment through the courts and 5 percent tax on sale and purchase of landed properties considering the Kidu of the people as per the command of His Majesty the King to the Chief Justice on the 19th Day of the 7th Month of the Water Horse Year.

The Finance Minister, expressing his appreciation to His Majesty the King, informed the house that during the sale and purchase of land, 5 percent tax and 10 percent tax on loan repayment is levied through the courts. The tax has not been waived off as it is only in the rural areas that the case is routed through courts, and the sale and purchase of land and house in the urban areas need not be routed through the courts.

Some of the people's representatives expressed their appreciation for easing the procedure of transferring the thram in the court of law as per the

command of His Majesty the King and for the Kidu granted by the government providing expenditure during delaying of case of land resurvey.

6. Council of Ministers

Some of the people's representatives led by the Gasa Chimi expressed that since His Majesty the King devolved the executive power to the council of ministers, there had been peace and prosperity in the country. They expressed their appreciation to the council of ministers for the tremendous development and progress that has been achieved in the country through good performances during their past 5 year term. They expressed that even though they could not adequately deliver the agenda like the other 152 Members of the Assembly, they requested the members would not take these personally. They expressed their prayers that the 10 ministers, government representatives and all the members of the Assembly would engage in harmonised mind and pure code of conduct in maintaining the peace and well-being of the country would be maintained.

The Speaker said that it is admirable that heartfelt appreciations were expressed to His Majesty the King for the continued concern for the welfare and well-being of the people. His Majesty had not only taken on himself the grave responsibility of ensuring the nation's sovereignty and security, but he is also concerned over a little problem being faced by the people. Therefore, expression of heartfelt gratitude to His Majesty the King pledging their readiness to serve the nation is indeed commendable.

The National Assembly offered their prayers for the long life of His Majesty the King and the everlasting sovereignty of the country. It is prayed that everything that the King, Government and the people would do through harmonious mind and right code of conduct are achieved.

XXIX. THE ELECTION OF THE SPEAKER

The Secretary to the National Assembly presided over the election of the Speaker as per the agreement between the National Assembly Speaker and the Prime Minister. After formal greetings to the Members of the Assembly, the Secretary

informed that by the end of the 81st session of the National Assembly, the three year term of office of Speaker, Dasho Ugen Dorje would expire. Therefore, the Speaker was being elected through secret ballot by the Assembly Members on the 18th Day of the 6th Month of the Water Sheep Year corresponding to August 15, 2003.

Likewise, in accordance with the announcement made by the Speaker at the end of the session on August 13, 2003 to nominate candidates for the Speaker, letters of nomination from the government and the people were forwarded to the Assembly Secretariat. Dasho Sherub Gyeltshen, Thimphu Dzongdag, was nominated as the Speaker candidate by the government, and Dratshang, Rabdey, Royal Advisory Council and the people's representatives including the BCCI Chimi and the Chang and Kawang Chimi had nominated Dasho Ugen Dorje, the incumbent Speaker, as their candidate.

In order to facilitate the members to process the election of the Speaker from among the two candidates through secret ballot, copy of Rules of Procedure of the election was distributed to the honourable Members in both the Dzongkha and English language. As the Members had no doubts on the provisions under the Election Rules of Procedure, the election began after the members were familiarised with the Rules of Procedure.

Out of a total of 154 Assembly Members, excluding the Goonglen Gongma and the Thimphu Dzongdag, 152 votes were cast for the election of Speaker comprising of 10 Dratshang representatives, 36 government representatives, 100 Chimis, and 6 Royal Advisory Councillors. Result of the election of the Speaker through secret ballot is as mentioned:

Sl. No	Candidate	No of votes secured
1.	Dasho Sherub Gyeltshen	37
2.	Dasho Ugen Dorje	115
TOTAL		152

Note: the names are in alphabetical order

The Presiding Officer, Secretary to the National Assembly, on behalf of the National Assembly expressed Tashi Delek to Dasho Ugen Dorje, for having been re-elected for another term as the Speaker in a landslide victory over Dasho Sherub Gyeltshen. He also expressed his wish and prayers that Dasho Sherub Gyeltshen would contest in the next Speaker's election again and win in the future.

