

**RESOLUTION (TRANSLATION) OF THE SECOND SESSION OF THE
NATIONAL COUNCIL OF BHUTAN**

*(27th Day of the 10th Month of Earth Male Rat Year corresponding to December
24, 2008)*

(A) Inaugural Ceremony

The 2nd Session of the National Council of Bhutan commenced on the 27th Day of the 10th Month of Male Earth Rat Year corresponding to December 24, 2008 with a traditional marching ceremony. The inaugural ceremony was presided over by the Hon'ble Chairperson.

(B) Inaugural Address by the Hon'ble Chairperson

The Hon'ble Chairperson began his address by welcoming the Hon'ble members to the 2nd Session of the National Council of Bhutan. He said that 2008 had been a special year as we celebrated three historic events in our country, namely, the Coronation of the fifth Druk Gyalpo, Jigme Khesar Namgyel Wangchuck, Centenary of the glorious institution of monarchy, and the establishment of Democratic Constitutional Monarchy.

The Chairperson also said that the celebration of the National Day of 2008 had been unusual as both the fourth and fifth Kings had granted opportunities to the Bhutanese people to meet and hear from them. Moreover, the National Day celebrations in the different Dzongkhags had been graced by Their Highness the Princes and Princesses. He expressed his gratitude to Their Majesties the Kings, the Princes and Princesses for gracing the National Day celebrations.

The Chairperson offered his gratitude to His Majesty the King for graciously instituting the system of awarding *Druk Wangyal* and *Thuksay* medals to the people who had served the Tsa-Wa-Sum with outmost loyalty and dedication coinciding with the celebration of 100th National Day. Further, he conveyed his appreciations to everyone for the peaceful celebrations, which was possible due to the wise and enlightened leadership and blessings of Their Majesties the fourth and the fifth Kings, good fortune of the people, and unity and hard work put in by the Dratshang, Executives, Civil Servants, Royal Bhutan Police and the media.

The Chairperson, on behalf of the people of Bhutan and members of the National Council also expressed his deepest condolences to the Government and the people of India for the loss of hundreds of lives and those injured during the terrorist attack in Mumbai on November 26, 2008, and the sad demise of the former Prime Minister of India, Mr. Vishwanath Pratap Singh.

Lastly, the Chairperson prayed for the good health and long life of the fourth and fifth Druk Gyalpos and members of the Royal Family so that the country and the people of Bhutan enjoyed unprecedented peace, prosperity and happiness for all times to come.

(C) Expression of gratitude by the Hon'ble Members

The Hon'ble members extended their heartfelt felicitations to His Majesty the King for his enthronement as the fifth Hereditary Monarch of Bhutan and thanked the fourth Druk Gyalpo for establishing a Democratic Constitutional Monarchy besides many other unprecedented achievements under his glorious reign. The members also expressed their appreciation to all organizers for the successful centenary celebrations, which was mainly due to the blessing of His Majesty the King and hard work put in by the organizers throughout day and night.

Most humbly, the members expressed their gratitude to His Majesty the King for His Command to defer the Local Government elections to avoid violation of the provisions of the Constitution and the Election Act of Bhutan.

(D) Adoption of agenda for the session

Besides policy related matters, the House resolved to deliberate on Royal Bhutan Police Bill 2008, Prison Bill of the Kingdom of Bhutan 2008, Rules of Procedure for the Joint Sitting of Parliament, Rules of Procedure of the National Council, Committees Rules of the National Council and ratify the Protocol of Accession of Islamic Republic of Afghanistan to Agreement on South Asian Free Trade Area (SAFTA).

As submitted by few members, the House also resolved to include, depending on urgency, the presentation of 10th Five Year Plan, review of Local Government Act, submission of Annual Anti-Corruption Report, presentation of revised budget for the fiscal year 2008-2009, presentation of the pay revision report,

Similarly, the word “he” in the Bill was replaced by “**he/she**” in conformity with other Bills.

The phrase འབྲུག་རྒྱལ་ཁབ་ཤིམས་སྲུང་བཙའ་ཁྲིམས་ in the Preamble of the Dzongkha text was amended as རྒྱལ་ཁབ་ཤིམས་སྲུང་གི་འགག་སྡེའི་བཙའ་ཁྲིམས་ and “**the National Assembly of Bhutan during its 87th Session**” as “**Parliament of the Kingdom of Bhutan during its 2nd Session.**”

Section 3 of Chapter 2 was amended as “**the Royal Bhutan Police shall, as a trained uniform force under the Ministry of Home Affairs, be primarily responsible for maintaining law and order and prevention of crime, and shall also be considered an important part of the nation’s security force**”.

In Section 5, Chapter 3 of the Dzongkha text, the phrase ཤིམས་སྲུང་གཙོ་འཛིན་ was amended as འགག་སྡེ་གཙོ་འཛིན་ and “**Report on human traffickers**” added in clause (f). Further, Clause (j) was amended as “motor vehicle accident report, **from time to time**”.

Section 7 of Chapter 3 was amended as “**The Royal Bhutan Police shall prepare the budget proposal in consultation with the Ministry of Home & Cultural Affairs**”.

Section 12 of Chapter 3 was amended as “The Royal Bhutan Police shall be a **professional organization and an apolitical body** administered independently in accordance with the provisions of this Act and the Chief of Police shall be responsible for ensuring its proper administration”.

Section 13 of Chapter 4 was amended as “No direction may be given to the Chief of Police in relation to the promotion, transfer or termination of any Police person except on recommendation by the **Service Promotion Board** and Police Service Board.”

In Section 17 of Chapter 4, the Dzongkha text heading ཤིམས་སྲུང་ཡན་ལག་གསར་བསྐྱོན་དང་ཉམ་བཤེགས་ was amended as འགག་སྡེ་ཡན་ལག་གསར་བརྩུགས་དང་ཉམ་བཤེགས་ and in the same Section, the word གསར་བསྐྱོན་ was replaced by གསར་བརྩུགས་

In Section 18 of Chapter 4, the phrase “**Police Service Board**” was amended as “**Service Promotion Board**” and “**from among the lists of names recommended by the Prime Minister**” was deleted.

In Section 19 of Chapter 4, the phrase “**recommendation of the Prime Minister**” was replaced by “**recommendation of the Service Promotion Board**”.

In Section 21 of Chapter 4, the Dzongkha text heading བྱིས་སྐྱོད་ལྟེ་གཞི་འཛིན་གྱི་དབང་ཚད་ was amended as འགག་སྡེ་གཙོ་འཛིན་གྱི་དབང་ཚད་ and clause (e) was amended as “**Award promotion to officers of the rank of Thrimdag Wogma and below on the recommendation of the Police Service Board**”.

The word “**promotion**” in Section 23 of Chapter 4 was deleted from the heading, “**appointment, promotion and removal**”. Similarly, the word “**promotion**” was deleted from clauses (a) and (b) of the Section.

In Section 24 of Chapter 4, the Dzongkha text heading རྒྱུ་ལྟེ་གཞི་འཛིན་གྱི་དབང་ཚད་ was amended as རྒྱུ་ལྟེ་གཞི་འཛིན་གྱི་དབང་ཚད་། Similar amendments were made throughout the Section.

Section 28 of Chapter 5 was amended as “The Police shall play an important role during elections **as per the Election Act of Bhutan**” and clauses (a) to (l) deleted.

Section 29 of Chapter 5 was amended as “**No person of Royal Bhutan Police shall extend support to political parties or organizations in any way except as otherwise prescribed by law.**”

In Section 39 of Chapter 6 of the Dzongkha text, the phrase ལག་ལེན་འབྲེལ་པའི་སྐབས་སུ་ཡང་ was replaced by ཕྱིར་འདོན་འབད་བའི་སྐབས་སུ་ཡང་།

A new clause (e) on “Report on human traffickers” was added in Section 45 of Chapter 7.

Section 53 of Chapter 8 was amended as “Every Police Station must maintain a record of the entire firearms held by private fire arms **license** holders under their jurisdiction.”

Section 56 of Chapter 9 was amended as “An intelligence officer who is designated by the Chief of Police shall have the **lawful** powers of investigation.”

The phrase “Subject to the Civil and Criminal Procedure Code of Bhutan” mentioned at the beginning of Section 59 of Chapter 9 was moved to the end of the Section.

Section 64 of Chapter 9 was amended as “The Police may also regulate the extent to which music, speeches and recitation of prayers may be carried out in the public places on the occasion of festivals and ceremonies as incorporated under the Civil and Criminal Procedure Code of Bhutan and under the **Thromde Act of Bhutan.**”

The heading འཇམ་མཐོན་མི་རིགས་ལུ་ཉོགས་བཤད་ in Section 72 of Chapter 11 of the Dzongkha text was amended as འགག་སྡེ་མི་རིགས་ལུ་ཉོགས་བཤད།

Section 90 of Chapter 12 was amended as “The Government shall establish independent forensic laboratories as deemed appropriate.”

The National Council felt that if the Fire Services Division under Section 108 of Chapter 15 was de-linked from the Royal Bhutan Police and established as an independent organization, the police would be able to discharge its main responsibilities effectively besides creating employment opportunities for the unemployed youth. On this, the Chief of Police submitted that although de-linking of Fire Services Division from the Royal Bhutan Police would reduce the responsibilities of the Police, it had been kept under the Police for the time being in the absence of any organization to manage it, effectively and properly.

The National Council resolved that in view of the present scenario, the Fire Services Division should continue under the Royal Bhutan Police. However, in the future, the government should establish the Fire Services Division as a separate independent organization.

Similarly, the members submitted that the Youth Development & Rehabilitation Centre (YDRC) under the Royal Bhutan Police should be placed under another organization. The Chief of Police said that as per the command of the 4th Druk Gyalpo, YDRC had been established and put under the Royal Bhutan Police since it involved legal issues. However, he submitted that in future, YDRC could be transferred to another organization to ensure effective management.

The National Council resolved that in the future, depending upon the convenience, the government should de-link YDRC from the Royal Bhutan Police.

A new Section was added under Section 115 of Chapter 15 as: **Woman and Child Protection Division**

“The Royal Bhutan Police shall have a Woman and Child Protection Division to handle issues/matters relating to women and children.”

Section 117 (old) of Chapter 16 was amended as “The Additional Chief of Police and the Deputy Chiefs of Police shall be the Chairperson on rotational basis. However, the Additional Chief of Police shall cease to be a member when one of the Deputy Chiefs is the Chairperson of the Board. The other members shall be appointed for a period of two years and shall not be reappointed for more than two consecutive terms.”

