

PARLIAMENT OF BHUTAN



TWENTY-SIXTH SESSION OF THE NATIONAL COUNCIL

PROCEEDINGS AND RESOLUTIONS

(12th to 28th Day of the 10th Month of Iron Male Mouse Year
corresponding to 27 November to 12 December 2020)

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PROCEEDINGS AND RESOLUTIONS OF THE TWENTY-SIXTH SESSION OF THE NATIONAL COUNCIL

A. Proceedings of the Opening Ceremony

The 26th Session of the National Council started with traditional *marchang* and *zhugdrel* ceremony on 27 November 2020 coinciding with the auspicious occasion of 12th Day of the 10th Month of Iron Male Mouse Year of the Bhutanese Calendar.

B. Opening Address of the Hon'ble Chairperson

On this auspicious 12th Day of the 10th Month of Iron Male Mouse Year corresponding to 27 November 2020, the 26th Session of the National Council begins as Winter Session. I welcome the Hon'ble Members and thank you all for your presence here.

Similarly, I would like to thank the reporters of the media houses for coming to attend the opening ceremony of the 26th Session of National Council. I would also like to express my sincere gratitude to all the people of Bhutan within and abroad who are watching or listening to the proceedings of this session through television, radio or other social media platforms.

The agenda for this session comprises of four legislative issues; re-deliberation on two Bills; one issue related to policy review; two disputed Bills in joint sitting; and three Annual Reports including the State of the Nation Report by the Hon'ble Prime Minister. The 26th Session of the National Council will conclude towards the afternoon of 12 December 2020 with *Tashi Moenlam* to His Majesty The Druk Gyalpo, and the Parliament Session will conclude on December 14 2020.

On behalf of the people of Bhutan and Hon'ble Members, I would like to take this privilege to express gratitude to His Majesty The Druk Gyalpo, His Majesty The Fourth King, Her Majesty The Gyaltshen, members of the Royal Family, His Holiness The Je Khenpo, Lamas and Truelkus, monastic centers, the Government, and all the frontline workers who have rendered relentless efforts in fighting COVID-19 pandemic for the wellbeing of this great nation and its people.

Since the outbreak of COVID-19 in late 2019, countries around the globe experienced unprecedented challenges to public health and the economy besides dramatic loss of human lives to the pandemic. At the time when the world is paralyzed and the countries crippled, our Kingdom too could not escape the virus. Nonetheless, we, Bhutanese are blessed that under the noble leadership of our Bodhisattva King and His Majesty The Fourth King, the country has been able to keep COVID-19 at bay without any local transmission of the virus so far.

Upon the Royal Command, arrangements were made to repatriate back home those Bhutanese who were working abroad in order to avoid probable threats of the pandemic on them. Those infected with COVID-19 have been taken good care like one's own parent and effective measures have been put in place to avoid further transmission of the virus. As of today, while most of the COVID-19 affected patients in the country have successfully recovered, the remaining patients are recovering, without losing even a single life to the pandemic.

His Majesty The King and His Majesty The Fourth King have travelled across the country beating the monsoon weather to ensure that COVID-19 preventive measures and response plans are effectively instituted in place. I have personally seen Their Majesties visiting the entire southern region of the country amidst all dangers and risks to ascertain measures restricting non-essential travels across

the borders. I, on behalf of the people of Bhutan, take this honor to submit our deepest respect and sincere gratitude to His Majesty The Druk Gyalpo and His Majesty The Fourth King.

The COVID-19 pandemic has given far-reaching consequences on lives and livelihoods globally, and Bhutan is no exception. For instance, tourism sector is severely affected after the country closed for tourism. We have seen that livelihoods of thousands of people including tour operators, guides, hoteliers, home stays, handicrafts and other employees are adversely affected.

In the same manner, the pandemic has disrupted export and import, and slowed down business activities of all commercial establishments starting from a small shop to large companies like banks. Likewise, be it big or small, private or government, the pandemic has severely impacted all the construction activities, which are key components of socio-economic development of the country.

In a time of such uncertainty, His Majesty The Druk Gyalpo, with all his compassion and wisdom, has worked tirelessly and taken care of all the people, without leaving even a single subject unattended. It's of immense relief for all of us that His Majesty has granted Druk Gyalpo's Relief Kidu every month as income support to thousands of affected individuals who have lost their jobs and livelihoods. Under the Interest Payment Relief, thousands of businesses and households burdened by debts benefitted from the grant of Loan Deferment and Interest Waiver Kidu for over a year.

His Majesty The King, during his Coronation in Changlimithang, has made a profound statement: *“Throughout my reign I will never rule you as a King. I will protect you as a parent, care for you as a brother and serve you as a son.”* As we can witness today, His Majesty's selfless sacrifices in this current situation is a true testimony of that

historic national address. Thus, it is of paramount importance for us all to follow the right footsteps laid down by our Great King, and offer our heartfelt prayers and respect to such a supreme and compassionate leader.

His Majesty The Fourth King gave up his youth and took on the burden of state at a young age of 16. During his reign, the Fourth King has brought rapid socio-economic progress besides strengthening sovereignty and security of the nation. His Majesty risked his life and resolved brilliantly the southern problem of the 1990s in order to safeguard the stability of the nation and well-being of the people.

Again, in 2003, His Majesty The Fourth King had to overcome the threat to our national security posed by the Indian insurgents camping within the country. His Majesty physically led his troops at the forefront and ousted the militants. Therefore, His Majesty The Great Fourth is a most revered and an extraordinary king who has established unadulterated peace and tranquility for his people and the country.

After initiating many developmental activities and taking Bhutan at unprecedented heights within the glorious reign of 34 years, His Majesty The Fourth King relinquished his throne at the age of 55. Thus, the act of renunciation of the throne at the epitome of his power and popularity, and passing on kingship to His Majesty The King indeed bespoke the selflessness and wisdom of an extraordinary leader with remarkable qualities.

During such a critical time as this, our Fourth King, deeply concerned about the impact of the pandemic on the people, travelled tirelessly across entire southern region amid challenging situations. The Royal Tour ensured that COVID-19 preventive plans, strategies and activities are well instituted in place, and people are well informed of

the consequences of the pandemic on economy and security of the nation, and lives and livelihoods of the people.

As the country continues to fight against COVID-19, words of wisdom from our Great Fourth encouraging the people to remain resilient, has immensely benefitted in beating the menace of the pandemic. Therefore, I, and my fellow colleagues, would like to extend our heartfelt appreciation to our Fourth King.

Similarly, we would also like to express our deepest gratitude to Her Majesty The Gyalsuen and members of the Royal Family for shouldering all the daunting tasks in rendering noble services towards the welfare of the people in the wake of COVID-19 pandemic.

Supporting the selfless sacrifices of His Majesty The Druk Gyalpo and His Majesty The Fourth King in averting undesirable ramifications of the pandemic, His Holiness The Je Khenpo, Lopens of Zhung Dratshang, Lam Netens of the Dzongkhags, and Lamas and Truelkus of various religious institutions conducted prayers and rituals to abate all risks of COVID-19 in the country.

I, on behalf of the people, would like to express deepest respect to the monastic community for conducting prayers and taking initiatives to prevent the spread of COVID-19 by creating public awareness from religious point of view through BBS television and radio. Moreover, I would like to offer my heartfelt appreciation to the Central Monastic Body for successfully presiding over the State Funeral Ceremony of His Holiness The Late 68th Je Khenpo Jetsun Tenzin Dhoendup as wished by His Majesty The King and His Majesty The Fourth King.

I would like to express my gratitude to the armed forces personnel, desuups, local leaders, and other business operators and private individuals who have made voluntary contributions or rendered

commendable services in combating COVID-19 at the time when the economy of the country, livelihood of the people, and public health are being hit hard.

I would like to extend gratefulness to the doctors, nurses and other health service providers for coming forward to tackle the pandemic, and to all the volunteers for serving day and night at the border areas to prevent the transmission of COVID-19.

Lastly, as we start with the 26th Session of National Council, I would like to seek the blessings of the guardian deities for the successful conduct of this session.

C. Implementation Reports on Resolutions of the 24th Session of National Council

Sitting 1 / Friday, 27 November 2020

The National Council, during its 24th Session, thoroughly deliberated on policy review issues and passed resolutions for implementation. Concerned Committees presented follow-up reports on the resolutions as per **ANNEXURE I**.

On the follow-up reports, Hon'ble Members expressed dissatisfaction on responses received or actions taken by some agencies. However, owing to insufficient time to raise questions in the ongoing session, the House directed the Committees to work on and seek further clarifications from concerned authorities with written questions.

D. Policy Review Issue

1. Review Report on Renewable Natural Resources (RNR) Marketing Policy

Sitting 1 / Friday, 27 November 2020

The Natural Resources and Environment Committee presented the Review Report on RNR Marketing Policy to the House with some observations and recommendations. Subsequent to the Interim Review Report presented during the 24th Session, the Committee conducted thorough study in preparation of the Final Review Report.

The report discussed the need for the review of the policy and implementation status under the major policy areas of institutional framework, market infrastructure, market support, and market information.

The Committee conducted thorough review of the issue under the directives of the House to have a comprehensive understanding of the policy, which has been implemented since 2018. There were various current marketing issues reported in print media, broadcast through Bhutan Broadcasting Service's television and radio, and raised as constituency issues by the Hon'ble Members in the Plenary Sessions where unavailability of the market is deterring the commercial production especially for the off season vegetables.

1.1. Adoption of Recommendations on RNR Marketing Policy

The National Council thoroughly deliberated on the Review Report on RNR Marketing Policy on 27 November 2020. After incorporating various suggestions of the Hon'ble Members proposed for improving the findings and recommendations, the House unanimously adopted the recommendations of the Committee on 7 December 2020 and

resolved to submit them to the Government for necessary actions as follows:

The National Council,

Upholding its mandate as enshrined in the Article 10.2 and 11.2 of the Constitution of Kingdom of Bhutan and Section 7 and 10 of the National Council Act of the Kingdom of Bhutan as a House of Review;

Understanding that the RNR Sector, which comprises of Agriculture, Livestock and Forestry plays significant role in creation of employment and generation of revenue in the country;

Concerned that operation and performance of the RNR sector is confronted with challenges in terms of marketing agricultural products, lack of stable domestic markets during off season, and declining trend of export;

Realizing that the RNR Marketing Policy requires review to streamline and strengthen its effective implementation;

Hereby, calls on the attention of the Government to the following recommendations to ensure the effective implementation of the policy.

(A) Ministry of Agriculture and Forests

Recommendation I

The analysis of 10 years data from 2010 to 2019 exposed the following cross cutting issues related to production and marketing:

- 1) There exists huge gap between the import and production of vegetables for tomatoes and onions;
- 2) The productivity of cash crops such as apples and oranges are stagnant but there was increase in their import;
- 3) The export of never exported fruits such as banana, mangoes, papayas, pineapples and water melon have been increasing;
- 4) The products such as apples, shelled betel nuts and gingers are imported at higher prices than the export.

Some of these crosscutting issues are expected to be addressed through the implementation of three (3) year marketing action plan, which was approved in the 1st Multi Sectoral Committee (MSC) meeting and Agriculture Economic Contingency Plan 2020. But, MSC has become weak by reducing the frequency of quarterly meeting required in the Policy to twice in the Terms of Reference and became non-functional for having met only once since the inception of the policy. The difficulty of getting common conveyance for the Committee meeting and having indecisive representatives from other stakeholders could have been discussed and resolved if subsequent MSC meeting was held. Moreover, any crosscutting issue would have been the discussion points in the meeting and consequently, appropriate action plans could be strategized. Therefore, MSC has to be functional in order to put the marketing system in place by coordinating and harmonizing the approaches of all involved stakeholders as per the Policy and Terms of Reference.

Recommendation II

Various market infrastructures such as cold store, naturally ventilated store, large market, roadside market, farm shop, cooperative shop, sales outlet, pack house, warehouse, processing equipment and others have been established by the Ministry and

most are functional. Most of the infrastructures have been established independently by the Department of Agriculture Marketing & Cooperatives (DAMC) and National Post Harvest Centre (NPHC). From the field visits, it was found that most farm shops have limited storage space, roadside collection sheds have no toilet facility and only a few cold stores and other farm level stores, which could assure longer storage life of products, have been established.

Having learned lessons from COVID-19 and to deliver faster and better services, MoAF in collaboration with Thromde is establishing vegetable market sheds at other appropriate locations without having future utilization plan of the existing Centenary Farmers' Market.

During the Nationwide Lockdown because of COVID-19, there were only limited quantity and variety of vegetables for the people as the import of vegetables has been temporarily restricted. Also many locally grown products like cabbages and ginger could be exported and were spoiled as a result. It confirms the limited storage and processing facilities and poor distribution channels for fresh vegetables.

Thus, there is a need to establish smaller capacity cold stores at strategic locations facilitated by refrigerated vans; other low-cost farm level stores; future utilization plan of Centenary Farmers' Market; and small-scale processing equipment to improve the distribution of fresh and processed quality products within the country and for export.

Recommendation III

Various market studies were carried out and reports uploaded on the DAMC's website. Some of the findings of the studies are captured in

the action plans of the Department but there is no assured coordination among the stakeholders for the implementation of the findings of the studies, for example, initiating the production of suitable cardamom variety for international market.

Though RNR-Enterprise Coordination Unit is going to facilitate enterprise development, any intervention is somehow delayed because the DAMC has to collaborate with multi stakeholders especially the NPHC, implementing the value addition as well as market infrastructure, and has no direct interaction in planning since NPHC is under the management of different Department, the Department of Agriculture.

Under the financial scheme such as Corporate Business Development Scheme, buy back scheme and school and hospital programs have benefited the farmers though it's implemented based on the budget availability.

With the introduction of Goods and Services Taxation (GST) system in India, the export of fresh produce faces some problems where the products get stranded unless there is prompt intervention from the concerned authority. With these hiccups, the products get spoiled and results into economic loss to the people.

There is a need to establish mechanisms among the stakeholders for

- 1) Discussing the findings of market studies, for example, initiating the production of suitable cardamom variety for international market
- 2) Adoption of technically feasible processed products through stronger and formal collaboration between DAMC and NPHC

There has to be continuous support to the existing financial schemes with sufficient budget and good public awareness.

The current problem of stranded export of fresh produce export has to be resolved in advance by working in collaboration with the counterpart authorities.

Recommendation IV

Agriculture Marketing Information System (AMIS) is accessible through an online system as well as mobile apps. The online system has real-time prices of 37 commodities located in 23 markets across the country. It will also have information on the latest auction market prices linked through the Food Corporation of Bhutan. However, there is no information on the quantity of products required by the market and the public is not aware of AMIS.

To have better information, it is good to incorporate the estimated quantity of products required per market in the AMIS and also to display it on TV screens in the Markets. If possible, the estimated quantity, location of the products and cost of production needed to be incorporated in AMIS. Further public awareness on AMIS has to be carried out.

(B) Ministry of Finance

Recommendation I

The availability of CSI banking service at Gewog Level has reduced the travel of people to the Dzongkhag and the online application has reduced the administrative burden but the delay of loan approval is a concern for the loan applicants. The disqualification of loan application criteria as per the credit manual 2020 is not available on

CSI website for the public. The technical recommendation letter from the respective department has to be produced manually. Therefore, CSI bank has to upload the disqualification of loan application criteria on the website and need to work for providing the technical recommendation letters from the respective Department electronically. Further, the management has to expedite the loan approval by setting the turnaround time for every loan portfolio.

E. Legislative Issues

1. Introduction of the Mines and Minerals Bill of Bhutan 2020

Sitting 2 / Monday, 30 November 2020

The Hon'ble Minister for Economic Affairs introduced the Mines and Minerals Bill of Bhutan 2020 to the House. The Bill, which originated in the National Assembly during the Third Session of the Third Parliament, was passed for deliberation in the National Council.

The Bill was tabled following the findings issued through Royal Audit Authority Report and Anti-corruption Commission investigations on mining. The Bill, introduced to repeal the Mines and Minerals Management Act of Bhutan 1995, was also in line with the recommendations of “Improving Business Environment: The case of mining industry in Bhutan 2006” of Royal Audit Authority, and “Organizational Development Exercise” of Royal Civil Service Commission. Further, the Mineral Development Policy 2017 also highlighted the need to amend the existing law on mines and minerals management.

The Bill was proposed to meet the needs of the changing times and development of the country to make it consistent with the Constitution and other relevant laws. The Bill comprising of fifteen (15) chapters

and one hundred and ninety one (191) sections also aimed at fostering sustainable mineral resources management without environmental and social consequences.

Following the introduction, the House questioned the Ministry why the purpose of amendment was not stated when introducing the Bill in the National Assembly. Hon'ble Members expressed their views on nationalizing mining sector since the benefits from mining does not flow through to the broader society in the current scenario. Responses were also sought on the benefits as well as downsides of legitimizing mining for both the Government and private companies.

The House cross-questioned the Hon'ble Minister on countermeasures of mining operation against environmental degradation such as deforestation and drying up of water sources if the Bill is passed. Hon'ble Members asked the purpose of establishing Mining Regulatory Authority voicing their opinion that all three important institutions taking up mining responsibilities under the same Ministry may create conflict of interest while performing their duties.

Inquiries were made on the preparedness of the Government in terms of human resource, equipment, and capacity development once the Bill is adopted. Concerns were also raised on rules and regulations in place if the sector is to be privatized; number of mines and quarries under operation in Bhutan; consequences of the Bill on Local Government; and the ideological approach of the ministry to the Bill.

In response to the questions, the Hon'ble Minister clarified that the purpose of the Bill itself is to harmonize the mining law with the objectives and provisions of the Constitution in spite of the fact that the intent of amendment has not been covered in the introduction presented by the Ministry. He mentioned that the Government is well prepared with all the required experts and human resources for

implementation if the Bill is adopted. As part of the preparation, the Government has also started drafting Mines and Minerals Rules and Regulations.

The Hon'ble Minister stated that the Mines and Minerals Bill of Bhutan 2020 has been amended in consistence with other laws relevant to environmental conservation and hence, it will ensure protecting clean water sources and pristine forests without contradicting other laws. Considering the importance of private sector development in economic growth, he said that the Bill has all sets of specific roles and responsibilities segregated for mining companies and the Government.

On establishing Mining Regulatory Authority, the Hon'ble Minister said that separating agencies for regulatory and mining functions are for the purpose of assigning specialized people to specific work. The department would focus on policy making while the authority would look after monitoring.

1.1. Adoption of Mines and Minerals Bill of Bhutan 2020

The National Council deliberated intensively on the Mines and Minerals Bill of Bhutan 2020 on 30 November, 1 December, 2 December, and 4 December 2020. With the show of hands, the House endorsed the Bill on 7 December 2020 with one hundred and forty seven (147) sections from the total of one hundred and fifty (150) sections submitted to the Legislative Committee for review. The House adopted all the amendments made by the Committee and resolved to forward it to National Assembly for re-deliberation as per **ANNEXURE II**.

2. Introduction of the Negotiable Instruments (Amendment) Bill of the Kingdom of Bhutan 2020

Sitting 4 / Wednesday, 2 December 2020

The Natural Resources & Environment Committee introduced the Negotiable Instruments (Amendment) Bill of the Kingdom of Bhutan 2020, which was passed by the National Assembly in the Third Session of the Third Parliament.

The National Council, during its 18th plenary session, assigned the Committee to review the Bill in preparation for this session. Since then, the Committee conducted numerous stakeholder consultation meetings with the financial institutions such as Royal Monetary Authority, Bank of Bhutan Limited, Bhutan National Bank Limited, Druk PNB Bank Limited, and Royal Insurance Corporation of Bhutan Limited besides the judiciary, Royal Bhutan Police, and the Good Governance Committee of the National Assembly. In reviewing the Bill, the Committee also referred other laws to meet the objective of the amendment, which is to harmonize and align the existing Act with the Constitution and the relevant laws.

2.1. Adoption of Negotiable Instruments (Amendment) Bill of the Kingdom of Bhutan 2020

The Negotiable Instruments (Amendment) Bill of the Kingdom of Bhutan 2020 was deliberated on 2 December 2020. The Committee amended eleven (11) sections including the insertion of three (3) new sections and changes proposed to two (2) amendments received from the National Assembly. The House endorsed all the proposed amendments and directed the Committee to prepare the final Bill for adoption. The National Council unanimously adopted all the proposed amendments on 7 December 2020 and resolved to forward the Bill to National Assembly for re-deliberation as per **ANNEXURE III**.