XXX. DELIBERATION AFTER THE ELECTION OF THE SPEAKER

After the Speaker was re-elected, the representatives of the people submitted that they suffered from the emotional vacuum due to the momentary empty space on the seat of the Speaker. However, they congratulated and expressed their satisfaction to the Speaker for having been re-elected on this very auspicious day. The representatives of 20 Dzongkhags felt that they were on the right voting track and submitted that the Speaker has not thrown a bridge into the river that was built by him.

The Speaker has served in the interest of the country and people as per the decentralization policy. The Speaker had been working towards achieving the national policy objectives. The Royal Government, Dratshang and the representatives of the people congratulated him on being re-elected coinciding with the 50th anniversary of the National Assembly. They also offered their prayers and hopes to the other contesting candidate to succeed in election of the Speaker in the future.

The people's representatives of Wangdue Phodrang, Bumthang, Punakha, Dagana and Trashigang Dzongkhags opined that the three branches of the government are separated with independent authorities. They submitted that it is extremely important to accord ministerial rank and entitlements and other allowances to the Speaker equivalent to the heads of the executive government and the judiciary. Moreover, the members, one after another, said that as per the existing Act, the term of the Speaker is three years, and submitted to increase to five years and be approved in this very session of the Assembly.

The provision of the Act states that the Speaker would be elected from among the Members of the National Assembly. Judging from the current circumstances and

practice of nominating a candidate each from the government and the people, it is important to examine its advantages and disadvantages for the future stability. They submitted that it should be decided to deliberate the Speaker's Act in the 82nd session to resolve all these problems. In order to meet the needs of changing time, the members proposed to amend and strengthen the Rules of Procedures of the National Assembly, which was passed in 1953 and amended in 1968.

Since the National Assembly meets only once a year, it is not only difficult to engage in effective deliberation but also very time consuming, bearing heavy financial pressure on the exchequer. Therefore, they suggested that the National Assembly should be convened twice a year with a session each in autumn and spring as practiced earlier.

Although the three branches of the government are independent with separate powers, it is essential to have mutual co-operation while working for the ultimate interest of the country and the people. The government does not envisage any problem in increasing the term of the Speaker from three years to five. The deliberation on revocation and amendment of Acts that is not included in the present agenda of the session would impair the dignity and image of the National Assembly. It is possible that the existing Acts would have to be amended when the constitution is passed. Therefore, the Royal Government is not in a position to comment anything than to suggest for the importance to work in compliance with the Acts. However, if this had to be deliberated, it would be better to submit as an agenda in the next session.

The Speaker expressed his heartfelt gratitude to the members of the National Assembly for bestowing their confidence in him. He pledged his dedicated and unflinching service to the *Tsa-Wa-Sum* in realizing the hopes and aspirations of the National Assembly members and the vision of His Majesty the King.

The National Assembly had submitted the new Speaker's Act to His Majesty the King, which was later forwarded to the council of ministers. There had been no response so far. The Constitution Drafting Committee tried to draft the Speaker's Act in accordance with the system of other countries in the world and submit during the 81st session. However, the Chairman of the Government said that due to several international conventions to be ratified, the government could not

submit more than three Acts compelling to postpone the other Acts. However, it was resolved that the Legislative Committee would review and draft a new Speaker's Act and Rules of Procedures of the National Assembly to be deliberated in the 82nd session.