The word “**Committee**” was added to the heading of Section 120 (old) of Chapter 16 as “**Committee and Sub-Committee**” and amended the Section as “To facilitate the Board in the discharge of its responsibilities, it may form **Police Promotion Committee and other sub-committee(s)** as and when felt necessary.”

Section 125 (old) of Chapter 16 was amended and addition made as “**All policies and matters formulated and decided by the Board shall be submitted to the Chief of Police for approval. However, should the Chief of Police reject the first recommendation of the Board, he shall return the recommendation with comments for deliberation. Upon subsequent deliberation, the Board shall resubmit the recommendation to the Chief of Police, who shall grant his approval.**”

In Section 126 (old) of Chapter 16, the phrase འབྲུག་ཀྱུལ་གཞུང་གི་མཁས་སྲུང་ was replaced by ཀྱུལ་གཞུང་འབྲུག་གི་འགག་མཛེ and “**all officers and men**” by “**every police person.**”

A new clause (aa) “**Sexual harassment**” was added to Section 128 (old) of Chapter 18.

Section 129 (j) (old) was amended as “**As per Section 135 of this Act in case of desertion**” and clause (k) as “**As per Section 132 and 133 of this Act in**

case of Mutiny” in the English version only. A new clause (l) was added as “**As per the Penal Code of Bhutan in case of sexual harassment.**”

Section 131 (old) of Chapter 18 was amended as “The offence of mutiny involving the use of violence shall be a felony of the first degree as **prescribed by** the Penal Code of Bhutan.”

Section 132 (old) of Chapter 18 was amended as “The offence of mutiny involving the use of violence shall be a felony of the third degree as **prescribed by** the Penal Code of Bhutan.”

Section 133 (old) of Chapter 18 was amended as “The offence of any person subject to this Act inciting any person to take part in a mutiny, actual or intended, or knowing that a mutiny is taking place or is intended, but does not use utmost endeavors to suppress or prevent it or fails to report without delay that a mutiny is taking place or is intended shall be a felony of the fourth degree as **prescribed by** the Penal Code of Bhutan.”

At the end of Section 154 (old) of Chapter 18, the phrase “other **convicted prisoner**” was amended as “**other convicted person.**”

Section 136 (old) of Chapter 18 was amended as “A police person shall be guilty of the offence of making away with firearms or equipment, if he/she makes away with or loses by negligence, sells or destroys any arms, ammunition, equipment, or any other thing being the property of the government issued to him. Any police person violating this shall be charged under **the provisions of** this Act as deemed appropriate.”

Section 146 (old) of Chapter 18 was amended as “Any Police person having fully exhausted the appeal processes and still aggrieved by the decision of the Chief of Police may appeal to the High Court within ten days **in accordance with the provisions of the Civil and Criminal Procedure Code of Bhutan.**”

In Section 161 (old) of Chapter 20, the phrase “**by the Government upon the recommendation of the Pay Commission**” was deleted and replaced by “**from time to time.**”

In Section 163 (old) of Chapter 20 of the Dzongkha version, the word ཁྱིམས་སྤྱད་ was replaced by འགག་སྡེ།

Clause (a) was amended as **“Free ration as per scale (for all police person)”** and added **“for all police person”** to clauses (c), (f), (i), (j), (l), (m), (n), (p) and (q). In clause (e), the phrase **“as King’s Soelra”** were deleted and a new phrase added as **“for officers”** to clauses (g), (k) and (o). In clause (p), the phrase **“by Druk Air”** and the word **“30%”** were deleted. Clause (q) was amended as **“Equivalent cash allowance in lieu of quota drinks”** and (r) as **“Foreign car and duty free quota for Superintendent of Police and above”** by merging with clause (s).

In Section 174 (a) (old) of Chapter 21, the phrase **“Police Service Board”** was deleted and replaced by **“The Druk Gyalpo.”**

In Section 184 (old) of Chapter 22, the sentence **“who has accumulated 300 days of leave at the time of retirement shall be entitled to twelve months last basic pay at the time of retirement”** was deleted and replaced by **“shall be entitled to leave encashment as prescribed under the Rules.”**

In Section 189 (old) of Chapter 23, the phrase **“Prime Minister”** was replaced by **“Service Promotion Board.”**

Section 190 (old) of Chapter 23 was split into two clauses as:

(a) On recommendation of the Service Promotion Board, the Chief of Police shall submit the name list of officers above the rank of Thrimdag Gongma to the Druk Gyalpo for promotion to higher ranks; and

(b) Promotion of officers below the rank of Thrimdag Wogma shall be approved by the Chief of Police on the recommendation of the Police Service Board.

Section 194 (old) of Chapter 23 was amended as **“The Chief of Police shall revoke any promotion which has been granted other than by the prescribed procedure under this Act.”**

A new Section after 207 of Chapter 25 was added as **“Assistance to other Government agencies subject to the production of a court order, the Royal Bhutan Police may, as required, assist any other Government agencies in the execution of their duties.”**

A new Section after 207 of Chapter 25 was added as **“The custody/detention of a person arrested by any other Government agency shall be accepted by the Royal Bhutan Police provided such arrests were made in conformity with the existing laws of the country. However, all the legal**

formalities/requirements with respect to such detention shall be fulfilled by the concerned agencies affecting such arrest.”

Similarly, two new definitions in Section 210 (old) of Chapter 27 were added as follows:

(gg) **“Physical punishment” means and includes those punishments as prescribed by the rules.**

(hh) **“VIP” means a person who requires special protection by the virtue of his office, from time to time.**

2. Prison Bill of the Kingdom of Bhutan 2009

2.1 Introduction and background to the Bill by the Chief of Police

The Chief of Police submitted to the House that there were 7 prisons in the country including 5 Dzongkhag prisons, one Dungkhag prison and Chamgang prison which housed a total of 907 prisoners. These prisons were managed by a total of 5 officers and around 243 prison staff.

The Chief of Police said that the Prison Act 1982 did not specify the important issues like imposition of penalty to prisoners and their entitlements. Therefore, the Act had been revised as commanded by the fourth Druk Gyalpo on 12-10-2006 and in keeping with the fundamental rights enshrined under Article 7 of the Constitution of the Kingdom of Bhutan. He informed the House that the Bill had been drafted keeping the middle path in mind and based on the Prison Act of 1982 besides taking some relevant provisions of the Prison laws in Singapore, Malaysia, Australia and India.

2.2 Deliberation on the Bill

The National Council thoroughly deliberated on the Bill from 31st December 2008 to 1st January 2009 and on 9th January 2009, and adopted it with following amendments:

In accordance with Article 28, Section 3 of the Constitution, the National Council amended the phrase འབྲུག་ཀྱི་གཞུང་གི་འགན་སྲུང་འགན་སྲུང་ལྟེན་འཇུག་ཡིག་ as ཀྱི་གཞུང་གི་འགན་སྲུང་འགན་སྲུང་ལྟེན་འཇུག་ཡིག་ in the Dzongkha text of the Bill and replaced the word **“he”** with **“he/she”** in conformity with other Bills.

The phrase “**the National Assembly of Bhutan**” in the Preamble was amended as “**the first Parliament of the Kingdom of Bhutan in its 2nd Session.**”

The House resolved to move the entire Section 3 of Chapter 1 to the end of the Bill in conformity with other laws. Further, the phrase འཇམ་མཁའ་འགྲུབ་པ་ in the definition under clause (o) of the Dzongkha text was replaced by འཇམ་མཁའ་མི་རིགས་ and འཇམ་མཁའ་བཅའ་ཁྲིམས་ ༢༠༠༧ by རྒྱལ་གཞུང་འབྲུག་གི་འགག་སྡེའི་བཅའ་ཁྲིམས་ ༢༠༠༩།

The phrase རྫོང་ཁང་མིག་གསར་བཙུགས་ in the heading of Section 5 of Chapter 1 was amended as རྫོང་ཁང་མིག་གཞི་བཙུགས་།

In the Dzongkha version of Section 8 of Chapter 1, the phrase འགག་སྡེ་ལས་གཞི་བཞུགས་པའི་ཚོགས་ཀྱི་འོས་སྤྱོད་ཐོག་ལུ་ was amended as འགག་སྡེ་ལས་གཞི་བཞུགས་པའི་ཚོགས་ཀྱི་གྲོས་འདེབས་ཐོག་ལུ།

Similarly, in the Dzongkha version of Section 9 of Chapter 2, the phrase འཇམ་མཁའ་འགྲུབ་པ་ལས་གཞི་བཞུགས་པའི་ཚོགས་ཀྱི་འོས་སྤྱོད་ཐོག་ལུ་ was amended as འགག་སྡེ་ལས་གཞི་བཞུགས་པའི་ཚོགས་ཀྱི་གྲོས་འདེབས་ཐོག་ལུ་ and “Senior Superintendent of Prisons” was replaced by “the Additional Chief of Police.”

Section 12 of Chapter 3 was deleted.

The English version of Section 21 (old) of Chapter 3 was amended.

In Section 25 (old), clause (d) of Chapter 4, the phrase “**Political prisoner**” was amended as “**Prisoners charged under the National Security Act.**”

Since shaving beard and cutting hair was for personal hygiene, the phrase “**a good appearance compatible with their self respect**” in Section 81 (old) of Chapter 9 was amended as “**personal hygiene.**”

In Section 83 of Chapter 9, an addition was made as, “**as per Waste Prevention and Management Act 2009**”.

For future convenience, the phrase “**under Section 99 of this Act**” in Section 101 (old) of Chapter 11 was amended as “**under the provisions of this Act.**”

A new Section after Section 110, Chapter 12 was added as:

Violations by Prison Staff:

“Any violation of the provisions of this Act by the prison staff shall be dealt with in accordance with the Royal Bhutan Police Act.”

In Section 113 clause (a) of Chapter 12, the word “**committee**” was replaced by “Inquiry Committee” and the phrase འོས་སྐྱོར་ཕུལ་དགོ། by མོས་འདེབས་ཕུལ་དགོ། Further, in clause (b), the phrase “**under Section 32 of the Penal Code of Bhutan 2004**” was amended as “**under the provisions of the Penal Code of Bhutan.**”

The House resolved to re-arrange the sequence of Sections 115 and 116 under Chapter 12.