3. Introduction of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking

Sitting 4 / Wednesday, 2 December 2020

The Hon'ble Minister for Home and Cultural Affairs introduced the BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crimes and Illicit Drug Trafficking to the House. The Convention was signed by seven member states during the 12th BIMSTEC Ministerial held at Naypi Taw on 11 December 2009. All the member parties have ratified the Convention except for Bhutan. Thus, Bhutan has also tabled the Convention for ratification earlier this year.

The aims and objectives of the Convention as outlined by the Hon'ble Minister were:

1. To strengthen relation between the state parties and their endeavor to contribute to further the relations and development;
2. To facilitate and strengthen collaboration and sharing of information among member states in the area of terrorism, transnational organized crime, and illicit drug trafficking;
3. To cooperate as state parties under the United Nations and relevant international conventions, complying with the domestic laws and regulations.

Presenting all the 15 articles, the Hon'ble Minister highlighted that the Convention would enable member countries to establish a framework to enhance cooperation in combating terrorism, transnational

organized crime and illicit drug trafficking, including their law enforcement agencies.

Followed by the introduction, Hon'ble Members also clarified numerous issues pertaining to the Bill such as the reasons for taking 10 long years to ratify the Convention; the need for review of national legislations such as enacting Mutual Legal Assistance Bill and amending the Extradition Act 1991 in order to adhere to the Convention; advantages and disadvantages of the Convention; reservations on ratifying the Convention; and availability of professionals and resources.

3.1. Ratification of BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking

Presenting the review report of BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crimes and Illicit Drug Trafficking for deliberation, the Social and Cultural Affairs Committee reported that the Convention was ratified by National Assembly with minor changes in Dzongkha text during the Third Session of the Third Parliament. The National Council, during its 18th Plenary Session, assigned the Committee to review the Convention and present the report in this session.

The House deliberated on the Convention on 2 December 2020 and endorsed all the proposed amendments in twelve (12) sections of the Dzongkha text. The House ratified the Convention on 7 December 2020 and resolved to submit to His Majesty The Druk Gyalpo for Royal Assent.

4. Introduction of the Fiscal Incentives (Amendment) Bill of Bhutan 2020

Sitting 5 / Thursday, 3 December 2020

Introducing the Fiscal Incentives (Amendment) Bill of Bhutan 2020 to the National Council, the Hon'ble Minister for Finance proposed to extend the expiry date of the Fiscal Incentive (FI) Act 2017.

The FI Act 2017 was passed by the Parliament to stimulate economic growth, foster private sector development and generate employment. Accordingly, FIs in the form of direct and indirect tax exemptions were provided to the priority sectors referred to as five jewels under the Economic Development Policy 2016. The FI Act 2017 became effective on 8 May 2017 and expires on 31 December 2020.

As the FI Act 2017 expires on 31 December 2020, the sectors availing exemption will be liable to pay taxes. Therefore, in order to sustain the operation of the manufacturing and service sector, besides stimulating growth and generating employment, continuation of the provisions of FI 2017 will be critical.

The basis for extension of FI Act 2017 as reported to the House were:

- Harmonization of the new fiscal incentive package with the Goods and Service Tax (GST) Act 2020;
- Harmonization of the new fiscal incentive package with the 21st Century Economic Roadmap of Bhutan;
- Provide more time to review “Impact assessment: Fiscal incentives of Bhutan 2008-2018” conducted by Gaedu College of Business Studies (GCBS), and incorporate the recommendations into the new FI package;

- Provide more time to ensure holistic stakeholder consultations and analysis on the overall proposed FI package;
- Provide the much-needed respite for the private sector affected by the impacts of COVID-19;
- Exemption of taxes and duties on major items such as raw materials.

The Hon'ble Minister also highlighted that if the FI 2017 is not extended until a new FI package is announced, the sustainability of business entities particularly the manufacturing and tourism sector will be adversely impacted aggravating the performance of these sectors which have been already severely impacted by the pandemic.

Following the introduction of the Bill, the Hon'ble Minister responded to the questions on the status of those benefitted by FIs; expected challenges ahead of the private sectors during the pandemic despite the provisions of FIs; and import and distribution of improved vegetable seeds by private businesses, among others.

4.1. Adoption of Fiscal Incentives (Amendment) Bill of Bhutan 2020

The National Council deliberated on the Fiscal Incentives (Amendment) Bill of Bhutan 2020 on 3 and 4 December 2020. Presenting the review report on the Bill for deliberation, the Economic Affairs Committee reiterated that the Fiscal Incentives is tabled as an amendment to the Fiscal Incentive Act 2017 for the purpose of harmonizing the Bill with the Goods and Services Tax Act 2020 and the 21st Century Economic Roadmap. The Committee reported that the Bill is timely and will benefit private businesses significantly in this time of pandemic. The National Assembly proposed the extension of the fiscal incentives till 30 June 2022.

During the deliberation, most of the Members raised issues regarding the commencement and expiry dates of the Bill. Discussions included whether the commencement date needs to be specified in the Bill or if there is a need for the expiry to be in line with the tax year. Accordingly, the Committee proposed recommendations to commence the Fiscal Incentives (Amendment) Bill 2020 as per the Public Finance (Amendment) Act 2012; and to retain the Government's proposed expiry of the fiscal incentives on 31 December 2021. With the show of hands, the National Council endorsed the recommendations of the Committee and adopted the Fiscal Incentives (Amendment) Bill 2020 on 4 December 2020. The Bill, along with the recommendations, will be forwarded to the National Assembly for re-deliberation as per ANNEXURE IV.

5. Introduction of the Charter (Amendment) of the SAARC (South Asian Association for Regional Cooperation) Development Fund (SDF)

Sitting 5 / Thursday, 3 December 2020

The Hon'ble Minister for Finance introduced the Charter (Amendment) of the SAARC Development Fund to the House. Established on the first day of the 16th SAARC Summit (28 April 2010) in Thimphu, SDF is a regional funding institute to fund projects for regional integration. The SDF Charter was ratified by the Parliaments of the eight Member States between 2009 and 2010.

In keeping with the larger interests of SAARC and to avail benefits from SDF through project collaboration, the SDF Charter amendment was tabled during the Third Session of the Third Parliament for ratification. The National Assembly deliberated and ratified the SDF Charter with only one (1) amendment.

SDF experienced difficulties to find projects fulfilling the interests of more than two member states and thus, the proposed amendment is for the utilization of resources and facilities for funding projects involving one or more member states from the existing provision that requires more than two member states. The amendment is also expected to ease project collaboration among the member states through SDF.

5.1. Ratification of Charter (Amendment) of the SAARC Development Fund

Presenting the review on SDF Charter to the House, the Economic Affairs Committee highlighted on the background of the Charter; the proposed amendment; rationale for the amendment; advantages of amendment; and the financial implications. The National Council deliberated the SDF Charter on 3 December 2020.

The House endorsed the amendment to the SDF Charter proposed by the Assembly and reviewed by the Council's Committee as follows:

Existing provision:

Article 5

Eligibility Projects

1. The resources and facilities may be utilized for funding:
 - (ii) projects involving more than two but not all SAARC Member States;

Proposed amendment:

Article 5

Eligibility Projects

1. The resources and facilities may be utilized for funding:
 - (ii) projects involving any one or more than one member states with the direct benefit going to more than one member state;

The House ratified the SDF Charter on 7 December 2020 and resolved to submit to His Majesty The Druk Gyalpo for Royal Assent.

6. Introduction of the Framework Agreement (FWA) between the Royal Government of Bhutan (RGoB) and European Investment Bank (EIB) governing EIB activities in Bhutan

Sitting 8 / Tuesday, 8 December 2020

The Hon'ble Minister for Finance introduced the Framework Agreement between the RGoB and European Investment Bank governing EIB Activities in Bhutan to the House as an urgent Bill.

The FWA initially signed between EIB and RGoB on 4 December 2014 was submitted to the Parliament for ratification. The FWA was ratified by the Assembly in May 2015 but was objected by the Council justifying that the framework was not consistent with the country's external commercial borrowing guidelines and might undermine Bhutan's sovereignty. The Hon'ble Minister reported that the Government has worked tirelessly for the past one year with the Secretariat of the EIB on the objections of the National Council and, consequently, all the objections have been agreed and considered.

For Bhutan to access financing from EIB, it has to sign the FWA with the Bank, and by signing the FWA, Bhutan can have access to new concessional financing windows to meet the increasing development financing needs besides having more financing options after graduation from the group of Least Developed Countries.

According to the National Interest Analysis report, by signing the FWA, Bhutan will have the advantages of access to financing sources; long maturity period; low Fixed/Floating interest rate; and increase in CC reserve. In addition to above benefits, the EIB through their partnerships with the EU and other donors provides grants and

technical assistance to further improve the development impact of the projects. However, Bhutan might also face the challenges of exchange rate risk and interest rate risk. Despite several obligations under the FWA, Bhutan, nonetheless, reserves the right to tax.

6.1. Ratification of Framework Agreement between the Royal Government of Bhutan and European Investment Bank governing EIB activities in Bhutan

The House deliberated on seventeen (17) Sections of the Framework Agreement which was reviewed and presented by the Foreign Relations Committee on 9 December 2020. Adopting all the recommendations of the Committee, which were mainly the minor changes in the Dzongkha text of the Agreement; the House ratified the FWA on 9 December 2020 and resolved to submit to His Majesty The King for Royal Assent.

7. Re-deliberation on the Entitlement and Service Conditions (Amendment) Bill for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2020

Sitting 8 / Tuesday, 8 December 2020

The Entitlement and Service Conditions (Amendment) Bill for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2020 was introduced by the National Council during its 24th Session and forwarded to the National Assembly for deliberation. The Bill was reviewed with the objective to ensure proper check and balance for the holders of constitutional offices, and a proper guideline for their nominations and guidelines.

The National Assembly deliberated on the Bill and forwarded to the National Council for re-deliberation during the ongoing session with amendment to eight (8) sections. The amendments were related to the

appointment and tenure of the Holders, Members and Commissioners of Constitutional Offices; Sessions and Procedure of the Nomination Panel; and the time-bound Secretariat.

7.1. Adoption of Entitlement and Service Conditions (Amendment) Bill for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2020

The Good Governance Committee presented the Entitlement and Service Conditions (Amendment) Bill for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2020 for re-deliberation on 8 December 2020. The National Council comprehensively deliberated on all the eight (8) sections amended by the National Assembly and subsequently reviewed by the Committee of the Council. The House endorsed all the amendments of the Assembly and adopted the Bill on 8 December 2020. The Bill will be submitted to His Majesty The King for Royal Assent as per ANNEXURE V.

8. Re-deliberation on the Lhengye Zhungtshog Bill of Bhutan 2020

Sitting 12 / Saturday, 12 December 2020

The Lhengye Zhungtshog Bill of Bhutan 2020 was introduced by the National Council during its 24th Session and forwarded to the National Assembly for deliberation. The Council, with the objective to harmonize Lhengye Zhungtshog law with the Constitution, initiated drafting the Bill, repealing the Lhengye Zhungtshog Act of Bhutan 1999 which is old and irrelevant after introduction of democracy since 2008.

The National Assembly deliberated on the Bill and forwarded to the National Council for re-deliberation during the ongoing session with amendment to twenty three (23) sections.

8.1. Adoption of Lhengye Zhungtshog Bill of Bhutan 2020

The Social & Cultural Affairs Committee reviewed the amended sections received from the National Assembly (NA) on the Lhengye Zhungtshog Bill of the Kingdom of Bhutan 2020. Presenting the Bill for re-deliberation on 12 December 2020, the Committee reported that of the twenty three (23) sections reviewed, the Committee agreed to endorse seventeen (17) sections and could not come into consensus in six (6) sections of the Bill.

On 12 December 2020, the House thoroughly deliberated on the Bill and unanimously voted on the seven (7) disputed sections of the Bill to be submitted to His Majesty The Druk Gyalpo for the command to the Houses for deliberation and to vote in a joint sitting as per **ANNEXURE VI**.

F. Annual Report

1. Review Report on Annual Anti-Corruption Commission Report 2019

Sitting 8 / Tuesday, 8 December 2020

The Good Governance Committee presented the Review Report on the Annual Anti-Corruption Commission (ACC) Report 2019. As mandated in the Article 27(4) of the constitution and as stipulated in section 169(1) of the Anti Corruption Act of Bhutan 2011, the Annual Report 2019 is the 13th report submitted to the Druk Gyalpo, the Prime Minister and the Parliament.

The review report covered the highlights of major achievements of the Second Commission in the following order: Commission's policy priorities; Performance of the ACC; Bhutan's ranking on Transparency International's Corruption Perception Index (TI-CPI); follow-up on National Council's recommendations; and issues for deliberation.

The Committee highlighted that the ACC received a total of 396 complaints during the reporting year of 2019. Abuse of function was alleged to be the major corruption offence constituting 174 complaints (43.9 %) followed by allegations of embezzlement with 16 complaints (4.04%). The highest number of complaints was against the Local Government followed by Ministries. Out of 396 complaints, 25 qualified for investigation, 48 for information enrichment, 113 for administrative action and 77 for sensitization and 133 were dropped.

The Committee reported that Bhutan has maintained its 25th rank on Transparency International's Corruption Perception Index (TI-CPI) with a score of 68. Likewise, Bhutan has maintained its 6th position in the Asia-Pacific region and stands as the cleanest country in the SAARC region.

1.1. Adoption of Recommendations on Annual Anti-Corruption Commission Report 2019

The National Council held in-depth discussions on the Review Report of the Annual ACC Report 2019 presented by the Committee on 8 December 2020. The House unanimously endorsed all the proposed recommendations of the Committee on 9 December 2020. The recommendations as adopted hereunder will be forwarded to the Anti-Corruption Commission for due follow-up and implementation.

The National Council,

Acknowledging the persistent efforts of the Anti Corruption Commission in combating corruption through various preventive measures including general awareness programmes, there is an opportunity for enhancing the efficacy of the initiatives;

Noting the third Local Government elections will be held soon, it is imperative that public needs to be sensitized on the electoral related corruption;

Concerned that the current follow up system of the Action Taken Reports is weak as there are 97 impending Action Taken Reports (18 ATRs for the year 2017, 32 ATRs for the year 2018 and 47 ATRs for the year 2019) yet to be submitted by the agencies;

Further concerned that the successive Annual Reports have consistently shown the complaints against Local Governments as the highest while on the contrary the scores of the National Integrity Assessment Report 2019 for the gewogs is outstanding;

Observing that the investigation of cases by ACC is mostly based on complaints received rather than through systemic surveillance thereby lacking pro-activeness; and

Further Observing that there is a delay in dealing with corruption cases due to weak coordination between the ACC and Office of the Attorney General.

Hereby, recommends the Anti Corruption Commission to:

- set clear criteria for selection of gewogs/agencies to conduct advocacy sessions based on their immediate need;

- conduct periodic impact assessment of the advocacy programmes on the behavioral changes of the target group;
- upscale the awareness programme on electoral corruptions ahead of the third Local Government elections;
- establish an effective follow-up system on the ATRs;
- accord equal emphasis on proactive measures by identifying agencies/individuals with high risk of corruption and making timely interventions;
- reconcile any contradictory findings of two or more reports published by the ACC (for example, NIA 2019 indicates outstanding rating for Local Government while the corruption complaints received against LGs as per the annual reports reflect the highest); and
- liaise with Royal Civil Service Commission to establish a separate security unit within the Commission.

G. Proceedings of the Question Time

1. Hon'ble Prime Minister

Sitting 9 / Wednesday, 9 December 2020

The House held Question Hour Session with the Hon'ble Prime Minister on reforms to the 12th Five Year Plan (FYP) and other issues related to COVID-19 pandemic. Briefly highlighting on the preventive measures instituted by the Government and the overall socio-economic development impact to the country, the Hon'ble Member of Mongar Dzongkhag on behalf of the House raised the concerns on Government's plans to reform 12th FYP in light of the pandemic and preparations to update the Parliament for changes and endorsement.

Responding to the questions, the Hon'ble Prime Minister said that the pandemic has not only impacted on the daily activities at individual

level but also on the development activities of the 12th FYP. He clarified that the Government, as per the situation, re-prioritized and carried out the activities that needed immediate attention. Some activities requiring major import of the infrastructure or labour could not be implemented and hence, they have been changed by either postponing or removing from the activities. At this time of the pandemic, the Government has focused on certain activities such as investment in medical equipment; import of essential goods; and quarantine facilities, amongst others. He further reported that the Government has not planned to present the detailed report on the reforms made on the 12th FYP activities. However, if needed, the Government will present the report to the parliament as required.

Some of the Hon'ble Members also raised follow-up questions pertaining to the challenges and impacts of COVID-19 pandemic. The Hon'ble Member of Punakha Dzongkhag asked if the Government has any plans to review the laws and policies considering the COVID-19 pandemic challenges and impacts. In response, the Hon'ble Prime Minister mentioned that the laws of the country were framed in such a way that they befit the changing circumstances and time. He said that various COVID-19 task forces formed at national, regional and Dzongkhag levels for better management of the disease and issues related to lockdown have helped overcome most of the minor complexities, challenges and contradictions in implementing few policies. The Hon'ble Prime Minister informed the House that COVID-19 Task forces are meeting frequently to work out on policy issues and the Parliament will be updated on the status.

The Hon'ble Member of Trashigang Dzongkhag raised the growing concerns of the public and legal experts if the distribution of tobacco products in the country by the Bhutan Duty Free Limited, and the revision of Daily Subsistence Allowance (DSA) by the Ministry of Finance are not contradicting the law. He expressed that in such times,

the Government could have either reviewed tobacco law as an Urgent Bill or asked the Parliament for its approval to relax tobacco ban as an interim measure to combat the COVID-19 pandemic. The Hon'ble Member also stated that the checkpoint identified at Mukazor, Trashigang is about 80-90 kilometers from Samdrup Jongkhar and hence, risky for the truckers and travelers returning from the high-risk zone of Samdrup Jongkhar. He therefore, asked if the Government could re-locate the checkpoint either at Dewathang or at Narphung instead of Mukazor for the safety of travelers from high-risk to low-risk areas.

Responding to the question, the Hon'ble Prime Minister said that while the law prohibits sale, manufacture and distribution of tobacco by individuals, Bhutan Duty Free Limited is a state-owned enterprise entrusted to distribute tobacco as an interim measure to curb black marketing and lessen the risk of cross-border contagion. On revising DSA rates for civil servants, he reported that as informed to the Parliament, the Ministry of Finance has revised DSA rates and deferred Leave Travel Concession for civil servants as a temporary budget policy measure to meet the recurrent expenditure for the fiscal year 2020-21. Regarding the identification of checkpoint, the Hon'ble Prime Minister said that the Government has looked into the matter and found that there are going to be implications on business operators of Dewathang if the checkpoint is located there. He stated that establishing checkpoints have been critical to ensure inter-Dzongkhag border security so that the Government need not impose nationwide lockdowns unnecessarily in future.

The Hon'ble Member of Gasar Dzongkhag questioned the Hon'ble Prime Minister on preventive plans and measures of the Government to re-open entertainment centers; outcome of tobacco distribution on curbing illegal trade; lessons learnt from the pandemic; and preparedness for future lock downs.

The Hon'ble Prime Minister, in his response, clarified that the Government has conducted studies and initiated discussions to resume the operation of entertainment centers. However, as per the studies, it was found out that most of the Drayang had been operating without complying with the rules of Bhutan InfoComm and Media Authority. Therefore, Drayang owners had already been informed during their meeting that they can operate their businesses on two conditions: if they start following the regulations and stop the request system in Drayang. He said that the Department of Cottage & Small Industry under the Ministry of Economic Affairs has been directed to form a committee with representatives from Trade, Thromde, Police, Culture, and Ministry of Labour & Human Resources to look into the matter. He added that if the Drayang fail to comply with the two conditions, the business licenses will be seized without any warnings.

The Hon'ble Prime Minister said that as per the record of the Royal Bhutan Police, smuggling of tobacco products has drastically decreased since the Bhutan Duty Free Limited started distributing tobacco. Lifting the ban on tobacco had also benefitted tobacco consumers to avail the items at reasonable rates. The Hon'ble Prime Minister reported that from many lessons learnt from this pandemic, identification of zones during the pandemic had proved effective and most of the people are still staying within their zones even after relaxing the nationwide lockdown. The Government, he said, is establishing vegetable outlets across the zones for the vegetable vendors to resume their businesses and to avoid people crowding at the Centenary Farmers Market. The Hon'ble Prime Minister highlighted that the Government cannot have any better solutions for the passengers stranded during the emergency call of lockdowns and therefore, people must avoid unnecessary travels during this pandemic.