XXXI. LIST OF DOCUMENTS DISTRIBUTED DURING THE 81ST SESSION

1. Presentation of the National Budget for the financial year 2003-2004 and the report on the 2002-2003 budget by the Finance Minister
2. The Jabmi Cct of the Kingdom of Bhutan, 2003
3. The bio-diversity act of bhutan, 2003
4. The Medicine Act of the Kingdom of Bhutan, 2003
5. International Convention on the Suppression of the Financing of Terrorism
6. SAARC Convention on the Prevention and Combating Trafficking in Women and Children in Prostitution
7. United Nations Convention to Combat Desertification (UNCCD)
8. SAARC Convention on Regional Arrangement for the Promotion of Child Welfare in South Asia
9. Convention on International Trade of Endangered Species of Wild Fauna and Flora
10. International Treaty on Plant Genetic Resources for Food and Agriculture
11. Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their disposal
12. Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property
13. SAARC Code for the Protection of Breastfeeding and Young Child Nutrition

XXXII. CONCLUDING CEREMONY

During the concluding ceremony of the 81st session of the National Assembly, the Speaker expressed his gratitude to the His Majesty the King and the honourable Members of the National Assembly. The successful completion of

the session is attributable to the free and frank discussions engaged in by the Chairman of the Council of Minister and the honourable members of the Assembly for the present and future well-being of the country and the people under the wise guidance and leadership of His Majesty the King.

The National Assembly, being the highest legislative body in the country, is responsible to promulgate laws and resolve substantive resolutions essential for the socio-economic development, peace and well being of the country and the people, approve important internal and external policies and to execute checks and balance in the government. It is of paramount importance for the members of the National Assembly to always bear this in mind while executing unadulterated services.

During the 81st session, the six cabinet ministers completed their five-year term. As the six ministers were nominated by His Majesty the King, the National Assembly cast their vote of confidence on them. Since all the ministers secured vote of confidence, they were re-elected as the cabinet ministers.

In order to achieve the ultimate goals of the country and the people and to further strengthen the Royal Government, the number of ministries was increased to ten. For this, the National Assembly elected four new ministers through secret ballot. His Majesty the King awarded the scarf of office to the ten cabinet ministers.

Similarly, towards the end of the 81st session, the three-year term of the Speaker expired and the Speaker was elected through secret ballot. The Speaker said that he was fortunate to have the opportunity to assume the responsibility of the Speaker during the past three years. Despite lack of any special capabilities, the *Dratshang, Rabdey*, Royal Advisory Council and the people's representatives nominated and cast their votes and re-elected him as the Speaker. The Speaker expressed that it was an indication of love and trust that the honourable members had bestowed on him.

As submitted earlier, the Speaker submitted his pledge to His Majesty the King and the Assembly to carry forward the trust and confidence bestowed by the members of the National Assembly with loyalty and dedication to the *Tsa-Wa-Sum*.

The members of the assembly are well aware of the security threat posed by the militants from India to the independence and sovereignty of our country. The Speaker reiterated that it is of paramount importance for the people's representatives to disseminate the Royal Government's policy and the resolutions of the assembly in resolving the militant problem to the people of their respective constituencies. Time has come for every Bhutanese citizen to bear the consolidated responsibility and strive to protect the sovereignty of our nation. Moreover, he shared his confidence that in such a time and circumstances, all the representatives of the people, leaders of the geogs and villages would come forward to render physical and material support to the Royal Government as they have pledged earlier.

Similarly, it was hoped that all the relevant ministries, departments, private organizations and leaders of the people would respect the resolutions of the 81st session by further strengthening the laws, essential for the peace and security of the country and the people, enhancing and sustaining peace and prosperity of the Bhutanese people. He requested the ministries to bear in mind to submit substantive reports on the issues that are to be submitted in the 82nd session.

Lastly, on the occasion of the concluding ceremony of the 81st session of the National Assembly, the Speaker offered his prayers for the long reign of the Dharma holders in general and His Majesty the King and the Royal family in particular. He invoked for timely rainfall, bountiful harvest without disease, epidemic and wars. He also offered prayers for all sentient being to live in peace and prosperity, and all problems to be resolved with the blessing of the protective guardian deities in general and the wise and farsighted leadership of His Majesty the King, strong policy of the Royal Government, fervent prayers of the monk body and the collective fortune of the people in particular. The Speaker urged the Assembly to pray together to fulfil our aspirations and live in lasting peace and prosperity forever. The 81st session of the National Assembly concluded amidst the reverberation of *Serdrang* on the 21st Day of the 6th Month of the Water Female Sheep Year of the Bhutanese calendar.