The phrase “**subject to the availability of such facilities for conjugal visit**” was deleted from Section 132 of Chapter 12.

In Section 134 of Chapter 14, the phrase “who wish to use the conjugal room” was replaced by “**who wish to stay overnight**” and the Dzongkha version འགོ་བམའི་སྐྱིད་སྤྱུག་གི་ཐོག་ལུ་ ལག་ལེན་འཐབ་ཚོགས་ དེ་འབདམ་ད་ དེ་བརྩམ་མའི་མཐུན་རྐྱེན་ཡོད་ཅིང་དང་འཁྲིལ་ཏེ་དགོ། was amended as འགོ་བམའི་སྐྱིད་སྤྱུག་གི་ཐོག་ལུ་ལག་ལེན་འཐབ་ཚོགས་ དེ་འབདམ་ད་ དེ་བརྩམ་མའི་མཐུན་རྐྱེན་ཡོད་ཅིང་དང་འཁྲིལ་ཏེ་གནང་བ་ཐོབ།

The word “**restriction**” was deleted from the heading of Section 135 of Chapter 14 and clause (f) of this Section.

The following clauses of Section 139 of Chapter 15 were amended:

- (c) “**Guarding of prison infrastructure**” as “**Management of prison infrastructure.**”
- (g) “**Training on dealing with women and children**” as “**Dealing with women and children.**”

Two new clauses were added as:

- (h) “**First Aid.**”
- (i) “**Counseling.**”

Section 147 of Chapter 17 was split into Sections 147 and 148 as:

Reformatory Program for Prisoners

147. **The prison authority may with the approval of the Government introduce vocational courses in selected prisons in order to help the prisoners acquire vocation-oriented skills so that after release they may be able to earn their livelihood.**

148. **It should be the objective of the prison authority to ensure that the convicted prisoners are reformed during their stay in prison and that they acquire the necessary qualities and vocational skills, to ensure normal life in the society upon their release after serving the sentence.**

In Section 153 of Chapter 18, the clause (a) **“Political prisoners”** was amended as **“Prisoners charged under the National Security Act.”**

The following clauses of Section 157 of Chapter 18 were amended:

(a) **“Admission register”** as **“Admission register and form.”**

(b) **Personal file** (taken from clause (0)).

(m) **Medical checkup register** (taken from clause (r)).

(n) **Hospital admission register** (taken from clause (q)).

Clause (x) (~~Prisoners release form and~~) was deleted.

Section 180 of Chapter 22 was amended as “All prison staff on completion of two years in the same prison shall be transferred to another prison to avoid fraternalism with the prisoner **as per the Royal Bhutan Police Act.**” Clauses (c) and (d) of the Section were deleted.

After adoption of the amendments to the Prison Bill of the Kingdom of Bhutan by the House, Hon’ble member Dasho Karma Ura submitted that since his submission of a new Section after Section 139 on mental exercise (ལྷོ་ལྷོ་ལྷོ་) and religious teachings to prisoners had not been included, he requested for inclusion at a later date. On this, some members said that the practice of making amendment to the Bill after having been passed by the House should be stopped from the very beginning to avoid creating precedence. Therefore, the National Council resolved not to entertain amendments to any Bill in the same session once the amendments had been adopted.

(10th Day of the 11th Month of Earth Male Rat Year corresponding to 6th January 2009)

3 Ratification of SAARC Fund Charter

3.1 Introduction and background to the SAARC Fund Charter by the Secretary, Ministry of Finance

The Secretary of Ministry of Finance apprised the House that the concept of SAARC Fund Charter proposed by His Majesty the fourth Druk Gyalpo at the SAARC Summit in 1991 had been formally signed by the member States upon reaching consensus during the 15th SAARC Summit held in Colombo, Sri Lanka from 2nd – 3rd August 2008. The member States had agreed that SAARC Fund Head Quarter shall be established in Bhutan. Therefore, SAARC Fund Charter was submitted to the National Council for ratification.

The Secretary said that the main objective of establishing SAARC Fund was to reduce poverty. It was aimed at improving welfare of the people of SAARC region, quality of life, economic development and community development besides other responsibilities. The Secretary also informed the House that the Fund would be of immense benefit to member States and that fund would be contributed by the member States. He said that the Charter had been ratified by the National Assembly and that he was hopeful that the National Council would similarly ratify it.

3.2 Deliberation on the Charter

Since the Charter was a product of the seed sown by His Majesty the fourth Druk Gyalpo several years ago, Hon'ble member Kuenlay Tshering expressed gratitude to the fourth Druk Gyalpo on behalf of the National Council and the people of Bhutan. He said that establishing such a Charter with its head office in Bhutan would have immense benefit to our country to which the other members fully agreed.

Besides seeking clarification on certain issues, some of the members felt that such an office should be established in the Dzongkhags to facilitate balance economic development. The Finance Secretary, however, clarified that the main reason for establishing the office in Thimphu was to facilitate the member States in their dealing with the office, without much problem. After thorough deliberation, the National Council ratified the SAARC Fund Charter without any amendment.

4 Agreement on the Establishment of the South Asian Regional Standards Organization (SARSO)

4.1 Introduction and background to the Agreement by the Director, Standard and Quality Control Authority

The Director of Standard and Quality Control Authority, Ministry of Works and Human Settlement informed the House that the Agreement on establishing South Asian Regional Standards Organization had been approved and signed by the ministers of the member States during the SAARC Summit held in Colombo, Sri Lanka on 3rd August 2008.

He said that the main objective of establishing such an organization was to maintain uniform standards throughout the member States and avoid various standards and quality in the market. The Organization would also review the existing standards. It was aimed at maintaining good cooperation amongst the member States, which would ultimately benefit trade amongst the member States and at the international level.

The Agreement had been signed in order to conduct training and workshops for better trade relations between the member States, movement of goods and services, and for recognition of goods and services by international organizations. The Organization would also review status of standards within the member States and facilitate each other for recognition at the international level. Therefore, the Director said that he was hopeful that the National Council would ratify the Agreement.

4.2 Deliberation on the Agreement

The Hon'ble member Kuenlay Tshering expressed gratitude to His Majesty the Fourth Druk Gyalpo for envisioning the establishment of the South Asian Regional Standards Organization. He submitted that such an organization would be of immense benefit to our society. The Hon'ble member Tashi Wangmo and the Hon'ble member from Dagana Dzongkhag supported his submission.

Being a priority for the member States, the National Council deliberated and ratified the Agreement without any amendment.

(17th Day of the 11th Month of Earth Male Rat Year corresponding to 12th January 2009)

5 Rules of Procedure of the National Council

5.1 Introduction and background to the Rules of Procedure

The Chairman of the House Committee Karma Yezer Raydi informed the House that the Rules of Procedure of the National Council 2009 had been drafted by the National Council Secretariat based on the Constitution of the Kingdom of Bhutan and the National Council Act 2008. It had been thoroughly reviewed by the Committee and submitted to the House for adoption. He said that it was tabled before the House thinking that the Hon'ble Members and the general public as well would understand the procedure better in the process of deliberation. He hoped that the Hon'ble Members would thoroughly review it and make appropriate amendments.

5.2 Deliberation on the Rules of Procedure

After thorough deliberation, the National Council adopted the Rules of Procedure of the House with the following amendments:

The National Council added **“in accordance with Article 10, Section 10 of the Constitution of Bhutan and the National Council Act 2008”** to the Preamble.

In Sections 1 and 2 of Chapter 1, the year **2008** was replaced by **2009** and a new Section added as **“It applies to the National Council.”**

Since the four Lopens would be in Punakha during the winter months, དྲུག་སྤང་ལོཔས་བཞུགས་བཞུགས་ was added in Section 23 of Chapter 3.

Section 42 of Chapter 5 was deleted.

In Section 55 of Chapter 5, the phrase **“under the Deputy Chairman”** was replaced by **“under the Chairperson”** and the word **“Act”** replaced by **“Rules.”**

Section 64 of Chapter 5 was amended as **“At the end of the Address by the Druk Gyalpo, the Deputy Chairperson shall propose a vote of thanks.”**

Section 65 of Chapter 5 was amended as **“The proceedings of the National Council shall be conducted in public.”**

In Section 80 of Chapter 7, the word “**termination**” was replaced by “**complete/full term in accordance with the Constitution.**”

In Section 108 of Chapter 8, the phrase “**If not deliberated in the same Session, it shall be deemed removed**” was replaced by “**If could not be deliberated in the same Session, it shall be deliberated in the next Session.**”

Section 145 of Chapter 8 was resolved to be put under an appropriate Section of this Rules.

Section 149 of Chapter 9 was split into clauses (a) and (b) and the phrase “**the government and private business**” replaced by “**National Council Procedure.**”

In Section 150 of Chapter 9, the phrase “**minister shall start**” was replaced by “**National Council shall start.**”

Since Section 172 of Chapter 10 pertained to the responsibilities of members, it was put under Chapter 13. A new Section on the visit to constituency by the members at the conclusion of the Session was also added in the Chapter.

Since the provision on pay had been adequately covered in the Act, it was deleted from Chapter 15.

A new Section on **death** similar to Section 179 of Chapter 17 of the English version was added.

Although the Rules of Procedure of National Council was adopted, clerical mistakes, re-arrangement of Sections and inconsistency found between Dzongkha and English texts were resolved to be jointly reviewed and finalized by the House Committee, Legislative Committee and the Secretariat.

(18th Day of the 11th Month of Earth Male Rat Year corresponding to 13th January 2009)

6 Ratification of Protocol of Accession of Islamic Republic of Afghanistan to Agreement on South Asian Free Trade Area (SAFTA)

6.2 Introduction and background to the Protocol by the Joint Director, Ministry of Economic Affairs

The Joint Director of the Ministry of Economic Affairs submitted that the agreement on South Asian Free Trade Area (SAFTA) was being implemented since its adoption by the seven SAARC member States in 2005. On becoming a member of SAARC in 2007, Afghanistan was allowed to join the SAFTA. He said that the reason for establishing SAFTA was to promote free trade amongst the member states, legalize free trade, promote free trade, remove trade barriers, provide trade equality to member states and strengthen cooperation of management. Since Bhutan was yet to develop like other member states, she would benefit from external trade through reduction of tariff on goods.