2. Hon'ble Minister for Home and Cultural Affairs

Sitting 4 / Wednesday, 2 December 2020

The Hon'ble Member of Haa Dzongkhag, on behalf of the House, raised concerns regarding IMTRAT's occupancy of the Haa Wangchuk Lo Dzong. He asked the Hon'ble Minister for Home and Cultural Affairs whether the Government has any plans to reinstate Wangchuk Lo Dzong as the central administration and religious centre for Haa Dzongkhag. Questions were also raised on strategies and timelines considered by the Government for the reinstatement.

The Hon'ble Member said that while the people acknowledged the importance of IMTRAT, Dzongs host the religious and administrative bodies and invoke sentiment of pride for people living in the Dzongkhag. According to the Hon'ble Member, Haa Wangchuk Lo Dzong is the only Dzong in the country which the Dzongkhag administration was unable to use.

It was understood that IMTRAT temporarily took the occupancy of the Dzong in 1962 for the training of armed forces due to the lack of available structures for accommodation during military training. Thereafter, issue of Haa Dzong was raised in several National Assembly Sessions since 1980. The Hon'ble Member said that while the issue has been raised several times in the Parliament, the Government has so far not confirmed whether there has been any dialogue with IMTRAT and if a strategy has been formulated to return the Dzong.

Acknowledging the concerns of the people, the Hon'ble Minister assured that IMTRAT's occupation of the Haa Dzong is for a temporary purpose. He clarified that all religious relics in the Dzong belong to the state and the land is registered under the Royal Bhutan

Army's *thram*. Besides, all the rites and rituals in the Dzong's *utse* are performed by the Zhung Dratshang.

On the same concern, Hon'ble Member of Gasa Dzongkhag questioned the Hon'ble Minister if the Government monitors the construction of permanent structures in the premise and walls built around the Dzong. During a Question Hour Session in the same House in 2014, the Government said that IMTRAT and Royal Bhutan Army were willing to move out of the Dzong if the Government facilitates a new location for occupancy.

Responding to the questions, the Hon'ble Minister said that it was only natural for such organisation to build structures and walls for security reasons. Nevertheless, the Royal Bhutan Army, with the land registered under its *thram*, holds authority over the area. The Hon'ble Minister stated that the previous Government might have not pursued reinstatement of Haa Wangchuk Lo Dzong because facilitating a different location may lead to the construction of more permanent structures incurring huge expenses.

3. Hon'ble Minister for Economic Affairs

Sitting 9 / Wednesday, 9 December 2020

The House had Question Hour Session with the Hon'ble Minister for Economic Affairs on 100% electricity coverage by 2020 in the country as per Bhutan 2020 vision document, and other related questions.

Briefly outlining the background on the activities and project in distributing electricity in the country and its budget allotted, the Hon'ble Member Gasa raised the question on fulfilling the target of 100% electricity coverage by 2020; funding status of the proposed

mini-hydro project in Lunana Gewog; alternative funding if there is no donor aid; and the timeline of project commissioning.

Responding to the questions, the Hon'ble Minister informed that although the 100% electricity coverage by 2020 is said to have been fulfilled, there are still challenges in achieving targeted goal due to emerging households and the geographical conditions in some places. He reported that 99.97% of the households are provided with electricity as of today, and the off grid households are provided with solar PV systems. He also said that the Government is planning to provide electricity to about 1601 households in the 12th FYP.

The Hon'ble Minister informed that the estimated budget allotted to the mini-hydro project in Lunana Gewog is around Nu. 66.93 million and the project is expected to generate 500 KW of electricity. The project is to be funded by the Government of the Republic of Korea as per the Detailed Project Report. He further assured that the ongoing project will be carried out as planned with internal funding in case if there are no donor agencies.

Responding to timeline of the project completion, he said that due to the geographical location of the place, the work of the project is going to be seasonal by nature and therefore, it will take two more years to complete the project.

H. Closing Ceremony

The 26th Session of the National Council, which commenced on 27 November 2020 successfully concluded on 12 December 2020 corresponding to the 28th Day of the 10th Month of Iron Male Mouse Year of the Bhutanese Calendar. Followed by closing address of the Hon'ble Chairperson, the National Council offered *Zhabten* to seek blessings of *Kenchog Sum* and protection of the guardian deities for

the long life and prosperity of His Majesty the Druk Gyalpo, His Majesty The Fourth King, His Holiness The Je Khenpo, Her Majesty The Gyaltshen, members of the Royal Family, Lamas, and Truelkus. The House also offered *Tashi Moenlam* for the wellbeing of the King, country and people.

I. Closing Address of the Hon'ble Chairperson

On this propitious occasion of the 28th Day of the 10th Month of Iron Male Mouse Year corresponding to 12 December 2020, I would like to welcome the presence of reporters from the media houses to the Closing Ceremony of the 26th Session of National Council. I would also like to thank all the Bhutanese within and abroad who are following the proceedings of this concluding ceremony through television, radio or other social media platforms.

As a gentle reminder as well as for the kind information, I would like to highlight that the House had effectively deliberated and passed resolutions on four legislative issues; re-deliberation on two Bills; one issue related to review of policy; two disputed Bills in joint sitting; and three Annual Reports including State of the Nation Report through the 21 days of this Winter Session,

I would like to express my sincere appreciation to all the Members for contributing significantly with selfless efforts to focus on the deliberations in the interest of the nation and people at large despite the cold weather. The successful outcome of this session is the result of hard work and dedication of all the concerned Committees and Members involved in conducting meetings and carrying out in-depth studies on pertinent issues to present the report for deliberations. In preparing for the upcoming session, I would like to remind all the responsible Committees for your constant efforts to conduct further studies on the issues as tasked by the House.

The effective debates of this session had been possible without any obstruction mainly due to the cooperation of the Government Ministers who have participated during the deliberations to clarify the doubts and respond to the questions of the House as and when requested. To that end, on behalf of the National Council, I would like to express gratitude to all the concerned ministers for the support and cooperation rendered to the National Council and we solicit the continued collaboration in the future.

Most importantly, the National Council had been able to conclude its 26th Session without any misfortune with constant support from the Royal Bhutan Police in providing security and traffic management services; Bhutan Agriculture and Food Regulatory Authority for their role in ensuring food safety; Ministry of Health for providing health services; Bhutan Broadcasting Service for live telecast of the entire proceedings of the session; other media houses for disseminating session-related news and information to the people across the country and beyond; Department of National Properties for their support in making all the logistical arrangements; and the National Council Secretariat for their hard work to ensure smooth proceedings of the House.

On that note, I would like to request the Members for your unwavering commitment to fulfill the tasks assigned during this session. I would also like to remind the Secretariat of the Council to complete all the session-related works including resolution preparation and verbatim transcription on time.

On this auspicious day, I would like to offer my humble prayers for the well-being and long life of His Majesty The Druk Gyalpo, His Majesty The 4th King, Her Majesty The Gyaltsuen, and members of the Royal Family.

I would also like to submit my gratitude to His Holiness the Je Khenpo, monastic centers, and Lamas and Truelkus of various religious institutions for their continued prayers and blessings for the country. To conclude the 26th Session of National Council, the House will now offer *Zhabten* of His Majesty The Druk Gyalpo, and the Tashi Moenlam.



(Tashi Dorji)
Chairperson
National Council of Bhutan

ANNEXURE I: Follow-up Reports on the Resolutions of the 24th Session of National Council

I. Resolution on the Review Report on Policies related to Vehicle Imports

Relevant Ministry and Agencies:

- i. Ministry of Information and Communications (MoIC)
- ii. Road Safety and Transport Authority (RSTA)
- iii. Bhutan Post
- iv. Royal Monetary Authority (RMA)
- v. Thimphu Thromde
- vi. Phuntsholing Thromde
- vii. Gelephu Thromde
- viii. Samdrupjongkhar Thromde
- ix. 20 Dzongkhags

1. Improve Coordination of transport sector through adequate policy and legislative reforms of the transport sector through:

- a. **Fast track adoption of a comprehensive National Transport Policy in accordance with the policy formulation protocol and pursue the necessary institutional reforms and restructuring to improve the Transport Sector**

Response from MoIC & RSTA

- Initially, the Government approved the proposal for revision of Transport Policy 2006 and to come up with an “*Inclusive and Sustainable Transport Policy*” including the aviation sector;
- In between, the need for a separate aviation policy was strongly emphasized by the aviation sector stakeholders. Accordingly, government approval was sought for changing the scope of the Inclusive and Sustainable Transport Policy into two separate

policies; *one dealing with surface transport and a separate one on Aviation;*

- As per the Cabinet letter C-3/92/169 dated 25 December, 2015 conveying approval of OD Recommendations, RSTA was supposed to be renamed as the Department of Surface Transport and to be placed under MoWHS after amending the RSTA Act;
- The Draft policy recommended the institutional arrangement as approved under the OD recommendation approval. However, MoIC was of the opinion that the RSTA needs to function as it is instead of putting it under MoWHS;
- In the meantime, the ODE 2020 recommended RSTA to function as it is and MoIC to explore/study the creation of the Department of Transport during the 13th Five Year Plan;
- Accordingly, changes have been made in draft Surface Transport Policy and is ready for discussion;
- Draft Aviation Policy is also ready for discussion.

b. Amend the Road Safety and Transport Act 1999 to align with changing needs of the sector

Response from MoIC & RSTA

- In line with policy structure, the existing RST Act was reviewed and came up with a Surface Transport Bill encompassing road and other modes of surface transport;
- After Transport Policy gets endorsed, the bill will be submitted to the Cabinet and further to the Parliament for approval.

c. Coordinate with Dzongkhags to ensure that adequate space is reserved for urban transport infrastructure in the Dzongkhags towns to incorporate public transport in future

Response from MoIC and RSTA

- The draft Surface Transport Policy has a proposed policy statement which states “4.1.4.2 *The local governments and National Land Commission shall ensure allotment of adequate land for establishment of bus terminals, truck parking and taxi parking facilities, including space for the development of roadside amenities and charging infrastructure for electric vehicles*”;
- Bus terminal constructed at Thimphu, Phuentsholing, Gelephu, S/jongkhar, Mongar, Wangduephodrang and Tashigang;
- Land acquired at Tsirang, Punakha, Trongsa, Lhuntse, Gasa, Dagana, Bumthang, Paro, Haa, Chukha, Trashiyangtse;
- 5 base offices are not allotted with land (Zhemgang, Gedu, Samtse, Pemagatshel and Ngalam);
- Starting, 12th Plan, the power of Terminal construction is given to LG. The RSTA shall provide technical and functional requirements for bus terminals and related facilities (based on projected ridership, population and vehicle population). Further, the Authority shall have oversight on the design/planning of each dzongkhags, and with the Authority’s concurrence only, the execution shall be started). The LGs decide on the requirement of land and Bus Terminals in their respective jurisdictions.

2. Address issues arising from vehicular congestion in the urban areas by:

- a. Improving Pedestrian experience by making certain areas free of private vehicles to encourage non-motorized transport (walk, cycling) or use of inclusive public transport**

Response from MoIC & RSTA

- The draft Surface Transport Policy has a proposed policy

statement which states:

“4.2.1.1 Thromdes shall construct and upgrade urban roads, pedestrian pathways and cycling lanes in accordance to their respective structure plan”;

“4.2.2.1 All surface transport infrastructures including NMT will be developed taking into consideration the needs of persons with special needs, senior citizens and children”;

“4.1.5.1 A coordinated approach will be adopted to improve safety of non-motorized transport”.

- RSTA has already built wheelchair ramps at Thimphu and Phuentsholing Bus Terminal;
- Pedestrian ways and bi-cycle lanes are constructed by respective Thromdes;
- LG Act 2009 (Amendment 2014) Chapter 4: Powers and Functions of Local Government states that “Promote holistic and integrated area-based development planning”;
- LG Act 2009 (Amendment 2014) under Regulatory Powers and Functions it states that “Regulate and enforce land use and building activity in the Dzongkhag Thromde in accordance with the approved plans”.

Response from Thimphu Thromde

Norzin Lam redevelopment project along with clock tower revitalization project is aimed at improving pedestrian experience by making it more pedestrian and disable friendly. The whole project is awarded to Construction Development Corporation Ltd (CDCL) as deposit works. The MoU has been signed with CDCL and they have already initiated material procurement and construction of site Office

and labor camps. The total approved fund for the project is Nu 465M and Thromde had already received Nu 186M. The major components of the project include storm water drain, common service duct and footpath above.

b. Requiring Local governments, particularly Thromdes, to strictly enforce parking requirements in buildings

Response from MoIC & RSTA

- Enforcement of parking requirements in buildings is the mandate of MoWHS/Thromdes;
- The Thromde has implemented the restriction of parking along the road in the core places where the problem is common;
- Thimphu Thromde in July 2020 notified all building owners to use the specified space within the registered plot boundary to park the vehicles and the parking on road is strictly prohibited;
- LG Act 2009 (Amendment 2014) Chapter 4: Powers and Functions of Local Government states that “Promote holistic and integrated area-based development planning”;
- LG Act 2009 (Amendment 2014) under Regulatory Powers and Functions it states that “Regulate and enforce land use and building activity in the Dzongkhag Thromde in accordance with the approved plans”.

Response from Thimphu Thromde

- Requirement of basement parking is one of the main criteria for building approval;
- No vehicles are allowed to park on road sides and the building owners are required to provide parking spaces for their tenants.

c. Requiring Local Governments, particularly Thromdes, to strictly enforce no parking on public roads to ensure smooth

traffic flow

Response from MoIC & RSTA

- The draft Surface Transport Policy has a proposed policy statement which states:

“4.2.4.1 RGOB shall mandate Thromdes to use parking management as a tool for transport demand management that discourages use of private vehicles and encourages use of public transport and non-motorized modes”;

“4.2.4.1 Thromdes shall strictly implement the Regulations and Standards relating to parking spaces”;

“4.2.4.2 Thromdes shall designate specific sections of the road and areas as no parking zone”.

- As per RSTA Regulations 1999 the vehicles are not allowed to be parked or stop on the blind curves and on the roadside of built up areas except at a designated parking provided. (*Chapter 3, part 8, section 46, subsection (e)*) and is strictly being enforced;
- LG Act 2009 (Amendment 2014) Chapter 4: Powers and Functions of Local Government states that “Promote holistic and integrated area-based development planning”;
- LG Act 2009 (Amendment 2014) under Regulatory Powers and Functions it states that “Regulate and enforce land use and building activity in the Dzongkhag Thromde in accordance with the approved plans”.

Response from Thimphu Thromde

The Traffic Police are strictly monitoring the road side parking. For example the road side parking along Changzamtog Ring road has been

successfully removed and the same is being implemented in Olakha, Babesa, core area and others.

3. Improve public transport in the growing towns and across the country by:

a. Continued government support to expand public bus transport including the implementation of the Bus Rapid Transit System to improve its efficiency and reliability

Response from MoIC & RSTA

- Nu. 95.4 million have been allocated during the financial year 2019-2020 for procurement of additional city buses;
- As per the Government approval (C-3/45/2020/407 dated 9th January 2020) the mandate of operation and management of city service was officially transferred to Thimphu Thromde from Bhutan Postal Corporation Ltd. on 6th April 2020;
- The 12th Plan budget of Nu. 375 million is allocated for Traffic Congestion Management under RSTA.

Response from Thimphu Thromde

- City Bus Service operation has been transferred to Thromde;
- As part of the Bus Rapid Transit System, Thimphu Thromde had already initiated the development of 4-lane road from Chubachu till Jungzhina and from Taba till Dechen Zam.

b. Continued subsidies to improve public transport

Response from MoIC & RSTA

Subsidy amount of Nu. 0.1 Million provided to operate between Gasa and Thimphu as non-profitable routes. No other routes are granted subsidy as of now. If requirements arise, the Ministry will accordingly

put up a request for Government approval thorough study.

Response from Thimphu Thromde

The Royal Government of Bhutan has been providing subsidies for improvement of public transport system and will continue to do so till such time the revenue is adequate to meet the system.

- c. Providing fiscal incentives and low interest loans to encourage private operators to expand public transport options for inter and intra Dzongkhag connectivity**

Response from MoIC & RSTA

RMA has approved the provision of 70% loan for the purchase of Passenger buses and EVs vide RMA/FRSD/34/2019-20/1728 dated 23rd September 2019. Loan repayment period also extended from 5 years to 7 years.

Response from RMA

- The interest rates on loans are determined by the financial institutions based on the Minimum Lending Rate Guidelines issued by the RMA. However, similar to **Priority Sector Lending Scheme**, with the fiscal incentives from the Government (such as tax exemption) the interest rates on loans are prescribed by the RMA which is lower than the market interest rate;
- Further, in order to support public transport, the RMA has relaxed the regulatory requirement on loan to value ratio for passenger buses which is prescribed at **70 percent (70 percent financing from financial institutions)** whilst the loan to value ratio for other vehicles such as private cars and trucks ranges from 30% to 50%.

II. Resolution on the Review of Legislations and Strategies for Addressing Human Trafficking

Relevant Ministries and Agencies:

- i. Ministry of Foreign Affairs (MoFA)
- ii. Ministry of Labour & Human Resources (MoLHR)
- iii. Department of Law & Order (DLO), Ministry of Home & Cultural Affairs
- iv. Royal Civil Service Commission (RCSC)

1. Legislation, Policy and International Convention

- a. **Develop a comprehensive national policy and national action plan on combating Human Trafficking in Bhutan;**
- b. **Assess Bhutan's readiness to accede to the United Nations Transnational Organized Crime Convention (Palermo Protocol) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children**

Response from DLO and MoFA

- Standard Operating Procedure for Multi-sectoral Response to Address Trafficking in Persons in Bhutan has been put in place in 2019;
- A comprehensive assessment of the situation of TIP in Bhutan has been drafted and finalized. The draft has been presented to the Hon'ble Nangsid Lyonpo;
- National Prevention Strategy for Trafficking in Person has been drafted and finalized which will be presented to the Hon'ble Home Minister and Secretary for review and approval;
- A Penal Code definition has been reviewed and amended under the Penal Code of Bhutan in consistent with international standards which is currently before the parliament;

- Based on the note submitted to Lhengye Zhungtshog, the Cabinet directed the Office of the Attorney General to study and provide recommendations regarding the UN Convention on Transnational Organized Crime for ratification by the Royal Government. The Office of the Attorney General wrote to the Cabinet providing comments on the convention and also recommending that the treaty proposal be initiated by the concerned ministry as per Rules of Procedure for Treaty Making 2016.

In view of the above, the Department of Law and Order (DLO) has already started initiating the ratification process. In this regard, we sought clearance from the Ministry of Foreign Affairs. The MFA advised the DLO to seek directives from the Cabinet in keeping with the letter sent by the OAG.

2. Strengthen efforts to combat Human Trafficking

- a. Provide adequate financial and human resource support including creation of a separate unit/division in the DLO, and allocation of a separate emergency fund for repatriation and investigation efforts;**
- b. Ensure that Bhutan's efforts to combat trafficking is recorded and reported on timely basis to improve Bhutan's current ranking by the next TIP report;**
- c. Ensure efficient and effective implementation of the Standard Operating Procedure;**
- d. Explore the possibility of including "Reduction of Human Trafficking cases" and "Locate Missing Persons" as indicators under the Ministry of Home and Cultural Affairs' Annual Performance Agreement**

Response from DLO and MoFA

- Regarding the creation of dedicated Unit for TIP under the External Affairs Division, the DLO will pursue the matter with

the RCSC when Organizational Development (OD) exercise commences in keeping with the advice of the RCSC;

- The DLO has proposed dedicated budget for TIP in the current fiscal year for creating awareness, train law enforcement agencies and for repatriation of victims of TIP, if required. It may be submitted that lack of dedicated RGoB budget for TIP has been identified as one of the issue under the Global TIP Report, 2020;
- As per the new rule, if a country falls under Tier 2 (Watch List) for 2 consecutive years, the country will be placed under tier 3. Therefore, we have to work towards upgrading our ranking from tier 2 (watch list) to Tier 2 so as to avoid being placed under tier 3;
- The Standard Operating Procedure for Multi-sectoral Response to Address Trafficking in Persons in Bhutan clearly defines and guides all the partnering agencies their roles and responsibilities and on how to coordinate while dealing with cases of TIP. Therefore, effective implementation of the SOP will not be a major issue;
- Inclusion of “Reduction of TIP cases” and “Locating Missing of Persons” in the MoHCA’s APA would have to be further discussed since it involves collective efforts of all the partnering agencies and it is not possible for one agency to effectively tackle the menace of TIP. Besides, locating missing of persons is a mandate of law enforcement agency (Royal Bhutan Police) as it involves carrying out investigation.

