

**ENGLISH TRANSLATION OF THE RESOLUTIONS  
OF THE 84<sup>TH</sup> SESSION OF THE NATIONAL  
ASSEMBLY OF BHUTAN**

**I. INAUGURAL CEREMONY**

The 84<sup>th</sup> Session of the National Assembly of Bhutan began on 19<sup>th</sup> November 2005 corresponding to the 19<sup>th</sup> day of the 9<sup>th</sup> month of the Wood Female Rooster Year. His Majesty the King was escorted to the National Assembly Hall with *Chipdrel* and *Serdrang* ceremony. The Session commenced with offering of traditional *Zhugdrel Phuensum Tshogpa*.

In his opening address, the Speaker welcomed His Majesty the King, Members of the Royal Family, the Prime Minister, Members of the National Assembly, senior government officials, foreign dignitaries and members of the international donor agencies to the opening ceremony. The Speaker said that under the wise and farsighted leadership of our beloved King, a written constitution had been drafted for the well being of the people and the security of the nation. In order to facilitate better understanding and clarity on the Draft Constitution, His Majesty the King is conducting consultations with the people of all the twenty Dzongkhags. It was therefore extremely important for the Dzongdas and the community leaders to clearly explain the contents of the Draft Constitution to the people to ensure that His Majesty's aspiration of a participatory approach to the Constitution was fulfilled. The Speaker expressed his fervent hope for the fruitful conclusion of the 84<sup>th</sup> Session of the National Assembly. *(A copy of the inaugural speech is annexed)*

**II. REPORT ON THE MID-TERM REVIEW OF THE NINTH FIVE YEAR PLAN**

Presenting the Mid-Term Review Report of the Ninth Five Year Plan (2002-2007), the Finance Minister submitted that the Plan was launched with a total outlay of Nu.70,000 million. The Ninth Plan accorded high priority to the material and spiritual well being of the people espousing five key goals: improving the quality of life and income, especially of the poor; ensuring good governance; promoting private sector growth and employment generation; preserving and promoting culture and environment; and achieving rapid economic growth. The Ninth Five Year Plan has completed two and half years of the plan period. During this period, the total expenditure for the Central Ministries and Agencies was 72 percent while 67 percent was incurred by the Dzongkhags and 40 percent by the geogs. In the Dzongkhags and the geogs, notable socio economic progress has

been made in the key areas of development such as health, education, agriculture, livestock, road networks, drinking water, telephone, surface transportation, private sector development, rural electrification and other sectors. These developments have led to better quality of life for the Bhutanese people. A detailed presentation on the budget deficit of the plan was also made. (*The report on the mid-term review of the Ninth Five Year Plan containing 33 pages was distributed to the National Assembly Members*).

During the deliberation, some of the members said that the construction works which were being carried out through tendering process by the contractors lacked quality and standard. Therefore, it would be beneficial if the Ministry of Works and Human Settlement could standardize the quality through timely investigation. The members sought clarification on the future implication on the policy of private sector development if the official residences in the Dzongkhags were constructed by the government. Further, due to the withdrawal of government heavy vehicles from the Dzongkhags compounded by the rising price of fuel, the people were facing difficulties in hiring heavy vehicles for transportation of construction materials. This was also hampering the implementation of the Geog plans. Therefore, the concern was raised over the use of such withdrawn vehicles by the ministries and departments.

Some of the members submitted that the Tenth Five Year Plan should be prepared in consultation with the people of the twenty Dzongkhags. They reiterated that the Good Governance Plus document indicated that there was no real decentralization of power in the ministries. Further, while an individual was elected as the Chairman of the DYT as per the DYT and GYT Chathrim 2002, there was no authority delegated according to their responsibilities. The one-year term of the *Tshogpas* of the geogs was also causing inconveniences to the people. As such, it was important to adopt election procedures urgently.

The members also pointed out that His Majesty the King had issued a Kasho wherein all the meetings were required to be conducted in the national language. Even if there were non- Bhutanese participants, the meetings should be conducted in Dzongkha by using interpreters. In the recent Graduate Orientation Programme, the representatives from ministries and agencies were conducting the programme in English although all the students were Bhutanese nationals. Moreover, it was important to determine whether clapping of hands by the students during question and answer session was in conformity with our culture and tradition.

The ministers concerned said that Bhutan fell under the Himalayan seismic zone and was highly vulnerable to earthquake. Therefore, it was important to use good quality construction materials. To educate the contractors, the Construction Development Board would very soon be conducting training and awareness programmes as the contractors were not aware of bidding and procurement procedures. The National Assembly was informed that the Construction Development Board had developed a manual on Contract Evaluation and Procurement procedures.

After receiving the report on shortage of housing facilities for civil servants from the Dzongkhags, the government had started constructing housing facilities for the civil servants in seven Dzongkhags. The construction of the housing facilities in the remaining Dzongkhags would be out-sourced to the private builders based on their capacity and in line with the policy of private sector development. In case the private sector was not able to take up construction works, the government would do so after obtaining no objection certificate from the DYT.

The government pool vehicles were withdrawn in accordance with the resolution passed by the National Assembly. However, the necessity of heavy pool vehicles in the Dzongkhags had to be studied. The use of pool vehicles in the capital city was monitored by the Royal Bhutan Police on a routine basis. Henceforth, based on the decentralization policy, this responsibility would be entrusted to the government secretaries. Since there was a standing policy of the Royal Government to continue using the old vehicles and to stop the purchase of new vehicles, it was suggested that the National Assembly should leave the decision of such issues to the government.

Likewise, with only two and half years left for the completion of the Ninth Plan, it would be expensive for the government to provide training on the planning process to all the people. Therefore, it would be more convenient and economical to collect the views of the people during the formulation of the plan.

Since the inception of the decentralization policy in 1981, power had been decentralized to the grass-root level. The community leaders have been provided with necessary training while adequate budget provisions have been made for the construction of new offices for Gups and procurement of essential equipments. It was also reported that the tenure of the *Tshogpas* would be discussed and decided in the next annual conference of the DYT and GYT Chairmen. On the conduct of meetings, it must be conducted in the national language. However, if meetings are meant specifically only for foreigners it could be conducted in English. As regard

clapping of hands, the Department of Cultural Affairs would carry out a study on the effect that it may have on our culture and tradition. Henceforth, His Majesty should be addressed as “His Majesty the King” to show our reverence and respect and that it was important to include this phrase in the resolution.

The National Assembly noted that in order to maintain quality, it was imperative to enforce the use of quality building materials. The National Assembly resolved that the Ministry of Works and Human Settlement should revisit existing Acts and manuals related to construction and make changes if needed to ensure that quality of construction was not compromised and submit a report in the 85<sup>th</sup> Session. Keeping in line with the policy of promoting and developing the private sector, construction of housing facilities for civil servants would be entrusted to the private sector after assessing their capacity in the Dzongkhags, if not the government would carry out the work. Further, the National Assembly resolved that while it was imperative to curb the misuse of government pool vehicles in accordance with the resolutions of the National Assembly, the coordination committee of the council of ministers should review the issue and submit a report in the 85<sup>th</sup> Session.

Likewise, during the formulation of the Tenth Five Year Plan, appropriate measures should be taken to collect the views of the people. Further decentralization of power and responsibilities of the ministries should be executed by the head of the ministries as deemed fit. On the issue of the tenure of the *Tshogpas*, it would be adequately taken care of with the establishment of the Election Commission and the enactment of the Election Act. The National Assembly directed the Ministry for Home and Cultural Affairs to issue a nationwide notification that all conference and meetings should be conducted in accordance with the Royal Kasho issued on the 10<sup>th</sup> day of the 9<sup>th</sup> month of the Water Female Rooster Year corresponding to 1993. Since His Majesty the King is most revered and respected by all, everyone should address the King as “His Majesty the King” as a mark of respect and reverence.

The deliberation on the Mid-Term Review Report of the Ninth Five Year Plan concluded on 19<sup>th</sup> November 2005 corresponding to the 19<sup>th</sup> day of the 9<sup>th</sup> Month of the Bhutanese calendar.

### III. REPORT ON THE IMPLEMENTATION STATUS ON THE RESOLUTION OF THE 83<sup>RD</sup> SESSION OF THE NATIONAL ASSEMBLY

In accordance with the resolution of the 83<sup>rd</sup> Session of the National Assembly, the Zhung Kalyon presented a brief report consisting of 17 points on the implementation of the resolution of the 83<sup>rd</sup> Session by the central ministries and agencies in conformity with Section 4 of the Royal Advisory Council Act. (*A copy of the report containing 14 pages was distributed to the members of the National Assembly*)

The Zhung Kalyon presented the status on the formal recognition of *Lams* and *Truelkus* according to the Bhutanese tradition together with 14-point rules of procedure framed by the Committee as decided in the 83<sup>rd</sup> Session of the National Assembly. He reported that rules on recognition of *Lams* and *Truelkus* who were not Bhutanese citizens but were born in Bhutan and those *Lams* and *Truelkus* born in Bhutan were clearly stated in the resolution of the 30<sup>th</sup> Session of the National Assembly held in 1969. However, the rules were not implemented by the *Dratshang* and the government, as a result of which inconveniences were being faced.

He recalled that the 83<sup>rd</sup> Session of the National Assembly had decided to carry out a detailed study and to compile a list of recognized *Lams and Truelkus* in the country. A five member Committee comprising of representatives from the government, clergy and the people chaired by the Dorji Lupon was formed to formulate rules of procedure for the recognition of *Lams* and *Truelkus*. The Committee after meeting for the third time framed 14-point rules of procedure for the recognition of *Lams* and *Truelkus*. The Committee had gravely acknowledged the importance and significance of their profound responsibilities.

Since it was important to have a comprehensive list of all the *Lams* and *Truelkus* in the country, the Ministry of Home and Cultural Affairs distributed format to all the Dzongdags. The Committee was in the process of reviewing the list received from the Dzongkhags. From the list, the most important and immediate consideration was that of the two claimants of reincarnations of the Zhabdrung. The Committee immediately started verification process and found out that the first claimant from Paro was eight years old and the second claimant Pema Namgyal, aged two years was born to Tashi Dawa and Yeshe Lham from Trashiyangtse.

Consequently, the Committee, in order to verify the claim, asked the parents to bring the child to Bhutan. On October 17, 2005 corresponding to the 15<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar, the child was presented to His Holiness the Je Khenpo by his parents in the *Lamai Lhakhang* at Tashichhodzong. The Zhung Kalyon also participated as a special member during the introductory meeting with the child and the parents. Since the Committee was of the view that maximum number of *Lams* and *Truelkus* were required as members of the Committee to shoulder such a profound responsibility, Lam Kuenzang Wangdi was also invited as a member. There were seven verification Committee members in the presence of His Holiness the Je Khenpo.

The verification Committee found that the child was first recognized by Choechong Tseumara from Trongsa, after Khenpo Tshoki Dorji and other supporters had repeatedly insisted Karmapa Ugyen Thinley, the reincarnation of Lam Karmapa from Tibet, living in India to recognize the child as the Zhabdrung in writing. The Committee found that the letter had been kept confidential by the promoters and even the child's parents had no idea of its existence.

When it came to Lam Karmapa's attention that the supporters and propagators of the child had engaged in immoral and unethical practice, he issued a second letter condemning such practices explicitly revoking the earlier letter of recognition. In the letter, Lam Karmapa said that he was pressured to issue the letter of recognition. Since the child and his propagators had indulged in unethical and immoral practices by using Lam Karmapa's name, he revoked his first letter of recognition. The Committee, through the Ministry of Home and Cultural Affairs had received both the letters issued by Lam Karmapa.

The Committee then started the verification process on October 17, 2005 corresponding to the 15<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar. The Committee explained to the parent and the child that Zhabdrung Ngawang Namgyal was the supreme spiritual guardian of Bhutan, and if a true *Truelku* of Zhabdrung was indeed born, it would be a source of extreme contentment to the people of Bhutan. Therefore, after the offering of traditional *Soelja Dresi*, a special meeting of the Committee chaired by His Holiness the Je Khenpo was held in the presence of eight members consisting of Dorji Lupon Kuenley of Zhung Dratshang, Drabi Lupon Sangay Dorji, Lam Kuenzang Wangdi, Zhung Kalyon and Dasho Singye Dorji from the Royal Advisory Council, Dasho Penden Wangchuk, Secretary of the Ministry of Home and Cultural Affairs and Dasho Sangay Wangchuk, Secretary of the Dratshang Lhentshog. Since the child did not show any extraordinary signs during the recitation of Zhabdrung's (*Soeldeb*)

prayer, it was obvious that there was no further need to exhibit the personal belongings of Zhabdrung brought from *Chari* for recognition purpose.

The Committee concluded that the child was not the reincarnation of the Zhabdrung based on the following findings:

1. The first person to recognize and propagate the reincarnation was Choechong Tseumara who was convicted of crime after a fair and just trial by the court for misguiding several people in the past.
2. Lam Karmapa Ugyen Thinley had explicitly revoked the letter of recognition issued by him.
3. Judging from the character of the child and circumstantial situation, the child did not exhibit any extraordinary signs that would indicate him to be the true reincarnation.

The Committee explained the reasons for not recognizing the child as the true reincarnation of Zhabdrung to Khenpo Tshoki Dorji and his monks. Since Zhandrung Ngawang Namgyel was the supreme religious protector and spiritual guardian of Bhutan, the process of recognizing and upbringing of the reincarnation of the Shabdrung would be conducted according to the well established practice and rules of the country. Khenpo Tshoki Dorji and other monks acknowledged their mistakes and gave their assurances to abide by the laws and traditions of Bhutan and not to indulge in such activities in the future.

Further, the Zhung Kalyon submitted that the Ministry of Home and Cultural Affairs should strictly follow and enforce all the past resolutions of the National Assembly and the established laws, rules and procedures of the country. Moreover, the provision of financial support and subscribing to false *Lams* who went outside the country was not in conformity to the policies of the country. The members were reminded of a circular issued by Late Lyonpo Tamzhing Jagar, which specified that, since there were many sacred heritage and sites to be preserved within the country, the Bhutanese people should make contributions to maintain them. If an individual offered one lakh to a *Lam* or *Truelku* residing outside the country, the same person should make a contribution of two lakhs in Bhutan. He urged the members not to recognize the false claimant of Zhabdrung's reincarnation and other *Lams* and *Truelkus* not officially recognized by the Government and the Dratshang.