The Joint Director said that the Agreement would not only benefit our country in terms of economy, increased employment opportunities and income enhancement through economic growth but also strengthen its sovereignty. Therefore, the Agreement was submitted to the House for ratification.

The National Council after deliberation ratified the Agreement without any amendment in keeping with the Constitution of the Kingdom of Bhutan.

7 Rules of Procedure for the Joint Sitting of Parliament

The Hon'ble member Kuenlay Tshering submitted to the House that the draft Rules of Procedure for the Joint Sitting of Parliament needed further research and refining by the Legislative Committees of the two Houses before tabling it in the joint sitting of Parliament. Most of the Hon'ble members supported the submission.

The National Council, therefore, resolved to include the Rules of Procedure for the Joint Sitting of Parliament in the agenda for the third session.

*(19th, 20th, 24th and 26th Day of the 11th Month of Earth Male Rat Year
corresponding to 14th, 15th, 19th and 21st January 2009)*

8 The Local Government Act of the Kingdom of Bhutan 2007

The Chairman of the Good Governance Committee submitted to the House that the first Parliament was elected and had started functioning. However, elections to the Local Government were not conducted due to non-finalization of delimitation by the Election Commission. Further, he said that His Majesty the King had commanded that all laws related to local government elections be

reviewed. Accordingly, the Good Governance Committee had initiated reviewing the Local Government Act 2007.

The Chairman submitted that according to the Constitution of the Kingdom of Bhutan, local government meant the Dzongkhag Tshogdu, Thromde Tshogde and Gewog Tshogde. Different local governments had Acts of their own and therefore, needed to be consolidated under one umbrella Act. Most Hon'ble members supported the submission.

The National Council thoroughly deliberated on both the Local Government Act 2007 and the Thromde Act 2007 and consolidated the two Acts under one umbrella Act. The amended version of the Local Government Act was adopted by the National Council and submitted to the National Assembly for its adoption.

(25th Day of the 11th Month of Earth Male Rat Year corresponding to 20th January 2009)

9 Pay Revision Report

9.1 Presentation by the Hon'ble Minister, Ministry of Finance

The Hon'ble Finance Minister reported that the Government recognized the civil service as key to the development of a country. Continuous efforts had been made to improve their well-being, raise morale and improve efficiency and professionalism. As the prices of commodities and cost of living had increased, the Government, few months after assuming office, had initiated the pay revision exercise.

The Hon'ble Minister informed the House that the Pay Commission had submitted its report to the Lhengye Zhungtshog on 8th August 2008 for recommendations. The report had been reviewed comprehensively and approved within four months.

The Hon'ble Minister said that although civil servants were facing financial sustainability predicaments, it was difficult to meet their expectations due to lack of financial resources with the government. However, for the benefit of the Government and the people, salary for the civil servants had been increased by 35% across the board. Although there was no salary increase for the Hon'ble Prime Minister, Ministers, Speaker of the National Assembly, Chairperson of the National Council and the Opposition Leader, the annual discretionary grant had been revised to Nu. 300,000.00 for the Hon'ble Prime Minister and Nu.

200,000.00 each for the ministers and equivalent posts. Similarly, considering the important responsibilities discharged by the Hon'ble members of Parliament for the nation, their salary was increased by 20% with other allowances as specified, separately.

Salary for the Judiciary, Constitutional Post holders and the Attorney General had been considered no different than the civil servants. However, differences in their allowances were mentioned, separately.

Salary of the local government functionaries and the artists of the Royal Academy of Performing Arts (RAPA) had been increased by 45%, while it had been increased by 61% for the Elementary Service Personnel. The salary of the Non-Formal Education instructors had been raised to Nu. 6000.00 from Nu. 4500.00. Similarly, the stipend for the temporary recruits had been raised between Nu. 4000.00 to Nu. 6000.00.

The Hon'ble Finance Minister informed the House that while all allowances were considered important, only the patang allowance, high altitude allowance, difficult area allowance, mobile phone voucher allowance, housing/house rent allowance, teaching and medical professional allowance, doctors and nurses allowance had been revised. Post-service benefits such as pension and gratuity had also been revised. He said that the pay revision would be effective from January 1, 2009.

9.2 Deliberation on the report

The Hon'ble member Kuenlay Tshering informed the House that according to the Constitution, Pay Commission was to be apolitical and an autonomous body to review the pay and submit recommendations to the Lhengye Zhungtshog for approval. Since the current report was different from that of the Pay Commission report, he felt that it was in contravention to the Constitution. He further said that according to the Constitution, the pay for the Judiciary and the Constitutional post holders was to be prescribed by law. Even if there were no such laws, their entitlements should be framed differently from that of the civil service. He also sought clarification on the status and entitlements of the Ambassadors and the Secretary General of the two Houses.

Responding to the above, the Finance Minister said that until a separate law was enacted, salary for the Judiciary and the Constitutional post holders would be as submitted in the report. The Ambassador's pay was not revised as it was

not mentioned in the report. Since the post of the Secretary General of the two Houses was enshrined in the Constitution, they would be entitled to pay and allowances, accordingly.

Most of the Hon'ble members submitted that it would immensely benefit the civil service if the pay revision was made effective from July 2008. After deliberating on the pros and cons of the report, the National Council resolved as follows:

In Section 2 (a) of Chapter 3 of the report, the salary of the Hon'ble Prime Minister shall be fixed higher than that of the other ministers as he shouldered greater responsibilities in the country.

Although the 20% pay revision and other allowances for the Hon'ble members of Parliament as specified in Section 4 of Chapter 3 were acceptable, the pay and allowances of the Deputy Speaker and the Deputy Chairperson shall be made different from that of the other members as they had greater responsibilities in the absence of the Speaker and the Chairperson.

In order to strengthen the local government, the Government should reconsider the pay and allowances of the Chairpersons of the Dzongkhag Tshogdu, Thromde Tshogde and Gewog Tshogde specified in Section 7 of Chapter 3.

Section 3 of Chapter 5 - Since the provision for difficult area allowance was only for a minimum of one Dolam or beyond from the nearest road-head, the Government should reconsider such allowances for half-day Dolam.

Section 5 of Chapter 5 - The position level and perks of the Secretaries General of the two Houses of Parliament shall be fixed at par with the other Secretaries given the importance attached to these posts in the Constitution.

The National Council passed the allowance for doctors and nurses as specified in Section 6 of Chapter 5 of the report. The House also resolved to grant the same allowance to the Drungtshos in the Indigenous Hospitals and recommended the Government to explore the possibility for the veterinary doctors as well.

(26th Day of the 11th Month of Earth Male Rat Year corresponding to 21st January 2009)

10 Presentation on the 10th Five Year Plan

10.1 Presentation by the Secretary, Gross National Happiness Commission

The Secretary of the Gross National Happiness Commission (GNHC) submitted that since the institution of the Five Year Plan by the late King Jigme Dorji Wangchuck in 1961, it had been considered the largest development activity instituted ever. The Tenth Five Year Plan (10FYP) had been initially prepared by the GNH Commission and later reviewed by the members of the ruling government, Druk Phuensum Tshogpa. Therefore, it was submitted to the National Council for adoption.

The Secretary informed that although 10FYP was supposed to be implemented from January 2008, it was postponed due to non-completion of the activities and programmes of the 9FYP and establishment of the new government. He said that since the country's development philosophy was to realize Gross National Happiness, the government was putting every effort to reduce poverty through enhancement of rural income and improvement in quality of life. The salient features of the plan were practical with exceptionally changeable targets, decentralization and democracy, resource allocation formula, result-based management and planning approach and measurable targets. It was a GNH-oriented and poverty-reduction-targeted plan in a new democratic set-up.

The Secretary said that strategic frameworks like vitalizing industry, national spatial planning, synergizing integrated rural-urban development, expanding strategic infrastructure, investing in human capital and fostering enabling environment were also incorporated. He said that to synergize integrated rural-urban development, access to rural opportunities would be enhanced, electricity provided and the introduction of cooperatives and contract farming mechanisms facilitated. He informed that the total estimated budget for the Plan included budget for those activities that were to be implemented by the local government. Likewise, he presented a detailed report on the country's economic vision, enhancement of internal revenue generation, balance of payment and hard currency reserves and borrowings, as well as, hydropower projects and railway track construction, which were not part of the 10FYP.

10.2 Deliberation on the report

The Hon'ble member from Lhuentse Dzongkhag pointed that the projects and capital works in the 10FYP had been included based on the assurance of

external funding assistance. He inquired how the plan activities would be implemented by the government in case the funding was not forthcoming. On this, the Secretary of GNH Commission said that if the commitment by donor countries was withdrawn due to unavoidable circumstances, the internal reserves would be used to implement the plan.

Since the main objective of the 10FYP was to alleviate poverty, the Hon'ble member from Haa Dzongkhag proposed that resource allocation be done based on poverty, geographical area, remoteness and size of the gewog rather than population, poverty and geographical area. Although resource allocation in other countries is based on population, the Secretary agreed that the government would consider the proposal.

The Hon'ble member from Trashigang Dzongkhag submitted that construction of National Council Hall and balanced development of tourism should be reflected in the plan. To this, the Secretary said that the construction of National Council Hall would be reflected in the plan in accordance with the decision of the Lhengye Zhungtshog. Further, he said that tourism would be emphasized in the eastern and southern regions depending on the situation.

The Hon'ble member from Chhukha Dzongkhag submitted that the re-alignment of Thimphu-Phuentsholing highway would affect the livelihood of those people depending on their business established along the highway. In response, the Secretary said that the government's policy was to shorten the highway, as far as possible, in the best interest of the general public.

Most of the Hon'ble members inquired how the government plans to create employment opportunities since 18,000 youths were to be provided jobs annually to solve the unemployment problem. They were of the view that it might be better if the un-employed youth could be allowed to compete in the international job market. Similarly, they felt that the resource allocation should be based on the size of the gewog in order to strengthen the local government. The Secretary said that the government will consider the possibility of incorporating the proposal.

After a long deliberation, the National Council passed the overall outlay of 148.074 billion without any amendment as projected in the report. Additionally, the House resolved that the construction of National Council Hall shall be incorporated as a plan activity.

