

3rd day of the 4th month of Earth Rat Year 08/05/2008

**PROCEEDINGS AND RESOLUTIONS OF THE 1ST
SESSION OF THE FIRST PARLIAMENT OF BHUTAN**

Time: 08:50 hrs

I. Opening Ceremony

1. Escorting of His Majesty the King to the Assembly Hall

At the commencement of the 1st Session of the First Parliament of Bhutan on the auspicious 3rd Day of the 4th Month of the Earth Rat Year corresponding to May 8, 2008, His Majesty the King was received with elaborate *Chipdrel* and *Serdrang* procession to the National Assembly Hall.

2. Offering of *Kusung Thukten Mendrel* to His Majesty the King

Members of Parliament from both the ruling and the opposition party offered *Kusung Thukten Mendrel* to His Majesty the King for His wellbeing and long life and also as a symbolic representation of their pledge to wholly commit in their solemn duties of ensuring the success of parliamentary democracy in the country as per the wishes of His Majesty King Jigme Singye Wangchuck.

3. Distribution of copies of the Draft Constitution of the Kingdom of Bhutan

The Chairman of the Constitution Drafting Committee submitted the Draft Constitution of the Kingdom of

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Bhutan, written in gold, to His Majesty the King following which copies of the Draft Constitution were distributed to the Members of Parliament.

4. *Zhugdrel Phuensum Tshogpai* ceremony

The 1st Session of the First Parliament opened with the offering of the elaborate traditional *Zhugdrel Phuensum Tshogpai Tendrel*.

II. Address by His Majesty the King

It is with deep personal satisfaction and happiness that I address this inaugural session of Parliament. After all, it is in a time of unprecedented peace and prosperity that we are gathered today to celebrate our nation's historic achievement of a unique democratic transition.

Therefore, I commend the sense of duty and service that motivated the members of our First Parliament under Democratic Constitutional Monarchy. You have been a part of transition that shall enter the history of our nation as one of our greatest endeavors.

Our nation has always provided security, tranquility and happiness for our people irrespective of the dramatic changes that have taken place in the world and the region

around us. The primary reason for our achievements has been the hard work and sacrifices of our forefathers and the selfless leadership of successive kings since Gongsar Ugyen Wangchuck, the first king of Bhutan.

Shining even amidst our proud history of service, loyalty and affection for our nation, is the legacy of His Majesty Jigme Singye Wangchuck, the fourth Druk Gyalpo. In the 34 years of his reign, we have grown far beyond our own expectations and today created history as a nation that has not only given birth to the unique philosophy of Gross National Happiness, but also achieved an unprecedented transition to democracy. His Majesty has shown that there is no other duty for a king than to serve the people.

Therefore, I take this opportunity to offer on behalf of all Bhutanese, our gratitude to our forefathers, our kings and to the Fourth Druk Gyalpo. Let us abide by their great example and pledge our unwavering loyalty and service to the Tsa-wa-sum.

The highest achievement of one hundred years of Monarchy has been the constant nurturing of Democracy. This has culminated today with the first sitting of Parliament and the start of democracy, whereby my father the Fourth Druk Gyalpo and I, hereby return to our People the powers that had been vested in our kings by our

forefathers one hundred years ago. We do so with absolute faith and confidence, offer our complete support and our prayers for the success of democracy.

As King, henceforth, it is my sacred duty to ensure the success of our new democracy so that it will serve to fulfill the aspirations of our people always.

As you, the members of Parliament, begin to shoulder the immense powers and responsibilities as representatives of the people, I wish to share my own hopes for Bhutan. It has always been my prayer that we will all be united in our efforts to build a stronger nation, so that at the end of our lives, when we hand over our country, our children will inherit a stronger nation where all obstacles to their happiness and prosperity will have been overcome and where we have created the conditions for the fulfillment of their aspirations. And above all, that they will be better than us, more qualified and capable. We should not have insecurities in this regard. If Bhutan is to excel, our future generations must always be better than those before them.

To realize this prayer we must first build a strong democracy. In doing so, our new politicians must be mindful of the experiences of nations where democracy failed and hardship, disunity, internal strife and violence have plagued their people. We must never allow, at any

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time, the conditions to develop for such occurrences in Bhutan. Our effort to build a democracy is another important step towards strengthening our country. It continues the work of nation building started by our forefathers and our kings. We must remember that our greatest strength throughout history has always been the unity of spirit and purpose of our people. One nation, one vision.