While deliberating on the issue, the members commended the Royal Advisory Council for successfully carrying out their responsibilities as per the Royal Advisory Council Act. The members also submitted that the Ministry of Home and Cultural Affairs, after receiving the details of the *Truelkus* residing in the country should submit a report on the actions taken in the 85<sup>th</sup> Session. It was also proposed that the circular issued by the late Home Minister, Lyonpo Tamzhing Jagar should be followed. Moreover, actions taken against false claimants and their supporters trying to deceive the government and the people should also be reflected in the resolution.

Some members submitted that the Land Act clearly specified the system of providing land and other provisions to the *Latruels* if they hold the Lhakhangs and Goendeys. It would also be meritorious for the affluent to contribute fund towards the renovation of Lhakhangs and Goendeys within the country. With regard to the recent false claimant of reincarnation of Zhabdrung, the members said that if the parents of the child had left the country, they should be dealt with according to the Citizenship Act. The House sought clarification on the process of verifying the already recognized *Latruels* and the manner in which the recognition would be administered in the future. The members urged the Assembly to pass a resolution that the citizenship of those *Lams* and *Truelkus* who leave the country in a clandestine manner and their supporters should be removed from the census record as per the Citizenship Act. Similarly, the *Latruels* owning monasteries within the country should forfeit the ownership on their departure from the country.

The Zhung Kalyon reported that the Home Ministry had issued a letter to all the Dzongkhags to submit the details of the *Lams* and *Truelkus* including the name, the reincarnation identity, age, addresses and how the reincarnation was confirmed. The Home Ministry was still in the process of compiling the information from the Dzongkhags. Henceforth, the recognition of the *Lams* and *Truelkus* should be carried out according to the rules of procedure which would be reported to the members in due course.

In response, the Minister for Home and Cultural Affairs reported to the Assembly that there were 65 *Truelkus* in Bhutan: 10 in Bumthang, 5 in Trongsa, 7 in Thimphu, 6 in Punakha, 1 in Pemagatshel, 3 in Wangduephodrang, 9 in Lhuentse, 3 in Trashigang, 1 in Sarpang, 1 in Mongar, 4 in Samdrup Jongkhar, 1 in Dagana, 8 in Trashiyangtse and 6 in Paro. He said that many of them resided outside Bhutan since they were reincarnations of Tibetan *Lams*. The rules of procedure on



recognition of *Lams* and *Truelkus* framed by the Committee would be strictly adhered to in the future.

The National Assembly resolved that formal recognition of *Lams* and *Truelkus* born in Bhutan would be conducted according to the rules of procedure framed by the Committee and *Lams* and *Truelkus* from outside Bhutan would be recognized according to the resolution passed in the 30<sup>th</sup> Session of the National Assembly. The Ministry of Home and Cultural Affairs should investigate the cases of Bhutanese people leaving the country after actively engaging in recognizing *Lams* and *Truelkus* through fraudulent means and instigating the recognition. Such people and the supporters should be dealt according to the law of the land and exercise strong checks to curb such activities. It was resolved that all the Bhutanese people should not recognize false *Lams* and *Truelkus*.

The deliberation on the recognition of *Lams* and *Truelkus* concluded on November 20, 2005 corresponding to the 21<sup>st</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

During the deliberation on Point 1 of the Implementation Status Report by the Zhung Kalyon on the creation of Planning Commission, most of the members expressed their doubts that problems may arise in future if the Planning Department was retained under the Ministry of Finance. The members proposed that the Department of Planning should be de-linked and constituted as a separate Ministry or reverted to Planning Commission as in the past.

In response, the Prime Minister and the Finance Minister submitted clear and substantiated background on the Department of Planning. They said that the Planning Commission initially was under the chairmanship of His Majesty the King. Thereafter, it was reconstituted as a Department under the Ministry of Finance. The formulation of plans had to be carried out in relation to the budgetary resources and any plans without budget was a useless exercise. Therefore, in view of the strong relations between planning and budget, it would be beneficial to retain it as Department under the Ministry of Finance. Furthermore, planning was a process which involved a large numbers of professional and technical expertise. If the Department was made a Commission, it would entail many inconveniences due to the lack of adequate human resources in the country. The council of ministers, after careful study had converted the Planning Commission into a Department under the Ministry of Finance.

The National Assembly noted that the establishment of a separate Planning Ministry would require the appointment of a new Minister and would entail additional cost, putting pressure on the already limited resources. Therefore, the National Assembly resolved that the Department of Planning under the Ministry of Finance be changed to a Commission with the Prime Minister as its Chairman.

The deliberation on Point 1 of the report of Zhung Kalyon concluded on November 21, 2005 corresponding to the 20<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

Deliberating on Point 7 (a) of the Royal Advisory Council's report on the construction of Chukha Dzong, some of the members said that they were not convinced by the report that necessary action would be taken against person whose action contributed to the stalling of the Dzong construction only after receiving a detailed audit report. The members were of the view that since this issue was discussed in the two previous sessions of the National Assembly, it was construed that the government had already taken actions against the persons involved. However, the issue of audit report again has raised doubts in the minds of the people.

Some of the members submitted that the suspension of the consultancy firm involved in the project was a mild punishment as compared to the financial loss to the government. They said that stern action should be taken against the person responsible in accordance with the laws of the country.

The Minister for Home and Cultural Affairs explained the whole process of Chukha Dzong construction, planning and the inconsistencies between implementation and the plan. He also reported about the auditing and said that the construction was stalled in view of the present welfare and future well being of the country and the people. The Minister also informed the House that although the project had already been audited, the Royal Audit Authority was conducting a special audit.

The National Assembly resolved that a study on whether the Dzong should be constructed at the same site or to be built on another site should be carried out and based on the feasibility report construction could be carried out. It was also resolved that the special audit report on the Dzong should be completed without delay and submitted in the 85<sup>th</sup> Session.

The deliberation on the Implementation Status Report on Chukha Dzong construction concluded on November 21, 2005 corresponding to the 20<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

Submitting the Implementation Status Report on Point 3 (c) on satellite towns, the Zhung Kalyon said that the Ministry of Works and Human Settlement would be implementing the Urban Development Master Plan from the Tenth Five Year Plan. Deliberating on the report, the members said that deferring the implementation of the Master Plan would mean a delay in availing urban facilities and services by the new settlements included within the municipal areas. The members also added that there was disparity in the provision of facilities between different categories of settlements under one municipality. According to Section 10 (a) of the implementation status report of the Royal Advisory Council, timber would not be granted at rural rate to new settlements within a radius of 3 kms of the township boundaries. The members, therefore, submitted that timber should be granted at rural rates to both the new and old settlements alike.

Speaking on the issue, the Minister for Works and Human Settlement said that with support from the World Bank, City Alliance, UNEP and UNF, an Urban Development Master Plan has been drafted. The Master Plan will not affect the implementation of the existing urban plans. The Minister explained that one of the reasons for the disparity in the provision of facilities between towns and settlements was due to lack of appropriate funds. Moreover, for each urban center and settlement, different plans had to be drawn based on different factors such as development prospects, regional balance and growth potential. Under the assistance from international financial institutions such as World Bank, the Ministry had formulated a plan for balanced urban development in the twenty Dzongkhags. It was hoped that the problems would be addressed with the implementation of the above plan. Regarding the equal allotment of timber to those living within the municipality, timber *Kidu* was granted only for the construction of residential houses. Timber *Kidu* was also granted to those settlements falling within the radius of 3 kms of municipality if it was an ancestral settlement. It was submitted that the issue of timber allotment should be left to be governed by the Forest and Nature Conservation Act of 1995.

In addition, the Prime Minister explained that although Bhutan was under forest cover of 72.48 percent few years back, the recent National Forestry Conference revealed that the actual forest cover today was 64.35 percent. The National Assembly had resolved that the government should maintain 60 percent of the total area under forest cover at all times. Currently, there was excess of only 4.35

percent. Moreover, only about 14 percent of the forest could be used for timber. If timber is allowed to be used at this rate, it was doubtful whether Bhutan could maintain the forest cover as mandated by the government policy and the resolutions of the National Assembly. Every year, substantial timber was granted to the rural people as *Kidu* but at the same time, some people were indulging in fraudulent practices with regard to the timber granted as *Kidu*. For the above reasons, it was not appropriate to grant timber at rural rates to the new settlements around the town areas.

The National Assembly noted that although town areas have already been identified, plans have not been formulated due to lack of funds, resulting in unequal development. The Assembly resolved that, as submitted by the Minister for Works and Human Settlement, plans should be formulated and implemented after availing funds from the World Bank, UNEP and City Alliance. As submitted by the Prime Minister and the Minister for Works and Human Settlement, the National Assembly resolved that timber allotment at concessional rate should be provided, in accordance with the Forest and Nature Conservation Act, 1995.

The deliberation on Satellite towns and timber allotment to new settlements concluded on the November 21, 2005 corresponding to the 20<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

On the fourth point of the Royal Advisory Council report, some of the members said that while they had submitted for the reduction in the interest rate of Individual Rural Loan to 10% in the last Session, they had not submitted for the reduction in the interest rates on Small Investment Loan from 14% to 13% and Commercial Agriculture Loan from 15% to 14%. The members submitted that the interest rate of Individual Rural Loan be reduced from 14% to 10% in order to enhance their living standard by canceling the reduction in interest of other two categories of loan.

Some of the members said that the urban dwellers avail loan amounting to 30 to 40 lakhs for the construction of houses at interest rate of 10%. The members expressed their view that the reduction of interest rate on rural loans would not tantamount to any loss to BDFC.

In response, the Finance Minister said that although the government had no capital, the BDFC was established with external capital mobilization for its sustenance and for the welfare of the people in the rural areas. Despite the heavy cost implications, BDFC had established branch offices in the Dzongkhags in

order to facilitate disbursement of loan and repayment by the people without having to come to the towns.

Similarly, it was reported that the interest rate on Group Guarantee Lending Scheme was reduced from 13% to 10% with effect from August 2004. The Minister said that if the interest rate on Individual Rural Loan was reduced from 14% to 13 %, a yearly loss of Nu.2.80 million would have to be borne. The reduction of interest rate on Commercial Agricultural Loan from 15 % to 14% would incur a loss of Nu.1 million per annum. If the interest rate on all three types of rural loans was reduced to 10%, it would incur loss of Nu.5 million in the first year and within 5 years, loss of Nu. 300 lakhs would be suffered. Moreover, for every Nu 100 loaned out only about Nu. 73 was repaid and default in loan repayment for BDFC was about 27%.

The Minister also explained that housing loans in the towns were granted at 10% interest rate because the customers had to mortgage huge assets with the bank whereas mortgage was not required while availing rural loan. As decided in the past Session, the Ministry of Finance had consulted the Royal Monetary Authority on the reduction of interest rates. Despite the loss, the rate of interest on Individual Rural Loan would be reduced from 14% to 13% and Commercial Agricultural Loan from 15% to 14% with effect from January 2006. If the rate of interest on all three types of loans was reduced to 10 %, BDFC would have to close down within two to three years. Therefore, it would be beneficial to the country and the people if the interest rate revision was left to be determined by the financial systems for the sustenance of such projects which benefited the people.

The National Assembly resolved that the Ministry of Finance in consultation with BDFC and other financial institutions should discuss the possibilities of providing rural credit as submitted by the people. In case there was no positive response from other financial institutions and if the BDFC was unable to provide loans, a report should be submitted accordingly. If the financial institutions agree to provide rural loans, a committee chaired by the Finance Minister should be formed to conduct the cost benefit analysis and report in the 85<sup>th</sup> Session of the National Assembly.

The deliberation on the reduction of interest rates of rural credit as reported in the Zhung Kalyon's Report concluded on November 22, 2005 corresponding to the 21<sup>st</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

Responding to Point 7 (b) of the Implementation Status Report on the renovation of Semtokha Dzong and Baap Nyizergang Lhakhang, some of the members pointed out that even for a shortage of Nu.3000 or 4000, the common people were not only fined severely but also terminated from their service. The members said that the Assembly should take appropriate decision to punish those individuals responsible for squandering fund and misusing *Zhaptolemi* service since these mistakes were made intentionally. Likewise, one of the main reasons for the present problem was that the engineers had not carried out proper studies when the plan was formulated. Therefore, taking into consideration the factors such as land, project plan, construction and the fund for renovation, stringent and appropriate actions should be taken against the defaulters as per the audit report.

Some of the members pointed out that it was important to ascertain whether the authority to divert the fund from Semtokha Dzong renovation project to Baap Nyizergang Lhakhang was explicitly mentioned in the agreement that was signed between Bhutan and the Government of India. In case such an agreement was not reached, the members sought the authoritative source for the diversion of the fund. Although there was an established procedure that any offering of land, Lhakhang or Goendey to the government or Dratshang had to be first examined and investigated by the Geog Committee, the Baap Nyizergang Lhakhang and the land which had no proper *Thram* was offered without following the established procedures. Such action would not only disappoint the people but would also cause enormous loss to the government. Therefore, to prevent similar problems in the future, everyone should strictly abide by the laws and the established rules of the country.

Some of the members said that according to the Land Act, except for His Majesty the King, no one had the authority to grant land. Since the sole authority is vested with His Majesty the King, it would not be proper for the National Assembly to authorize the registration of *Thram* but instead set a time limit for its registration.

Some of the members suggested that since there were many Lhakhangs, Goendeys and religious institutions without *Thrams* in the country, the government should investigate and submit the report, including that of the Nyizergang Lhakhang to His Majesty the King and take appropriate action accordingly.

The Home Minister along with other ministers clarified that since Semtokha Dzong was one of the oldest Dzongs with historical importance, His Majesty the King had commanded the renovation of the Dzong based on the submission made

by the Ministry of Home and Cultural Affairs. Subsequently, under the directives of the council of ministers, a comprehensive project proposal for the renovation was formulated. A sum of Nu.10.9 million was earmarked for the first phase of the project out of which a sum of Nu.7.5 million was spent while 375 *woolaps* from Thimphu Dzongkhag worked for 5177 days.