11 Presentation of the Revised Budget for the Fiscal Year 2008-2009

The Secretary, Ministry of Finance informed the House that a total of Nu.488.439 million had been incurred as an additional expenditure within November 2008. Details of the expenditure were:

- Ministry of Agriculture - procurement of vehicle to carry out prevention and control measures of bird flu by Bhutan Agriculture and Food Regularity Authority and for renovation of Royal Manas National Park;
- Foreign Ministry - establishment of Consulate Office in Nepal and Kolkata and procurement of office equipments;
- Rural electrification and installation of solar panels for places deprived of electricity;
- Centenary and Coronation celebrations;
- Grant to Motion Picture Association for annual festival;
- Departments of Labor and Employment - conduct labor survey in the Dzongkhags and along highways;
- Ministry of Health - recruitment of nurse assistants and security personnel;
- Ministry of Home & Cultural Affairs - establish new office to monitor immigrants;
- Dagana Dzongkhag - town extension;
- Royal Bhutan Police - purchase of vehicles; and
- Renovation of Trongsa Dzong.

The Secretary said that the report on the supplementary appropriations on activities outside the 9FYP was submitted to the National Council for approval.

The National Council passed the supplementary appropriations without any amendment as given in the table below:

(Nu. in million)

Source	Current	Capital	Total
From RGoB funds	192.073	296.366	488.439
From External funds	168.091	2449.932	2618.023
Grants	165.628	2372.286	2537.914
Loans	2.463	77.646	80.109
Total	360.164	2746.298	3,106.462

(28th Day of the 11th Month of Earth Male Rat Year corresponding to 25th January 2009)

F) Policy Issues

1. Revision of Wage for the National Work Force

The Hon'ble member from Zhemgang Dzongkhag submitted that the people who were joining the national work force were mostly from poor family background. The increase in the cost of essential commodities had further created difficulty in meeting their living cost. While there was a proposal to revise the civil service pay, the revision of wage for the national work force was not proposed. Since they were not entitled to retirement benefits like pension and gratuity, most of the Hon'ble members agreed that their employment was also not secured. In the interest of the people in the lower income bracket, they expressed urgent need to raise the wage for the national work force.

The National Council, after thorough deliberation, resolved to call upon Ministry of Home & Cultural Affairs to raise the wage for the national work force.

2. Fixation of Minimum National Wage

The Hon'ble member from Trashigang Dzongkhag submitted that since most of the people did not have source of income, school children were working along the roadside and other places during winter vacation. However, they were paid very low in the absence of a minimum national wage rate. He said that it would immensely benefit the public if a minimum national wage rate was fixed.

Deliberating on the issue, some Hon'ble members reported that the dzongkhag dancers and the ceremonial horse care-taker (*Tsenta sungmi*) were similarly paid very low since they were neither in the national work force nor civil service. As a result, they had difficulty making a living.

While most Hon'ble members supported the need to fix a minimum national wage rate, some expressed concern that if the wage rate was increased this could bring corresponding increase in *Thrimthue* (payment in lieu of sentence). However, other members argued that there was no cause for worry on the *Thrimthue* and felt that fixing minimum national wage rate would only stand to bring greater benefit to the dzongkhag dancers and horse care-takers (*Tsenta sungmi*).

On this, the House resolved to submit a proposal to Ministry of Labor & Human Resources to explore the possibility of fixing a minimum national wage rate in keeping with Labor & Employment Act of Bhutan 2007.

3. Appointment of Caretaker at the Gewog Center

The Hon'ble member from Pemagatshel Dzongkhag submitted that under democracy, institutional capacity of the local government should be strengthened. However, the gewogs were faced with many problems since most of the offices were located in remote places. All important documents and tax revenue collected from the public were also kept in the office. He said that there was a serious security concern during public holidays and weekends.

Until today, the gewog offices were taken care by Chipons, which led to many associated problems including cleanliness. Therefore, the Hon'ble member submitted that there was genuine need for a caretaker who could look after the office and perform other related works. The submission was supported by other members.

On this, the National Council resolved to submit a proposal to Ministry of Home & Cultural Affairs and Royal Civil Service Commission justifying the need to recruit a caretaker each in the gewog centers.

4. Remuneration for Chupons

The Hon'ble member from Lhuentse Dzongkhag said that the Chupon shouldered heavy responsibility in the gewog and worked under the Gup since ages. The Chupon also performed the duty of a messenger between the gewog and the public. Therefore, the government should recognize its importance and provide remuneration.

Some of the Hon'ble members reported that there was a practice of paying compensation to the Chupons through public collection but it had posed a major problem to those poor people who could not afford to pay. It was proposed that the Chupon system be either abolished or remuneration provided to them. Some Hon'ble members reported that due to heavy responsibility without any remuneration, there was no one willing to serve as Chupon in the community. Therefore, they proposed that in place of the

Chupon either the Royal Civil Service Commission should recognize it as a civil service post or Bhutan Post recruit a messenger.

On this, the National Council resolved to request the Ministry of Home Affairs and Royal Civil Service Commission to develop an appropriate mechanism depending on its feasibility to address the problem.

5. Wages and Remuneration for Gewog Officials

The Hon'ble member from Trashigang Dzongkhag submitted that the gewog officials were entitled to allowances during their tenure in office according to Section 129 of the Local Government Act 2007, but it had not been implemented so far. Therefore, he proposed for implementation of the law as officials land up bearing their own expenses while traveling within the gewog and to the Dzongkhag Headquarter.

Supporting the submission, the Hon'ble member from Trashiyangtse Dzongkhag said that the gewog officials while traveling to the Dzongkhag met the expenses from their monthly salary which led to financial difficulties. He submitted that they be paid travel and daily allowances while on official tour.

The National Council resolved to refer the matter to the Ministry of Home & Cultural Affairs and Dzongkhag Administrations asking them to provide the travel and daily allowances in accordance with the said Act.

6. Excess Land

The Hon'ble member from Gasa Dzongkhag submitted that since most Bhutanese people were dependent on agriculture for their livelihood, the issue of excess land had created a serious problem to them. Land which had been cultivated since the time of their grandparents were categorized as excess land during the re-survey and allowed to cultivate only on payment; otherwise these were taken over as government land resulting in major grievances of the people. In view of the above, the Hon'ble member submitted that the people be allowed to cultivate the excess land until completion of the cadastral survey commanded by His Majesty the King.

Most of the Hon'ble members agreed that land was an indispensable asset for the community. Today, when the people were subjected to such hardships,

they felt that they were buying the very land owned and cultivated by their parents since time immemorial.

Therefore, the National Council resolved to submit a recommendation to the National Land Commission to allow the owners to cultivate the excess land until His Majesty issued a Royal Command on completion of the re-cadastral survey.

7. Thruë and Ngenpa Guzom as Public Holidays

The Hon'ble member from Mongar Dzongkhag submitted that *Thruë* (Blessed Rainy Day) was observed since time immemorial. In particular, it was a day that the people in eastern Dzongkhags observed and celebrated after the hard and tiring work on the farms in the summer season. Therefore, the Hon'ble member requested that *Thruë* be reinstated as a holiday.

Most of the Hon'ble members submitted that *Thruë* and *Ngoenpa Guzom* (Meeting of the Nine Evils) had been an established tradition instituted by our forefathers since time immemorial and not that they did not want to work on these days. Others argued that even if the government did not declare holiday, people took leave on these two days and observed the occasion. In effect, there was no loss to the Government.

One of the Hon'ble members opined that as practiced in the UN system, it would be better if the people were allowed to take holidays of their own choice in the respective Dzongkhags. However, since it would be inconvenient when people of some Dzongkhags had to attend office while others were on holidays, the National Council resolved to submit the matter to the Ministry of Home & Cultural Affairs to review and reinstate *Thruë* and *Ngenpa Guzom* as public holidays in keeping with the established tradition.

(29th Day of the 11th Month of Earth Male Rat Year corresponding to 26th January 2009)

8. Land Compensation

The Hon'ble member from Trashigang Dzongkhag submitted that in many communities, the government after acquiring land from the *thram* holders for the purpose of building schools, hospitals and other government purposes had

neither provided land substitute nor paid compensation. Even if the land substitute was provided, it was not cultivable inflicting unbearable grievances to the people. To solve the problem, he submitted that the government should provide proper land substitute and compensation in accordance with Section 142 of the Land Act 2007.

On this, most of the Hon'ble members submitted that there was a need to fix a time frame for acquisition of land by the government. For instance, the land near Tashichhodzong was acquired 20 years back for construction of Supreme Court but the construction work had not yet begun causing serious problem to the people. Further, *thram* registration for substituted land was delayed and such problems were encountered mostly in urban areas, partly attributed to the non-admissibility of substitution and compensations for land pooling.

Therefore, the National Council in the interest of the general public resolved to submit to the National Land Commission that the *thram* holders aggrieved either by not allowing cultivation, land acquisition, non-payment of compensation or poor quality land substitutes should be provided with fair compensation in accordance with Sections 143 and 144 of the Land Act 2007.

(29th Day of the 10th Month and 11th Day of the 11th Month of Earth Male Rat Year corresponding to 26th December 2008 and 7th January 2009)

9. Human Wildlife Conflict

The Hon'ble member from Trashiyangtse Dzongkhag submitted that the communities in every nook and corner of the country were affected by wild animals, mostly depredation of crops by elephants and wild boars. He said that adequate measures needed to be initiated to protect crops. Similarly, he submitted that tiger, leopard, wild dog and bear inflicted damage to livestock and yaks in the highlands.

Although government had initiated various measures to address wildlife menace in the communities, some Hon'ble members submitted that these remained ineffective. Being a Buddhist country, the people's compassion towards animals had been a contributing factor to the human-wildlife conflict.

While the relevant ministries and departments were working on the problems related to human-wildlife conflict, the National Council considered it a priority and identified eleven measures to address the problem:

- a) Sensitize UN system on the damages caused by wild animals;
- b) Appoint a high level goodwill Ambassador to take responsibility for preservation of protected species;
- c) Create a separate agency to raise fund for conservation;
- d) Rescind radius of 200 metres and extend physical tackling radius to 500 metres – the distance of hot pursuit;
- e) Specialists to conduct studies on wildlife population dynamics;
- f) Introduce deterrent audio-visual mechanical devices to ward-off wildlife;
- g) Follow Integrated Conservation Development Plan (ICDP);
- h) Provide crop loss compensation;
- i) Legitimize hunting by imposing tax;
- j) Provide fund for electric fencing; and
- k) Provide livestock loss compensation.

Further, some of the Hon'ble members suggested that measures like sowing grass seeds in the forest, planting thorny trees as fencing, permission to hunt within 500 meters of the field and identifying the type of animals should be initiated. Clarification was also sought on what sort of compensation was provided to those people attacked by the carnivores.