Response from RCSC

With regard to creation of dedicated unit for TIP under the External Affairs Division, the RCSC responded that it has to be vetted through SOP and then it is submitted to the Commission for approval.

However, RCSC did not receive any proposal for such creation from the concerned office.

3. Sensitization and Awareness Programmes

- a. **Organize Special Sensitization programmes to be conducted especially for the judiciary so that everyone has a common understanding of Human Trafficking;**
- b. **Extend Sensitization and awareness campaigns to Local Government leaders, public transport, taxi operators, guides, hoteliers, civil aviation and airline staff in combating HT;**
- c. **Conduct regular nationwide awareness and advocacy programmes for the general public on the risks of human trafficking, laws and where to go for help**

Response from DLO

- Several sensitization, training and awareness campaigns were initiated between 2019 and 2020 focusing on various target groups which are as provided below:

Sl. No.	Place	Date	Activity/Focus group	Total
1	Thimphu	30/7/2019	Awareness for youths, CSO, taxi drivers and government officials	184
2	Tsirang	20/09/2019	Awareness for students & teachers	532
3	Thimphu	30/09/2019	Awareness for unemployed youth	184
4	Bumthang	18/10/2019	Awareness for students & teachers	269
5		18/10/2019	Awareness for local governments & other agencies	253
6		19/10/2019	Awareness for entertainment sectors	60

Resolution of the 26th Session of National Council

7		20 - 22 October 2019	Training for Prosecutors and LEAs	23
8	Thimphu	6 - 8 November 2019	Consultative meeting to develop training package for the judiciary	17
9	Paro	21 - 22 November 2019	A two days media training (9 media houses and 1 freelance journalist)	16
10	Thimphu (MoLHR)	28/11/2019	Awareness to youths going to Thailand to work.	25
11	Thimphu (YDF)	3/12/2019	Awareness to fresh graduates from Royal Thimphu College	16
12	Gelephu	23-27 December 2019	Judges' workshop to develop training curriculum	21
13	Thimphu	23/6/2020	Drama on TIP through BBS's Chikhuen programme aimed at creating awareness	55
14	Phuentsholing	3-4 August 2020	Training on SOP for Multi- sectoral Response to Address TIP for the local government Leaders and RENEW volunteers	20
15	Bumthang	10-11 August 2020	Training on SOP for Multi- sectoral Response to Address TIP for the local government Leaders and RENEW volunteers	20
16	Wangdue	17-18 November 2020	Training on SOP for Multi- sectoral Response to Address TIP for the local government Leaders and RENEW volunteers	25
17	Thimphu	18, 19, 25 and 26 July 2020	Awareness to the general public on TIP through Druk Super Star reality show in 4 episodes	

18	Thimphu	30 th July 2020	Observed the International Day against TIP during which awareness was created among the general public through BBS	
19	Paro	26-27 November 2020	Training on SOP for Multi-sectoral Response to Address TIP for the officials from the MoLHR, MFA and DoI will be carried out	20

- Animated TV spots covering 3 stories which are relevant to Bhutan have been made and are being aired through BBS with the aim to create awareness to the general public;
- 5000 nos. of brochures were printed and about 300 were distributed during various awareness programs;
- 990 post cards carrying awareness on TIP combined with COVID-19 were distributed to 7 southern Dzongkhags and Dungkhags;
- Standard Operating Procedure (SOP) for multi-sectoral response to address trafficking in persons in Bhutan has been launched on 25th November 2019, following which, a two days training program was conducted for participants from 13 stakeholders mentioned below:

Sl. No.	Stakeholders	Male	Female	Total
1	Ministry of Labor and Human Resource (MoLHR)	2	1	3
2	Media (Kuensel, BBS & Business Bhutan)	2	3	5
3	National Commission for Women and Children (NCWC)	0	2	2
4	Royal Bhutan Police (RBP)	1	1	2
5	Ministry of Health (MoH)	1	1	3
6	Department of Law and Order (DLO)	1	2	3

7	Ministry of Foreign Affairs (MFA)	2	2	3
8	Ministry of Education (MoE)	0	3	3
9	Local Government (LG)	3	0	3
10	Respect, Educate, Nurture and Empower Women (RENEW: NGO)	1	1	2
11	Department of Immigration (DoI)	4	0	4
12	Office of the Attorney General (OAG)	3	0	3
13	Chithuen Phendey Association (CPA Bhutan: CSO)	1	0	1
Total		21	16	37

Rescue and Repatriation of victims of trafficking from Iraq

In the last few years, over 160 Bhutanese women were trafficked to Iraq by unauthorized local agents in collusion with some unscrupulous foreign agents. Deeply concerned with the situation, His Majesty The King Commanded that we must use every efforts and resources to bring those Bhutanese victims safely home. In keeping with the Royal Command, a Joint Task Force was set up to coordinate efforts to safely return them home. 132 women were evacuated from Iraq in September 2020 through a special relief Drukair flight. The local authorities in Iraq, the International Organization for Migration, Embassies and individuals contributed greatly in the rescue effort.

4. Trafficking in Persons Emergency Helpline

- a. Create a central Bhutan 24/7 emergency helpline and social media contact address for victims of trafficking and or concerned persons can contact for assistance**

Response from DLO

DLO communicated that sensitization and awareness programmes on human trafficking are carried out through various media channels and

brochures. Contact details of various agencies such as RBP, NCWC, RENEW and DLO officials are mentioned in the brochure.

5. Employment

- a. Prioritize creation of job opportunities and skill trainings for vulnerable group especially unemployed women and youth with limited qualification**

Response from MoLHR

The Department of Employment and Human Resources (DoEHR) has two inclusive programs to support unemployed and job seekers in transitions to the world of work. The two programs are:

- 1) Critical Skills Training (CST) and,
- 2) Youth Engagement Support Program

A CST for People with Disabilities has been designed and the DoEHR is currently in the process of identifying training partners. The program is developed in close collaboration with Disabled Person Association of Bhutan (DPAB), a CSO registered with the CSO Authority. The CST program will provide skilling of 45 disabled individuals.

The DoEHR is currently funding skilling of RENEW (in 6 different areas), RTA (Hor and Trima weaving) and Agency for Promotion of Indigenous Crafts (APIC) (arts and craft trainings) for those beneficiaries who are mainly women and individuals with no basic education. Furthermore, women friendly training programs are designed to have more female participation.

- b. Conduct a study on the feasibility of relaxing the current criteria of age and qualifications as well as explore work**

opportunities abroad so that any interested unemployed Bhutanese can safely apply for overseas employment opportunities through a licensed agent

Response from MoLHR

The Regulation on Employment of Bhutanese Overseas has been reviewed recently. However, the criteria of age and qualifications couldn't be relaxed from the current criteria of 21 years with minimum of class X qualification. The minimum age of 21 years is kept as some of the countries require a minimum of 21 years (Kuwait) and generally transition to work for youths happen at this age with decision making ability. Minimum qualification of class X was kept to encourage youths to study at least class X as the Government provides free education up to class X. The Overseas employment program is currently on hold due to the Covid-19 Pandemic. Otherwise, YELP guidelines were reviewed in 2020 to relax the age criteria. Any individual 18+ can apply for MoLHR support services.

III. Resolution on Review of the Programme Initiative towards improving the Quality of Education

Relevant Ministry and Agencies:

- i. Ministry of Education (MoE)
 - ii. Royal Education Council (REC)
 - iii. Bhutan Council for School Examinations & Assessment (BCSEA)
-
- 1. Expedite the expansion of access to quality ECCD programmes to attain 100% coverage prior to 2030;**
 - 2. Consider raising the Bhutan Education Blueprint's target on ECCD coverage from the existing target of 50% by 2024**

Response from MoE and REC

Although emphases on the ECCDs are well articulated in most of the written documents on education and the MoE is making simultaneous efforts on the ground to create access to quality ECCD centres, the Committee observed that much remains to be done to ensure those 74% of children aged 3-5 years are not excluded from the programme.

Status of Action/ Plans by MoE

The Ministry of Education has set a target 50% coverage by 2023 in line with the Bhutan Education Blueprint 2014-2024 Target which can be achieved if there are no resource constraints.

The attainment of the blueprint target in 2023 will pave the way for achievement of 100% coverage by 2030, which is being envisioned but not yet put down in any formal document or plan.

95 new ECCD centres are currently being established in the FY 2020-21 under the support of UNICEF and GPE (Global Partnership for Education), which is expected to contribute to increasing coverage to about 34% by March 2021. In addition, LGs are also allocating budget to supplement the amount provided through external funding.

While the target is clear in terms of achieving 50% in 2023 and 100% by 2030, there are challenges related to providing access to children in scattered communities. Most of the large communities have already been covered and what remain uncovered are small scattered communities without enough children to set up ECCD centres.

According to the standard and facilitator-children ratio set by RCSC, a centre will qualify for the appointment of an ECCD Facilitator only if there is a minimum of 15 children, which many of the remaining uncovered communities do not meet.

To overcome the challenge, MoE is innovating mobile ECCD centres where, one ECCD Facilitator is made responsible for two or more villages that together make up for the minimum number of children required for setting up a centre. Other alternative models such as home based ECCD intervention is also being explored and piloted. In this kind of a model, one ECCD Facilitator would visit homes in a number of nearby villages, handing out a bag of learning material, engaging with children and orienting parents on how to engage children effectively. It is hoped that these innovations will help to reach out to hard-to-reach communities and enhance access to ECCD services for all children.

One enabling factor towards achieving access for all would be to ease the rule on the minimum number of children, which needs to be reduced to 8 children for normal communities and 5 for very difficult communities such as nomadic and indigenous communities. Accordingly, the facilitator-children ratio should be reduced to 1:8.

In addition, there is no foreseeable resource commitment when the GPE project ends in 2021 and UNICEF reduces or withdraws support to ECCD. This will also impede the achievement of 50% access in 2023 and 100% by 2030.

Implementing Agency: ECCD & SEN, DSE, MoE

3. Ensure adequate financial support by revisiting the current practice of budget allocation for the primary schools

Response from MoE and REC

Alternatively, measures have to be put in place to ensure adequate budget allocation to the primary schools particularly against the backdrop of the importance of making greater investment on the primary level of education.

Status of Action/ Plans by MoE

The inadequate recurrent budget allocation for primary schools is a common issue faced by the Dzongkhags/Thromdes mainly due to budget ceiling provided by GNHC/MoF. Therefore, it is recommended to allocate separate current grant to Dzongkhag/Thromde Education Sector (out of Dzongkhag/Thromde ceiling) with clear budget distribution formula for schools. All primary schools are also recommended to be provided with dedicated budget heads like secondary schools.

There is also a need to review resource allocation formula for current budget with provisions to cover cost escalations during fiscal year.

The Ministry is also striving to ensure adequate fund allocation for Education Sector in order to provide equitable access to quality and inclusive education. In the draft National Education Policy, the Ministry has proposed instituting a fair, equitable and transparent resource allocation mechanism by instituting per child costing in consultation with the Ministry of Finance to ensure adequate allocation of resources to all schools.

Implementing Agency: SPCD, DSE, MoE

- 4. Revisit the current practice of school ranking system including linking of school performance with promotion of individuals to ensure that its implementation does not deviate from its intended purpose, and submit the report to National Council by upcoming summer session**

Response from MoE and REC

Because the criteria used for rating the schools is found unfair, it has also resulted in de-motivating most principals and teachers of the low ranking schools.

Status of Action/ Plan by MoE

After implementation of School Performance Management System (SPMS) for the past 10 years, the Ministry of Education initiated impact study of SPMS which was carried out by an external research task force during 2019-2020 FY. The findings of the study was presented to the MoE on 14th July 2020.

One of the findings from the impact study was, 62.6% of principals and teachers informed that the school ranking system has motivated schools to enhance the performance of school. However, the study also recommended to put in place mechanisms to standardize school ranking system.

Based on the recommendation of the impact study, MoE is in the process of reviewing and redesigning the monitoring system aligning with the 21st century education pathways. The new system will include monitoring and evaluation modalities focusing on Assessment, Auditing and Accountability (3As) using CIPO model. This model will take care of Context of institutions, Input from the parent organization, Processes to mobilize the input to achieve output by the institutions and organisations, and consequently assess the Outputs. The overall quality of education in terms of outcome and impact will be evaluated through research by independent body.

Issues raised by the National Council

- ✓ Linking of school ranking with IWP of principals and teachers has to be taken care of by the implementation of Bhutan Professional Standard for Teachers (BPST) and the Competency Behaviour Framework (CBF) of Principals as per the MaX system of the RCSC. However, the system of school ranking will

be retained as per the findings of the impact study in order to determine the performance of schools.

- ✓ The issue of level playing field among the schools will be addressed through the contextualized monitoring system and tools designed for 21st Century education pathways.

Implementing Agency: EMD, DSE, MoE

5. Ensure adequate provision of facilities and tools for effective implementation of any new or revised curriculum

Response from MoE and REC

It is found that other than just handful number of teachers, REC has not been able to provide timely orientation to majority of the teachers for every curriculum that is either newly developed or revised due to lack of adequate financial resources. As a result, the intended purpose of the curriculum in most cases, have at best remained just on paper without effecting much change on the actual learning outcome of students. In other words, there is a huge disconnect between the design of the curriculum and its implementation in the field.

Status of Action/ Plans by REC

REC as a professional body is mandated to determine the national school curriculum. Based on the recommendations from the National School Curriculum Conference 2016, curriculum is currently in the process of reformation. As a result, each year REC develops about 5 to 6 new curriculum which need to be oriented to the teachers. For instance, in the FY 2020 – 2021 11 new textbooks were developed and are ready for orientation for implementation in 2021 academic year. Although the intention is to orient all respective subject teachers, the budget allocated for the current year is adequate to cover about

50% of the teachers in most subjects. This is due to the budget ceiling set by GNHC for each agency.

Due to inadequate budget provision, REC has to reduce the number of training days as well as the number of teacher participants as a result of which the effectiveness and quality of curriculum implementation is compromised.

For instance, for effective implementation of new Accountancy curriculum, it requires a minimum of one month to train teachers. However, currently due to inadequate budget, duration of the orientation is reduced to five days.

Therefore, REC proposes for provision of adequate budget to orient all the teachers of respective subjects for a required duration.

Additional Response from MoE

Further, since the last few years, ICT literacy and its use as tool for learning is paramount as the support tool for the effective implementation of curriculum. It is also the priority of the government to provide ICT education for children. However, it cannot be materialized owing to digital divide – connectivity and accessibility.

- 6. Consider reviewing the roles of REC and TPSD in designing and delivering of PD programmes respectively, to ensure effectiveness of the PD programmes for both teaching and non-teaching staff**

Response from MoE and REC

There are currently two different agencies working on the provision of PD courses for the teachers. While the REC is responsible for designing the PD programmes, the Teacher Professional Support

Division (TPSD) under MoE is responsible for coordination and delivery of the PD programmes. Therefore, the efficacy of the PD programmes may be compromised due to lack of single agency responsible for both design and delivery of the programmes.

Status of Action/ Plans by REC

The Royal Education Council was established in 2014 as a professional body with an Executive Order from the Royal Government of Bhutan with mandates to determine the national school curricula and teacher professional development programmes (Refer Executive Order No. C-2/54/601, dated 12 December 2014). The establishment was based on the recommendations of (REC and DCRD) Merger Task Force which was chaired by the former Secretary of Ministry of Education, Dasho Karma Yeshey.

The Council has two professional centres which are the Curriculum Development Centre (CDC) and the Education Professional Development Centre (EPDC). The EPDC consists of three Units: Teacher Professional Development Unit, School Leadership Professional Development Unit, and Professional Standards Development Unit. The centre is mandated to determine professional development programmes for teachers and school leaders.

As per the Government Executive Order, the role of the REC and the two professional centres were clearly defined. Accordingly, a Working Modality was drawn jointly by the Ministry of Education and the Royal Education Council to further clarify the roles (refer RECOF, 2018).

Additional Response from MoE

Teacher Professional Support Division was established in 2016 under

the Ministry of Education on the recommendation of the OD exercise carried out in 2014. The division has two mandates to fulfill and they are viz; design and deliver professional development programmes and enhance teacher standard.

The present REC is a merger of erstwhile REC and Department of Curriculum and Research Development. Because of the merger in 2014, there are a few roles overlapping between TPSD and REC, however, working modality between REC and TPSD was developed in 2018 to clarify the roles and responsibilities of the two agencies. It was decided that generic PD will be designed and delivered by TPSD, and REC would focus on delivering curriculum related PDs.

The OD exercise carried out in 2019 highlighted that best practices elsewhere suggests that curriculum, teachers and schools should go hand in hand. Therefore, the ODE team recommends to revert the curriculum and professional development functions back with the Ministry of Education. The Ministry expects that any time soon the OD recommendation will be implemented and there will be no duplication of roles.

Additional Response from REC

Later in 2015, the Ministry of Education added another division, Teacher Professional Development and Support Division (TPSD), under the Department of School Education to facilitate teacher development programmes for both in-country and ex-country training programmes.

In order to draw a clear line of roles of responsibilities, a Working Modality between REC and MoE was developed collaboratively (refer RECOF, 2018).

According to the Working Modality, REC is to provide professional support in matters related to curriculum, professional development and educational research. In terms of professional development REC is to provide teacher professional development programmes related to curriculum and pedagogy up to the Teacher Resource Centre. The MoE is to facilitate the implementation of national school curriculum, conduct generic professional development programmes for teachers and school leaders, and facilitate in providing teacher professional development programmes related to curriculum and pedagogy beyond the Teacher Resource Centers.

Further, a biannual meeting between the REC and MoE was instituted to discuss and decide the National Based In-service Programmes where all issues related to curriculum and professional development programmes were mutually discussed and solved.

As mandated and specified in the Working Modality, REC has been carrying out its roles and responsibilities without fail. However, as observed by NC's Good Governance Committee, the implementation and delivery of the curriculum can be made more effective if the responsibilities of curriculum implementation and delivery of in-service teacher professional development programmes are transferred to REC. This will not only solve the issue of role conflicts but also strengthen the professional service delivery to schools.

Response from BCSEA

Bhutan Council for School Examinations & Assessment (BCSEA) responded that the recommendations are related to the Ministry of Education and Royal Education Council. However, with regard to competency based assessment and National Education Assessment Framework (NEAF) which are dealt by Assessment and Monitoring Division of BCSEA, the NEAF is ready and going to be launched on November 17.