While the Dzong was being renovated, it was discovered that the condition of the Dzong had deteriorated over the years and the repair work was needed right from the foundation. Since the earmarked fund was not sufficient, the Ministry of Home and Cultural Affairs, together with the Ministry of Foreign Affairs and Ministry of Finance, requested the Government of India to assist in funding the project. The Government of India contributed Nu.107 million exclusive of the Ninth Plan assistance. A sum of Nu.58 lakhs was then diverted from the fund to construct temporary shelter for the monks and Lams of the Semtokha Dzong. The Minister for Home and Cultural Affairs informed the members that Semtokha Dzong would become a *Ghar Thig Sum Shedra* in the future.

Since the Barp Nynzergang Lakhang was a holy place, where the people of Barp Geog offered their prayer both for the present and the future wellbeing, five years after the Lhakhang was built, the people of Babesa had offered the Lhakhang, together with its *Nangtens*, to the Dratshang. Moreover, the community of Babesa had offered the Lhakhang to the Dratshang to prevent any unforeseen misfortune and disaster befalling on the place and to prevent the Lhakhang from falling into private ownership. The Minister admitted that it was incorrect for the Ministry of Home and Cultural Affairs and the Dratshang to accept the offer without verifying the *Thram*.

The Minister also added that the Lhakhang and the *Rabdey* in Babesa would not only benefit the people around Babesa but would also greatly benefit the increasing population with the expanding town areas in the future. While the construction of the monk's quarters was not in line with the legal procedures, it was proper in view of our customs and traditions. The Minister submitted that the National Assembly should grant permission to continue the work and accord time for the registration of the *Thram* since it had already been offered to the Dratshang.

Moreover, with the renovation of the Semtokha Dzong, there was an urgent need for the construction of temporary quarters for the monks. Therefore, construction of temporary quarters for the monks was taken up at Nyizergang. The investigation of those involved in wrong actions would be conducted as per the

audit report after considering the merits and demerits to the government and the people. Since there were many unregistered Lhakhangs and Goendeys in the country, it was suggested to submit a report, including that of Nyizergang Lhakhang to His Majesty the King for the registration of *Tharms* and take actions accordingly.

Regarding the fund diversion from the Semtokha Dzong renovation to the construction of monk's quarters at Nyizergang Lhakhang, the National Assembly resolved that a special audit should be conducted and a report submitted in the 85<sup>th</sup> Session of the National Assembly. Since the *Thram* of the Baap Nyizergang Lhakhang and the land were not registered, the Assembly resolved that the ongoing construction should be suspended for two months during which period the Ministry of Home and Cultural Affairs and the council of ministers should obtain a Kasho from His Majesty the King for registration of *Thram* and resume the construction. If the Kasho is not obtained, the construction should be completely stopped and a temporary residence for the monks should be built within the premises of Semtokha Dzong. For the construction of permanent residence, proper authorization should be obtained from the government. The National Assembly resolved that implementation report prepared by the Royal Advisory Council in accordance with the Royal Advisory Council Act should be submitted to the 85<sup>th</sup> Session of the National Assembly.

The deliberation on the Semtokha Dzong and Baap Nyizergang Lhakhang concluded on November 22, 2005 corresponding to the 21<sup>st</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

#### **IV. ISSUES RELATED TO DEVELOPMENTAL ACTIVITIES**

##### **1. Construction of Community Schools**

The people of Trashiyangtse Dzongkhag submitted that the Nu.5 lakhs provided for the construction of community schools was not adequate. The sparsely populated communities could not contribute both in terms of cash and labour. Therefore, the people would be greatly benefited if the government could bear the entire cost of construction of community schools through contract works.

In response, the Minister for Education reminded the members of His Majesty the King's nationwide coronation address at Changlingmithang on June 2, 1974. His Majesty the King had said that, "*As far as you, my people*



*are concerned, you should not adopt the attitude that whatever is required to be done for your welfare will be done entirely by the government. On the contrary, a little effort on your part will be much more effective than a great deal of effort on the part of the government. If the government and the people join hands and work with determination, our people will achieve prosperity and our nation will become strong and stable.*” The Minister informed that constructing community schools on contract basis would cost Nu.30 lakhs, whereas the same could be built with Nu.5 lakhs under the *Zhaptolemi* system. Similarly, in the Ninth Plan, the construction cost for 137 schools would be only Nu. 68.5 million while Nu.411 million would have to be spent if the work was awarded on contract. At present, the construction of 60 community schools had been completed and 47 are under construction. The remaining 20 community schools would be completed within the Ninth Five Year Plan.

Since *Zhaptolemi* was one of the main causes of problems and inconveniences to the people, it was imperative to review and revise the existing system of *Zhaptolemi*. It was reported that the construction of community schools in the Ninth Five Year Plan were to be constructed jointly by the government and the people within the ceiling of Nu.5 lakhs per school. In an agreement between the Royal Government and the development partners to construct community schools, *Zhaptolemi* was clearly specified as one of the preconditions. Therefore, it was submitted that the remaining works should be completed jointly by the government and the people as envisaged.

The Minister for Home and Cultural Affairs said that the noble vision of His Majesty the King was to achieve the national objective of self reliance and self sufficiency through the system of *Zhaptolemi*. This system has indeed benefited the government and the people. If the system of *Zhaptolemi* was altogether removed, it would not only impede the successful completion of the planned developmental activities but would also entail the problem of budgetary shortage. While a detailed study on the *Zhaptolemi* system would be carried out in consultation with the community leaders and the Dzongdas, the findings of the study would then be submitted in the 85<sup>th</sup> Session of the National Assembly.

Some of the members reported that there were an increasing number of people in the rural areas who complained that they may have to migrate to urban areas due to the burden of *Zhaptolemi* system. The affluent and

intelligent people were migrating to urban areas while keeping caretakers back home. There was increasing number of people who resorted to such practices. This caused not only problems in implementing *Zhaptoglemi* system but also involved lots of other problems which affected the poor people. Therefore, the members submitted that the government should draw up appropriate measures to solve this problem.

The National Assembly resolved that, as submitted by the Education Minister, the construction of remaining 20 out of 137 community schools should be carried out together by the government and the people as envisaged in the Ninth Plan. In addition, the Ministry of Home and Cultural Affairs should coordinate to review the *Zhaptoglemi* system and explore the possibilities of drafting a new *Zhaptoglemi* Act. The council of ministers should discuss and decide on the implementation of the *Zhaptoglemi* system either in the Ninth or the Tenth Plan and submit a report in the 85<sup>th</sup> Session.

The deliberation on the Construction of community schools concluded on November 22, 2005 corresponding to the 21<sup>st</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## **2. New Alignment of road**

The people of Lhuentse Dzongkhag submitted that the perennial landslide between Lhuentse and Mongar highway adversely affected the commuters. The people expressed their gratitude to the government for the decision made to re-align the road through Tsakaling so as to solve the problem. The people further requested that the new alignment be connected to the existing road at Gangola with a farm road through Chali.

Some of the members submitted that the government should carry out feasibility studies considering the present and the future benefits that would accrue to the people and begin the re-alignment work as soon as possible. Since Lhuentse was one of the remote Dzongkhags, members supported the submission for the re-alignment and urged the government to initiate construction at the earliest possible.

In response, the Minister for Works and Human Settlement agreed that massive landslides at Rothpashong frequently blocked the road cutting off transportation link causing inconvenience to the people. The Asian Development Bank was requested for fund for the extension of the road as a

feeder road under their proposed Road Network Expansion Project and about five options were subsequently considered. The route from Gorbaktang was chosen because the area was stable and could serve as a bypass for the Rothpashong slide. The construction of the road would start as soon as possible under the Asian Development Bank project. On the farm road through Chali to connect the existing road at Gangola, a power tiller road from Gangola to Chali would be constructed by the Ministry of Agriculture, which would later be upgraded to a farm road.

The National Assembly resolved that the Ministry of Works and Human Settlement should immediately carry out the construction of Gorbaktang to Autsho road along the Lhuentse-Mongar highway to build a bypass for the Rothpashong slide area as soon as possible as per the feasibility report of the Asian Development Bank. It was also resolved that power tiller road would be constructed as planned by the Ministry of Agriculture and would later be upgraded to a farm road.

The deliberation on new alignment of roads concluded on November 22, 2005 corresponding to the 21<sup>st</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

### **3. Construction of river embankment**

The people of Samdrup Jongkhar Dzongkhag submitted that Dungsamchhu and Jomori Tsangchhu swell during the summer posing grave danger to the residents of Samdrup Jongkhar and Jomotsangkha. The people, therefore, requested the government to immediately carry out investigation and construct embankments along these two rivers.

Deliberating on this issue, the Samdrup Jongkhar Dzongdag said that, if embankments were not constructed along these rivers there was a grave risk that the rising Dungsamchhu during the monsoon would wash away the Samdrup Jongkhar town. The people of Jomotsangkha also faced similar threats from Jomori Tsangchhu. Although, this activity was not reflected in the Ninth Plan, the government should assess the urgency and the risks posed by these rivers and undertake river protection works immediately. The river embankments would immensely benefit in preventing flood for all time to come.

Supporting the need to construct embankments along Dungsamchhu and Jomori Tsangchhu, the Minister for Works and Human Settlement said that since this activity was not included in the Ninth Five Year Plan, it was not possible to take up the construction of embankments immediately. However, based on the request of the people, a thorough study would be carried out to assess the magnitude of the threat. If the assessment report indicated urgency, the matter would be submitted to the government and the possibility of starting constructions immediately would be explored. Otherwise, the construction of embankments along Dungsamchhu and Jomori Tsangchhu would be undertaken in the Tenth Five Year Plan.

The National Assembly noted the threat posed by these rivers to the residents and properties of Samdrup Jongkhar and Jomotsangkha. As suggested by the Minister for Works and Human Settlements, the National Assembly resolved that if immediate action was required, the issue would be submitted to the government for the construction of embankment along these rivers. Otherwise, the river embankment works would be included in the Tenth Five Year Plan.

The deliberation on Construction of river embankment along Dungsamchhu and Jomori Tsangchhu concluded on November 22, 2005 corresponding to the 21<sup>st</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

#### **4. Hydro electricity problem**

The people of Mongar Dzongkhag submitted that the establishment of Kurichhu Hydro Power Project has greatly benefited the eastern Dzongkhags. However, problems were faced by the people due to frequent disturbances and disruption of power supply. The people therefore, requested the government to establish a new hydro power plant either at Rothpashong or at Kholongchhu to solve the problem.

In response, the Minister for Trade and Industry said that the problem faced by the people of Mongar Dzongkhag was genuine. To solve this problem, the Royal Government had installed 10 MVAR Shunt Reactor worth 37 million at Kurichhu. The government had already initiated the construction of transmission lines throughout the country to reduce the problem of power supply. Although, the construction of hydro power plant at Rothpashong was included in the Master Plan, it could not be constructed due to heavy establishment costs. It was reported that, it was crucial to accord priority in

constructing power plants with substantial power generation capacity such as Punatshangchhu which would benefit the entire nation.

Despite repeated discussion in the earlier sessions of the National Assembly for the establishment of a new hydro power plant, the project implementation plan had to be deferred due to financial constraints and the cost effectiveness of the project. The National Assembly resolved that as reported by the Minister for Trade and Industry, the national transmission grids should be completed as planned to solve the problem of power supply.

The deliberation on the issue of hydro electricity problem concluded on November 22, 2005 corresponding to the 21<sup>st</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## **5. Establishment of Teachers' Training Institute**

The people of Trashigang Dzongkhag submitted that in line with the policy of the Ministry of Education to provide "Education for All" by the year 2020, there had been increase in the enrollment rate of more than thousand students each year with the establishment of new schools. The people expressed their concern that, the teachers graduating from the present Teachers' Training Institutes may not be adequate to address the increasing demand for trained Bhutanese teachers. This issue was also raised and thoroughly discussed in the GYT and DYT. To achieve the policy of self-reliance and to reduce the dependence on foreign teachers, the people requested for the establishment of a new Teachers' Training Institute in any of the six eastern Dzongkhags in addition to the existing institutes in the country.

During deliberation on this issue, some members said that as per the policy of education and the development pace of the country, the enrollment of students has been increasing each year and the demand for teachers was also increasing substantially. They added that the number of teachers graduating from the existing two national institutes in Samtse and Paro was not adequate to mitigate the increasing demand for trained Bhutanese teachers in the country. Therefore, it would be of immense benefit if the Royal Government could consider the establishment of a new Teachers' Training Institute in one of the eastern Dzongkhags to solve the problem of shortage of teachers in the country.

The Minister for Education informed the House that the National Institute of Education (NIE) established in 1968 at Samtse had the capacity to enroll 487 trainees and NIE at Paro established in 1975, has presently 800 trainees. The teachers' training institutes in Samtse and Paro were being expanded in the current plan with a budget Nu.240 million funded by the Swiss Government. The institute in Samtse would see a capacity increase from 487 trainees to 1,069 while the institute in Paro would see an increase from 779 to 1,106 trainees. Further, the teacher numbers would be supplemented by Sherubtse College, Institute of Language and Culture Studies and the new degree college to be established in Gedu.

The Minister said that an expert team from United Nations while projecting the population and the number of school going children up to 2020 had targeted to provide basic education till Class X to all the youths by the year 2015. Therefore, it was imperative to expand these two institutes. It was hoped that these two institutes and the three degree colleges would solve the problem of teacher shortage in the country in the Tenth Five Year Plan.

As submitted by the Minister for Education, the National Assembly resolved that the existing education policies and plans should be continued till it is completed. However, in case of any problems in the future, it would be discussed and resolved accordingly.

The deliberation on the issue of establishment of Teachers' Training Institute concluded on November 22, 2005 corresponding to the 21<sup>st</sup> day of 9<sup>th</sup> month of the Bhutanese calendar.

## **6. Re-alignment of lateral highway**

The people of Bumthang and Lhuentse Dzongkhags submitted that the Thimphu-Trashigang highway particularly between Sengor and Yongkala under Mongar Dzongkhag was narrow and prone to vehicular accidents. Moreover, the road blocks at Trumsingla due to heavy snow and ice made it difficult for commuters to travel in winter. Since it was the policy of the government to shorten highways as far as possible, it would not only benefit the six eastern Dzongkhags but would also shorten the distance if the lateral highway was re-aligned and constructed from Shingkar in Bumthang through Singmala and Gorgan under Metsho Geog in Lhuentse.

Supporting the submissions of Bumthang and Lhuentse Dzongkhags, some of the members said that the re-alignment of road through Shingkar in Bumthang would entail fewer problems during the construction and also reduce the travel distance by 96 kms. Therefore, it was imperative to re-align and construct the road as submitted by the people of these two Dzongkhags.