On this, the National Council resolved to submit the above recommendations to the concerned ministry and department for implementation.

10. Zhabtolemi

The Hon'ble member from Trashigang Dzongkhag submitted that the rural-urban migration was rapidly increasing due to lack of sufficient basic infrastructure and development in rural areas. This led to the problem of making labour contribution in the communities.

One of the Hon'ble members submitted that in order to realize the philosophy of Gross National Happiness (GNH), there should be a balanced development between rural and urban areas. Like in the urban areas, he said that the government should take up the plans and programmes for rural development.

Since Zhabtolemi was the main problem in the communities, two alternatives were proposed to address it. Firstly, Zhabtolemi should be abolished and any requirement for infrastructure development in the community should be executed through monetary contribution. However, this would create difficulty to most of the poor families. Secondly, Zhabtolemi should be retained, but the

number of days for labour contribution be fixed and implemented strictly in accordance with Zhabtolemi Chathrim 1999.

On this, some of the Hon'ble members argued that if there was a genuine requirement of labour contribution, a system should be instituted requiring the urban people and civil servants to go to their respective villages to contribute labour. If in case they were unable to contribute labour, monetary contribution should be made in lieu. Yet, some members felt that even if the number of days for labour contribution was fixed, it would be inconvenient.

After a long deliberation on whether or not Zhaptolemi was required, the National Council with a view to addressing the problem of the people resolved to submit the above recommendations to the concerned ministry although Zhaptolemi had been a big service to the government.

11. Youth Unemployment

The Hon'ble member Tashi Wangmo submitted that youth unemployment had to be recognized as a serious concern and challenge for which remedial measures needed to be adopted urgently. Supporting the submission, some Hon'ble members explained that the main cause of most mental problem with the youth was due to their inability to find jobs and agreed that the problem of youth unemployment needed to be solved immediately. Since one of the reasons for unemployment was the education policy itself which provided for education for all children, various vocational training centers needed to be established so that children could learn skills early in life, depending upon their individual interest.

Similarly, some Hon'ble members said that since development of a country depended on its economic well-being, the people should make use of their intellectual capacity to bring economic development and solve problems. Further, they felt that it would help solve the problem of unemployment if some of the offices in the headquarters instead of concentrating in the capital were spread over to the different regions.

On this, the National Council decided to take up the matter on January 19, 2009 during Question Time with Ministry of Labour & Human Resources and directed the Social & Cultural Affairs and Good Governance Committees to prepare, accordingly. However, the House could not resolve the issue as Ministry of Labour & Human Resources did not attend the Question Time.

(9th Day of the 11th Month of Earth Male Rat Year corresponding to 5th January 2009)

12. Public Awareness of Acts and Rules & Regulations

The Hon'ble member from Haa Dzongkhag informed the House that there were many Acts and Regulations in the country, but these were only in paper and not implemented in actuality. Hence, the general public did not know what sort of laws were in existence. The Hon'ble member commended the Bhutan Broadcasting Service for its programme on legal awareness and encouraged it to give more emphasis so that people were informed and made fully aware of such legislations for effective implementation.

Most Hon'ble members agreed that in the past the *chimis* provided briefing on the laws and policies in their communities and enquired how it should be done now. They said that, so far, around 47 Acts and by-laws were posted on websites. However, as most of the people did not have access to internet facility and lacked know-how on its usage, it fetched little benefit. Since radio, television and newspapers were widely used, they submitted that laws be publicized as much as possible using the media for effective dissemination and awareness.

Besides enacting and reviewing laws, some Hon'ble members submitted that it would be beneficial if the National Council also put in effort in dissemination. Likewise, it was important that agencies like the Judiciary, Office of the Attorney General, and relevant ministries and departments created as much legal awareness as possible to the general public in keeping with their respective roles and responsibilities.

The Hon'ble members from Haa and Gasa Dzongkhags proposed the following:

- i) The National Council take up with the government, relevant departments, corporations and autonomous agencies to recruit additional manpower to create legal awareness.
- ii) The BBSC, Kuensel and other print media, in consultation with the government and public organizations also disseminate information;
- iii) The elected representatives in accordance with their roles and responsibilities conduct legal awareness in their respective constituencies;
- iv) The Acts, Rules and Bills be reviewed and drafted after consulting the general public; and
- v) A copy each of all available laws in the country to be made available to members of Parliament.

As submitted above, the National Council resolved that all relevant ministries, departments and agencies shall carry out legal awareness since many of the social problems arose due to ignorance of the people on the existing laws. Further, it was resolved that they shall provide copies of Acts and documents related to their organizations to the two Houses of Parliament.

13. Farm Roads

The Hon'ble member from Trashigang Dzongkhag submitted that while roads constructed by Ministry of Works & Human Settlement were managed and maintained by the ministry, farm roads and power tiller tracks which were also constructed by the government were maintained by the public through Zhabtolemi contribution. As a result, the public were faced with lot of difficulties. Therefore, he submitted that firstly, the farm roads and power tiller tracks should be maintained by the government if possible; otherwise, it should be given to the contractors for maintenance. Secondly, the plan must include provision of proper drainage and soling works with the construction of roads. Thirdly, since farm roads and power tiller tracks were used by the public as feeder roads, he proposed that all roads should be constructed as feeder roads.

Most of the Hon'ble members complained that when it came to construction of farm roads, work was done in haste. Often drainage and soling works were

taken up later after construction of the road which entailed extra work and double expenditure. They submitted that roads should be constructed as highways and feeder roads right from the initial stage while at the same time ensuring quality.

Such problems arose not because of dearth of laws and policies but due to lack of proper implementation of the existing regulations. Hence, the Hon'ble members submitted that the National Council should remind the relevant ministry to follow the laws.

On this, the National Council resolved to submit it as a postulate to Lhengye Zhungtshog, relevant ministries and departments to address the problem at the earliest.

14. Rural Agricultural Credit Schemes

The Hon'ble member from Trashigang Dzongkhag submitted that any developmental activity carried out in the country was aimed at realizing the philosophy of Gross National Happiness. To do this, developmental activities in the villages had to be implemented so that people's problems were addressed.

However, the Hon'ble member said that the biggest problem faced by the villagers was obtaining loan from Bhutan Development Finance Corporation (BDFC) for buying livestock, carrying out cash crop farming and other agriculture related activities to make their living. Not only was the interest rate high, it also took longer period to process the loan. To address these problems, the BDFC should minimize the interest rate and revise its procedures and documents. Further, he submitted that in the interest of farmers, banks like Gross National Happiness should be established.

Most of the Hon'ble members supported the proposal and acknowledged that BDFC was the only bank which gave loan to farmers. Hereafter, not only new banks had to be established, but needed the Bank of Bhutan and Bhutan National Bank also to provide similar credit to farmers.

Some of the Hon'ble members submitted that the requirement of security clearance certificate and collaterals for availing BDFC loan should be done away with like in other banks. Moreover, the Royal Monetary Authority (RMA) and other banks should be mandated to provide credit facility to farmers.

On this, the National Council resolved to submit a recommendation to Lhengye Zhungtshog, relevant ministries and the Royal Monetary Authority to explore the possibility of reducing interest rate, doing away with the collateral requirements and authentication documents.

15. Impact of Mining on Environment

The Hon'ble member from Samtse Dzongkhag submitted that there were many mining activities being carried out around the country and improper exploration had caused major adverse affects on the environment. For example, mining had caused serious problem in Bemyul village under Samtse Dzongkhag. Therefore, proper scientific studies should be conducted at the outset and operated properly.

Although mining activity was indispensable for the economy, some of the Hon'ble members said that it posed a threat to the state policy of maintaining 60% forest cover at all times. Hence, mining should be carried out in accordance with Mines & Mineral Act.

On this, the National Council resolved that the relevant ministries and departments shall conduct thorough scientific studies prior to the establishment of any mining operation and implement the Mines & Mineral Act strictly to address the problem.

(11th Day of the 11th Month of Earth Male Rat Year corresponding to 7th January 2009)

16. Passing of Budget by Parliament

Although the procedure for passing budget had been thoroughly deliberated in the first Session, the Hon'ble member Kuenlay Tshering said that it was submitted again because the budget needed to be passed in accordance with Sections 2 & 5 of Article 13 of the Constitution. He insisted that the budget Bill should be passed by Parliament like any other Bill. He further said that it would be clearer if the Annual Budget was differentiated from Budget Bill.

Supporting the submission, most of the Hon'ble members justified that unlike in other countries, the two Houses were treated at par. Therefore, Budget Bill had to be approved by Parliament in accordance with the provisions of the

Constitution. The Hon'ble member from Trashigang Dzongkhag further explained that once budget for the planned activities was secured, a law had to be enacted by Parliament which governed the appropriation of budget for implementation. In the absence of such a law, it was possible that the country and its people could be affected if ever a bad government came to rule in future.

On this, the National Council resolved to recognize the Annual Budget and Budget Bill as two separate issues and submit a justification to the National Assembly on the need to pass the Budget Bill by both the Houses.

(12th Day of the 11th Month of Earth Male Rat Year corresponding to 8th January 2009)

17. Constituency Development Grant

Although the Constituency Development Grant (CDG) was specifically meant for the benefit of the people, the Hon'ble member Kuenlay Tshering submitted that the system would interfere with the powers of the local government. Moreover, conflict of interest would arise since the budget would be routed through the respective members, which was in contravention to the provisions of the Election Act and the Constitution of Bhutan.

Speaking on the issue, most of the Hon'ble members said that if such a system was established, planned activities in the constituencies might get dropped. Examples of other countries like India, the Philippines and Kenya were cited where the system had failed to yield intended benefit and instead were trying to abolish it. Therefore, it would be better if such a system was not started in Bhutan.

Some of the Hon'ble members pointed that the system had an inherent drawback of providing fund even before the planning process with a uniform amount of grant to all constituencies irrespective of their sizes. Since it was the responsibility of the local government administrations and community leaders to develop their own locality, Constituency Development Grant would also create a rift between them and the members of Parliament. Moreover, the National Assembly members would be discharging functions similar to that of the Lhengye Zhungtshog. In view of the above, they submitted that the constituency development grant should not be passed.

Re-affirming that the Constituency Development Grant contravened the provisions of the Constitution of Bhutan, the National Council resolved to submit its opinion to His Majesty the King for information.