ANNEXURE II: Amendments on the Mines and Minerals Bill of Bhutan 2020

Sections	National Council's Amendments
PREAMBLE	<p>WHEREAS, the rights over mineral resources vests in the State and are the properties of the State, as provided for in Article 1(12) of the Constitution,</p> <p>WHEREAS, every Bhutanese is a trustee of the country's natural resources for the benefit of the present and future generations as provided for in article 5(1) of the Constitution,</p> <p>WHEREAS, it is the responsibility of the State, among others, to endeavor to develop and execute policies to minimize inequalities of income and concentration of wealth among individuals and people living in different parts of the country as provided for in article 9(7) of the Constitution,</p> <p>WHEREAS, it is the responsibility of the State to encourage and foster private sector development through fair market competition and prevent commercial monopolies except for safeguarding national security as provided for in article 9(10) of the Constitution, and</p> <p>WHEREAS, it is the responsibility of the State to develop mineral resources in a transparent, fair, accountable and responsible manner, having regard to the need to encourage ecologically sustainable development.</p> <p>Parliament of the Kingdom of Bhutan hereby enacts as follows:</p>
Section 1	Amended in Dzongkha
Section 2	Accepted
Section 3	Amended in Dzongkha
Section 4	<p>Application This Act applies to any person who undertakes:</p> <ol style="list-style-type: none"> 1. prospecting and exploration of minerals, and mining operations; 2. artisanal and short-term mining, surface collection and fossicking; and 3. any activity, directly or indirectly related to activities mentioned in subsections (1) and (2) hereof.
Section 5	<p>Objects The principal objects of this Act are to:</p>

	<ol style="list-style-type: none"> (1) delineate the policy functions of the Ministry from the regulatory functions of the Bhutan Mining Regulatory Authority; (2) strengthen the regulatory and monitoring framework for geotechnical activities and mining operations by promoting the principles of transparency, fairness, equity, and accountability in the management of mineral resources; (3) foster the significant socio-economic benefits and revenue to the State from the development of mineral resources, having regard to the need to maintain intergenerational equity; (4) provide an integrated framework for the effective regulation of prospecting and exploration of minerals, and mining operations, including for the declaration and development of strategic minerals; (5) promote in-country value addition and value chain creation; (6) provide a guidance on the development and compensation of the affected community for loss or damage as provided in this Act; (7) require the payment of contributions for mine reclamations and community development as provided for in this Act; (8) minimize and manage the impacts on the environment that result from mining operations or any activity related to the development of mineral resources by requiring various conservative or restorative measures; and (9) provide for matters incidental thereto.
Section 6	<p>Repeal This Act repeals the Mines and Minerals Management Act 1995,- (1) the Mines and Minerals Management Act 1995,- (2) section 3(g)(iv) of the Forest and Nature Conservation Act 1995 on boulders, stone, sand, gravel and rocks; (3) section 51(d) and 53(d) of the Local Government Act 2009; and (4) section 26(b) of the Water Act of Bhutan.</p>
New Chapter	NEW CHAPTER II GENERAL PROVISIONS
New Section 7	<p>Section 73 is amended as New Section 7 Rights over mineral resources The rights over mineral resources shall vest in the State and are the properties of the State as provided for in the Constitution, whether:</p> <ol style="list-style-type: none"> (1) in or on a State land; (2) in or on a State reserved forest land; (3) in a private land; and (4) under water.
New	Inserted New Section 8

Section 8	<p>“Classification of minerals For the purpose of this Act, the minerals shall, on the basis of their importance, be classified as follows:</p> <ol style="list-style-type: none"> (1) strategic minerals; (2) priority minerals; and (3) other minerals.”
New Section 9	<p>Inserted New Section 9 Objectives of mineral development The development of policy framework to promote mineral resources shall be in consultation with:</p> <ol style="list-style-type: none"> (1) a relevant public agency; and (2) the mining industry, taking a balanced approach to the following: <ol style="list-style-type: none"> (a) when should the revenue generation accrue to the State; (b) how changes in profitability should be treated; (c) in what ways new investments should be protected; (d) in what manner the investment risk should be shared; and (e) how best to integrate environmental concerns.”
New Section 10	<p>Section 74 is amended as New Section 10 Central coordination Except in accordance with this Act, no person shall carry out:</p> <ol style="list-style-type: none"> (1) prospecting and exploration of any mineral; (2) mining operations; and (3) artisanal and short-term mining, surface collection, fossicking; and (4) any activity, directly or indirectly, related thereto.
New Section 11	<p>Section 76 is amended as New Section 11 The Ministry shall be the central agency for the promotion or development of mineral resources in the country in accordance with this Act.</p>
New Section 12	<p>Section 78 is amended as New Section 12 Value addition Before sale or export, the Ministry shall ensure value additions on all the minerals recovered from any mine or place where it is technically and economically viable as assessed by the Ministry based on predetermined criteria.</p>
New Section 13	<p>Inserted New Section 13 Notwithstanding section 12, the Ministry shall allow the export without value addition:</p> <ol style="list-style-type: none"> (1) wastes and residues from captive mines, and

	(2) any minerals from other mines where there is no technical and economic viability upon its assessment.
New Chapter	NEW CHAPTER III MINERAL PROSPECTING AND EXPLORATION
New Section 14	Insert New Section 14 Prospecting and exploration The Ministry shall carry out prospecting and exploration of all the classes of minerals other than stones.
New Section 15	Section 54 and 56 is amended as New Section 15 Consent and clearances Before prospecting or exploring any mineral, the Ministry shall process and obtain: <ol style="list-style-type: none"> (1) a freely given consent in writing from: <ol style="list-style-type: none"> (a) a private land owner; or (b) a person in custody of such land, if applicable; and (2) for exploration except for prospecting of minerals, clearances from: <ol style="list-style-type: none"> (a) the affected community; (b) the National Environment Commission; and (c) the Department of Forests and Parks Services.
New Section 16	Section 57 is amended as New Section 16 Permission for use of aerial vehicle The Ministry may use airborne or unmanned aerial vehicle for geophysical prospecting and exploration with prior permission from a competent public authority.
New Section 17	New Section after Section 60 and New Section after Section 72 passed by NA is amended as New Section 17 Compensation to owner of private property If there is any damage caused to private property as a result of prospecting or exploration of minerals, the Ministry shall provide compensation at a fair market price to the owner of such land.
New Chapter	NEW CHAPTER IV MANAGEMENT OF MINING OPERATIONS
New Section 18	Section 80 is amended as New Section 18 Development of minerals The Ministry shall lease: <ol style="list-style-type: none"> (1) to a State-owned enterprise: <ol style="list-style-type: none"> (a) any proven mineral reserve; and (b) any strategic or priority mineral, if found technically and economically viable upon its assessment based on

	<p style="text-align: center;">predetermined criteria; and</p> <p>(2) a captive mine to any person, whether or not State-owned enterprise.</p>
New Section 19	<p>Inserted New Section 19</p> <p>Clearances by sectors</p> <p>Before any lease agreement is signed, the Ministry shall process and obtain for any mining operation :</p> <p>(1) the clearances from:</p> <p style="padding-left: 40px;">(a) an affected community that is valid throughout the expected economic life of mines;</p> <p style="padding-left: 40px;">(b) the National Environment Commission that is valid for five years; and</p> <p style="padding-left: 40px;">(c) the Department of Forests and Park Services that is valid throughout the expected economic life of mines.</p> <p>(2) a preliminary land lease approval from the National Land Commission in the case of State or State reserved forest land.</p>
New Section 20	<p>Inserted New Section 20</p> <p>Land acquisition</p> <p>Before a lease agreement is signed, the Ministry shall process and:</p> <p>(1) obtain a final land lease approval from the National Land Commission, in the case of State or State reserved forest land; and</p> <p>(2) acquire a private land in accordance with section 158 of the Land Act.</p>
New Section 21	<p>Section 95 is amended as New Section 21</p> <p>Geological report</p> <p>The lessee may ascertain a geological report prepared by the Ministry by engaging a geologist certified by the Ministry.</p>
New Section 22	<p>Section 94 is amended as New Section 22</p> <p>Final mine feasibility study</p> <p>The lessee shall prepare a mine feasibility study report on the proposed mines within a time period prescribed by rules, which includes, among other things:</p> <p>(1) a mine plan describing mines and proposed mining operations in details;</p> <p>(2) a risk-based environmental and social risk management and mitigation plan as described in chapter XI;</p> <p>(3) a progressive restoration plan, where relevant; and</p> <p>(4) any other requirements prescribed by rules.</p>

New Section 23	<p>Section 96 is amended as New Section 23 A lessee shall engage a mining engineer certified by the Ministry to prepare the final mine feasibility study report and upon its completion, submit to the Authority for its approval.</p>
New Section 24	<p>Section 90 is amended as New Section 24 Lease agreement After obtaining all the consent and clearances under sections 15 and 29 by the Ministry, the Authority shall lease the mine by executing a lease agreement in the form and manner prescribed by rules.</p>
New Section 25	<p>Section 90 is amended as New Section 25 and 26 The term of initial lease or renewal shall not exceed: (1) an expected economic life of mines; or (2) a maximum period of fifteen years for any mine, whichever is less.</p>
New Section 26	<p>Section 91 is amended as New Section 26 Renewal of lease agreement The Authority may, upon application in the form and manner prescribed by applicable rules and subject to section 18, renew a lease agreement more than once incorporating therein new terms and conditions: (1) if a lessee is a State-owned enterprise; and (2) in the case of captive mines.</p>
New Section 27	<p>Inserted New Section 27 If the Authority decides to renew a lease term under section 26, it shall, among others, take into account the following factors: (1) the size of the revenue generated to the State; (2) the types and the extent of socio-economic benefits accrued to the State; (3) the extent of socio-economic benefits accrued to the affected community; (4) the health and sustainability of the environment; (5) the lessee's performance during the previous lease term; (6) the renewability under other applicable laws or rules; and (7) such other factors prescribed by rules.</p>
New Section 28	<p>Section 98 is amended as New Section 28 Employment of technical personnel A lessee shall employ a required number of qualified technical personnel in one's mine as prescribed by rules having, based on, among others, the size and the types of mine, mineral or the nature of activity.</p>
New Section	<p>Section 99 is amended as New Section 29 A lessee shall make known the mines manager to the Authority in</p>

29	<p>writing, who shall, on behalf of the lessee:</p> <p>(1) be responsible for the control and daily supervision of mines; and</p> <p>(2) reside close to such mines prescribed by rules.</p>
New Section 30	<p>Section 92 is amended as New Section 30</p> <p>Amalgamation and division of leases</p> <p>The Ministry shall upon application by a lessee in the form and manner and fulfillment of such criteria prescribed by rules, allow:</p> <p>(1) amalgamation of two or more leases into a single lease, if the leases are adjacent to each other; and</p> <p>(2) division of a single lease into several titles, if the mineral deposit in a leased area occurs far apart.</p>
New Section 31	<p>Section 93 is amended as New Section 31</p> <p>Transfer of lease</p> <p>A lessee may, upon application in the form and manner prescribed by rules and payment of prescribed fee, transfer one's lease rights to another who satisfies the conditions prescribed by rules.</p>
New Section 32	<p>Section 100 and Section 102 is amended as New Section 32</p> <p>Accident reporting and investigations</p> <p>In the event of an accident resulting in loss of life or serious bodily injury to a person in connection with mining operations, whether direct or indirect a lessee shall:</p> <p>(1) report to the Authority; and</p> <p>(2) keep or cause to be kept the accident scene intact until the investigation is completed, unless it is necessary to carry out immediate rescue and safety operations.</p>
New Section 33	<p>Section 101 is amended as New Section 33</p> <p>The Authority shall immediately investigate into the issues upon receipt of the report under section 32(1).</p>
New Section 34	<p>Section 185 is amended as New Section 34</p> <p>Termination of lease agreement</p> <p>The Authority shall terminate the lease agreement:</p> <p>(1) if a lessee commits:</p> <p style="padding-left: 20px;">(a) a major violation as specified in section 135;</p> <p style="padding-left: 20px;">(b) a violation other than a major violation prescribed by rules for more than two times;</p> <p style="padding-left: 20px;">(c) material breaches of the lease agreement as specified therein; or</p> <p>(2) on the grounds specified in section 35(3).</p>
New Section 35	<p>Section 105 is amended as New Section 35</p> <p>Post-termination procedures</p> <p>Upon termination of the lease agreement under section 34, the lessee</p>

	<p>shall:</p> <ol style="list-style-type: none"> (1) at its own cost, remove all the movable and immoveable properties from the mining area within six months from the date of permanent closure of mine under section 36 unless such properties are required for public purpose as determined by the Authority; (2) not be entitled to any compensation from the government or the Authority for any property or infrastructures developed by the lessee except for a reasonable amount from the Authority to compensate for the cost of properties required under section 35(1); and (3) be entitled to a fair market price compensation from the government in the event the termination is due to change in government policy, laws or in the national interest and without any fault of such lessee.
New Section 36	<p>Section 97 is amended as New Section 36 Mine closure and reclamation plan Before the lease or lease renewal period expires, a lessee shall prepare a final mine closure and reclamation plan in consultation with the affected community and upon its completion; submit it to the Authority for its approval.</p>
New Chapter	<p>New Chapter V RIGHT AND DUTIES OF LESSEE</p>
New Section 37	<p>Section 106 is amended as New Section 37 Rights of lessee A lessee shall have the rights specified in this Act, the rules and the lease agreement and, in particular to:</p> <ol style="list-style-type: none"> (1) exclusively mine and sell any permissible minerals from its leased mine subject to value addition requirement, if applicable; (2) construct, operate and maintain mines, roads, aerial ropeways, communication systems and other facilities necessary for mining operations; (3) establish a processing plant upon obtaining necessary approvals from a-competent public authority; and (4) surrender a mine or part thereof by giving a notice in writing to the Authority which shall be effective only upon its approval in writing by the Authority.
New Section 38	<p>Section 107 is amended as New Section 38 Duties of lessee A lessee shall have the duties specified in this Act, the rules and the lease agreement and, in particular to:</p> <ol style="list-style-type: none"> (1) start and carry out mining operations within a time period specified in the lease agreement;

	<p>(2) carry out mining operations in accordance with the final mine feasibility study;</p> <p>(3) comply with:</p> <p>(a) a notification or directive issued by the Ministry and the Authority;</p> <p>(b) the applicable safety standards or mines safety standards as may be adopted by the Authority;</p> <p>(c) the duties under section 38; and</p> <p>(d) the relevant laws on the use of explosives;</p> <p>(4) erect and maintain boundary pillars around the mining area as demarcated by the Ministry within a prescribed time period;</p> <p>(5) obtain transport permit from the Authority prior to transporting any mineral;</p> <p>(6) notify the Authority in writing, at least, one month in advance if the lessee intends to cease, suspend or curtail production of minerals or mineral products;</p> <p>(7) create, and maintain an accurate, complete and up-to date records of mining operations, financial records;</p> <p>(8) carry out reclamation of mines in accordance with the mine closure and reclamation plan; and</p> <p>(9) establish and operationalize a processing plant within three years of obtaining lease.</p>
<p style="text-align: center;">New Chapter</p>	<p style="text-align: center;">NEW CHAPTER VI ARTISANAL AND SHORT-TERM MINING, SURFACE COLLECTION AND FOSSICKING</p>
<p style="text-align: center;">New Section 39</p>	<p>Section 117 is amended as New Section 39 Large commercial surface collection and fossicking If there is a large market prospects, the Ministry may auction an identified site for:</p> <p>(1) surface collection for commercial purpose; or</p> <p>(2) fossicking.</p>
<p style="text-align: center;">New Section 40</p>	<p>New Section after Section 109 passed by NA is amended in New Section 40 Surface collection of sand Notwithstanding anything contrary in this Act, the Ministry shall directly grant the right to surface collection and dredging of sand for commercial purpose to a State-owned enterprise. However, the affected or local community shall be given the right to surface collection for:</p> <p>(1) commercial purpose, if the State-owned enterprise is unable to meet the requirements; and</p>

	(2) rural purpose.
New Section 41	Insert New Section 41 Dredging activity Notwithstanding anything contrary in this Act, the Ministry shall grant the right to dredging activity through an open competition.
New Section 42	Insert New Section 42 Stone quarrying activity Notwithstanding anything contrary in this Act, the Ministry shall grant the right to quarrying activity through an open competition or methods other than the first-come-first-serve basis as specified by rules.
New Section 43	Section 109 is amended as New Section 43 Application for rights certificate A person may apply in the form and manner prescribed by applicable rules for a rights certificate to: (1) the Department of Forests and Park Services for surface collection of sand and stone, both for commercial and rural purposes, and short-term mining ; and (2) the Ministry for: (a) artisanal mining ; (b) fossicking ; and (c) short-term mining not involving surface collection.
New Section 44	Section 54 is amended as New Section 44 Consent of private landowner Before issuing rights certificate for artisanal and short-term mining, surface collection for commercial purpose, and fossicking, the Ministry or Department of Forests and Park Services shall process and obtain a freely given consent in writing from: (1) a private landowner ; or (2) person in custody of such land, if applicable.
New Section 45	Section 113 and Section 115 is amended as New Section 45 Clearances by sectors Before issuing rights certificate for any activity under this chapter, the Ministry or Department of Forest and Park Services shall process and obtain clearances from: (1) the affected community for: (a) artisanal and short-term mining ; (b) surface collection for commercial purpose ; and (c) fossicking ; (2) the National Environment Commission and Department of

	<p>Forests and Park Services for:</p> <p>(a) short-term mining;</p> <p>(b) surface collection for commercial purpose; and</p> <p>(c) fossicking except for artisanal mining.</p>
New Section 46	<p>Section 111 is amended as New Section 46</p> <p>The Ministry or Department of Forests and Park Services shall process the application under section 43 in the order in which it was received.</p>
New Section 47	<p>Section 112 is amended as New Section 47</p> <p>Grant of rights certificate</p> <p>After obtaining the consent and clearances under sections 44 and 45, the Ministry shall, grant a rights certificate to the applicant specifying therein the types of mineral permitted to be mined, in the cases of short-term and artisanal mining.</p>
New Section 48	<p>Section 116 is amended as New Section 48</p> <p>Grant of permit</p> <p>The Authority shall, upon receipt of rights certificate from the Ministry, issue a permit under this chapter to a person to whom rights certificate has been issued under section 47 in the form and manner prescribed by rules.</p>
New Section 49	<p>Section 118 is amended as New Section 49</p> <p>Offence of fronting</p> <p>The holder of a permit shall not lease or sublease, hire or otherwise allow another person to use or operate one's permit granted under section 48.</p>
New Section 50	<p>Insert New Section 50</p> <p>Accident reporting and investigations</p> <p>Sections 34 to 35 shall, <i>mutatis mutandis</i>, apply in the event of an accident resulting in loss of life or serious bodily injury to a person in connection with any activity under this chapter, whether direct or indirect.</p>
New Section 51	<p>Section 185 is amended as New Section 36 and New Section 51</p> <p>Termination of permit</p> <p>The Authority or Department of Forests and Park Services shall terminate the permit if the holder of permit commits:</p> <ol style="list-style-type: none"> (1) a major violation as specified in section 135; (2) any violation other than a major violation as prescribed by rules for more than two times; or (3) material breaches of the terms and conditions of permit as defined therein.
New Section	<p>Insert New Section 52</p> <p>Post permit termination</p>

52	<p>Upon the termination of the permit under section 51:</p> <ol style="list-style-type: none"> (1) the rights certificate granted under section 47 shall automatically cease to have any effect for any purpose; (2) all the rights and duties of the holder of permit shall cease to exist except for the rights and duties related to the mine closure and reclamations which shall survive the termination of permit; and (3) the post-termination procedures outlined in sections 50 and 51 shall, <i>mutatis mutandis</i>, apply.
New Section 53	<p>Insert New Section 53</p> <p>Mine closure and reclamation plan</p> <p>Before the permit expires, a holder thereof shall prepare a final mine closure and reclamation plan in consultation with the affected community in accordance with the existing public consultation guideline and upon its completion; submit it to the Authority for its approval.</p>
New Chapter	<p>CHAPTER VII</p> <p>POWERS AND FUNCTIONS OF THE MINISTRY</p>
New Section 54	<p>Sections 7 and 8 amended as New Section 54</p> <p>Powers of the Ministry</p> <p>The Ministry shall exercise any power conferred on it under this Act and, in particular to:</p> <ol style="list-style-type: none"> (1) control all matters regarding mineral resources and geo-scientific activities unless otherwise provided in this Act; (2) develop, revise and implement or caused to be implemented an effective, coordinated and robust mineral resources development policies and practices; (3) make recommendations to competent public bodies for necessary future legislative reform regarding the development of mineral resources; (4) make, revise and implement or caused to be implemented rules, for: <ol style="list-style-type: none"> (a) carrying out the provisions of this Act fully; and (b) underground mining operations, whether or not separately, as and when required; (5) develop, revise and implement or caused to be implemented a progressive mineral fiscal instruments, including fees, charges and levies; (6) issue: <ol style="list-style-type: none"> (a) a notification or directive to the Authority or any person on any matter in respect of which actions are necessary for

	<p>effective implementation of this Act; and</p> <p>(b) moratorium on any activity from being carried out at any site identified earmarked and declared as mineral potential areas for future resource tapping provided that in cases involving private land, the duration of moratorium shall not extend beyond one year;</p> <p>(c) a necessary guidance on any matter within its competence;</p> <p>(7) regulate mineral prices as it considers necessary in the public interest or to prevent commercial monopolies, as and when required;</p> <p>(8) declare any mineral as a strategic mineral under this Act and create, maintain, revise and publish a list thereof; and</p> <p>(9) excise any other powers incidental thereto.</p>
<p>New Section 55</p>	<p>Insert New Section 55 Functions of the Ministry The Ministry shall discharge any function reserved to it under this Act and, in particular to:</p> <p>(1) carry out:</p> <p>(a) a regional scale geological mapping of the mineral resources of the country and:</p> <p>(i) enter upon any State or State reserved forest land and private land with a prior consent in writing from an owner or a person in occupation of such private land; and</p> <p>(ii) carry out any necessary activity;</p> <p>(b) prospecting and exploration of all minerals on its own; or</p> <p>(c) reclamations of any land deterioration caused by any prospecting or exploration activity;</p> <p>(2) produce, manage and oversee geo-data base information of the country;</p> <p>(3) issue rights certificates and renew or terminate them, including to disqualify a person from applying therefor;</p> <p>(4) promote markets, especially for large mineral deposits with economically high value through appropriate measures and strategies, as it considers necessary;</p> <p>(5) demarcate mine boundaries and resolve disputes thereof by acting as a referee;</p> <p>(6) create and maintain an accurate, complete and up-to date registries, files, documents, maps and other records; and</p> <p>(7) discharge any other functions incidental thereto.</p>
<p>New Section</p>	<p>Insert New Section 56 Delegation of powers</p>