In response, the Minister for Works and Human Settlement said that widening and reducing the travel distance of the existing highway was the policy of the Royal Government. A study on the highways within the country was conducted by the Director and engineers from the Department of Roads. The study revealed that the re-alignment of the Thimphu-Trashigang highway, from Shingkar in Bumthang through Singmala and Gorgan under Lhuentse Dzongkhag would reduce the travel distance by 66kms. Although the construction of the road has been reflected in the Twenty Year Master Plan of the Ministry of Works and Human Settlement, the possibilities of carrying out the construction works in the Tenth Plan would be assessed and a report would be submitted accordingly.

The National Assembly resolved that the re-alignment and construction of the lateral highway from Shingkar in Bumthang through Gorgan under Lhuentse Dzongkhag would be under taken according to the policy of the Royal Government to improve the existing road network and to reduce the travel distance. Further, the Ministry for Works and Human Settlement should assess the possibilities of including the work in the Tenth Plan and submit a report in the 85<sup>th</sup> Session.

The deliberation on the re-alignment of lateral highway concluded on November 22, 2005 corresponding to the 21<sup>st</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## **7. Sunkosh to Dagana Road**

The people of Dagana Dzongkhag submitted that the road from Sunkosh to Daga Dzong was very narrow and unpaved. Although maintenance works were carried out during the Eight Plan, the road condition was still poor and the commuters were facing lots of problem. The people of Dagana Dzongkhag requested the Royal Government to carry out maintenance works in the Ninth Plan so as to contribute to the socio-economic development of the country.

Some of the members said that the condition of the roads under Dagana Dzongkhag were deplorable compared to other Dzongkhags. This has stepped up the price of consumer goods in the Dzongkhag. Therefore, road maintenance works needed to be carried out for the benefit of the people of Dagana Dzongkhag at the earliest possible.

The Minister for Work and Human Settlement said that the 87 km long road between Sunkosh and Daga Dzong was built during the Fifth Five Year Plan in early 1980s. Due to shortage of technical personnel, proper study and alignment could not be carried out at the initial stage. This had resulted in the road running through a number of geologically weak spots that posed serious maintenance problem every year particularly during the monsoon. Further, the road could not be maintained effectively due to security problem during the early 1990s which had further deteriorated the road condition. Out of the Ninth Plan revised budget allocation of Nu.60.9 million for the maintenance of the Sunkosh-Dagana road, Nu.30 million has already been spent till June 2005. About 36 kms of the road has been black topped and 8.5 kms has been laid with base course work. The maintenance work of the road would be completed within the Ninth Plan depending upon the adequacy of the remaining budget.

The National Assembly resolved that the government should continue and complete the maintenance of the Sunkosh-Dagana road within the Ninth Plan. In case, the current budget was not sufficient, this activity should be completed by including it in the Tenth Five Year Plan.

The deliberation on Sunkosh to Dagana road concluded on November 22, 2005 corresponding to the 21<sup>st</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## **V. BHUTAN-CHINA BORDER TALKS**

The public of Zhemgang, Paro, Gasa and Thimphu Dzongkhags and the representative of the BCCI expressed their concern regarding the six different road constructions by the Chinese along the Northern boundaries, especially in four areas where 3.5 kms were constructed in Bhutanese territory last year. They pointed out that since Bhutan was a small country with limited land, a loss of even a small area of land would be a problem for the future generations and also have implications on the country's sovereignty. The people also requested the



government for a briefing on the progress of the Bhutan-China boundary talks as resolved in the 83<sup>rd</sup> Session of the National Assembly

Deliberating on the issue, many members said that, Laya and Lunana located in the extreme north shared borders with Tibet and the snow glaciers had served as barriers in the past. However, due to the melting of snow and glaciers more passes have opened, serving as an easy access to the Tibetans entering into Bhutan during *Yartsa Goenbuep (Cordyceps)* harvesting season. The members said that the Tibetans entering Bhutanese territories to harvest *Yartsa Goenbuep* not only affected the income of those people living in the northern parts of the country but also posed security threat to the nation and the Bhutanese living along the border areas. Similar problems were reported at Sephug Geog under Wangdue Phodrang Dzongkhag where preventive measures adopted by the people failed to mitigate the problem. Therefore, the people requested for security personnel to be posted along the borders. The members also called on the government to prevent the construction of mule tracks and motor roads in the border areas in accordance with the agreement signed between the two countries in 1998. They urged the government to expedite and finalize the boundary with China as early as possible.

The Secretary for International Boundaries reminded the National Assembly that the 2<sup>nd</sup> round of Expert Group meeting with the Chinese delegation on the border demarcation was held at Thimphu from July 12 to 15, 2005. He said that the concerns expressed by the people during the 83<sup>rd</sup> Session had been conveyed to the Chinese delegation. He reported that the Bhutanese side had pointed out that the road construction activities were not in line with the 1998 guiding principles for the settlement of the boundary and the 1998 agreement for maintaining peace and tranquility along Bhutan-China border areas. The views and concerns of the Royal Government were also given to the leader of the Chinese delegation in writing.

The Secretary said that the Chinese response was that the Bhutanese were over-reacting. They said that the roads were legitimately constructed for the economic development of the western part of China, including Tibet. However, the work had been stopped in view of Bhutan's concerns and friendly relations between the two countries.

The Secretary reported that in comparison to the road constructions in six areas last year, the Royal Bhutan Army reported that construction activities were carried out by the Chinese in two areas this year. Some maintenance and clearing work was carried out on the existing motor road, measuring 600 meters, between

Asam Jakphu and Dolepchen in August, 2005. Maintenance work was also carried out on the existing road in Shakhateo area and 700 meters of mule tracks had been developed into motor road. He reported that the bridge over Roshi Chhu in the northern Shakhateo area was also renovated with logs and made suitable for heavy vehicles. The Secretary said that during discussions on boundary demarcations, they had examined each other's maps on the scale 1: 500,000 and found large differences in the respective claim lines. It was agreed that differences needed to be narrowed down before exchanging the maps. The Secretary for International Boundaries reiterated that the Chinese side had said that they were willing to consider some adjustments in the demarcation of the border. They also said that their adjustment were not limitless because they asserted that Bhutan was claiming large areas which did not belong to Bhutan.

The Secretary for International Boundaries said that the 3<sup>rd</sup> Round of the Expert Group meeting would be held in Beijing, with the dates to be proposed by the Chinese Government, and it would be followed by a ministerial-level meeting.

The National Assembly commended the Ministry of Foreign Affairs and the office of International Boundaries for fruitfully carrying out the border talks in accordance with the resolutions of the House. The National Assembly resolved that, keeping in mind the concerns raised by the people, the Ministry of Foreign Affairs and the International Boundaries should expedite the boundary talks and finalize the Bhutan-China border.

The deliberations on the issue of Bhutan-China border talks concluded on November 25, 2005 corresponding to the 23<sup>rd</sup> day of 9<sup>th</sup> month of the Bhutanese calendar.

## **VI. BHUTAN-INDIA BOUNDARY DEMARCATION**

The people of Paro expressed their appreciation to the government for the progress made in the demarcation of boundaries between Bhutan and India according to the resolution of the 83<sup>rd</sup> Session of the National Assembly. The people requested the government to complete the demarcation of the remaining 15 boundary strip within 2006.

While deliberating on the issue, some of the members said that due to the lack of proper demarcation of boundaries between Bhutan and India, the people from neighboring India particularly in Sarpang Dzongkhag, have encroached into our territory by about 184 meters. Moreover, people from across the border were

involved in the illegal felling of trees. In order to prevent such activities and to strengthen the security of the nation, it was imperative to complete boundary demarcation at the earliest.

In response to the concerns expressed by the members, the Secretary for International Boundaries submitted that as reported in the 83<sup>rd</sup> Session, boundary demarcation with India was completed between Riche La in the West to Khaktangla in the east, with 60 boundary strip maps and 358 main boundary pillars. The boundary demarcation was carried out based on the decision reached in a meeting held between the two governments in 1971. The demarcation of the remaining 15 strips will be carried out and completed as per the decision of the 239<sup>th</sup> cabinet meeting. Regarding the boundaries along the Indian states of West Bengal, Assam and Arunachal Pradesh, except for maintenance, no additional work was required. The members were also informed that a meeting to devise ways and means to maintain the existing boundary pillars between Bhutan and India was scheduled to be held in Thimphu in December 2005.

The Secretary for International Boundaries also added that, although the boundaries between Bhutan and India covered by the 62 map sheets would be completed by the end of 2006, the western and eastern tri-junctions would be taken up only after it was agreed by China and India because it involved the territories of three countries. During the 2<sup>nd</sup> Expert Group Meeting held in July 2005, Bhutan claimed its boundaries beyond Mela up to Serjungla. Under the command of His Majesty the King, the Secretary visited Mela and Serjungla during September this year.

The National Assembly commended the Ministry of Foreign Affairs, Department of Survey and Land Records and the Secretary for International Boundaries for the demarcation works being carried out in accordance to the resolution of the 83<sup>rd</sup> Session. The National Assembly resolved to continue and complete the boundary demarcation works between Bhutan and India on the remaining 15 boundary strips by the year 2006.

The deliberation on Bhutan-India Boundary Demarcation concluded on November 24, 2005 corresponding to the 23<sup>rd</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## VII. MISCELLANEOUS ISSUES

### 1. Renovation of age-old monasteries

The people of Trashiyangtse Dzongkhag submitted that they have been supporting the government's efforts in restoring the age-old monasteries built by our forefathers by supplementing the budget provided by the government. However, due to financial paucity, the people were not able to make monetary contributions to supplement the budgetary provision of the government. Therefore, the people requested the government to bear 80 percent while 20 percent of the cost would be contributed by the people in the form of labour. It was submitted that during the renovation, no alterations should be allowed in the architecture and the structural design of the monasteries and Lhakhangs which are more than thirty years old. But for those monasteries and Lhakhangs which are less than thirty years, necessary changes in structural and architectural design should be allowed and permission should also be granted to shift the Lhakhangs to a suitable site if the existing location was unstable.

Deliberating on the issue, some of the members submitted that in the case of renovation of community Lhakhangs and *Goendeys* which were more than hundred years old, a system should be adopted to make alterations and extension depending on the population and the needs of the changing times. The members also submitted that it would greatly benefit the people if the government could provide 80 percent of the total cost of renovation and provide financial support for the renovation of Lhakhangs in two geogs every year.

In response, some of the members pointed out that the 82<sup>nd</sup> Session of the National Assembly had resolved to renovate one Lhakang or *Goendey* in a Geog each year. The members submitted that there was an urgent need to systematize and frame a policy relating to the mobilization of funds by the government from foreign donors for the renovation of Lhakhangs otherwise there was a risk that construction of Lhakhangs may take place contradictory to our culture and religion. Such policies would also benefit the renovation of Lhakhangs in particular and also accomplish the political purpose before the Constitution was adopted. Similarly, it was also important to confirm as to whether the individuals and private citizens were allowed to seek foreign aid. The people would also be grateful if the government could provide financial help for the renovation of sacred and revered Lhakhangs which

needed immediate renovation and restoration in cases where the people were not able to make monetary contributions. Whereas, if the people and the patrons were able to provide monetary contributions, the government could provide materials and other necessities for renovation works.

In response to the submissions, the ministers concerned, clarified that there were a total of 2007 Lakhangs and Goendeys in Bhutan: 423 owned by the government, 849 in the villages, 88 owned by *Latruel* and 647 owned by private individuals. It would not be financially possible for the government to renovate all these Lakhangs every year due to budgetary constraints. Since it was the responsibility of the government to look after the welfare of the people, the government was making special efforts to seek financial aid for the renovation of Lakhangs and Goendeys. For instance, the government was in the process of seeking financial aid from foreign countries such as America and Germany as well as from non-governmental organizations like the Himalayan Foundation.

Regarding the issue of alteration of architecture and structural design of Lakhangs which are less than thirty years old, the ministers said that once these Lakhangs crossed seventy or hundred years, they become antique, an invaluable asset in our cultural heritage. Therefore, before any decision was made on this issue, the ministers urged that the concerned Ministry should be given time to carry out studies and frame a policy, in consultation with the cultural conservation professionals and submit a report in the future. The concerned minister also informed the members that the government, in consultation with the Ministry for Agriculture had decided to provide timber at concessional rates only for restoration and renovation works executed on the existing sacred monasteries which were in need of renovation. In addition to the submissions made by the members on the issue of foreign aid for renovation of Lakhangs, the Minister said that there was indeed a risk that Lakhangs, contradictory to our religion and culture may get established in the country. Therefore, it was very pertinent that stringent policies and laws were framed to this effect.

Similarly, the Minister explained that the government, in consultation with the Ministry for Agriculture, had liberally provided timber at concessional rates for all works concerning the renovation of monasteries. Since it was the policy of the government to maintain a forest cover of 60 percent, it was important that all the Bhutanese people were equally concerned and responsible. The Minister also informed the members that in order to reduce

the burden and strain on our forest, the Ministry of Agriculture had plans to make use of timber and wood preservatives and to import timber from other countries.

The National Assembly resolved that the Ministry of Home and Cultural Affairs should, after carrying out proper assessment, provide financial support for renovation of those monasteries which needed immediate renovation according to the government budget availability. For those monasteries where renovation and restoration were not urgent, the government should provide financial support according to the planned budget. With regard to the issue of foreign aid for renovation works, the National Assembly resolved that the Ministry of Home and Cultural Affairs should draft a Non-Governmental Organization Act and submit the Bill for adoption in the 85<sup>th</sup> Session of the National Assembly.

The deliberation on renovation of age-old monasteries concluded on November 24, 2005 corresponding to the 23<sup>rd</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## **2. Timber for repair and maintenance of house**

The people of Paro Dzongkhag submitted that the existing allotment of timber of 10 *Chams*, 4 *Drashing* and 20 *Tshims* by the Royal Government were not sufficient for repair and maintenance of houses. The people, therefore, requested the government to consider the increase of timber allotment to 40 *Chams*, 5 *Drashing* and 40 *Tshims*.

Deliberating on the issue, some members said that it would immensely benefit the people of the rural areas if the Royal Government could increase the existing numbers of timber allotment by reducing the number of trees allotted for prayer flags. The government could also look into the possibilities of providing substitutes like the use of bamboos and ropes for prayer flags thereby reducing the number of tree allotment.