Members of the first Parliament of Bhutan; Speaker; Chairperson of the National Council; Leader of the Opposition; ministers of the Lhengye Zhungtshog, Lyonpo Yeshey Zimba, Lyonpo Khandu Wangchuk, Lyonpo Wangdi Norbu, Lyonpo Ugyen Tshering, Lyonpo Zangley Drukpa, Lyonpo Minjur Dorji, Lyonpo Pema Gyamtsho, Lyonpo Nandalal Rai, Lyonpo Thakur Singh Powdyel, Lyonpo Dorji Wangdi; and the first Prime Minister under democracy Lyonchhen Jigmi Yoedzer Thinley – from this day forth, we place in your hands our unique nation, our greatest treasure in this world.

As democracy's first government, you have the responsibility of setting the right examples, laying strong foundations and promoting the best practices of democracy. We, the people and King, have complete confidence and faith in the new government. As long as you work to serve the country and people, you will have

our full support. If you should falter in your service to the nation, then the duty to counsel you also rests with the people and King.

However, with your experience and qualifications, and your loyalty and commitment to the Tsa-wa-sum, I am confident that you will work hard to bring greater progress and growth for our people.

May the unity of our people and the fruits of democracy ensure that the sun of peace and prosperity continues to shine on our Nation, the Land of Buddha's Teachings; blessed by the Guru Padmasambhava and our Guardian Deities; and founded on the Vision and Legacy of Zhabdrung Ngawang Namgyal and Jigme Singye Wangchuck.

III. Opening Speech of the Speaker

1. His Majesty the King,
Members of the Royal Family,
Prime Minister,
Cabinet Ministers,
Chairman of the National Council,
Opposition Leader,
Senior government officials,

Foreign dignitaries,

Media personnel,

Ladies & Gentlemen I, on behalf of Members of Parliament and on my own behalf, would like to extend a warm welcome to this historic opening ceremony of the first session of the First Parliament of Bhutan.

2. Since the enthronement of our Fourth King, Jigme Singye Wangchuck in the year 1974, the people of Bhutan have been blessed with unprecedented peace, happiness and prosperity under his golden rule in the spirit of Gross National Happiness. Towards this end, His Majesty the Fourth King has left no stone unturned and has decentralized all the power to the people and handed over the government in the hands of the people by launching the Constitution, which has now given birth to a democratically elected government. With two political parties in the fray, the people of the country has voted and chosen Druk Phuensum Tshogpa to form the new government under the leadership of the Prime Minister, Jigmi Yoedzer Thinley. The new government is committed to align its policies and programmes to fulfill the aims and objectives of the Gross National Happiness through its policy of Equity and Justice. The government under Druk Phuensum Tshogpa must continue to work to eliminate and

alleviate poverty, solve growing un-employment problem and work towards achieving balanced development growth in all parts of our country.

As our country is endowed with rich natural resources, we have the potential to generate thousands of mega watts of electricity and earn millions in hard currency through the promotion of tourism in the country. The government will work towards harnessing the water resources for more electricity production and will frame policies and programmes to attract more tourists, which will augment the income level of the people, creating more job opportunities for the youth and raising the living standard of all the people. It is, therefore, important for all of us to work towards achieving these goals.

3. At the outset, I would like to avail this opportunity to extend my appreciation to the people of the four geogs of Radhi, Phongmey, Merak and Sakteng of Trashigang Dzongkhag for reposing their trust and confidence in me and giving me the opportunity to serve them by electing me as their candidate in the National Assembly. I, on my part would do everything possible to live up to the expectation and work hard in serving the people.
4. I would also like to extend my deep appreciation to the Members of the National Assembly for having elected me as Speaker of this historic National Assembly. My heartfelt gratitude goes to Prime Minister, Leader of Opposition

Party and to all the Members of the National Assembly for reposing their faith in me. You have given me the greatest opportunity to receive the rank and blessings from His Majesty the King and I will remain grateful and cherish this moment forever.