56	<p>The Ministry may delegate any of its power or function under this Act by developing a guideline on delegation of powers to a particular person or agency, which:</p> <ol style="list-style-type: none">(1) may be absolute or conditional;(2) does not derogate from any of its power to act in any matter; and(3) is revocable at its will.
New Chapter	NEW CHAPTER VIII BHUTAN MINING REGULATORY AUTHORITY
New Section 57	<p>Section 14 is amended as New Section 57 Establishment of Mining Regulatory Authority of Bhutan There shall be a Bhutan Mining Regulatory Authority, which shall exercise any power or discharge any function delegated to it under this Act.</p>
New Section 58	<p>Section 15 is amended as New Section 58 The Authority:</p> <ol style="list-style-type: none">(1) is a body corporate with perpetual succession and a common seal;(2) is autonomous in exercising its powers or discharging its functions;(3) may acquire, hold and dispose of property, whether movable or immovable and to pledge and mortgage the same;(4) may sue and be sued in its own name; and(5) may enter into contracts.
Section 59	<p>Insert New Section 59 Composition of board The board is the ultimate decision making body of the Authority regarding any matter delegated to it under this Act.</p>
New Section 60	<p>Section 16 is amended as New Section 60 Composition of the Board The board shall have not more than seven members consisting of an appropriate level of representative each from:</p> <ol style="list-style-type: none">(1) the Department of Geology and Mines;(2) the National Environment Commission;(3) the Department of Revenue and Customs;(4) the Department of Trade;(5) the Department of Forests and Park Services;(6) the National Land Commission; and(7) the executive director of the Authority as a member secretary.
New Section 61	<p>Insert New Section 61 Appointment of members The Government shall appoint a member from the agencies specified</p>

	in section 60 whose membership in any board does not exceed five.
New Section 62	Section 18 is amended as New Section 62 Chairperson The board shall elect a chairperson and deputy chairperson from among its members: (1) at its first meeting; or (2) whenever a vacancy occurs.
New Section 63	Section 19 is amended as New Section 63 Acting chairperson The member who is senior in term of service in the board shall act as the acting chairperson in the event of chairperson's death, resignation or removal.
Section 64	Insert New Section 64 The chairperson shall designate one of the Members as the officiating chairperson in the event of the chairperson's absence from his or her office.
New Section 65	Insert New Section 65 Term of office of member The term of office of a member shall be three years, or till they represent the offices described in section 60, whichever is earlier.
New Section 66	Section 45 is amended as New Section 66 Remuneration of member The Chairperson and the members shall be paid such sitting fees, travel, and other allowances as approved by the Ministry of Finance.
New Section 67	Section 21 is amended as New Section 67 Voluntary resignation The chairperson or in the case of other members through the chairperson, may voluntarily resign from the membership before the expiry of term , by giving a notice in writing to the Government or the chairperson, at least, thirty days in advance.
New Section 68	Section 23 is amended as New Section 68 Vacancy in the board A position of a member becomes vacant, if such member: (1) dies; (2) completes the term of office; (3) resigns voluntarily under section 67; (4) becomes ineligible under section 61 subsequent to appointment; or (5) resigns under section 67 or is transferred from the public agencies described in section 60.
New	Section 24 is amended as New Section 69

Section 69	Filling of vacancy Where the positions of members become vacant under section 68, the Government shall, subject to this Act, appoint a person to fill the vacancy, as soon as practicable thereafter.
New Section 70	Section 42 is amended as New Section 70 Code of conduct The board shall adopt the Model Public Service Code of Conduct developed by Anti-corruption Commission, tailored to its powers or functions as a code of conduct for its members and staff.
New Section 71	Section 32 and Section 169 is amended as New Section 71 A member or staff of the Authority shall declare conflict of interest in accordance with the Model Guideline on Managing Conflict of Interest in the Public Sector developed by Anti-corruption Commission, if such a member or staff has conflict of interest as defined in: <ol style="list-style-type: none">(1) the Anti-corruption Act; or(2) the code of conduct developed under section 70.
New Section 72	Section 40 is amended as New Section 72 Powers of the board The board shall exercise any power delegated to it under this Act and shall, in particular to: <ol style="list-style-type: none">(1) provide technical advices to the Ministry as to the policies, practices and legislative or regulatory reforms regarding the mineral resources;(2) develop, revise and implement rules on the utilization of seized minerals or mineral products;(3) develop, revise, publish and monitor the implementation of community development guideline and agreement;(4) regulate and monitor artisanal and short-term mining, fossicking, mining operations, dredging, quarrying and any other activities, directly or indirectly related thereto;(5) control the movement, search, seize and dispose of or utilize any mineral, mineral product or other thing;(6) terminate a agreement or permit, or impose fines;(7) monitor the import and export of minerals or mineral products and, create and maintain an accurate, complete and up-to date records thereof;(8) assess, levy, collect and audit mineral royalty, levies, fees, charges and rents in accordance with applicable laws or rules;(9) inspect any premises, directly or indirectly, related to mining operations, artisanal and short-term mining and fossicking to

	<p>ensure compliance to legal or regulatory requirements;</p> <p>(10) commence an inquiry or investigation on its own motion even without a complaint and without informing any person or authority;</p> <p>(11) exercise any other powers incidental thereto.</p>
New Section 73	<p>Section 25 is amended as New Section 73</p> <p>Functions of the board</p> <p>The board shall discharge any function delegated to it under this Act and shall, in particular:</p> <p>(1) to lease a mine under section 24 and maintain statistics, documents, maps and records of all permits and leases;</p> <p>(2) to issue a permit following the grant of rights certificate by the Ministry under section 47 and create and maintain an accurate, complete and up-to date statistics, documents, maps and records thereof;</p> <p>(3) to approve:</p> <p>(a) the sale of minerals extracted in the process of approved land and infrastructure development, whether private or public</p> <p>(b) a mine feasibility study report prior to leasing any mine;</p> <p>(c) a mine closure and reclamation plan prepared by a lessee;</p> <p>(d) the surrender and closure of mines or part thereof;</p> <p>(e) the utilization of community development fund; and</p> <p>(f) the compensatory afforestation or reclamation activity;</p> <p>(4) to ensure employment of adequate professional human resources in every mine;</p> <p>(5) to collect, manage and approve the utilization of mine reclamation fund;</p> <p>(6) to ensure that post mining reclamations are in accordance with the approved mine closure and reclamation plan;</p> <p>(7) to execute or caused to be executed a notification and directives of the Ministry within its competence; and</p> <p>(8) to discharge any other functions incidental thereto.</p>
New Section 74	<p>Section 22 is amended as New Section 74</p> <p>Meetings of the board</p> <p>The board shall adopt its own detailed rules of procedures to be followed at its meetings.</p>
New Section 75	<p>Section 26 is amended as New Section 75</p> <p>The board shall convene, at least, four meetings in a year and special meetings may be convened as and when required.</p>
New	<p>Section 27 is amended as New Section 76</p>

Section 76	The board shall meet on such day , time and place as the chairperson may decide.
New Section 77	Insert New Section 77 The board shall unanimously decide on agendas to be included in its meetings.
New Section 78	Section 28 is amended as New Section 78 Notice of meetings, including agenda, time and location of all meetings, and all necessary information and materials shall be sent to all members, at least, seven days prior to all meetings.
New Section 79	Section 29 is amended as New Section 79 The presence of not less than three members shall constitute a quorum. Attendance by videoconference or telephone link or by other electronic means shall be acceptable.
New Section 80	Section 30 is amended as New Section 81 The members are encouraged to unanimously adopt the resolutions. Where unanimity cannot be reached, all resolutions shall be adopted by a simple majority of votes of the members present and voting.
New Section 81	Section 31 is amended as New Section 81 One member shall have one vote and in the event of a tie, the chairperson shall cast the deciding vote.
New Section 82	Section 34 is amended as New Section 82 The minutes shall accurately reflect the meeting activities and decisions. At a minimum, minutes shall include: (1) meeting location and date; (2) names of attendees and absentees; (3) member's nature of conflict of interest, if any; and (4) principal points arising in the discussions and decisions.
New Section 83	Insert New Section 83 The board's minutes of all meetings shall be maintained both in hard and soft copies.
New Section 84	Insert New Section 84 The chairperson and the executive director shall sign all minutes.
New Section 85	Insert New Section 85 Delegation of powers to staff The executive director and staff of the Authority may: (1) have such powers or functions as may be delegated to them by the board; and (2) be subject to the direction, control and supervision of the board.
New Section	Section 35 is amended as New Section 86 Secretariat of the Authority

86	There shall be a secretariat of the Authority to assist it, consisting of the executive director as its head and such number of other staff as the Authority may require.
New Section 87	Section 43 is amended as New Section 87 Financial security The government shall make adequate financial provisions for the administration of the Authority as a part of its annual national budget.
New Section 88	Section 44 is amended as New Section 88 Human resource The organizational development of the Authority and the appointment, terms and conditions of service of its executive director and staff shall be in accordance with the Civil Service Act.
New Section 89	Section 41 is amended as New Section 89 Cooperation with other bodies In exercising its powers or discharging its functions under this Act, the Authority: (1) shall, as far as practicable, work in cooperation with: (a) the Ministry of Labour and Human Resources, the National Land Commission, the National Environment Commission, the Department of Forests and Park Services and such other public bodies or persons; or (b) any person or body in the private sector; and (2) may, as it considers fit, work in cooperation with the Royal Bhutan Police, the Anti-corruption Commission or other law enforcement agencies.
New Section 90	Section 151 is amended as New Section 90 Immunity No legal proceeding or suit shall lie or maintained against any member, staff of the Authority or other persons acting for the Authority in respect of their official functions discharged in good faith or intended to be done pursuant to the provisions of this Act.
New Section 91	Section 152 is amended as New Section 91 The immunities granted under section 90 shall not cover corrupt or other illegal acts committed by such member, staff or persons acting for the Authority in connection with the discharge of their official functions.
New Chapter	CHAPTER IX MINERAL FISCAL REGIME
New Section	Section 135 is amended as New Section 92 Mineral fiscal instruments

92	The Ministry may develop or propose progressive fiscal instruments to extract a proportionate share of revenue to the State from the development of mineral resources.
New Section 93	Section 136 is amended as New Section 93 Royalty Except for surface collection of minerals, sands and boulders for rural consumption, a royalty shall be payable to the State for all minerals mined or lifted from any mine or place and sold or utilized for commercial purposes at such rates and frequency prescribed by law made by Parliament.
New Section 94	Section 137 is amended as New Section 94 Mineral rent A mineral rent shall be payable to the Authority for all minerals mined or lifted from any mine or place and sold or utilized for commercial purposes at such rates and frequency prescribed by law made by Parliament.
New Section 95	Section 138 is amended as New Section 95 Lease rent A lease rent is payable to the State for the State and State reserved forest land leased for mining or lifting any mineral in accordance with the Land Act.
New Section 96	Section 140 is amended as New Section 96 An auction and other fees for any service provided by the Ministry and Authority shall be payable at such rates and frequency prescribed by rules.
New Section 97	Section 141 is amended as New Section 97 Taxes and levies Taxes and other government levies shall be payable at the rates and frequency prescribed by law made by Parliament.
New Chapter	NEW CHAPTER X COMMUNITY ENGAGEMENT AND DEVELOPMENT
New Section 98	Section 142 is amended as New Section 98 Community engagement The lessee or holder of permit shall: (1) give preference to the affected community in: (a) the employment opportunities in mining sector; and (b) the procurement of locally produced or available goods and services meeting the required standards; (2) hire the machineries and equipment from the affected community, if available.
New	Section 146 is amended as New Section 99

Section 99	<p>Community development programs In consultation with the affected community, the Authority shall:</p> <ol style="list-style-type: none"> (1) develop, revise and publish a community engagement and development guideline; (2) ensure the implementation of the community development guideline or a community development agreement through active monitoring; and (3) prescribe a form for and ensure the execution of a community development agreement between: <ol style="list-style-type: none"> (a) the holder of a permit or a lessee; and (b) the affected community represented by its duly authorized representative.
New Section 100	<p>Section 147 is amended as New Section 100 Community development fund There shall be a community development fund to finance activities described in sections 99 and 106 to be operated and transacted by the Authority through a saving account maintained with any licensed financial institution.</p>
New Section 101	<p>Section 145 is amended as New Section 101 Access to existing facilities Any socio-economic infrastructures and facilities of the holder of a permit or a lessee shall be made accessible to the affected or local community free of charge.</p>
New Chapter	<p>CHAPTER XI ENVIRONMENTAL AND SOCIAL RISKS MANAGEMENT</p>
New Section 102	<p>Section 119 is amended as New Section 102 Protection of environment and affected community The Ministry shall take into consideration:</p> <ol style="list-style-type: none"> (1) the environmental carrying capacity; and (2) social risk associated with any activity described in this Chapter.
New Section 103	<p>Section 120 is amended as New Section 103 A valid environmental clearance shall be a prerequisite to:</p> <ol style="list-style-type: none"> (1) explore any mineral; (2) lease and operate a mine; and (3) grant a permit for: <ol style="list-style-type: none"> (a) short-term mining; (b) surface collection for commercial purpose; and (c) fossicking.
New Section 104	<p>Section 121 is amended as New Section 104 Before commencing any activity described in section 103, holder of a permit shall prepare a risk-based environmental and social risk</p>

	management and mitigation plan in accordance with the relevant laws.
New Section 105	Section 122 is amended as New Section 105 A lessee who operates an underground mine or mine with potential environmental and social hazard shall prepare an emergency plan and hazard preparedness response plan, submit it to the Authority for its approval.
New Section 106	Section 124 is amended as New Section 106 The lessee or holder of permit shall rectify any damage caused to the existing local infrastructures or facilities, whether public or private as a result of any activity described in section 105.
New Section 107	Section 125, Section 126 and Section 127 is amended as New Section 107 Establishment of mine reclamation fund There shall be a mine reclamation fund to fund: (1) the post-mining reclamations in accordance with the mine closure and reclamation plan; and (2) other reclamation, afforestation, re-vegetation and environmental management activities.
New Section 108	Section 125 is amended in New Section 109 and New Section 108 The Authority shall: (1) carry out operations and transactions of the mine reclamation fund through a saving account created and maintained with any licensed financial institution; and (2) prescribe the amount and frequency of contribution to be made to the mine reclamation fund by rules.
New Section 109	Section 126 is amended in New Section New Section 109 Utilization of mine reclamation fund The mine reclamation fund shall be utilized as follows: (1) the principal amount of the mine reclamation fund shall be utilized for funding post-mining reclamations; and (2) the interest earned from the mine reclamation fund shall be utilized for funding other reclamation, afforestation, re-vegetation and environmental management activities.
New Section 110	Section 133 is amended as New Section 110 Duty to reclaim mines The post-mining reclamations of mines shall be carried out and completed: (1) in all respects in accordance with the mine closure and reclamation plan after the exhaustion of the mineral reserve and abandonment of mines by: (a) the Authority, in the case of mines that have been operated

	<p style="text-align: center;">by more than one lessee or holder of permit; and</p> <p style="text-align: center;">(b) a lessee, in the cases of other mines.</p> <p>(2) by the Ministry, if a prospecting or exploration activity causes deterioration to land, whether public or private.</p>
New Section 111	<p>Section 129 is amended in New Section 113 and New Section 111</p> <p>Progressive mine reclamation</p> <p>During the course of mining operations, a lessee or holder of permit shall carry out a progressive mine reclamations as an integral part of its mining operations to minimize negative environmental impacts.</p>
New Section 112	<p>Section 129 is amended in New Section 113 and New Section 112</p> <p>The cost of the progressive mine reclamations under section 111 shall be deducted from the subsequent year’s contribution of the lessee or holder of permit to the mine reclamation fund under section 115(2).</p>
New Section 113	<p>Section 128 is amended as New Section 113</p> <p>Compensatory reclamation</p> <p>If a particular mining area is not feasible for complete reclamation, a lessee or holder of permit shall carry out compensatory reclamation in areas other than the mining area in accordance with directives of a competent authority.</p>
New Section 114	<p>Section 132 is amended as New Section 114</p> <p>Supplementary reclamation</p> <p>If any reclamations under section 111 or 113 is not in accordance with the mine closure and reclamation plan or directives, the Authority shall carry out necessary supplementary reclamations.</p>
New Section 115	<p>Section 130 is amended as New Section 115</p> <p>Cost of mine reclamations</p> <p>The Authority:</p> <p>(1) is empowered to utilize the mine reclamation fund for:</p> <p style="padding-left: 20px;">(a) post-mining reclamations under section 110; or</p> <p style="padding-left: 20px;">(b) supplementary reclamations under section 114; and</p> <p>(2) shall make progress payments to a lessee or holder of permit when requested that covers the amount of:</p> <p style="padding-left: 20px;">(a) post-mining reclamations under section 110(2) completed as on the date of invoicing; or</p> <p style="padding-left: 20px;">(b) compensatory reclamation under section 113 completed as on the date of invoicing, coinciding with the physical progress of reclamation works.</p>
New Section 116	<p>Section 134 is amended as New Section 116</p> <p>Closure of mine reclamations</p> <p>The Authority shall close the mines upon:</p> <p>(1) its acceptance of:</p>

	<p>(a) mine reclamations under section 109; and (b) compensatory reclamations under section 113; or (2) completion of its supplementary reclamations under section 114.</p>
New Section 117	<p>Section 131 is amended as New Section 117 Return of balance fund Except for the contribution in respect of mines that have been operated by more than one lessee or holder of permit, the Authority shall return to a lessee or holder of permit any balance fund after deducting the expenses incurred under sections 111 and 115 following the closure of mines under section 116.</p>
New Chapter	<p>NEW CHAPTER XII SEARCH, SEIZURE AND DISPOSAL OF SEIZED PROPERTY</p>
New Section 118	<p>Section 153 is amended as New Section 118 Intelligence, Information and Informant Where the Ministry or the Authority receives information in confidence about a commission or suspected commission of any violation under this Act, that information and the identity of the complainant or informer shall not be disclosed to any person unless order by a court of competent jurisdiction.</p>
New Section 119	<p>Insert New Section 119 Power to search The authorized staff of the Authority shall: (1) be considered as and have, such powers, rights and privileges of a police officer for the purposes of this Act; and (2) carry out search and seizure under this Act in accordance with the applicable provisions of the Civil and Criminal Procedure Code.</p>
New Section 120	<p>Section 154 is amended as New Section 120 If any conveyance is suspected of being engaged or used for unauthorized transport of minerals or mineral products, the authorized staff of the Authority shall: (1) search for and control the movement of such minerals, mineral products or other things in designated areas, public roads and all kinds of conveyances; or (2) stop the conveyance and search for any minerals or mineral products.</p>
New Section 121	<p>Insert New Section 121 Seizure Any minerals or mineral products, equipment or conveyance found under section 120 shall be liable to seizure.</p>
New	<p>Insert New Section 122</p>