The Minister for Agriculture reminded the House that, considering the welfare of the people living in the villages, the Royal Government was providing timber at subsidized rates for the repair, renovation and extension of rural houses, once in every five years. If the supply of timber at subsidized rate for rural house construction was increased, the problem of inadequacy of timber may arise in the near future. Increasing the number of

trees as requested by the people would bring many repercussions to the overall policy of maintaining and sustaining 60% forest cover for all times to come. The people also tend to claim timber at subsidized rate as their entitlement and sell the timber. The misuse of subsidized timber by the people was on the rise each year. It was therefore, imperative for the House to seriously reflect on the need to provide timber at subsidized rates for repair of houses by the government after every five years.

The National Assembly resolved that the Ministry of Agriculture should conduct a study and review to ascertain whether it was justified to increase the number of trees as requested by the people and the number of trees for prayer flags for funeral rites should be decided and reported in the 85<sup>th</sup> Session of the National Assembly.

The deliberation on the issue of timber for maintenance and repair of houses concluded on November 24, 2005 corresponding to the 23<sup>rd</sup> day of 9<sup>th</sup> month of Bhutanese calendar.

### **3. Resettlement Programme**

The people of Samdrup Jongkhar submitted that there were thousands of acres of vacant arable land between the geogs of Jomotshangkha and Samdrupchoeling. If the government resettled the people in these vacant lands, it would not only help in protecting and conserving the forests and ward off the wild animals, but would also strengthen the security of the country. Furthermore, it would greatly benefit those people who could not be covered under the previous resettlement programmes. Similarly the people of Sarpang Dzongkhag requested that the 8<sup>th</sup> Resettlement Programme should be started in the vacant government land in 14 geogs. This would not only reduce the problems faced by the people but would also strengthen the security of the border areas. Furthermore, it would help in preserving our culture and tradition.

Some of the members said that although the resettlement programme initiated by the government has helped in strengthening the security of the country, many people living in these areas have left their lands fallow because of the destructions caused by the wild elephants. As such, it was pertinent that the people should be allowed to use electric fences as was done in Lhamoizingkha. Since the Bhutan Power Corporation has restricted the use of electric fencing, the people and the forest guards have improvised

strategies such as the use of chili powder, to keep away the wild elephants. But these methods and strategies have not proved very effective and people continued to face the problem of wild elephants. Therefore, it would benefit the people if the Ministry concerned could discuss the issue with Bhutan Power Corporation and permit the people to use electric fences at no cost to the government.

Some of the members submitted that the resettlement programmes initiated by His Majesty the King had not only helped in the socio-economic development of the country but had also helped in integrating the people from all places of the country which was crucial for the post-constitutional governance.

In response, the Minister for Home and Cultural Affairs said that it had always been the noble aspiration of His Majesty the King and the policy of the government to provide land to the landless as only 7.8% land was arable in Bhutan. Ever since His Majesty the King ascended the Golden Throne, several policies on resettlement were put into place since the early 1970s. Till date, resettlement programmes in seven phases have been implemented.

The Minister also informed the Assembly that those people who were resettled before the 83<sup>rd</sup> Session of the National Assembly have, in defiance of the resettlement procedures, indulged in illegal practices such as selling off *kidu* land and leasing them for monetary gain. Therefore, the government had kept the 8<sup>th</sup> Resettlement Programme in abeyance. Taking into consideration the factors such as culture, language and socio-economic developments of these resettled families, proper studies and assessments would be carried out and the 8<sup>th</sup> Resettlement Program would be continued after careful scrutiny and affecting necessary changes in the Resettlement Policy and Procedures.

The Minister for Agriculture informed the members that the government was very much aware of the problems of the wild animals in the communities. Although the government has framed and outlined many preventive measures, the government has not been able to implement them due to lack of adequate time and budget. With regard to the use of electrified fence at Lhamoizingkha, the Minister informed that the strategic idea was improvised and initiated by the people themselves and not by the Agriculture Ministry. Although similar pilot programmes have been implemented in the geogs of Umling and Chuzeygang, the effectiveness of



the system and its disadvantages need to be studied before it was implemented in other geogs. However, it was important that people themselves, like the Lhamoizingkha experience, make efforts to solve the problem of wild animals. Other countries in the world were also facing similar problems and although they have invented numerous methods and strategies, they have not been able to wholly eliminate this problem. Similarly, it might not be possible for us to eliminate the problem completely. However, the Ministry of Agriculture was in the process of carrying out a detailed study to curb this problem.

The National Assembly resolved that based on the submissions made by the Ministry for Home and Cultural Affairs, proper investigation with regard to illegal activities like selling and leasing of land for monetary gain, in the resettlement areas would be carried out. The report of the investigation should be submitted to the council of ministers and the 8<sup>th</sup> Resettlement Programme should be continued based on the discussions and decisions of the council of ministers. The problem of wild animals was not only faced in the south but was also prevalent in other regions of the country. The National Assembly resolved that the people and the communities together with the ministries concerned should make every effort to come out with various strategies to solve the problem caused by wild animals. The National Assembly also resolved that the Ministry of Finance should look into the possibilities of providing financial support to the ministries concerned to help them take adequate measures to curb the problem of wild animals.

The deliberation on resettlement programme concluded on November 24, 2005 corresponding to the 23<sup>rd</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

#### **4. Land Record and Census, Retention of Separate Geogs and Dzongkhag and Geog Boundary Demarcation**

The people of Paro Dzongkhag submitted that the *Gungs* and *Thrams* of the people of Martolongchu, Wangjokha and Barjo Toep Chaksa of Barp Geog of Thimphu Dzongkhag have been merged with Punakha and Wangdue Phodrang Dzongkhags. This merging of *Gungs* and *Tharms* has been causing hardship to the people in matters relating to census and land. Therefore, it was submitted that the above villages be retained under Barp Geog. Similarly, the villages of Mewang, Bjemi Shelgana, Tshelung,

Chimithangka and Geda have been merged with Thimphu, Punakha and Paro Dzongkhags respectively. Due to the merger, the implementation of the decentralization policies and development activities was greatly hampered. Therefore, the people requested the government to carry out proper assessment and ascertain the possibilities of retaining Hungrel Geog under Paro Dzongkhag and Bjemi Geog under Thimphu Dzongkhag.

During the deliberation on these issues, the members submitted that since the census and land records were under different geogs and Dzongkhags, the communities faced problems in the implementation of developmental activities. The members urged the government to come up with measures to solve the problem faced by the people in these geogs.

In response, the Minister for Home and Cultural Affairs informed the house that His Majesty the King, had issued a Royal Kasho to carry out studies on the boundaries of the geogs and Dzongkhags. In a survey which was carried out from 1990 to 1998, in accordance with the resolutions of the 70<sup>th</sup> and 76<sup>th</sup> sessions of the National Assembly, it was found that various changes had to be made to the boundaries of 15 Dzongkhags and 26 geogs. Accordingly, a 12 point measure for the demarcation of boundaries was formulated and submitted to the council of ministers. Although the council of ministers had already reviewed the plan in detail, it had to be deferred because people raised various issues that conflicted with the culture and history. The Minister also submitted that it was of utmost importance to finalize the boundaries of the geogs and Dzongkhags before the Constitution was adopted. One of the main responsibilities of the Election Commission would be to delimit and finalize the boundaries of electoral constituencies. Therefore, it was imperative to establish the Election Commission as soon as possible to solve these problems.

The Zhung Kalyong and some of the members submitted that the Royal Government should complete the demarcation of Dzongkhag and Geog boundaries based on the map prepared during Lyonpo Thinley Jamtsho's tenure as the Minister for Home and Cultural Affairs. If the Geog and Dzongkhag boundaries were clearly set out and defined, the problems relating to census, land record and other issues would be automatically solved. This would also facilitate the smooth implementation of election procedures after the adoption of the Constitution. The members also submitted that it would be more convenient if the demarcation works commenced from the Tenth Plan.

The National Assembly resolved that since it was important for the Royal Government to finalize the border demarcations as soon as possible to solve the problems faced by the people due to the merger of geogs and census and land records, the Ministry of Home and Cultural Affairs, the Ministry of Works and Human Settlement and the Ministry of Agriculture should discuss and reviews the past boundary maps and submit a report to the 85<sup>th</sup> Session of the Assembly. The Assembly also resolved that the Election Commission should be established as soon as possible so as to finalize the electoral constituencies before the Constitution was adopted.

The deliberation on Land records, retention of separate geogs and Dzongkhag and Geog boundaries concluded on November 25, 2005 corresponding to the 24<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## **5. Nomination for Geog election**

The people of Samtse and Mongar Dzongkhag submitted that Article 2(17) of the Geog Yargye Tshogchung and Article 2(12) of Dzongkhag Yargye Tshogdu may be amended particularly on the requirement of one-year residency in the Geog in the immediate past. This clause may be amended to read as nominees for GYT and DYT must have at least visited his or her village once or twice and worked for the benefit of the community besides being educated and literate.

Deliberating on this issue, some of the members reiterated that His Majesty the King had commanded that changes in the GYT and DYT Chathrim would be necessary following the adoption of the Constitution of Bhutan. Further, members also submitted that amendment was not necessary since the GYT and DYT Chathrim was thoroughly discussed in the GYT and DYT before it was submitted in the National Assembly for enactment.

Some members said that it would be beneficial to the people if the clause relating to the election of community leaders in the GYT and DYT Chathrim were retained without change. Members also alleged that some Articles in the Chathrim were not implemented properly owing to which various inconveniences and problems arose. Therefore, it was important for the community leaders to carry out their responsibilities according to the DYT and GYT Chathrim.

The Minister for Home and Cultural Affairs said that in the past, inconveniences were faced in the implementation of the GYT and DYT Chathrim since there was no rules of procedure. With the drafting of the GYT/DYT manual 2004, the rules of procedure had been clearly set out. Article 2(17) of the GYT Chathrim states that “*registered residents*, means a person whose census record is maintained in a particular *geog*, and he or she has been living there for at least one year in the immediate past” The Minister explained that such clause was incorporated keeping in mind the importance of nominating and electing local government functionaries who reside in the constituency and were fully aware and empathize with the geog needs, circumstances and its priorities. Further, the present inconveniences and problems would be solved with the enactment of the Election Act. Therefore, it does not necessitate the amendments of the GYT/DYT Chathrim at this stage.

With the establishment of the Election Commission and following the enactment of the Election Act, the Rules of Procedure on election process would be implemented in the geogs and Dzongkhags. Therefore, the National Assembly resolved that the Article 2(17) of the GYT Chathrim and Article 2(12) of the DYT Chathrim would not be amended for the time being. The National Assembly also resolved that the GYT/DYT Manual 2004 should be effectively implemented.

The deliberation on the issue of nomination for Geog election concluded on November 25, 2005 corresponding to the 24<sup>th</sup> day of 9<sup>th</sup> month of Bhutanese calendar.

## **6. Merger of people under one Thram**

The people of Chang Geog under Thimphu Dzongkhag submitted that earlier although the census was recorded under the head of the household, the children lived in separate household. After inheriting land from the parents, the lands were registered under different *Thrams*. In a resurvey of land carried out in 2000, these separate lands were once again merged under one household. Due to the merging of *Thrams*, problems were faced by the people while inheriting the land from their parents according to Section KA-1/8 of the Land Act. Therefore, the people submitted that the *Thrams* that were earlier legally separated through the Court should be retained as before. In case it was decided that the *Thrams* should be retained as before,

the Department of Survey and Land Records should carry out the separation of *Thrams* for the convenience of the people.

Some of the members submitted that in order to register the land in an individual's name after having privately purchased or inherited the land, it had to be submitted to the Ministry. The Ministry based on the census record of the individual, registered the *Thram* under the head of the household. This only led to disputes within the family. To solve such problems, the Ministry and Department concerned should allow the registration of inherited land and land bought, under different *Thrams*. In case the registration of *Thram* needed to be changed, it should be carried out as per the provisions in the Land Act.

Some of the members submitted that, the new *Thrams* lacked consistency and accuracy since either a *Thram* number or the gung number was missing. During the resurvey of land, land that were not surveyed before were to be surveyed again. The people hoped that the problem they faced would be looked into during the resurvey. If the households having the census recorded under one head were considered *Khe Gu Chigpa*, problem would arise during the inheritance of properties and in the registration of *Thrams*. Moreover, the Dzongkhag Court requires a validation letter signed by the Gup, in order to change the *Thram* registration. Therefore, the people submitted that considering the risk that the Gup has to take, it would benefit the people if the Ministry of Home and Cultural Affairs, Ministry of Agriculture and the Judiciary could discuss the issue and submit a report in the 85<sup>th</sup> Session of the Assembly. It was also important to keep in mind the Sections KA- 1/6 and KA- 1/8 while deliberating on the amendments to be made in the Land Act.

In response, the Prime Minister submitted that, during the cadastral survey carried out it came across many problems, because there were many people who had *Thrams* without *gungs* and *gungs* without *Thrams* and couples living together had separate *Thrams*. Therefore, the Ministry of Home and Cultural Affairs and the Department of Survey and Land Records had decided to merge the *Sathram* and gung under one household. If an individual living in a separate household had land legally registered in his/her name, the *Thram* was included as “rangwang” although the census was recorded under the head of the household. However, it was submitted that the Ministry of Home and Cultural Affairs and the Ministry of

Agriculture would jointly review the provisions of the Land Act so as to solve the problem faced by the people.

The National Assembly noted that problems were faced in the registration of *Thrams* and *gungs* due to the merging of *Thram* under the head of the household. Therefore, the National Assembly resolved that, the Ministry of Home and Cultural Affairs, the Ministry of Agriculture and the Judiciary should discuss the registration of *Thram* and census records in accordance with the Land Act and submit a report in the 85<sup>th</sup> Session of the Assembly.

The deliberation on the Merger of people under one *Thram* concluded on November 25, 2005, corresponding to 24<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## **7. Conversion of Land**

The people of Chang and Mewang Geogs under Thimphu Dzongkhags submitted that during the cadastral survey carried out by the Department of Survey and Land Records, land with some cash crop which was cultivated for personal consumption was converted into orchards. The people requested that, in accordance with Section KA-3/10 and KA-3/11 of the Land Act, such land should be retained as recorded in the previous *Thram*.