Dated: 18.08.2003

Sd/-

(Ugen Dorje)

Speaker

National Assembly of Bhutan

English translation of the Speech by the Honourable Speaker, Dasho Ugen Dorje, at the 81st session of the National Assembly of Bhutan on the 29th Day of the 5th Month of the Water Sheep Year corresponding to June 28, 2003

1. Your Majesty, Chairman and Members of the Lhengye Zhungtshog, Representatives of the Dratshang, government and the people to the National Assembly; it gives me great pleasure to welcome you to the 81st session of the National Assembly.
2. I would like to extend my Tashi Delek to the new and re-elected representatives of the Dratshang Rabdey, government and the people.
3. The 81st session of the National Assembly is a landmark in the evolution of Bhutanese political system. Our parliamentary system was established on the 15th Day of the 12th Month of the Water Snake Year corresponding to January 18 1953. Hence we crossed the threshold of the Golden Jubilee in January this year. I would like to extend my humble Tashi Delek to His Majesty the King and the people of Bhutan on the 50th Anniversary of the National Assembly.
4. Our late King, His Majesty Jigme Dorji Wangchuck established the National Assembly as the highest legislative body in less than a year after his enthronement as the third hereditary monarch of Bhutan. The Tshogdu was established to discuss important national policies between the Royal Government and the people, to promulgate legal system necessary for peace, justice and equity and to promote the ultimate interest of the people of Bhutan.
5. The 1st session of the National Assembly was held at Pungthang Dewa Chenpoi Phodrang. Thereafter, subsequent sessions from 2nd to 13th sessions were held inside Tashichhodzong. During the construction of the Tashichhodzong, the 14th to 28th sessions were held in Paro. The 29th to 72nd sessions of the Assembly were held again in Tashichhodzong and all the sessions after 73rd were held inside the Gyelyong Tshokhang.
6. When the National Assembly was first instituted, the political system in Bhutan and the foundation for the socio-economic development were not developed. The

unprecedented progress that the country has achieved from a period of minimal socio-economic development to a modern nation of the 21st Century is a process that evokes profound appreciation and pride for all of us.

7. The National Assembly began with 36 members in its first session in 1953, and for some time, several Members attending the Assembly kept on changing in every session. However, with the finalisation of the constituencies and formulation of Chathrim for regulating the election procedures, the strength of the National Assembly remained about 150.
8. Since its inception, significant changes have taken place in the National Assembly in keeping with the modern trends. At the time of its establishment, the scope and nature of issues for deliberation in the National Assembly were limited to issues affecting the people at the village, block and district level. The Assembly deliberated even on issues of inconvenience and problems pertaining to a village such as the cost of husking rice and milling flour, renovation of footbridge in a Geog and flag post for lhadar in a Dzong. Gradually, the National Assembly began to discuss issues such as standardisation of internal tax, abolishment of serfdom, constructions of motor roads, schools and hospitals, agriculture and animal husbandry, electricity and drinking water and other socio-economic development infrastructure. Later, the Assembly also deliberated on the establishment of ministries and departments for the governance of the country. Today, the nature and scope of deliberations in the National Assembly encompass both national and international issues, which are of national concern and importance.
9. In accordance with the vision of the succeeding monarchs, the National Assembly has, till now, passed a total of about 93 laws and Chathrim on different issues, beginning with the Thrimzhung Chhenmo, for the protection and promotion of the welfare of the people of Bhutan.
10. Ever since His Majesty the King ascended the Golden Throne, Bhutan has seen unprecedented socio-economic development and political reforms within a span of three decades.
11. The National Assembly has enabled the people to participate in the decision making process of the country through their representatives. Moreover, with the