18. Local Government Election Campaign Fund

Although the 1st Session of Parliament had resolved that the State shall not provide local government campaign fund, the Hon'ble member from Sarpang Dzongkhag said that it was submitted for re-deliberation because in the long run, self-financing would lead to corruption. There was the risk of capable candidates without financial resources getting left out in the election process. He said that if there was no campaign fund from the State, candidates should also not be allowed to use their own funds.

Supporting the submission, most of the Hon'ble members felt that it would provide equal opportunity to every citizen irrespective of the status to participate in the election if the campaign expenditure limit set in the Election Act of Bhutan was removed. However, the Hon'ble member from Mongar Dzongkhag differed on this and argued that it would still cause problem even if self-financing was removed. He said that in some places, campaign had to be conducted for days and expenses were bound to increase. Therefore, he proposed that the provision be retained.

After a lengthy deliberation, the National Council resolved that since the Election Act of Bhutan had been passed by Parliament only recently, it would be reviewed after the local government elections were completed based on its experience.

19. Apolitical Civil Service

According to the provisions of the Constitution of Bhutan, Hon'ble member Kuenlay Tshering submitted that civil servants should remain apolitical. However, the appointment of four people from the ruling party in the Office of Lhengye Zhungtshog was a violation of the Constitution and Civil Service Rules and Regulations. Further, he sought detail explanation on what basis the selections were done without following the laws and procedures prescribed for the appointment. If at the very beginning of our democracy such practices were adopted, it would create a serious set back and lead to a corruption-driven democracy in the long run. Just as the saying went, "*ney mawom ley rimdo*

dang chhu mawom ley yurwa”, he cautioned the Government to work in accordance with the provisions of the Constitution employing ingenuity from the very start.

Most of the Hon’ble members said that in every country, law was recognized in the society as a basis on which delinquents were corrected to become good citizens. Since laws were fundamental to the protection of social and economic rights, even the Government should remain subservient to laws. They submitted that if political parties and civil servants joined hands, the people would be left out. Citing the case of the newly established Grievance Cell which was affiliated to party politics, they expressed concern that it would have serious long term ramifications.

The above appointment affected the apolitical nature of the civil service and was a serious aberration of government policy that violated the provisions of the Constitution and the recruitment procedures of the Royal Civil Service Commission. Therefore, the National Council resolved to submit the matter to the Druk Gyalpo in accordance with Article 11 (2) of the Constitution.

20. Role of the Party Workers

The Hon’ble member from Trashigang Dzongkhag submitted that party workers were participating in Gewog Tshogde meeting although the local government was an independent institution without any political affiliation,. Citing the 35th Gewog Yargay Tshogchung of Kangpara in Trashigang held on May 29, 2008 in which the Dzongkhag and Demkhong Coordinators of Druk Phuensum Tshogpa (DPT) had participated, he questioned why they had participated in the Tshogde meeting as it was in contravention to the provisions of the Constitution.

The party coordinators, he said had participated in the Tshogde meeting based on verbal directives given by the President of Druk Phuensum Tshogpa which was conveyed by the Party Secretary in writing. The Hon’ble member expressed concern that if such practices were adopted now, there were dangers of serious problems in the future.

Most of the Hon’ble members shared the same concern and said that if measures to prevent such practices were not taken from the very beginning, it would seriously undermine the system of democracy sooner or later. Therefore, it was expedient that the roles of party workers were clearly spelt out in the

form of a legislation to solve the problem. Similarly, any member of the National Assembly and the National Council should not be allowed to participate in such meetings to ensure apolitical and independent local government.

On this, the National Council resolved to submit a report each to Ministry of Home & Cultural Affairs and Election Commission of Bhutan to take necessary steps to stop such interferences in future.

(17th Day of the 11th Month of Earth Male Rat Year corresponding to 12th January 2009)

21. Public Accounts Committee Membership

The Hon'ble member from Pemagatshel Dzongkhag submitted that the joint parliamentary Public Accounts Committee (PAC) had been constituted with seven members, five from the ruling party of the National Assembly and two from the National Council to review and submit its findings to Parliament on the Annual Audit Report or any other report submitted by the Auditor General. However, in accordance with Article 26, Section 6 of the Constitution of Bhutan, membership had to be reduced to five. To maintain balance and ensure independence, the composition should be such that two members were from the National Council and three from the National Assembly including a member from the Opposition Party. Although the Constitution required submission of findings on the Auditor General's report to Parliament, he said that it would be submitted only in the next session since the formation of the Joint Committee had not been finalized yet.

Likewise, the Hon'ble members from Gasa and Trongsa Dzongkhags submitted that the seven member Public Accounts Committee was in direct contradiction to the provisions of the Constitution and said that the membership should be reduced to five including a member from the Opposition Party.

Although the Public Accounts Committee was a Joint Committee, the National Assembly without consulting the National Council had established a separate Committee on its own which the National Council could not recognize. Therefore, the National Council resolved to submit the matter to the National Assembly for establishing a joint Public Accounts Committee in accordance with the Constitution comprising of five members; two from the National

Council and three from the National Assembly including a member from the Opposition Party.

(5th Day of the 11th Month of Earth Male Rat Year corresponding to 1st January 2009)

G) Miscellaneous Issues

1. Militant attack in Singye Gewog under Sarpang Dzongkhag

In what came as a shock, the Hon'ble member from Sarpang Dzongkhag informed the House that four officials of the Department of Forest had been killed and two others injured in a bomb explosion supposedly planted by militants in Singye Gewog on December 30, 2008 at around 3.00 pm. He condemned the cowardly attack and paid tribute to those innocent victims. Expressing anger, the Hon'ble members from Trashigang, Trongsa, Lhuentse and Haa Dzongkhags urged the government to make every effort to arrest the perpetrators and bring them to justice without clemency.

The Deputy Chairperson Dasho Karma Ura, on behalf of the people of Bhutan, offered prayers to the four killed in the blast so that their soul rested in eternal peace and for speedy recovery of the two injured to enable them to join back duty soon.

(17th Day of the 11th Month of Earth Male Rat Year corresponding to 12th January 2009)

2. Agenda for the Third Session

Under Article 31(5) of the Constitution, Parliament may by law, prescribe necessary educational and other qualifications for the constitutional post holders. Similarly, Article 21 (16) of the Constitution stated that Parliament may establish impartial and independent Administrative Tribunals as well as Alternative Dispute Resolution Centers to hear appeal cases against the administrative decisions of the Royal Civil Service Commission. However, the Hon'ble member Kuenlay Tshering said that these legal instruments were not put in place yet and proposed for inclusion in the third session of the National Council on which the others supported. Accordingly, the Legislative Committee was directed to draft and submit the Bill in the third session.

Due to increase in the crime rate like rape, theft, robbery and extortion, there was also a need to review and amend some of the Acts like the Civil and Criminal Procedure Code of Bhutan, Penal Code of Bhutan and the Anti-Corruption Act of Bhutan. Therefore, the National Council resolved to include these Acts in the agenda for the third session of the National Council for deliberation.

(18th Day of the 11th Month of Earth Male Rat Year corresponding to 13th January 2009)

3. Establishment of a Relief Fund

The Hon'ble member from Haa Dzongkhag submitted that as per Article 14 (12) of the Constitution, Parliament shall establish a relief fund in which the Druk Gyalpo had the prerogative to use for urgent and unforeseen humanitarian relief. Since the relief fund had not been established yet, many problems were faced during natural calamities in the country.

Some of the Hon'ble members expressed regret that the people of the eastern and Haa Dzongkhags, who were affected by flash floods last year had not received relief aid even to this day. Since our country was under threat from glacial lake outburst, the National Council resolved to remind the Government to initiate establishing a relief fund urgently.

4. Oath of Allegiance to the Druk Gyalpo

Article 2 (5) of the Constitution stated that upon ascension of the Druk Gyalpo to the Throne, members of the Royal Family, members of Parliament and the office holders mentioned in Section 19 of this Article should take an Oath of Allegiance as a mark of unwavering loyalty to the Druk Gyalpo. However, the Hon'ble member from Paro Dzongkhag submitted that the oath had not been taken even after lapse of considerable time since the Druk Gyalpo's ascension to the Throne. Therefore, he submitted that it be offered at the earliest.

Supporting the submission, the Hon'ble members said that the practice of offering oath of allegiance under seal and signature to the Druk Gyalpo should be adopted as was done in the past when Gongsar Ugyen Wangchuck ascended the Throne as the first hereditary Monarch. Some of the members suggested

that the oath be taken later together since appointment of some constitutional post holders had not been done yet.

On this, the National Council resolved that the heads of the three organs of the State shall hold consultation and take the oath of allegiance to the Druk Gyalpo at the earliest in keeping with the provisions of the Constitution.

(24th Day of the 11th Month of Earth Male Rat Year corresponding to 19th January 2009)

H) Expression of Appreciation

1. Expression of Appreciation to His Majesty the King

Although it had been only a brief while since His Majesty's ascension to the Throne as the 5th Druk Gyalpo, the Hon'ble member from Trashigang Dzongkhag submitted that many significant achievements had been made which otherwise would have taken hundreds of years. To realize the objective of Gross National Happiness and strengthen security and sovereignty of the nation, His Majesty had visited India and signed the revised Indo-Bhutan Friendship Treaty of 1949 on 8th February 2007, two months after ascension to the Throne. His Majesty the King had lowered the prices of natural resources like sand and stones which had been one of the major problems of the people. Similarly, Druk Holding and Investment (DHI) had been established on 11th November 2007 which immensely benefited each and every Bhutanese citizen. Further, he transformed the institution of hereditary monarchy into a Democratic Constitutional Monarchy and thus laid a strong foundation for democracy. Therefore, he offered his sincere gratitude and paid rich tribute to His Majesty the King, the kind of which was very rare in this cosmic world.

The Hon'ble members from Gasa and Haa Dzongkhags further added that His Majesty the King had visited every nook and corner of the country and seen land related issues as one of the biggest problems. Therefore, he had commanded cadastral re-survey of land and granted many *kidus*.

Having accomplished higher studies from both within and outside the country at a very young age, the people of Bhutan had enjoyed unprecedented peace and prosperity under his wise and dynamic leadership. Moreover, significant achievements had been made immediately upon instituting a democratic system of governance surpassing all expectations for which it was solely attributed to His Majesty the King. Therefore, on behalf of the people of

Bhutan, the National Council most humbly expressed its deep appreciation and gratitude to His Majesty the King.