Deliberating on the issue, some members submitted that under Section KA-3/11, people had the right to cultivate cash crops like oranges and cardamom on private land registered as dry land and *Tseri*. However, the Department of Survey and Land Records, in the last cadastral survey, had converted land with some cash crops into orchard and excess land as government land. Therefore, the people requested that the government allow them to buy this excess land after making payments. The members also submitted that since the people in Trongsa Dzongkhag were not able to cultivate cash crops due to the climatic condition, the people would be greatly benefited if they were allowed to convert these orchards into dry land.

Some of the members submitted that unless the Department of Survey and Land Records had an explicit right to repeal Section KA-3/10 and KA-3/11 of the Land Act, these provisions should be retained for the benefit of the people. It was also submitted that under Section KA-3/10, as long as the land were properly registered and within the legal ceiling of 25 acres, people had the right to convert their land to any other categories such as from *Tseri*

to *Pangzhing* and *Pangzhing* to *Chuzhing*. The only legal requirement was that these conversions should be reported to the government for registration in the *Thram*. Similarly, under Section KA-3/11 of the Land Act, except for *Sokshing* and *Tshamdo*, all types of land legally owned by a person could be used in any manner deemed necessary by the owner.

In addition, some of the members submitted that, although orchard would boost the income of the people, the conversion of dry land and kitchen garden of the people with land holdings of 10 to 20 decimals to orchard was a result of mis-interpretation of the Land Act. Therefore, since the people have been facing difficulties, the Ministry of Agriculture should take into consideration the anomalies while reviewing and amending the Land Act.

Responding to the submission, the Minister for Agriculture said that His Majesty the King and the Royal Government had always emphasized on the economic welfare of the people by according priority to the cultivation of cash crops. In this regard, the people have been provided with free seeds, fertilizers and agricultural equipment. The Minister also informed the members that the landowners had done the physical conversion long time back but failed to report the land conversion to the government. Moreover, while carrying out the cadastral survey, the Department of Survey and Land Records together with the committee consisting of the Gup, Mangmi, Tshogpa and representatives from the Dzongkhag concerned had verified the ground realities and reported the land status to the government. Subsequently, an approval for registering as per ground realities was accorded by the Royal Government and thus, *Sathram* conversion were carried out as per Land Act and the decision of the government.

The Minister also added that although most of the people in the country were dependent on agriculture, only 7.8 percent of the total land was arable from which only 4 percent was fertile. The Ministry of Agriculture, under the direction of the government had framed numerous policies to expand and develop orchards in Bhutan. This had been done with the purpose of increasing the income of the people and to bring about socio-economic development. Therefore, it was important that the members should not be swayed by personal interests but consider the benefit of the people and the welfare of the country. The National Assembly noted that the conversion of land growing cash crops with an area of less than one acre into orchards during the cadastral survey was not appropriate. This would bring more problem than benefit to the poor people in attaining self sufficiency. The

Assembly resolved that since the authority to amend and pass laws was vested with the National Assembly, the Ministry of Agriculture should consider all the submissions made by the people while reviewing the Land Act and submit the Act to the National Assembly for further deliberation and adoption.

The deliberation on the conversion of land concluded on November 25, 2005 corresponding to 24<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese Calendar.

## **8. Land and Forest related issues**

The people of Bumthang Dzongkhag requested the government to consider the conversion of *Tsheri* into *Pangzhing* in their land records since shifting cultivation had been phased out. Likewise, the people also expressed their difficulties in the establishment of private/community forest according to the government policy.

Deliberating on the issue, members said that the people were facing inconveniences in acquiring No Objection Certificate from the local residents while processing for land substitution for land acquired by the government. While most of the people faced difficulties, only a few succeeded in obtaining the certificate. The members, therefore, requested the Land Act Revision Committee to consider the submissions made while revising the Land Act. The members also suggested that it would be convenient to both the government and the people if the GYT was authorized to issue the No Objection Certificate.

The Minister for Agriculture reminded the house that the 72<sup>nd</sup> and 77<sup>th</sup> National Assembly Sessions had decided to phase out *Tsheri* cultivation in order to promote productive cultivation for sustainable livelihood and to prevent environmental degradation. He said that the conversion of *Tsheri* to other types of land was possible and should be based on the recommendations of the concerned Dzongkhag through the facts of field reality. However, *Tsheri* land left without cultivation for more than twelve years and has become naturally forested would be reverted to government and the land owner would be eligible for cash compensation according to the Land Act. The policy of creation and development of private and community forests has also been very successful but has been delayed for the time being since the Forest Act has to be reviewed in keeping with the needs of the changing times. The members were assured that the rules were



under review and would be implemented at the earliest possible. Regarding obtaining of NOC from local residents for land substitution, the Minister said that since the information on land holding of *Sokshing* and *Tsamdrogs* were not surveyed and covered in cadastral maps, only the local residents could provide reliable information on the status of vacant land. It was therefore imperative to obtain their clearance so that the allotted land did not invite any discrepancies from the local residents at a later date. However, the issue would be discussed while reviewing the Land Act and the problems would be solved as soon as possible.

The National Assembly resolved that the conversion of land from *Tsheri* into *Pangzhing* and the obtaining of certificate for the establishment of private/community forests should be implemented according to the rules and the policy of the Ministry concerned. The National Assembly also resolved that the Land Revision Committee should make a detailed study on the problems raised by the people for acquiring NOC from local residents for substitute land acquired by the government, while revising the Land Act.

The deliberation on Land and Forest related issues concluded on November 25, 2005 corresponding to the 24<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## **9. Rural-Urban Migration**

The people of Trashigang Dzongkhag submitted that due to the socio-economic development of the country, the volume of rural-urban migration was on the rise every year. This trend had adversely affected the people in the geogs in the timely collection of land and house tax and also in the voluntary contribution of labour (*Zhaptog woola*). The land were left fallow contradicting the Ministry of Agriculture's policy of "Increased crop production through proper land management and food self sufficiency".

During the deliberation on the issue, the members submitted that the problems related to rural-urban migration was faced by all the twenty Dzongkhags. This had impeded the collection of land and house taxes on time by the community leaders. Therefore, it was important that the government come up with measures starting from the Tenth Plan to prevent such problems. The people also submitted that the ministries concerned should provide financial support, agriculture related training and establish

centers for agricultural machineries for the people in the villages to overcome this problem.

The Prime Minister and other ministers concerned said that the problem of rural-urban was faced by people all over the world. Rural-Urban migration cannot be completely stopped but efforts could be made to reduce the volume of migration. The people migrated to urban areas because they offered relatively better prospects and convenience than in the villages.

The Ministry of Agriculture in an effort to control the volume of migration has constructed a number of farm and power tiller roads in the villages. A project to provide agricultural, health, education and banking facilities in the geog centers were being undertaken. The project had already been started in Haa, Paro, Thimphu and Chukha Dzongkhags and would be continued in other Dzongkhags.

Similarly, to mitigate the problem of rural-urban migration, the Ministry of Information and Communications is establishing Multipurpose Community Tele-centers (MCTs) in the country. These centers would provide easy access to useful information on Bhutan and links to different entities where the people could conveniently carry out their business at all levels. The people would also be informed on the world news, job vacancies and be able to download documents and forms for timber requisition and the like. The establishment of Multipurpose Community Tele-centers had already been started in the Dzongkhags and would eventually be established in the villages. While these efforts would not fully stop rural-urban migration, they would definitely help in minimizing the trend.

Since tourism was another source of income for the people in the rural areas, plans to expand the tourism industry in all the Dzongkhags have been formulated. The Royal Government according to the policy of “electricity for all by the year 2020” was carrying out rural electrification program considering the fact that power is an indispensable factor in the socio economic development.

To have a balanced socio-economic development in the country, the Royal Government should look into the possibilities of regrouping the villages from inaccessible areas to areas where developmental facilities were easily available. It was also important that the formulation of plans should be based on socio-economic development of the villages.

The House was reminded that it was important to improve the standard of living of the people in the rural areas to realize His Majesty's vision of Gross National Happiness. In the rural areas, the people lived in peace and harmony where as the people in the urban areas had no time even for their families. To prevent such loss of values, the government, people and private organizations should work together towards reducing the problem of rural-urban migration.

The National Assembly resolved that efforts should be continued to reduce the problem of rural-urban migration faced by both the people in the rural and urban areas in addition to the existing policies and measures taken by the government. The Council of Ministers should discuss the issue and come up with appropriate policy recommendations for improving service facilities in the rural areas and submit a report in the 86<sup>th</sup> Session of the Assembly.

The deliberation on rural-urban migration concluded on November 25, 2005, corresponding to 24<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

#### **10. Registration of households under Municipalities**

The Bhutan Chamber of Commerce and Industry submitted that the households registered under Thimphu Municipality did not have the opportunity to participate in any election related matters in the Dzongkhag. In order to exercise the election and voting rights after the endorsement of the Constitution, it was felt that the household registration should be maintained under Thimphu Dzongkhag.

While deliberating on the issue, some of the members submitted that it was very important to finalize the registration of the census either under Thimphu Dzongkhag or under Thimphu Municipality before the Constitution was adopted. In the present situation, the right to vote was not very clear among the people living in the extended municipal boundaries.

In response, the Minister for Home and Cultural Affairs said that the issue raised by Bhutan Chamber of Commerce and Industry was related to points 4 and 7 of the agenda. Therefore, as decided earlier, this problem would be solved with the establishment of the Election Commission and finalization of the electoral constituencies.

The National Assembly resolved that the Election Commission should be established well before the enactment of the Constitution. The Ministry for Home and Cultural Affairs, the Ministry for Agriculture, the Ministry for Works and Human Settlement and the Election Commission should together finalize the electoral constituencies and report in the 85<sup>th</sup> session.

The Deliberation on Registration of Households under Municipalities concluded on November 25, 2005 corresponding to the 24<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## **11. Administrative Staff for Geog Office**

The people of Bumthang Dzongkhag submitted that with the decentralization of power to the grass-root level in 2002, the responsibilities of the Gups in the geogs increased. Gups now had to tackle the dual responsibilities of overseeing both the administrative and the financial procedures. This could encourage corruption due to the lack of a system of check and balance in Geog administrations. The people submitted that the government should appoint a responsible and efficient administrative officer in the geogs to prevent corruption and also to build a strong, transparent and efficient geog administration before the adoption of the Constitution.

Deliberating on this issue, the members supported the submission that the delegation of administrative and financial responsibilities to a single Gup was inappropriate and there was a need to appoint an administrative officer in the Geog offices. The members also said that the Royal Government had incurred huge expenditure in the construction of Gup offices in the geogs with computer and other essential equipment. Therefore, there was a need for skilled people to operate the system and security personnel in the Geog offices. Members added that appointment of competent legal and administrative staffs in the geogs would be beneficial to the people when the Constitution came into effect.

The Minister for Home and Cultural Affairs reminded that the issue was already discussed extensively and the government had decided to appoint an administrative officer in the geog office. He added that the Gups carried the important responsibility of responding to the needs of the people and it was imperative that administrative and financial support staffs should be appointed in Gups' office. However, due to budgetary and human resource constraints, the government was not in a position to make such

appointments. He also said that appointment of security guards for the Geog offices may be explored in the future but at present it was not possible because of budgetary and human resource constraints and was not in consonance with the Royal Civil Service policy.

In keeping with the people's submission and the decision made by the government to appoint administrative officers in the Geog offices, the National Assembly resolved that administrative officers should be appointed in the geogs at the earliest possible. The appointment of security guards for the Geog offices was not feasible due to budgetary and human resource constraints and the Royal Civil Service policies. However, the National Assembly resolved that the appointment of security personnel for Geog offices should be discussed in the GYT's based on the need and payments may be considered from the rural taxes retained with the geogs.

The deliberation on the issue of Administrative Staff for Geog office concluded on November 25, 2005 corresponding to the 24<sup>th</sup> day of 9<sup>th</sup> month of the Bhutanese calendar.

## **12. Kidu to buy excess land**

The people of Gasa Dzongkhag submitted that new cadastral survey carried out under Gasa Dzongkhag found many households possessing excess land. Although the land owners were asked to pay for excess land, payments could not be made due to the limited time. Similarly, the people of Wangdue Phodrang Dzongkhag submitted that during the land survey carried out in 1990 and 1999, excess land was measured from the land holdings of the people. However, due to the problems faced by the people in making timely payment for the excess land, such excess land was deleted from their *Thram*. The people therefore, requested that their excess land be restored after payment of cost of excess land.

Deliberating on this issue, the members submitted that inherited landholding which had no space for extension should be assessed for regularization if the cases were found genuine. Moreover, people should be allowed to buy back the excess land which could not be done due to limited time. The members also requested that the government should consider the regularization of excess land of poor farmers whose landholdings were of 1 or 2 *Langdos* after submitting to His Majesty the King.

The Agriculture Minister informed the house that the final *Sathram* compilation for Gasa and Wangdue Phodrang Dzongkhags was carried out in 1998 and 1999 respectively. A geog committee was formed representing both the government and the geog. All landholdings were then verified plot wise so as to ascertain the true and bonafide holdings. The entire decision for retaining legally owned excess land was left to the landowners. Majority of the land owners had agreed to pay for the excess land and the *Thrams* were updated after receiving the cost. At the same time, there were other people who had willingly surrendered their uncultivable land which had been subsequently reflected as government land. However, some excess land could have been surrendered by the land owners due to financial constraints in the course of *Thram* compilation as they were required to make immediate payment. Under such circumstances, the government could review such cases and if found genuine, such land could be considered for regularization. The Minister also reminded the members that the payment for excess land has already been extended until 2007.

The National Assembly resolved that the payment of excess land should be made in accordance with the decision passed in the 81<sup>st</sup> Session. Further, as informed by the Minister for Agriculture, assessment of legal excess land should be made and considered for regularization. A report should be submitted if the request was beyond consideration and payment for excess land should be made within 2007.

The deliberation on the issue of Kidu to buy excess land concluded on November 25, 2005, corresponding to the 24<sup>th</sup> day of 9<sup>th</sup> month of the Bhutanese calendar.

### **13. Review of Child Support Provision in the Marriage Act**

The people of Punakha submitted that a person without a fixed source of income was required to pay child support allowance (*Sothue*) of 20- 40 percent in accordance with the national wage rate. If the person was gainfully employed in the future, there was no corresponding increase in the child support allowance. Similarly, a salaried person like the community leaders, were required to pay child support fixed in line with their present emolument which was not fair and practical in the event an individual completed the tenure of office before the child attained the age of eighteen. Therefore, the people submitted that the Marriage Act needed to be

amended whereby child support allowance could be paid according to the income of that particular person.