- aim of directly involving the people in all-important issues pertaining to their respective villages, geogs and Dzongkhags, the Dzongkhag Yargay Tshogchung and Geog Yargay Tshogchung were established in 1981 and 1991 respectively, further enhancing the decentralisation process.
12. His Majesty the King issued a historic Royal Kasho in 1998, devolving the executive authority to a Council of Ministers elected by the National Assembly. The Geog Yargay Tshogchung Chathrim and Dzongkhag Yargay Tshogdu Chathrim were endorsed during the 80th session of the Assembly, and in 2002, adult franchise was introduced by conferring rights to vote for the election of Gups and Mangmis of the GYT^s to every citizen above 18 years of age. Both the system of formulating development plans in accordance with the needs of the people in their respective geogs and the management of developmental activities are vested to their respective GYT^s.
 13. The people also elected the chairmen of 20 DYT^s in accordance with the Dzongkhag Yargay Tshogdu Chathrim. Among them, eight Chairmen and three Deputy Chairmen of the DYT^s are National Assembly members.
 14. As the honourable members of the National Assembly are aware, in accordance with the Royal Command, the Constitution Drafting Committee has submitted the first draft of the Constitution of Bhutan to His Majesty the King on December 9, 2003. The Chairman of the Constitution Drafting Committee has submitted a second draft to His Majesty the King in June this year, after considering the views of the Council of Ministers.
 15. All political reforms and far-reaching socio-economic developments in the country have emanated from the Golden Throne. His Majesty the King has also nurtured political consciousness among the Bhutanese people.
 16. His Majesty's far-sighted reforms have enhanced the dignity and relevance of the National Assembly. Looking at the changes that have taken place within the last 50 years since its establishment, it is clear that the National Assembly has developed along with the overall development of the country. Furthermore, the National Assembly is destined to shoulder unprecedented responsibility in the future. It is my hope and prayer that it would continue to remain as the institution serving the Tsa-Wa-Sum of Bhutan effectively, now and in future.

17. Moreover, considering the importance of amending the existing Chathrim with the changing needs of time, a Standing Legislative Committee of the National Assembly comprising of 5 members amongst the people's representatives of the National Assembly was established on the command of His Majesty the King, support by the Council of Ministers and, an office order of the Speaker on the 23rd day of the 3rd month of the Water Sheep Year corresponding to May 23, 2003. I would like to state that the members of the committee shall serve until the expiry of their membership in the National Assembly. I would also like to state that the committee has commenced its work. Along with two lawyers from the National Assembly Secretariat, all the representatives and experts of the concerned ministries and departments submitting draft bills would assist the Legislative Committee.
18. The Legislative Committee would review the veracity, consistency and inconsistency of the issues in the draft bills within the framework of existing laws. This would facilitate deliberation on the draft bills in the National Assembly before endorsing it.
19. The Royal Government has decided to establish three additional ministries increasing the number to 10. Another reason for the significance of the 81st session of the Assembly is that the National Assembly shall elect the 10 Ministers and the Speaker of the National Assembly during this session.
20. The sovereignty and security of the country is being threatened by the illegal entry of different groups of militants from the neighbouring country, India. Therefore, all the Dzongkhags have once again submitted inclusion of the problem in the agenda as they did in the previous sessions. Since the honourable members are fully aware of the issues, there is no need for me to explain the past deliberations and resolutions adopted on this problem by the National Assembly since the 75th session. However, it is my earnest hope that the honourable members would engage in substantive deliberations keeping in mind the present welfare and future well-being of our people and the country.
21. Since all the honourable Members of the National Assembly are chosen with trust and confidence by the monastic community, government and the people, I have

every confidence that we would not fall short of the expectations of the people we represent, and I hope that we would be able to achieve substantive resolutions, thereby ensuring the success of the 81st session of the National Assembly.

Tashi Delek!

Disclaimer

The Resolution of the 81st session of the National Assembly of Bhutan had been translated from Dzongkha. In the event of inconsistency between the two versions, the Dzongkha text shall prevail.