2. Expression of Appreciation to the Fourth Druk Gyalpo

Having bestowed by the collective fortune of the people, the Hon'ble member Kuenlay Tshering said that the 4th Druk Gyalpo, Jigme Singye Wangchuck over the last 34 years had provided wise leadership and guidance to the country with Gross National Happiness as the over-arching principle of our development philosophy. He had established excellent relations with other nations, promoted socio-economic development and preserved environment, age old traditions, national language and sports. Education, agriculture and human resource development had received special impetus. Moreover, institutions like the Anti-Corruption Commission, Election Commission and Office of the Attorney General had been established to lay a strong foundation for democracy to take root. Resettlement *Kidus* had been granted to the landless people. Judiciary had been strengthened for justice, and peace and happiness had prevailed in the country more than ever before.

One of the most unforgettable achievements of the fourth Druk Gyalpo had been the restoration of peace and stability in the country by risking his own life while personally leading the military operations in 2003 at a time when its security had been threatened. Not only had it earned unfathomable admiration of the Bhutanese people, but had also become a subject of appreciation to the outside world. Further, the drafting of the Constitution of Bhutan had been commanded for the first time as an object of worship and source of future peace and stability in the country. Therefore, the Hon'ble member expressed his gratitude with *lui-nga-yisum* to the fourth Druk Gyalpo who was indeed a true *bodhisattva* in the human form.

Making similar submissions, the other members said that while most people in the world held on to their wealth and power, the 4th Druk Gyalpo of Bhutan without the slightest hesitation had passed on his powers to the Crown Prince and stepped down from the Golden Throne. Such a benevolent act had become exemplary in the history of the world.

Therefore, the National Council expressed its deep appreciation and offered gratitude to His Majesty the 4th Druk Gyalpo.

3. Expression of Appreciation to the Government and People of India

The Hon'ble members from Lhuentse and Paro Dzongkhags said that not only had the relationship between Bhutan and India been further cemented with the visit of the first Indian Prime Minister late Pandit Jawaharlal Nehru to Bhutan in 1958, but had also become a living example to rest of the world.

The Government of India (GOI) had always stood by Bhutan and provided assistance in her economic development since inception of the 1st Five Year Plan in 1961 and continued even today in the 10th Five Year Plan. Similarly, GOI had assisted in establishing Bank of Bhutan in 1971 and subsequently Chhukha, Tala and Kurichhu Hydro Power Projects. GOI had committed to provide further assistance to Punatsangchhu and other Hydro Power Projects which were in the pipeline.

The Hon'ble members expressed their sincere gratitude to the Government and the people of India for the generous assistance given to Bhutan for her socio-economic development. They offered their heartfelt gratitude to H.E. (Mrs.) Pratibha Patel, the President of India and Mrs. Sonia Gandhi for gracing the Coronation ceremony of His Majesty the 5th Druk Gyalpo Jigme Khesar Namgyal Wangchuk as Chief Guests, and H.E. (Dr.) Man Mohan Singh, the Prime Minister of India for visiting Bhutan and addressing the 1st Session of the First Parliament of Bhutan. They also extended their deep appreciations and gratitude to the Government of India for hosting an elaborate reception to H.E. Lyonchhen Jigme Y. Thinley, the Prime Minister of Bhutan during his visit to India on July 16, 2008 and committing further assistance to Bhutan as an equal development partner without any distinction between size and economic strength.

I) Question Time

1. Non-Participation of ministries in the Question Time

Going by the business of the House, Ministry of Home & Cultural Affairs, Ministry of Agriculture and Ministry of Labour & Human Resources were invited to attend the Question Time of the National Council. However, they did not turn up to answer questions on which most of the Hon'ble members expressed disappointment.

According to the Constitution and the National Council Act 2008, any ministry, department or commission can be called to attend the Question Time to clarify

doubts of the people. Their refusal to participate in the Question Time demonstrated lack of respect and consideration to the institution of the National Council established under the Constitution. Therefore, the Hon'ble members submitted that the National Council to deal with the issue in accordance with law.

Most of the Hon'ble members said that on the scheduled day, they expected to raise the doubts and questions of the people to the relevant ministries and telecast the answers live on the air for clarification. However, not only were their expectations unfulfilled, the ministers did not even turn up in the House. Since such indifference of the ministries could severely undermine the foundation of democracy, the Hon'ble members submitted that a resolution be taken out so that the ministries give due importance to the Question Time.

On this, the National Council resolved that the concerned ministries and Cabinet Ministers should recognize the importance of the Question Time and accordingly participate in the future sessions in keeping with the provisions of the Constitution of Bhutan and the National Council Act 2008.

(25th Day of the 11th Month of Earth Male Rat Year corresponding to 20th January 2009)

2. National Land Commission

While allotting plots for development of townships, the Hon'ble member from Lhuentse Dzongkhag submitted that the Government had been giving land to the shopkeepers measuring 13 decimals or less in some cases depending on the location. He enquired what the views of the Government were as no *thrams* had been issued to the owners of plots measuring less than 13 decimals. Citing the case of Lhuentse township, he said that the people had been allotted plots ranging from 4 to 14 decimals but faced the problem of getting *thrams*.

On this, the Secretary of the National Land Commission explained that the people in the rural areas had got *thrams* as they were allowed to sell, buy or divide land measuring up to 10 decimals. Similarly, *thrams* had been issued to people in the urban areas for land measuring less than 13 decimals until enactment of the Land Act 2007. However, he said that this practice had been discontinued after the Land Act was passed as the area became smaller in the urban areas after land pooling for construction of drainage, access roads, etc.

In the case of Lhuentse, he said that the Government would look into it since the demarcation of township boundary had not yet been finalized.

According to the Constitution and the Land Act, a person should be provided with either land substitute or cash compensation for land acquired by the Government. However, the Thromde Act did not provide for any of these for land acquired by the Government in the urban areas under land pooling. Therefore, the Hon'ble member Karma Damcho Nidup sought clarification on the doubt as to which Act should take precedence. In response, the Secretary said that in order to solve such problems, the two Acts had to be harmonized and made amenable.

Like urban land pooling, the Hon'ble member from Pemagatshel Dzongkhag expressed that the land affected by farm road construction in the rural areas should be de-registered from the *thram*. To this, the Secretary said that in some places, compensations had been paid unless land owners had excess land.

Further, the Hon'ble member from Thimphu Dzongkhag submitted that the Government had to seriously consider the difficulty of the urban areas near Tashichhodzong where neither land substitute nor compensation had been provided. On this, the Secretary expressed the need to include measures in the government policy to address such problems. He explained that payment of compensation and land substitute were delayed as these had to be reviewed by the National Land Commission unlike in the past which were done by the judiciary.

3. Finance Ministry

The Hon'ble member from Dagana Dzongkhag submitted that in the past, the government provided tax free import quota to purchase Toyota Prado to eligible civil servants as an incentive. Since it was lifted recently, the Hon'ble member enquired why it was withdrawn and requested that it be reinstated. The submission was supported by a few other members.

In response, the Finance Secretary explained that some of the civil servants who were provided the tax free quota to import Toyota Prado had sold to others as they could not afford due to financial difficulties. In doing so, it was more a loss to the government than benefit to the civil servants. Except for Prado, he said that they could buy any other vehicle with the tax free import quota.

(26th Day of the 11th Month of Earth Male Rat Year corresponding to 21st January 2009)

(J) Concluding Ceremony

1. Closing Address by the Chairperson

The Hon'ble Chairperson said that starting 27th Day of the 10th Month corresponding to December 24, 2008, the House deliberated on 30 different issues within and outside the agenda. He said that 14 legislative and 16 policy related issues were deliberated thoroughly and resolutions taken out in accordance with the provisions of the Constitution. While some issues were referred to the relevant ministries and departments as reminder, others were submitted as postulates. The session included expression of appreciation and gratitude to Their Majesties the Fourth and the Fifth Kings for their unprecedented achievement in the country. Similarly, gratitude was expressed to the Government of India for the excellent relationship and generous assistance granted to Bhutan. Question Time in the House was initiated for the first time.

The Chairperson said that due to the blessing of the Triple Gem and wise guidance of Their Majesties the Fourth and the Fifth Kings, the session could successfully conclude on the 26th Day of the 11th month corresponding to 21st January 2009 without any mishaps. He expressed appreciation and congratulated the Hon'ble members who conducted themselves well and participated diligently during the deliberations.

Further, the Hon'ble Chairperson said that the National Council had identified 13 issues to be discussed in the Third Session, viz.:

- a) The Royal Bhutan Police Bill 2009;
- b) The Prison Bill of the Kingdom of Bhutan 2009;
- c) The Waste Prevention & Management Bill of the Kingdom of Bhutan 2009;
- d) Local Government Act of Bhutan 2007;
- e) The Cooperatives Act of Bhutan 2007;
- f) The Livestock Act of Bhutan 2007;
- g) The Civil and Criminal Procedure Code of Bhutan 2001;
- h) The Penal Code of Bhutan 2004;

- i) The Rules of Procedure for the Joint Sitting of Parliament;
- j) Educational Qualification and Impeachment Procedure for the holders of Constitutional Offices;
- k) The Rules of Procedure for the Administrative Tribunal;
- l) Annual Report of the Anti-Corruption Commission; and
- m) Annual report of the Royal Audit Authority.

The Standing Committees could consult the relevant ministries and departments and submit additional agenda items, wherever necessary.

Lastly, the Hon'ble Chairperson thanked everyone involved during the session and prayed that under the dynamic leadership and guidance of His Majesty the King, peace and prosperity prevailed in Bhutan as a sovereign and independent country. He also prayed for the long life and glorious reign of Their Majesties the 4th and the 5th Druk Gyalpos and members of the Royal Family.

2. Trashi Moenlam

After having thoroughly deliberated on 30 issues related to law and policy in accordance with the provisions of the Constitution and standing practices, the 2nd Session of the National Council concluded on 26th Day of the 11th Month corresponding to 21st January 2009 with Trashi Moenlam. The closing ceremony was presided over by Guensup Neten of Zhung Dratshang with prayers for the well-being of the country and the people, and that democracy may flourish in Bhutan for eons to come.

(Namgye Penjore)
Chairperson
National Council of Bhutan