Deliberating on the issue, some of the members reiterated that if the child support allowance was fixed by the court when the person was employed and if the person resigned or gets terminated from his service, he would still be required to pay the child support allowance as before even if he had no source of income. The person might even be imprisoned for contempt of court if the person was not able to pay the child support allowance.

Similarly some of the members submitted that many problems have arisen in the cases where wife had conceived and given birth even after the husband had a vasectomy. The Marriage Act did not contain provisions to deal with such issues and also did not have specific provisions for the fixation of child support allowance. Therefore, the members submitted that these issues should be considered while amending the Marriage Act.

The members also submitted that the issue of child support was complex and difficult for both the litigants and the court. The Act should be amended to provide a fixed amount of child support so that there was no discrimination between the rich and the poor.

The National Assembly resolved that, since the child support allowance could not be decided by the National Assembly, the Legislative Committee and the Judiciary should review the Marriage Act and submit a report in the 85<sup>th</sup> Session of the National Assembly.

The deliberation on the review of child support provision in the Marriage Act concluded on November 25, 2005 corresponding to the 24<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

#### **14. Support to the Unemployed Youth**

The people of Haa Dzongkhag submitted that the Class X and Class XII drop-out students in remote places need support from the government to make a living, in keeping with the government policy of easing the problem of unemployment. The people also submitted that the Royal Civil Service Act should be amended to retire the elderly people who have served for a long time and to employ educated youth in their place. Furthermore, the

government should provide opportunity to the youth to serve and shoulder the responsibilities of the community leaders.

While deliberating on the issue, some of the members submitted that the government and non-governmental organizations such as Tarayana Foundation should initiate various plans and programmes to provide employment opportunities. Since there was only one degree college in the country, most Bhutanese students went abroad for further studies. It would be beneficial if the Ministry for Education could coordinate and facilitate the students going abroad for further studies. The members also submitted that the government should review its policy of small, compact and efficient civil service and create more job vacancies and posts in order to mitigate the problem of unemployment. The government should also provide and develop necessary facilities in the geogs in the Tenth Plan. This would not only help in mitigating the problem of unemployment by creating an enabling environment but would also help reduce rural-urban migration.

The members submitted that if the problem of unemployment was to be reduced, the Youth Development Center should provide necessary training and skills to make our youth competent and efficient. The government should therefore, develop and augment the Youth Development Center. The members also submitted that the process of scholarships for further studies should be transparent so that capable students from poor families could also avail the opportunity.

In response, the Minister for Labour and Human Resources and other Ministers concerned informed the members that unemployment was increasing every year in the country. According to the preliminary results of the national census, there were about 37,500 registered foreign workers in the country from a total of about 125,000 foreigners living in Bhutan. Although there was unemployment problem, it was ironic that the demand for foreign workers was much more than the number of people seeking employment. Nevertheless, in order to reduce the problem of unemployment in the country, the government had plans to construct two additional institutes for *Zorig Chusum* and four more vocational training institutes. The government also had plans to establish about three plumbing and electrification training institutes in Eastern Bhutan. In order to attract the youth to work in the private sector and to make employment in the private sector more attractive, the Labour Act was being drafted.



Furthermore, the Ministers said that under His Majesty the King's command, the Ministry of Agriculture, in order to attract youth to agriculture and agricultural trade had initiated a number of programmes such as the construction of farm roads, enhancing the skills and knowledge on farm business and Rural Development Training Center Programme. These would not only help reduce the problem of unemployment but would also reduce rural-urban migration. In Bhutan, the road construction and other maintenance works have always been carried out by foreign workers. The policy of the government has always been to privatize and outsource such activities thereby providing immense opportunity for employment in the private sector. There was also tremendous opportunity for the youth to take up construction works, plumbing and electrification because people were becoming more quality conscious and therefore willing to pay for quality services. Furthermore, mechanization of the construction works such as mixers, stone crushers, tower cranes, etc was another area where the youth could be gainfully employed.

In addition, the government had plans to upgrade and expand the existing college, educational institutes and the national technical training authority in Phuntsholing. The Royal Bhutan Institute of Technology would be reopened from February 2006. Moreover, in line with the Education policy, the Department of Youth, Culture and Sports provided wholesome education to the students equipping them with relevant skills and instilling in them appropriate work attitude and enabling the students to work in any situations in the villages, geogs and in the private sector. This would help reduce the unemployment problem. Regarding the coordination of students leaving abroad for studies, the Education Ministry has not made any studies and was therefore not in a position to submit a report in the Assembly.

Similarly, with the new concept of information and technology in the world, there would be no hierarchy in the working system and all the people would have to cooperate and work together. In order to mitigate the problem of unemployment, three contact centers with financial support from the Government of India is to be established soon. Depending on the volume of business, each center would employ about 150-500 people. Moreover, business process could also be out-sourced with the help of internet. This was commonly called as Business process outsourcing. A group of Bhutanese investors were also working towards establishing a medical transcription centre in the country which would employ 120 Class XII graduates in the next one year.

The National Assembly noted that the responsibility of solving the problem of unemployment fell on the seven Ministries, i.e. Ministry of Works and Human Settlement, Ministry of Agriculture, Ministry of Information and Communication, Ministry of Trade and Industry, Ministry of Education, Ministry of Labour and Human Resources, and the Ministry of Finance. Therefore, it was important that these ministries immediately formulate plans and programmes to provide training related to their ministries by seeking foreign aid. The Ministry of Trade and Industry should provide training on tourism and hotel management to generate employment opportunities. The Ministry of Finance was also urged to provide financial support to the Ministry of Works and Human Settlement and the Ministry of Labour and Human Resources to provide training in construction related trades. The Ministry of Labour and Human Resource should draft a Labour Act to be submitted in the next Session of the National Assembly. It was also resolved that the Ministries concerned should work together in reducing the unemployment problem in the country so that the issue of unemployment does not arise in the future sessions of the National Assembly.

The deliberation on the support to unemployed youths concluded on November 28, 2005, corresponding to the 27<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## **15. Industrial Development**

The Bhutan Chamber of Commerce and Industries submitted that the shortage of energy during the winter season has restrained the issue of licenses for establishment of new industries. This has hindered the achievement of the Royal Government's goal of private sector development to generate more employment opportunities. The government was requested to brief on the strategies, plans and policies in pipeline to resolve this issue.

While deliberating on this issue, the Minister for Trade and Industries said that it was imperative to have constant power supply for the development of industries to increase domestic revenue and to create employment opportunities for the youth. However, establishment of numerous industries as against the hydro power generation capacity would create problems in the future. Even at present, the existing industries were facing serious power shortage especially during the winter season when demand for electricity

was at its peak. For this reason, the issuance of licenses for establishment of new industries had been restricted otherwise in the near future, energy would have to be re-imported from India. In order to realize the objective of providing adequate and reliable power at an affordable price and the policy of rural electrification for all by the year 2020, it was important for the Bhutan Power Corporation to be self-reliant. It was also equally important to seriously consider the pricing of power tariff in accordance with the Bhutan Electricity Act.

As per the resolution of the 83<sup>rd</sup> Session, a Private Sector Development Committee was formed with the Minister for Trade and Industries as its Chairman. The National Assembly resolved that problems and inconveniences resulting from power shortages should be discussed and resolved in the Private Sector Development Committee.

The deliberation on the issue of industrial development concluded on November 28, 2005 corresponding to the 27<sup>th</sup> day of 9<sup>th</sup> month of the Bhutanese calendar.

## **16. Procedures of the Public Accounts Committee**

The Chairman of the Public Accounts Committee reported that the Committee was established in accordance with the National Assembly Committees Act of the Kingdom of Bhutan, 2004. The Rules of Procedure for the Public Accounts Committee (PAC) was also finalized. The PAC has not been able to meet even once in the past one year since no audit report was tabled before the National Assembly. As per Article 6 of the Committees Act, the PAC has been delegated important responsibilities. The Speaker had enquired whether the Royal Audit Authority (RAA) had any audit report to be tabled before the National Assembly and the RAA had responded that the audit report was submitted to His Majesty the King. Since no audit report had been submitted to the National Assembly, it was indicative of the fact that there were no corrupt practices in the country which was contradictory to the audit report published in the Kuensel.

Further, the Chairman of the PAC said that Public Accounts Committee existed in many Parliaments and there were two kinds of reporting system where audit report was first submitted to the President who then caused it to the Parliament and in some countries it was directly tabled before the Parliament. Similarly, in Bhutan matters relating to Executive, Judiciary and

the Armed forces were submitted to the Lhengye Zhungtshog, the Chief Justice and the Finance Ministry respectively by the Royal Audit Authority. The members were also informed that a clause on the Audit Report was also included in the Draft Constitution. The Chairman also informed the house that till date, the Committee has not been able to practically discharge its responsibilities and the Committee existed in name only. The Chairman even questioned the requirement of the Committee.

The Prime Minister reminded the house that the members had unanimously decided to establish the Public Accounts Committee based on the importance of its role in the National Assembly. The Minister said that since it has only been a year it was not too late to carry out the responsibilities. Further, it was equally important for the Royal Government to understand the system and procedures of the Public Accounts Committee. He said that the members of the Public Accounts Committee and the representatives concerned from the government should hold meetings and decide on the working procedures of the committee.

The National Assembly noted that the five member Public Accounts Committee was constituted in accordance with the Committee Act. The audit report of the RAA was submitted only to His Majesty the King and the Prime Minister and not tabled before the National Assembly. The PAC has therefore not been able to meet even once despite having already drafted a 25 Section Rules of Procedure. The National Assembly resolved that the term of the PAC members will be extended by one more year. The National Assembly noted that it was imperative to give the PAC assignments in order to discharge their responsibilities as enshrined in the Act. The National Assembly resolved that starting from the 85<sup>th</sup> National Assembly, a copy of the audit report should also be submitted to the National Assembly while submitting the report to His Majesty the King and the Prime Minister. The National Assembly would then refer it to the Public Accounts Committee, if required.

The deliberation on the issue of Procedures of the Public Accounts Committee concluded on November 28, 2005 corresponding to the 27<sup>th</sup> day of 9<sup>th</sup> month of the Bhutanese calendar.

## VIII. ENACTMENT OF ACTS

### 1. The Movable Cultural Property Act of Bhutan, 2005

Prior to the deliberation on the endorsement of Bhutan Cultural Property Bill, 2005, the Minister for Home and Cultural Affairs presented a summary of the objectives and the purpose of the Bill. He said that various eminent Lams and Saints had visited Bhutan during the 7<sup>th</sup> Century. He also added that the Bhutanese were very fortunate that our forefathers had accumulated lots of religious artifacts which were sacred possessions and national treasure of the Bhutanese people. Therefore, drafting of a Bill on Movable Cultural Property of Bhutan was initiated to administer the conservation and protection of the invaluable religious artifacts. The Minister expressed his hope for the successful endorsement of the Bill.

While deliberating on the Movable Cultural Property Bill, the National Assembly made the following amendments:

Section 4 of page 3 on “*Handing over during the change of caretaker,*” the term ‘*kegnyer*’ should be defined as caretaker under the definitions section.

Section 22 of page 9 on “*Handing over,*” the last sentence which read as “*in case there is any shortage in cultural properties during the handing over, the caretaker who handed over shall be penalized as per the law,*” was removed.

Section 29 of page 11 on “*Sale, purchase and transfer,*” was amended to read as “*any change and grant of Tensum and other properties among the Lhakhangs shall be done in consultation with the public and **should be routed through the respective Geog and Dzongkhag** before final submission to the Department of Culture for approval.*”

Section 46(a) of page 18 on “*Change and deletion in Thram*” was amended to read as “*Except those **not owned** by the Zhung Dratshang and Rabdey.*”

Section 51(d) of page 20 on “*Sale and export of non-valuable cultural properties,*” which was amended to read as “*in case the property received from customs and police is covered under cultural property in accordance with section 59 of chapter VI and **if the seal and signature is identified as false,** the case shall be forwarded to the Royal Court of Justice...*”

The National Assembly endorsed the Movable Cultural Property Act on November 29, 2005 corresponding to the 28<sup>th</sup> day of 9<sup>th</sup> month of the Bhutanese calendar.

## **2. The Evidence Bill of Bhutan, 2005**

While the National Assembly deliberated on the endorsement of the Evidence Bill of Bhutan, 2005, the Chief Justice presented a summary of the objective and purpose of the Evidence Bill. He said that with the changing world and its development, the global perspective of mankind has been deteriorating and more and more people engaged in unlawful activities. Therefore, in order to prevent such activities, the preceding sessions of the National Assembly had endorsed the Civil and Criminal Procedure Code and the Bhutan Penal Code. The Chief Justice expressed his appreciation to the National Assembly for having endorsed the above mentioned Acts. He added that for the successful implementation of these two Acts, an Evidence Act was required. Therefore, the Evidence Bill was drafted. The Chief Justice reminded the house that the Judiciary had drafted the Evidence Bill as commanded by His Majesty the King and under the directives of the National Assembly, although the Judiciary was not responsible for drafting Bills.

The Chief Justice said that the Evidence Bill was drafted 3 years earlier in accordance with Article Dha (3-5) till Dha (3-10) of the *Thrimshung Chhenmo*. After having submitted and approved by His Majesty the King, the Bill was submitted to the Lhengye Zhungtshog. The Bill was then submitted to the Legislative Committee where it was extensively reviewed before being finally tabled in the National Assembly for endorsement. He also said that for the proper functioning of the Judiciary, the Civil and Criminal Procedure Code, the Penal Code and the Evidence Act were of utmost importance. Therefore, it was imperative that the members discuss extensively on this Bill and endorse it.

Deliberating on the Evidence Bill 2005, several doubts raised by the members were clarified by the Chief Justice and the Chairman and the Deputy Chairman of the Legislative Committee. The National Assembly endorsed the Evidence Bill of Bhutan 2005, without any amendments on November 29, 2005 corresponding to the 28<sup>th</sup> day of 9<sup>th</sup> month of the Bhutanese calendar.