Section 122	The Authority shall prepare a list of all things seized under section 121 and of the places in which they are respectively found, and such seizure list shall be signed by: (1) the authorized staff of the Authority; (2) the owner of things or a person in occupation of such things; and (3) a witness present at the time of searches.
New Section 123	Section 157 is amended as New Section 123 The Authority shall take all reasonably necessary steps to protect anything obtained, seized or confiscated, while it's in the custody failing which it shall be held answerable for any resulting damage.
New Section 124	Section 158 is amended as New Section 124 Disposal and return of seized property The Authority shall disposed of any mineral or mineral products seized through public auction or utilize in the manner prescribed by rules made by it.
New Section 125	Section 159 and Section 160 is amended as New Section 125 After the appeal procedures under this Act have been exhausted, the Authority shall return any seized equipment or conveyance on payment of fines to: (1) the owner; and (2) a person in custody of such equipment or conveyance.
New Chapter	NEW CHAPTER XIII DISPUTE SETTLEMENT
New Section 126	Section 161 is amended as New Section 126 Dispute settlement committees There shall be dispute settlement committees at the Ministry and in each regional office of the Authority each consisting of five members from the relevant sectors specified in their respective rules of procedures.
New Section 127	Insert New Section 127 A dispute of whatever nature arising out of or relating to this Act shall be settled by reference, at first instance, to dispute settlement committee: (1) at the Ministry, if the dispute relates to any matter reserved to the Ministry under this Act; and (2) in each regional office of the Authority, if such dispute relates to any matter delegated to the Authority under this Act.
New Section 128	Section 161(2) is amended as New Section 128 Appellate committee There shall be an appeal committee, consisting of 3 members from the Authority and 2 members from Ministry to deal with an appeal from

	both dispute settlement committees.
New Section 129	Section 163 is amended as New Section 129 Filing of appeal Any person who is not satisfied with decisions of the dispute settlement committees may file an appeal to the appeal committee.
New Section 130	Section 168 is amended as New Section 130 The decisions of the dispute settlement committees and the appellate committee shall be: (1) made within sixty days from the date of reference of dispute or filing of appeal; (2) reasoned; and (3) in writing.
New Section 131	Insert New Section 131 Rules of procedures The dispute settlement committees and the appellate committee shall adopt their own rules of procedures to be followed at their respective meetings.
New Section 132	Section 172 is amended as New Section 132 The rules of procedures outlined in sections 75 to 84 shall, <i>mutatis mutandis</i> , apply to the proceedings of the dispute settlement committees and the appellate committee.
New Section 133	Section 173 is amended as New Section 133 Powers to waive off fines If there is a justifiable reason to waive off any fine or penalty against any person, the dispute settlement committees or the appellate committee may do so, wholly or partially
New Section 134	Inserted New Section 134 Appeal to Courts If a person is not satisfied with the decision of the appellate committee, the person may appeal to the Court of competent jurisdiction within a period of ten days from the date of the decision.
New Chapter	NEW CHAPTER 14 VIOLATIONS AND FINES THEREFOR
New Section 135	Section 175 is amended as New Section 135 Major violations A person commits a major violation of this Act, if the person: (1) carries out mineral: (a) prospecting without a consent or permission; or (b) exploration without a consent, clearances and permission described in chapter III of this Act; (2) carries out mining operations:

	<ul style="list-style-type: none">(a) without a right to do so under this Act or without carrying out required progressive mine restorations or compensatory reclamations;(b) without complying with material terms and conditions of the lease agreement as defined therein(c) outside the demarcated area; or(d) not in compliance with the approved final mine feasibility study or fails to erect boundary pillars, or alters or removes them without a prior approval; <p>(3) carries out short-term mining, surface collection and fossicking without:</p> <ul style="list-style-type: none">(a) a prior valid permit granted under this Act; or(b) complying with material terms and conditions of permit as defined therein; <p>(4) is found:</p> <ul style="list-style-type: none">(a) under invoicing the value, quality or quantity of any mineral sold or intended for sale, whether in or outside Bhutan;(b) exporting minerals from any mine without adding value where there are technical and economic viabilities; or(c) to have abandon a mine or a portion thereof with a substantial risk to the health and safety of a person without a prior approval from the Authority; <p>(5) fails to:</p> <ul style="list-style-type: none">(a) report to the Authority about an accident due to mining operations or any activity under chapter VI that results in loss of life or serious bodily injury to any person;(b) contribute for more than three times in required amount and within a prescribed period of time to:<ul style="list-style-type: none">(i) the community development fund; and(ii) the mine reclamation fund;(c) submit or implement a mine closure and reclamation plan;(d) remove any property, whether moveable or immovable, from a mining area within a prescribed period of time after the final closure of mines; or(e) create and maintain an accurate, complete and up-to date records, books and registers, including financial information required under this Act or other laws; <p>(6) commits an of offence of fronting as defined in this Act; or</p>
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	(7) commits any minor violation prescribed by rules for more than three times.
New Section 136	<p>Section 176 is amended as New Section 136</p> <p>Fines for major violations</p> <p>A person who commits a major violation under section:</p> <p>(1) 135(1) shall be liable to:</p> <ul style="list-style-type: none"> (a) a fine equivalent to five years minimum wage; or (b) one day's minimum wage for each day the failure subsists, whichever is higher; and (c) suspension of the prospecting or exploration activity so long as such failure subsists; <p>(2) 135(2) shall be liable to:</p> <ul style="list-style-type: none"> (a) in the cases of violation described in subsections (a) to (c): <ul style="list-style-type: none"> (i) a fine equivalent to five times the value of the minerals mined or sold, whichever is higher; and (ii) the seizure of such mineral, if applicable, including the equipment and conveyance used therefore; or (b) in the case of violation described in subsection (d), a fine equivalent to three years minimum wage; <p>(3) 135(3) shall be liable to:</p> <ul style="list-style-type: none"> (a) a fine equivalent to twice the value of the minerals sold or intended for sale; and (b) the imposition of levies in arrear; <p>(4) 135(4)(a) and (b) shall be liable to:</p> <ul style="list-style-type: none"> (a) a fine equivalent to five times the value of the minerals sold; (b) imposition of levies in arrear, if any; <p>(5) 135 (5)(a) to (e) shall be liable to:</p> <ul style="list-style-type: none"> (a) a fine equivalent to 3 years minimum wage; or (b) one day's minimum wage for each day such failure subsists, whichever is higher; <p>(6) 135(6) shall be liable in accordance with the Penal Code of Bhutan; or</p> <p>(7) 135(7) shall be liable to fines or other actions prescribed by rules for a particular violation enhanced by three times.</p>
New Section 137	<p>Section 177 and Section 178 is amended as New Section 137</p> <p>Minor violations and fines therefore</p> <p>A person commits a minor violation of this Act, if such person commits any other violations not described in section 135 shall be liable for fines prescribed by rules.</p>
New	Section 179 is amended as New Section 138

Section 138	Criminal actions not barred Where any conduct described in sections 135 or 137 also constitutes a criminal offence, which is punishable under any other law, these sections shall not be considered as a limitation to the criminal prosecution.
New Chapter	NEW CHAPTER XV MISCELLANEOUS
New Section 139	Section 187 is amended as New Section 139 Saving and transitional provision All the applications pending or commenced under the repealed Act and which have not been disposed of or completed before the commencement of this Act, shall be made fully compliant with the provisions of this Act not later than the ...day of...month of the year....
New Section 140	Section 186 is amended as New Section 140 Power to make rules Not later than the ...day of...month of the year..., the Ministry or the Authority shall, within their own competencies, issue guidance and make rules appropriate for the purposes of giving full effect to this Act. Provided that the existing laws or rules governing the royalty shall continue to have effect as until new laws or rules are made for that purpose under this Act.
New Section 141	New Section 141 Rules made under section 140: (1) may: (a) contain such consequential, incidental or supplementary provisions; and (b) make different provision for different purposes or different areas, as the Ministry or the Authority considers necessary; (2) shall be invalid if the rules: (a) contain any provision that is inconsistent with the provisions of this Act; or (b) add to, replace or omit any part of the text of this Act.
New Section 142	Insert New Section 142 Before making rules under section 140, the Ministry or the Authority shall consult: (1) any community that may be affected by the rules, (2) any agency, whether private or public that may have stakes; and (3) any other persons the Ministry or the Authority consider appropriate.
New	Insert New Section 143

Section 143	Rules shall come into force only upon publication following the approval by the Ministry or the Authority by dating and signing.
New Section 144	Section 190 is amended as New Section 144 Rules of construction In this Act, the singular shall include the plural and the masculine shall include the feminine and vice versa.
New Section 145	Section 188 is amended as New Section 145 Amendment of Act The amendment of this Act by way of addition, variation or repeal may be effected only by Parliament.
New Section 146	Section 189 is amended as New Section 146 Authoritative text The Dzongkha text shall be the authoritative text, if there exists any difference in meanings between the Dzongkha and the English texts.
New Section 149	Section 191 is amended as New Section 149 Definitions In this Act, unless the context otherwise requires: (1) “Act” means this Mines and Minerals Act of Bhutan 2020 as amended; (2) “Adversely Affected community” means the residents directly affected by the mining operations due to geographic, atmospheric and other adverse conditions as determined jointly by the Ministry, Authority, Local Government concerned, and the National Environment Commission; (3) “Artisanal mining” means: (a) a very small scale, manual mining operations for sustaining artisanal practices; and (b) traditional mining: (i) granted by <i>Royal Kashos</i> ; or (ii) recognized as customary practices; (4) “Authority” means the Bhutan Mining Regulatory Authority established under this Act; (5) “Captive mines” means a mine leased to the owner or promoter of a processing plant for the sole purpose of supplying raw materials to that plant (6) “Dredging” means the lifting of riverbed or riverbank materials, including sand, stones and boulders but excludes extraction of in-situ and subsurface boulder rocks; (7) “Fossicking” means searching for and collecting, manually or by using handheld tools, any precious and semi-precious gemstone, and other stones for the purposes of trade or lapidary work;

- (8) **“Lessee”** means a person to whom a mining lease has been granted;
- (9) **“Member”** means a member of the board of the Authority, including the chairperson;
- (10) **“Mine closure and reclamation plan”** means a plan to reclaim or rehabilitate the mined out area to reconvert to a usable state or a habitat
- (11) **“Mine”** means:
- (a) when used as a noun, an opening or excavation in the ground for the purpose of extracting minerals or rocks; and
 - (b) when used as a verb, intentionally searching for and remove minerals from the mining area, including any operation which is necessary for such activity;
- (12) **“Mineral”** means any substance occurring naturally in or on the Earth and having definite chemical formula formed by or subject to a geological process and which can be obtained from the Earth or its surface by digging, drilling, dredging, quarrying, hydraulicking, sluicing, collection or other mining methods;
- (13) **“Mining area”** means a land designated for mining operations in a lease agreement or lifting of minerals in a permit;
- (14) **“Mining operation”** means any mode or method of working whereby the Earth or any rock structure, stone, fluids or mineral bearing substance may be disturbed, removed, washed, sifted, crushed, leached, smelted, combusted, refined or dealt with for the purpose of obtaining minerals or their processing by various methods.
- (15) **“Other minerals”** include any mineral other than strategic and priority minerals such as sands, stones, gravels, boulders and other low-grade minerals used for construction purposes.
- (16) **“Permit”** means an approval given by the Authority under chapter VI of this Act:
- (17) **“Person”** includes an individual, partnership, corporation, organization, enterprise, agency, or other legal entity whether public or private and their successor, representative, or agent;
- (18) **“Prospecting”** means a geological study of any kind for locating prospective minerals, fossils, precious metals or mineral specimens by using only handheld tools;
- (19) **“Mine Reclamation”** means the restoration of the affected area’s surface by prospecting, exploration or mining operations, to its natural or economically usable state by removing any unwanted structures and equipment used during the mining operation, stabilization of dumps or impoundments;
- (20) **“Rights Certificate”** means a certificate granted by the Ministry

	<p>under chapter VI of this Act;</p> <p>(21) “Rules” means any rules made under this Act by either the Ministry or the Authority;</p> <p>(22) “Section” means a section of this Act;</p> <p>(23) “State Enterprise or State-owned Enterprise” has the same meaning as assigned to it in the Public Finance Act;</p> <p>(24) “short term mining” means a small scale noncommercial mining activity allocated in the interest of expediting nationally important time bound projects where resources are not available within the locality to cater the requirement;</p> <p>(25) “State land and State reserved forest land” have the same meanings respectively assigned to them in the Land Act;</p> <p>(26) “Strategic mineral” means any mineral that:</p> <ul style="list-style-type: none">(a) is in short supply and is essential for domestic industries;(b) is rare and has a high economic value; or(c) has potential security implications. <p>(27) “Surface collection” means the lifting of minerals, sand or stones from the surface of land, or riverbed or riverbank but excluding ing extraction of in-situ and subsurface boulder rocks;</p> <p>(28) “Value addition” means a product of mineral beneficiation and processing covering the whole range of processes from basic ore dressing, such as crushing and screening, through to the manufacturing of concentrate product, semifinal or final consumer goods, or chemically altered products.</p>
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ANNEXURE III: Amendments on the Negotiable Instruments (Amendment) Bill of the Kingdom of Bhutan 2020

New section after section 2 as 2A

Repeal

Sections 304, 305 and 306 of the Penal Code of Bhutan 2004, are repealed.

Section 6

“Cheque”

A “cheque” is a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand **and it includes the electronic image of a truncated cheque and a cheque in the electronic form.**

(a) “a cheque in the electronic form” means a cheque drawn in electronic form by using any computer resource and signed in a secure system with digital signature (with or without biometrics signature) and asymmetric crypto system or with electronic signature, as the case may be;

(b) “a truncated cheque” means a cheque which is truncated during the course of a clearing cycle, either by the clearing house or by the bank whether paying or receiving payment, immediately on generation of an electronic image for transmission, substituting the further physical movement of the cheque in writing.

(Justification: Electronic cheque is not captured in the Act though in practice).

Section 26

Capacity to make, ~~etc., promissory notes, etc~~ negotiable instrument.

Every person who is of the age of majority according to the law to which he is subject, and who is of sound mind and is not disqualified from contracting by any law to which he is subject, may bind himself and be bound by the making, drawing, acceptance, indorsement,

delivery and negotiation of a promissory note, bill of exchange or cheque.

Where such an instrument is made, drawn or negotiated by a minor, the making, drawing or negotiation entitles the holder to receive payment of such instrument and to enforce it against any party thereto other than the minor.

Nothing herein contained shall be deemed to empower a corporation to make, indorse or accept such instruments except in cases in which, under the law for the time being in force, they are so empowered.

(Justification: Promissory notes itself is a negotiable instrument).

Section 29B

Accepted National Assembly's Amendment

Section 75A

Excuse for delay in presentment for acceptance of payment

Delay in presentment for acceptance of payment is excused if the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of the delay ceases to operate, presentment must be made within a reasonable time.

Section 129

Instrument made, ~~etc.~~ out of Bhutan, but in accordance with the law of Bhutan

If a negotiable instrument is made, drawn accepted or indorsed outside Bhutan, but in accordance with the law of Bhutan, the circumstances that any agreement evidenced by such instrument is invalid according to the law of the country wherein it was entered into does not invalidate any subsequent acceptance or indorsement made thereon within Bhutan.

(Justification: Instrument itself captures all negotiable instruments).

PART XVI

OF PENALTIES IN CASE OF DISHONOUR OF ~~CERTAIN~~ CHEQUES ~~FOR INSUFFICIENCY OF FUNDS IN THE ACCOUNTS~~

(Justification: Typo error, Any cheque is considered to be honoured)

Section 131

Dishonour of cheque ~~for insufficiency, etc., of funds in the accounts~~

If a person issues or passes a cheque knowing that the drawee will not honour it, or ~~Where any cheque drawn by a person on an account maintained by him with a banker for payment of any amount of money to another person from out of that account for the discharge, in whole or in part, of any debt or other liability, is returned by the bank unpaid, either because of the amount of money standing to the credit of that account is insufficient to honour the cheque or that it exceeds the amount arranged to be paid from that account by an agreement made with that bank, such person shall be **guilty of the deemed to have committed an offence of fraudulent cheque writing** and shall, without prejudice to any other provision of this Act, **shall be a value-based sentencing, be punished with imprisonment for a term or with fine or both as determined with the provisions of the Thrimzhung Chenpo. as per the Penal Code of Bhutan.**~~

(b) the payee or the holder in due course of the cheque, as the case may be, makes a demand for the payment of the said amount of money by giving a notice, in writing, to the drawer of the cheque, within ~~fifteen~~ **thirty** days of the receipt of information by him from the bank regarding the return of the cheque as unpaid, and

(c) the drawer of such cheque fails to make the payment of the said amount of money to the payee or, as the case may be, to the holder in due course of the cheque, within ~~fifteen~~ **sixty** days of the receipt of the said notice.

d) The drawer has no account with the drawee at the time the cheque is issued.

(Justification: All factors for dishonour of cheques is captured in this section. Harmonization of section 304, 305 & 306 of Penal Code of Bhutan to make consistent between Dzongkha and English texts with the Negotiable Instruments Act of the Kingdom of Bhutan 2000 for cheque being one of the negotiable instruments).

Section 135 (b)

Cognizance of offences

Amended in Dzongkha

New Part: Part XVII

Miscellaneous

New section 136

Rule making power

The Royal Monetary Authority is the lead agency and shall make rules and regulations for effective implementation of the provisions of this Act.

(Justification: Requires nodal agency for every Act).

New section 137

Amendment

The amendment of this Act by way of addition, variation or repeal shall be effected by the Parliament.

New section 138

Authoritative text

In any instance of difference in meaning between the Dzongkha and the English texts of this Act, the Dzongkha text shall be regarded as the authoritative text.

ANNEXURE IV: Recommendations on the Fiscal Incentives (Amendment) Bill of Bhutan 2020

Commencement

2. This Act ~~Bill~~ comes into force ~~from January 1, 2021 on the 17th Day of the 11th Month of the Iron Female Ox Year corresponding to the 1st day of the 1st Month of 2021.~~ as per Section 46B of Public Finance (Amendment) Act of Bhutan 2012.

Section 5

**In the Act, Section 4, Chapter 1 is amended as follows:
Retain as in the Bill.**

(Justification: The National Council resolved to retain the expiry date of Fiscal Incentives on 31st December 2021 as mentioned in the draft. It was discussed that extending of expiry date to 1st July 2022 would entail disruption in the levy of goods and service tax and other taxation measures in the future. Further, it creates lacuna of six months in taxation system as all taxes for the year are paid in the December month or beginning of successive year, not in the middle of the year.)

ANNEXURE V: Entitlement and Service Conditions (Amendment) Act for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2020

An Act to amend the Entitlement and Service Conditions Act for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2010

The Parliament of the Kingdom of Bhutan hereby enacts as follows:

Title

1. This Act is the Entitlement and Service Conditions (Amendment) Act for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2020.

Commencement

2. This Act comes into force on the Day of the Month of the Iron Male Mouse Year of the Bhutanese Calendar corresponding to the Day of 2020.

3. **In the Entitlement and Service Conditions Act for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2010, hereinafter referred to as the Act, Section 4 is amended as:**

A person appointed as the Holder of a Constitutional Office shall resign from his/her previous office with post service benefits.

4. **In the Act, new section is inserted after Section 4A as 4B:**

When the post of a Holder, Member and Commissioner of the Constitutional Offices becomes vacant for any reason other than the expiration of term, the new appointee shall serve for the full term or until attaining the age of sixty-five years, whichever is earlier.

5. **In the Act, new sub-section is inserted after Section 5 (f) as 5 (g):**

With proven track record of integrity, professionalism, leadership, and visibly/substantially contributed to the system.

6. **In the Act, new section is inserted after Section 5 as Section 5A:**

Submission of list of names

The Nomination Panel comprising of the Prime Minister, the Chief Justice of Bhutan, the Speaker, the Chairperson of the National Council and the Leader of the Opposition Party shall submit to Druk Gyalpo the list of names jointly recommended for appointment to the Constitutional Offices. In case of Judiciary, the National Judicial Commission shall submit to Druk Gyalpo the

list of names recommended for appointment to the Offices of the Supreme Court and the High Court.

7. In the Act, new section is inserted after Section 5 as Section 5B:

Code of Professional Conduct

The Nomination Panel shall prepare the list of names recommended for appointment in a manner that:

- a) Is transparent and objective;
- b) Is fair, reasonable and efficient for the system;
- c) Is non-discriminatory; and
- d) Display a highest level of moral integrity required to competently, efficiently and professionally carry out his/her task.

8. In the Act, Section 11 is amended as:

The salaries, allowances, benefits and other entitlements of the Holders, Members and Commissioners of Constitutional Offices shall be as per the Pay Revision Act of Bhutan.