### 3. The Food Bill of Bhutan, 2005

During the deliberation on the Food Bill of Bhutan, 2005, the Minister for Agriculture presented a summary of the objective and purpose of the Bill. He said that the Ministry of Agriculture was entrusted with the responsibility to achieve the goal of food self sufficiency and to ensure food safety in the country. Therefore, the Ministry had drafted the Food Bill in order to promote food safety and food standard in the Kingdom. He explained that the Food Bill was drafted based on the five main objectives:

1. to ensure food safety to the consumers
2. to finalize a list of safe food and its strict implementation
3. to improve the quality of food delivered to consumers
4. food protection measures to be adopted by consumers
5. to implement measures to check import of rejected food items in the foreign markets

The Food Bill of Bhutan, 2005 has 11 Chapters and 91 Sections. He added that the Food Bill of Bhutan, 2005 was submitted to the Lhengye Zhungtshog and the Legislative Committee before it was tabled for endorsement in the National Assembly. The Minister expressed his hope that members will discuss the Bill extensively and endorse it for the benefit of the people and the government.

While deliberating on the Food Bill of Bhutan 2005, the National Assembly made the following amendment:

Section 10(b), Sub-Section V of Chapter 3 on “*The director general, executive director or director of:*” the clause which read as “*the Bhutan chamber of commerce and industry*” was amended as “***Ministry of Trade and Industry.***” Other than that, there were only some minor changes to be made in the general content due to typographical error which were corrected by the Chairman of the Legislative Committee. The corrected pages of the Food Bill were tabled before the National Assembly. The National Assembly resolved that the corrections made by the Chairman of the Legislative Committee were to be effected in the Food Act. The National Assembly endorsed the Food Act of Bhutan, 2005 on November 30, 2005 corresponding to the 29<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

#### **4. Narcotic Drugs and Psychotropic Substance and Substance Abuse Bill, 2005**

The Education Minister submitted a brief background and objectives of the Narcotic Drugs and Psychotropic Substance and Substance Abuse Bill, 2005. He said that as many of the members in the past sessions of the National Assembly had stressed the importance of preventing drug abuse and although there were a few clauses in the Penal Code of Bhutan, 2004, the efforts to combat drug menace has been largely affected so far by the absence of proper legislation. Moreover, with the ratification of all the three UN Conventions on Substance abuse in the 83<sup>rd</sup> Session, Bhutan now has to put its own necessary legislations in place. A seven member committee was formed with representatives from the Ministries of Health, Education, Home, Office of Legal Affairs, Department of Revenue and Customs and the Royal Bhutan Police to draft the Narcotic Drugs and Psychotropic Substance and Substance Abuse Bill, 2005. The Bill was drafted keeping in line with international standards and obligations according to the above mentioned three Conventions. The Bill was drafted with technical assistance from the International Narcotic Control Board, based in Vienna by fielding two experts.

The Minister for Health also added that the Bill contained not only the detailed classification of different medicines and drugs but there were also many clauses emphasizing preventive measures including education, treatment and rehabilitation. The Education and Health Ministers expressed their hope that the Narcotic Drugs and Psychotropic Substance and Substance Abuse Act, 2005 containing 14 Chapters and 108 Clauses would be adopted after a thorough discussion by the National Assembly.

The National Assembly after an extensive deliberation endorsed the Narcotic Drugs and Psychotropic Substance and Substance Abuse Act, 2005 without any amendments on November 30, 2005 corresponding to the 29<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

#### **5. Legislative Drafting Guidelines**

The Chairman of the Legislative Committee submitted a detailed report on the functions, responsibilities and achievements of the Committee since its establishment. He reported that the Legislative Drafting Guidelines was drafted by the National Assembly Secretariat. The Chairman also submitted



that the National Assembly so far has passed 74 Acts and found out inconsistencies in the method and style of drafting of each of these Acts. Under the direction of the Hon'ble Speaker, a workshop on the Legislative Drafting Guidelines was conducted for two days in February 2005, by the National Assembly Secretariat with 45 representatives from different ministries, departments and agencies. During the workshop, it was unanimously resolved that the ministries, departments and agencies should follow the drafting guidelines while drafting any Bills. The Legislative Drafting Guidelines was also distributed to all the ministries, departments and agencies. The Chairman of the Legislative Committee also proposed that the Bills should be submitted to the National Assembly two months before the Session so that the Committee had adequate time to review the Bills. The Chairman also submitted that all the Acts passed by the National Assembly should be indexed for the purpose of easy reference and application.

The National Assembly commended the Legislative Committee for carrying out its functions effectively and efficiently. The Committee has been of immense help not only to the ministries, department and the agencies but also to the National Assembly. The Assembly resolved that the ministries, departments and agencies should draft their Bills in accordance with the legislative drafting guidelines, which has already been widely circulated. The Assembly also resolved that all the Bills should be submitted to the Legislative Committee one and half months before the commencement of the Assembly Session to enable the members of the Committee to review the Bills.

The deliberation on the Legislative Drafting Guidelines concluded on November 30, 2005 corresponding to the 29<sup>th</sup> day of the 9<sup>th</sup> month of the Bhutanese calendar.

## **IX. EXPRESSION OF APPRECIATION**

### **1. Launching of Paddy Cultivation**

The people of Bumthang Dzongkhag expressed their heartfelt gratitude to the Royal Government for initiating the successful paddy cultivation in Bumthang in order to increase the socio-economic development in the country.

## **2. Government of India for Development Assistance**

The people of Dagana Dzongkhag expressed their deep appreciation to the Government of India for the financial support rendered for the developmental activities from the First Five Year Plan to the Ninth Five Year Plan. The Financial support had not only helped achieve socio-economic development and self reliance but also enhanced the strong bond of friendship between the two friendly countries. The people also hoped that the existing relations between the two people and the government would strengthen over the years and that the Government of India would continue to provide generous assistance in the years to come.

## **X. LIST OF DOCUMENTS DISTRIBUTED IN THE 84<sup>th</sup> SESSION**

1. Mid-term Review Report of Finance
2. Implementation Status report on the 83rd National Assembly Resolutions submitted by the Royal Advisory Council
3. The Moveable Cultural Property Act of Bhutan, 2005
4. The Evidence Bill, 2005
5. The Food Act of Bhutan, 2005
6. Narcotic Drugs and Psychotropic Substances and Substance Abuse Bill, 2005

## **XI. CONCLUDING CEREMONY**

In the concluding ceremony of the 84<sup>th</sup> Session of the National Assembly, commenced with effect from 18<sup>th</sup> November to 1<sup>st</sup> December 2005, the Speaker extended hearty welcome to His Majesty the King, Members of the Royal Family, dignitaries, representatives of the international agencies and senior government officials.

The Speaker said that the current session has concluded within reasonable time firstly due to the benevolence of His Majesty the King and secondly due to the positive compliance to the National Assembly agenda and procedure by the government representatives under the leadership of the Prime Minister, the monastic body and the representatives of the people from twenty Dzongkhags. It was also possible due to the submission of agendas that embodied the interest of government and the people and their engagement in extensive deliberations. The

Speaker expressed his sincere appreciation to His Majesty the King and the members of the National Assembly.

The submission of mid term review report of the Ninth Five Year Plan by the Finance Minister describing the five development strategies for the material and spiritual well being of the people under the vision of national development philosophy of Gross National Happiness was indicative of the successful implementation of the national development plans. It was hoped that similar results would be achieved in the remaining period of the Ninth Five Year Plan.

A comprehensive report on the implementation status of the resolutions of the 83<sup>rd</sup> session of National Assembly by Royal Advisory Council (RAC) as per the Chapter IV Section 2 of the RAC *Chathrim* has enabled the review the implementation status of the National Assembly resolutions in the last half year. The extensive deliberation with strong mechanism of checks and balances in the house with the overriding interest of the country and the people had not only elevated the dignity and supremacy of the house but also benefited in enhancing the capability of the members. Therefore, the National Assembly would like to commend the Zhung Kalyon of RAC, and the Royal Advisory Councillors for their work.

The Speaker said that the Royal Advisory Council has been able to present such a report primarily due to the strong compliance accorded by the executive branch to the National Assembly under the leadership of His Excellency the Prime Minister. This indicates the recognition and support rendered to the legislature by the executive. Therefore, the National Assembly would like to express profound appreciation to the Prime Minister and the Council of Ministers.

The resolutions adopted by the National Assembly have been ratified in the house and reminded the members that it was their crucial responsibility to implement the resolutions and not let it remain just on paper only.

As the resolutions were distributed to all the members before the concluding ceremony, the Speaker said that, it was extremely important to disseminate the resolutions to the people immediately on their arrival in their respective constituencies and submit a report to the National Assembly Secretariat as in the past.

Similarly, it was hoped that the ministers would accord due support to further improve the service delivery to the people in rural areas which could not be

decided at the Goeg level through appropriate delegation and decentralization of responsibilities to the people concerned down the line.

The Speaker pointed out that it was extremely important for the members to bear in mind the resolutions of the assembly and render dedicated service through cooperation between the people and the government for the peace and security of the country and strengthen and maintain the sovereignty of the country.

He said that due to the blessings of Triple Gem and the benevolence of our Monarchs, the Bhutanese people were indeed fortunate to live in peace, prosperity and happiness.

On the solemn and auspicious occasion of the concluding ceremony of the 84<sup>th</sup> Session of the National Assembly, all the members offered their prayers with body, speech and mind that the precious teachings of the Buddha-Dharma would flourish and prayed for the long life of His Majesty the King and the everlasting peace and prosperity of the Bhutanese people for all time to come.

sd/-  
(Ugen Dorje)  
SPEAKER

December 1, 2005

**Inaugural Speech of the Speaker at the 84<sup>th</sup> Session of the National Assembly of  
Bhutan on the 19<sup>th</sup> Day of the 9<sup>th</sup> Month of the Wood Female Rooster Year  
corresponding to November 19, 2005**

1. The 84<sup>th</sup> Session of the National Assembly commences on this auspicious day with the gracious presence of His Majesty the Druk Gyalpo on the Golden Throne and the representatives of Zhung Dratshang, Government and the people.

It gives me immense pleasure to welcome Your Majesty, Members of the Royal Family, representatives from the Monastic Body, the Prime Minister, Council of Ministers, representatives of the people, representatives of the diplomatic and international community, the donor agencies, distinguished guests and senior government officials to the inaugural ceremony of the 84<sup>th</sup> Session.

2. I would like to extend my warm and hearty Tashi Delek to the newly elected representatives of the people and also the re-elected Chimis. You all have been elected by the people with trust and confidence. Therefore, it is important to render your utmost loyalty and dedicated service to the people and the country. I have every hope that all the members will respond to the aspirations of the people, while equally bearing in mind the present practices and policies of the country.
3. It is a great moment for all of us assembled here in this grandeur hall with His Majesty's gracious presence, the council of ministers seated right facing the Golden Throne and the representatives from the central monastic body at the left, surrounded by the representatives of the government and the people. We are indeed very fortunate to gather here to deliberate on issues of national significance for the wellbeing of the country and the people.
4. In the beginning, the National Assembly used to meet twice a year with one session in summer and the other in winter. This practice was discontinued at a later juncture as the issues for discussions in the National Assembly were less.

However, keeping in mind the urgent need for decisions and interventions in view of the numerous developments and political reforms taking place in the country, it was felt imperative to convene the National Assembly more frequently. Accordingly, it was resolved in the 82<sup>nd</sup> Session to convene the National Assembly twice annually. The bi-annual session would not only be convenient to review and take follow up actions on the implementation of the resolutions by various ministries and public

sector agencies but would also enable the effective implementation of the development programmes as the ministers, dzongdags and community leaders will not be required to be out of station for long period. With these advantages in mind, it was decided to convene the National Assembly twice a year.

5. At present, our country is on the threshold of unprecedented socio-economic development. While deliberating on important issues, I hope all the members preceded by the Prime Minister, representatives of the Zhung Dratshang, Government and the people, will participate wholeheartedly in the deliberations to facilitate meaningful resolutions in the interest of the Tsa-Wa-Sum.
6. Similarly, four Bills have been submitted to the National Assembly for enactment which will greatly benefit the country and the people. These Bills were reviewed by the Legislative Committee and distributed in advance to give ample time to the members to study them. I look forward to substantive discussions and enactment of these Bills.
7. I would like to inform the house that I attended the Second World Conference of Speakers held in New York from 4<sup>th</sup> to 7<sup>th</sup> September, 2005. The Conference discussed wide ranging issues particularly on issues related to the harmonious relationships and developments between countries and its parliaments was very important.
8. Despite the National Assembly being in Session, the Deputy Speaker is currently leading a four-member delegation to attend the Sixth General Assembly of the Association of Asian Parliaments for Peace (AAPP) being held in Pattaya, Thailand from 19<sup>th</sup> to 24<sup>th</sup> November, 2005. As you may be aware, the National Assembly of Bhutan is a member of the AAPP and this is an opportune moment for the National Assembly to get involved into the outlook of a fast changing world and participate as a member of the global family.
9. The Draft Constitution has emanated from His Majesty the King and after its endorsement, members of the National Assembly will be often required to travel to the capital. In order to facilitate better accommodations, a project proposal would be finalized to construct Parliamentarians' accommodation under the Government of India funding. An area measuring five acres at Taba within the premises of the Forestry Institute was allotted to the National Assembly by the Ministry of Agriculture. The ground-breaking ceremony was conducted on 21<sup>st</sup> October, 2005. This was possible with unstinted support to us particularly by the Prime Minister. Therefore, on behalf of the National Assembly, I would like to take this opportunity

to express my appreciation to the Prime Minister and the Ministry of Agriculture for generously allotting this land to us.

10. The Draft Constitution was distributed to the people of all the twenty Dzongkhags under the command of His Majesty the King. In order to facilitate better understanding and clarity, His Majesty is conducting consultations with the people of all twenty Dzongkhags. The Dzongdags and community leaders are reminded to clearly explain the issues to the people so as to ensure that His Majesty's aspiration of participatory approach to the Draft Constitution is fulfilled. It is important that the members take full cognizance of this issue during the consultative process and during enactment of the Draft Constitution.
11. Finally, I would like to reiterate here that the National Assembly is the highest legislative and policy making body in the country wherein issues of national importance and significance are deliberated and decided. Therefore, I would like to urge the members to take active participation in the deliberation and live up to the expectation of the people we represent. I would also like to request the members to bear in mind the norms of National Assembly and participate in fruitful discussions according to the agenda. I sincerely wish and pray for the successful conclusion of the 84<sup>th</sup> Session of the National Assembly.

**TASHI DELEK**