9. In the Act, Section 12 is repealed.

ANNEXURE VI: Disagreements between the National Council and the National Assembly on the Lhengye Zhungtshog Bill of the Kingdom of Bhutan 2020

Section	National Council's Amendment	National Assembly's Amendment
Section 16	<p>Removal of Chairperson and Member The Chairperson and members shall be removed on the following grounds but not limited to: (5) Suffers physical, mental or other incapacity of a permanent nature;</p>	<p>Removal of Chairperson the Prime Minister and Member-Ministers The Chairperson Prime Minister and members Ministers shall be removed on the following grounds but not limited to: (5) Suffers physical, mental or other incapacity of a permanent nature;</p>
Section 17	<p>If the National Assembly passes a two-third majority of vote of no confidence in a member thereof, the Chairperson shall recommend the removal of that member to the Druk Gyalpo.</p>	<p>If the National Assembly passes a two-third majority of vote of no confidence in a member thereof, the Chairperson shall recommend the removal of that member to the Druk Gyalpo.</p>
Section 28	<p>The quorum for sessions shall be at least two-thirds of its members.</p>	<p>The quorum for sessions shall be at least two-third of its Ministers members. In the event of emergency the Prime Minister may preside the session.</p>
Section 50	<p>Loyalty and Dedication A member shall not act in ways that is detrimental to Bhutan's sovereignty, territorial integrity and security, nor attack the Institution of Monarchy or undermine the democratic constitutional monarchy.</p>	<p>Loyalty and Dedication A Member Minister shall not act in ways that is detrimental to Bhutan's sovereignty, territorial integrity and security. nor attack the Institution of Monarchy or undermine the democratic constitutional monarchy.</p>
Section 57	<p>Other Obligations A member shall respect the apolitical nature of public service.</p>	<p>Other Obligations A member shall respect the apolitical nature of public service.</p>

<p>Section 60</p>	<p>Completion of Term The Lhengye Zhungtshog shall be dissolved following the completion of the five year term of the National Assembly in accordance with Article 10 (24) of the Constitution. The Prime Minister and Ministers who were in office immediately before the National Assembly was dissolved shall resign from office after handing over official charges to their respective Secretaries till the appointment of the interim government.</p>	<p>Completion of Term The Lhengye Zhungtshog shall be dissolved following the completion of the five year term of the National Assembly in accordance with Article 10 (24) of the Constitution. The Prime Minister and Ministers who were in office immediately before the National Assembly was dissolved shall resign from office after handing over official charges to their respective Secretaries till the appointment of the interim government.</p>
<p>New Chapter after Chapter 8</p>	<p>Not accepted National Assembly's Amendment</p>	<p>Office of the Prime Minister</p> <ol style="list-style-type: none"> 1. There shall be an Office of the Prime Minister headed by the Principal Secretary. 2. The Principal Secretary shall be supported by term-based Advisors and specialized professionals either from the Civil Service or outside of civil service. The number of such professionals should not exceed five. 3. The remunerations, allowances and service conditions of the employees under sections 1 and 2 shall be determined by the Prime Minister in consultation with the Ministry of Finance. 4. The office of the Prime Minister shall be adequately staffed by the civil servants. 5. The Prime Minister in consultation with Lhengye Zhungtshog shall nominate officials in the regional and international offices. 6. The Lhengye Zhungtshog shall prescribe procedures for nomination under section 5.

ANNEXURE VII: Voting Details of the 26th Session

1. Recommendations on the Renewable Natural Resources Marketing Policy

Date: 7/12/2020

Passed: Yes: 22 No: 0 Abstain: 0 Total: 22

Sl. No.	Name	Delegate	Voting
1.	Hon'ble Tashi Wangmo	Delegate	Yes
2.	Hon'ble Phuntsho Rapten	Delegate	Yes
3.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
4.	Hon'ble Ugyen Tshering, Eminent Member	Delegate	Yes
5.	Hon'ble Pema Dakpa	Delegate	Yes
6.	Hon'ble Anand Rai	Delegate	Yes
7.	Hon'ble Surjaman Thapa	Delegate	Yes
8.	Hon'ble Dorji Khandu	Delegate	Yes
9.	Hon'ble Ugyen Namgay	Delegate	Yes
10.	Hon'ble Karma Gyeltshen	Delegate	Yes
11.	Hon'ble Lhatu	Delegate	Yes
12.	Hon'ble Tirtha Man Rai	Delegate	Yes
13.	Hon'ble Choining Dorji	Delegate	Yes
14.	Hon'ble Nima	Delegate	Yes
15.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
16.	Hon'ble Lhaki Dolma	Delegate	Yes
17.	Hon'ble Ugyen Tshering	Delegate	Yes
18.	Hon'ble Tashi Samdrup	Delegate	Yes
19.	Hon'ble Tempa Dorji	Delegate	Yes
20.	Hon'ble Sangay Dorji	Delegate	Yes
21.	Hon'ble Sonam Pelzom	Delegate	Yes
22.	Hon'ble Tshewang Rinzin	Delegate	Yes

**2. Amendments on the Mines and Minerals Bill of Bhutan
2020**

Date: 7/12/2020

Passed: Yes: 22 No: 0 Abstain: 0 Total: 22

Sl. No.	Name	Delegate	Voting
1.	Hon'ble Tashi Wangmo	Delegate	Yes
2.	Hon'ble Phuntsho Rapten	Delegate	Yes
3.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
4.	Hon'ble Ugyen Tshering, Eminent Member	Delegate	Yes
5.	Hon'ble Pema Dakpa	Delegate	Yes
6.	Hon'ble Anand Rai	Delegate	Yes
7.	Hon'ble Surjaman Thapa	Delegate	Yes
8.	Hon'ble Dorji Khandu	Delegate	Yes
9.	Hon'ble Ugyen Namgay	Delegate	Yes
10.	Hon'ble Karma Gyeltshen	Delegate	Yes
11.	Hon'ble Lhatu	Delegate	Yes
12.	Hon'ble Tirtha Man Rai	Delegate	Yes
13.	Hon'ble Choing Dorji	Delegate	Yes
14.	Hon'ble Nima	Delegate	Yes
15.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
16.	Hon'ble Lhaki Dolma	Delegate	Yes
17.	Hon'ble Ugyen Tshering	Delegate	Yes
18.	Hon'ble Tashi Samdrup	Delegate	Yes
19.	Hon'ble Tempa Dorji	Delegate	Yes
20.	Hon'ble Sangay Dorji	Delegate	Yes
21.	Hon'ble Sonam Pelzom	Delegate	Yes
22.	Hon'ble Tshewang Rinzin	Delegate	Yes

**3. Amendments on the Negotiable Instruments (Amendment)
Bill of the Kingdom of Bhutan 2020**

Date: 7/12/2020

Passed: Yes: 21 No: 0 Abstain: 0 Total: 21

Sl. No.	Name	Delegate	Voting
1.	Hon'ble Tashi Wangmo	Delegate	Yes
2.	Hon'ble Phuntsho Rapten	Delegate	Yes
3.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
4.	Hon'ble Ugyen Tshering, Eminent Member	Delegate	Yes
5.	Hon'ble Pema Dakpa	Delegate	Yes
6.	Hon'ble Anand Rai	Delegate	Yes
7.	Hon'ble Surjaman Thapa	Delegate	Yes
8.	Hon'ble Dorji Khandu	Delegate	Yes
9.	Hon'ble Ugyen Namgay	Delegate	Yes
10.	Hon'ble Karma Gyeltshen	Delegate	Yes
11.	Hon'ble Lhatu	Delegate	Yes
12.	Hon'ble Tirtha Man Rai	Delegate	Yes
13.	Hon'ble Choining Dorji	Delegate	Yes
14.	Hon'ble Nima	Delegate	Yes
15.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
16.	Hon'ble Lhaki Dolma	Delegate	Yes
17.	Hon'ble Ugyen Tshering	Delegate	Yes
18.	Hon'ble Tashi Samdrup	Delegate	Yes
19.	Hon'ble Tempa Dorji	Delegate	Yes
20.	Hon'ble Sangay Dorji	Delegate	Yes
21.	Hon'ble Tshewang Rinzin	Delegate	Yes

4. BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking

Date: 7/12/2020

Passed: Yes: 22 No: 0 Abstain: 0 Total: 22

Sl. No.	Name	Delegate	Voting
1.	Hon'ble Tashi Wangmo	Delegate	Yes
2.	Hon'ble Phuntsho Rapten	Delegate	Yes
3.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
4.	Hon'ble Ugyen Tshering, Eminent Member	Delegate	Yes
5.	Hon'ble Pema Dakpa	Delegate	Yes
6.	Hon'ble Anand Rai	Delegate	Yes
7.	Hon'ble Surjaman Thapa	Delegate	Yes
8.	Hon'ble Dorji Khandu	Delegate	Yes
9.	Hon'ble Ugyen Namgay	Delegate	Yes
10.	Hon'ble Karma Gyeltshen	Delegate	Yes
11.	Hon'ble Lhatu	Delegate	Yes
12.	Hon'ble Tirtha Man Rai	Delegate	Yes
13.	Hon'ble Choining Dorji	Delegate	Yes
14.	Hon'ble Nima	Delegate	Yes
15.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
16.	Hon'ble Lhaki Dolma	Delegate	Yes
17.	Hon'ble Ugyen Tshering	Delegate	Yes
18.	Hon'ble Tashi Samdrup	Delegate	Yes
19.	Hon'ble Tempa Dorji	Delegate	Yes
20.	Hon'ble Sangay Dorji	Delegate	Yes
21.	Hon'ble Sonam Pelzom	Delegate	Yes
22.	Hon'ble Tshewang Rinzin	Delegate	Yes

**5. Recommendations on the Fiscal Incentives (Amendment)
Bill of Bhutan 2020**

Date: 4/12/2020

Passed: Yes: 23 No: 0 Abstain: 1 Total: 24

Sl. No.	Name	Delegate	Voting
1.	Hon'ble (Dasho) Tashi Wangyal	Delegate	Yes
2.	Hon'ble Tashi Wangmo	Delegate	Yes
3.	Hon'ble Phuntsho Rapten	Delegate	Yes
4.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
5.	Hon'ble Ugyen Tshering, Eminent Member	Delegate	Yes
6.	Hon'ble Pema Dakpa	Delegate	Yes
7.	Hon'ble Anand Rai	Delegate	Yes
8.	Hon'ble Surjaman Thapa	Delegate	Yes
9.	Hon'ble Dorji Khandu	Delegate	Yes
10.	Hon'ble Ugyen Namgay	Delegate	Abstain
11.	Hon'ble Karma Gyeltshen	Delegate	Yes
12.	Hon'ble Lhatu	Delegate	Yes
13.	Hon'ble Tirtha Man Rai	Delegate	Yes
14.	Hon'ble Choining Dorji	Delegate	Yes
15.	Hon'ble Jigme Wangchuk	Delegate	Yes
16.	Hon'ble Nima	Delegate	Yes
17.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
18.	Hon'ble Lhaki Dolma	Delegate	Yes
19.	Hon'ble Ugyen Tshering	Delegate	Yes
20.	Hon'ble Tashi Samdrup	Delegate	Yes
21.	Hon'ble Tempa Dorji	Delegate	Yes
22.	Hon'ble Sangay Dorji	Delegate	Yes
23.	Hon'ble Sonam Pelzom	Delegate	Yes
24.	Hon'ble Tshewang Rinzin	Delegate	Yes

6. Charter (Amendment) of the SAARC Development Fund

Date: 7/12/2020

Passed: Yes: 22 No: 0 Abstain: 0 Total: 22

Sl. No.	Name	Delegate	Voting
1.	Hon'ble Tashi Wangmo	Delegate	Yes
2.	Hon'ble Phuntsho Rapten	Delegate	Yes
3.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
4.	Hon'ble Ugyen Tshering, Eminent Member	Delegate	Yes
5.	Hon'ble Pema Dakpa	Delegate	Yes
6.	Hon'ble Anand Rai	Delegate	Yes
7.	Hon'ble Surjaman Thapa	Delegate	Yes
8.	Hon'ble Dorji Khandu	Delegate	Yes
9.	Hon'ble Ugyen Namgay	Delegate	Yes
10.	Hon'ble Karma Gyeltshen	Delegate	Yes
11.	Hon'ble Lhatu	Delegate	Yes
12.	Hon'ble Tirtha Man Rai	Delegate	Yes
13.	Hon'ble Choining Dorji	Delegate	Yes
14.	Hon'ble Nima	Delegate	Yes
15.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
16.	Hon'ble Lhaki Dolma	Delegate	Yes
17.	Hon'ble Ugyen Tshering	Delegate	Yes
18.	Hon'ble Tashi Samdrup	Delegate	Yes
19.	Hon'ble Tempa Dorji	Delegate	Yes
20.	Hon'ble Sangay Dorji	Delegate	Yes
21.	Hon'ble Sonam Pelzom	Delegate	Yes
22.	Hon'ble Tshewang Rinzin	Delegate	Yes

7. Framework Agreement between the Royal Government of Bhutan and European Investment Bank governing EIB activities in Bhutan

Date: 9/12/2020

Passed: Yes: 18 No: 0 Abstain: 5 Total: 23

Sl. No.	Name	Delegate	Voting
1.	Hon'ble (Dasho) Tashi Wangyal	Delegate	Yes
2.	Hon'ble Tashi Wangmo	Delegate	Yes
3.	Hon'ble Phuntsho Rapten	Delegate	Yes
4.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
5.	Hon'ble Ugyen Tshering, Eminent Member	Delegate	Yes
6.	Hon'ble Pema Dakpa	Delegate	Yes
7.	Hon'ble Anand Rai	Delegate	Yes
8.	Hon'ble Surjaman Thapa	Delegate	Yes
9.	Hon'ble Dorji Khandu	Delegate	Abstain
10.	Hon'ble Ugyen Namgay	Delegate	Abstain
11.	Hon'ble Karma Gyeltshen	Delegate	Abstain
12.	Hon'ble Lhatu	Delegate	Yes
13.	Hon'ble Tirtha Man Rai	Delegate	Yes
14.	Hon'ble Choining Dorji	Delegate	Yes
15.	Hon'ble Jigme Wangchuk	Delegate	Yes
16.	Hon'ble Nima	Delegate	Yes
17.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
18.	Hon'ble Lhaki Dolma	Delegate	Yes
19.	Hon'ble Ugyen Tshering	Delegate	Abstain
20.	Hon'ble Tashi Samdrup	Delegate	Yes
21.	Hon'ble Tempa Dorji	Delegate	Yes
22.	Hon'ble Sangay Dorji	Delegate	Yes
23.	Hon'ble Tshewang Rinzin	Delegate	Abstain

8. Entitlement and Service Conditions (Amendment) Bill for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2020

Date: 8/12/2020

Passed: Yes: 21 No: 1 Abstain: 0 Total: 22

Sl. No.	Name	Delegate	Voting
1.	Hon'ble (Dasho) Tashi Wangyal	Delegate	Yes
2.	Hon'ble Tashi Wangmo	Delegate	Yes
3.	Hon'ble Phuntsho Rapten	Delegate	Yes
4.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
5.	Hon'ble Ugyen Tshering, Eminent Member	Delegate	Yes
6.	Hon'ble Pema Dakpa	Delegate	Yes
7.	Hon'ble Anand Rai	Delegate	Yes
8.	Hon'ble Surjaman Thapa	Delegate	Yes
9.	Hon'ble Dorji Khandu	Delegate	No
10.	Hon'ble Ugyen Namgay	Delegate	Yes
11.	Hon'ble Karma Gyeltshen	Delegate	Yes
12.	Hon'ble Lhatu	Delegate	Yes
13.	Hon'ble Tirtha Man Rai	Delegate	Yes
14.	Hon'ble Choining Dorji	Delegate	Yes
15.	Hon'ble Nima	Delegate	Yes
16.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
17.	Hon'ble Lhaki Dolma	Delegate	Yes
18.	Hon'ble Ugyen Tshering	Delegate	Yes
19.	Hon'ble Tashi Samdrup	Delegate	Yes
20.	Hon'ble Tempa Dorji	Delegate	Yes
21.	Hon'ble Sangay Dorji	Delegate	Yes
22.	Hon'ble Tshewang Rinzin	Delegate	Yes

9. Submission of the Seven (7) Disputed Sections of Lhengye Zhungtshog Bill of Bhutan 2020 to His Majesty The Druk Gyalpo for the Command of Joint Sitting

Date: 12/12/2020

Passed: Yes: 24 No: 0 Abstain: 0 Total: 24

Sl. No.	Name	Delegate	Voting
1.	Hon'ble (Dasho) Tashi Wangyal	Delegate	Yes
2.	Hon'ble Tashi Wangmo	Delegate	Yes
3.	Hon'ble Phuntsho Rapten	Delegate	Yes
4.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
5.	Hon'ble Ugyen Tshering, Eminent Member	Delegate	Yes
6.	Hon'ble Pema Dakpa	Delegate	Yes
7.	Hon'ble Anand Rai	Delegate	Yes
8.	Hon'ble Surjaman Thapa	Delegate	Yes
9.	Hon'ble Dorji Khandu	Delegate	Yes
10.	Hon'ble Ugyen Namgay	Delegate	Yes
11.	Hon'ble Karma Gyeltshen	Delegate	Yes
12.	Hon'ble Lhatu	Delegate	Yes
13.	Hon'ble Tirtha Man Rai	Delegate	Yes
14.	Hon'ble Choining Dorji	Delegate	Yes
15.	Hon'ble Jigme Wangchuk	Delegate	Yes
16.	Hon'ble Nima	Delegate	Yes
17.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
18.	Hon'ble Lhaki Dolma	Delegate	Yes
19.	Hon'ble Ugyen Tshering	Delegate	Yes
20.	Hon'ble Tashi Samdrup	Delegate	Yes
21.	Hon'ble Tempa Dorji	Delegate	Yes
22.	Hon'ble Sangay Dorji	Delegate	Yes
23.	Hon'ble Sonam Pelzom	Delegate	Yes
24.	Hon'ble Tshewang Rinzin	Delegate	Yes

10. Recommendations on the Annual Anti-Corruption Commission Report 2019

Date: 9/12/2020

Passed: Yes: 23 No: 0 Abstain: 0 Total: 23

Sl. No.	Name	Delegate	Voting
1.	Hon'ble (Dasho) Tashi Wangyal	Delegate	Yes
2.	Hon'ble Tashi Wangmo	Delegate	Yes
3.	Hon'ble Phuntsho Rapten	Delegate	Yes
4.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
5.	Hon'ble Ugyen Tshering, Eminent Member	Delegate	Yes
6.	Hon'ble Pema Dakpa	Delegate	Yes
7.	Hon'ble Anand Rai	Delegate	Yes
8.	Hon'ble Surjaman Thapa	Delegate	Yes
9.	Hon'ble Dorji Khandu	Delegate	Yes
10.	Hon'ble Ugyen Namgay	Delegate	Yes
11.	Hon'ble Karma Gyeltshen	Delegate	Yes
12.	Hon'ble Lhatu	Delegate	Yes
13.	Hon'ble Tirtha Man Rai	Delegate	Yes
14.	Hon'ble Choining Dorji	Delegate	Yes
15.	Hon'ble Jigme Wangchuk	Delegate	Yes
16.	Hon'ble Nima	Delegate	Yes
17.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
18.	Hon'ble Lhaki Dolma	Delegate	Yes
19.	Hon'ble Ugyen Tshering	Delegate	Yes
20.	Hon'ble Tashi Samdrup	Delegate	Yes
21.	Hon'ble Tempa Dorji	Delegate	Yes
22.	Hon'ble Sangay Dorji	Delegate	Yes
23.	Hon'ble Tshewang Rinzin	Delegate	Yes

ANNEXURE VIII: Hon'ble Members of the National Council

1. His Excellency Tashi Dorji, Chairperson, Wangduephodrang Dzongkhag
2. Hon'ble Jigme Wangchuk, Deputy Chairperson, Samdrup Jongkhar Dzongkhag
3. Hon'ble (Dasho) Tashi Wangyal, His Majesty's Nominee
4. Hon'ble Tashi Wangmo, His Majesty's Nominee
5. Hon'ble Phuntscho Rapten, His Majesty's Nominee
6. Hon'ble Kesang Chuki Dorjee, His Majesty's Nominee
7. Hon'ble Ugyen Tshering, His Majesty's Nominee
8. Hon'ble Nima, Bumthang Dzongkhag
9. Hon'ble Sangay Dorji, Chhukha Dzongkhag
10. Hon'ble Surjaman Thapa, Dagana Dzongkhag
11. Hon'ble Dorji Khandu, Gasa Dzongkhag
12. Hon'ble Ugyen Namgay, Haa Dzongkhag
13. Hon'ble Tempa Dorji, Lhuentse Dzongkhag
14. Hon'ble Sonam Pelzom, Mongar Dzongkhag
15. Hon'ble Ugyen Tshering, Paro Dzongkhag
16. Hon'ble Choining Dorji, Pemagatshel Dzongkhag
17. Hon'ble Lhaki Dolma, Punakha Dzongkhag
18. Hon'ble Tirtha Man Rai, Samtse Dzongkhag
19. Hon'ble Anand Rai, Sarpang Dzongkhag
20. Hon'ble Tshewang Rinzin, Thimphu Dzongkhag
21. Hon'ble Karma Gyeltshen, Tashiyangtse Dzongkhag
22. Hon'ble Lhatu, Trashigang Dzongkhag
23. Hon'ble Tashi Samdrup, Trongsa Dzongkhag
24. Hon'ble Dhan Kumar Sunwar, Tsirang Dzongkhag
25. Hon'ble Pema Dakpa, Zhemgang Dzongkhag