5. I pledge to serve the Tsa-wa-sum with utmost dedication and commitment to the best of my ability. I would commit myself to the advice and direction of His Majesty the Fourth King and His Majesty to carry out my responsibilities to the highest possible standards. I would also like to seek continued support and co-operation from the Members of Parliament to carry out my responsibilities effectively.
6. Our country has made unprecedented economic and social progress within the last few decades without compromising the rich tradition and cultural heritage. News flash of the first election and the smooth transition of the first democratically elected government was indeed a surprise to the outside world. Democracy is not new to us as the system of governance in our country has been functioning in a democratic way since the enthronement of the third hereditary King, Druk Gyalpo Jigme Dorji Wangchuck in 1953. All along the line, the people got the opportunity to decide for themselves what was best for them and accordingly plans and proposals were formulated. The

people of the country submitted their requirement through their representatives in the National Assembly and decisions were taken by the National Assembly represented by the people, the monk body and the government. The democratic system of governance existed for many years with 87 sessions held so far.

7. Every Bhutanese is aware of the decentralization policies initiated from the Throne to enable the common people to become aware of their own needs and aspirations and to actively participate in the decision making process of the country. To take the decision process to the grass-root level, His Majesty the Fourth King set up the Dzongkhag Yargye Tshogdu (DYT) in 1981 and Gewog Yargye Tshogchung (GYT) in 1991 for the benefit of our people.
8. It should be noted that whatever the system of governance we have today is not new to us. This system existed for many years and has become stronger over the years with the devolution of the executive powers from the golden Throne to the elected Cabinet Ministers against the will of the people. The idea for a written Constitution for the country also originated from the golden throne as a result of which we have the first democratically elected government in place today. These changes have been initiated for the well-being of the people, strengthening the peace and prosperity of the country and to safe-guard the national security.

9. All the people including the people living in the remotest part of the country are well aware of the benefit of decentralized policy making system. Besides voicing their own needs and aspirations, they have the opportunity to participate in the decision making process on issues of national importance.

We are fortunate to have Kings who have the interest of the people at heart and always dedicated to the welfare and development of the subjects. This is evident from the tremendous socio-economic progress and the peace and prosperity that we are able to enjoy today, all tangible like blooming flowers. It is the outcome of past karma and the unique rapport that co-exist between the monarchs and the subjects.

10. All the members of the Parliament are voted and chosen by the people to represent them and it is the duty of every one of us to live up to the expectation of the people. We have the mandate and it is our responsibility to strive hard to fulfill their expectations. As the representatives of the people, we are expected to function as a bridge between the people and the government with the highest commitment to live up to the wishes and expectations of His Majesty the King and the people.
11. Since the enthronement of our first King in 1907, we have seen and enjoyed unprecedented peace and prosperity in the country. As we celebrate the 100 years of monarchy, we all

pray and commit ourselves to work for greater peace and prosperity in the country. As the representatives of the people, I would like to remind all to bear greater responsibilities and strive for excellence in delivering our services to the Tsa-wa-sum.

12. In the current session, we will be deliberating on the Draft Constitution of the Kingdom of Bhutan besides many important bills such as the National Assembly Bill, National Council Bill, Election Bill, National Referendum Bill, Public Election Fund bill and the Parliamentary Entitlements Bill. I would like to urge each one of you to actively participate in the deliberations keeping in mind the national interest and the implications that it would have in the future. All proposals for alterations and additions in the articles of the Constitution and the Bills should cater to further safe-guarding the security and sovereignty of the country and the well being of the people.
13. While performing our duties, we should bear in mind the single minded goal to conduct ourselves in the most democratic way bearing equal responsibilities so that we do not fall short of the goal of one nation, one people of His Majesty the King for ever lasting peace, prosperity and unity in our country.
14. As the Parliament is the highest body to frame all legislative laws of the country, all the members are requested to actively participate and submit your views and

opinions in a free and frank manner as per parliamentary rules and regulations. All Bills should be discussed at the committee level and then deliberated in the house to derive fruitful discussions and concrete outcomes within the limited time frame. I am hopeful that all of us will render every support to keep the debates within the agenda and to come out with tangible outcomes at the end of the session.

Tashi Delek

IV. Vote of Thanks to the Address of His Majesty the King

1. Prime Minister of Bhutan

The Prime Minister Jigmi Yoedzer Thinley expressed deep gratitude and appreciation to His Majesty the King for personally gracing and addressing the inaugural session of the First Joint Sitting of the Parliament under the institution of the Democratic Constitutional Monarchy form of government in the country. It is indeed a momentous occasion as we are able to gather here today at a time when the King and His people enjoyed complete harmony. The words of wisdom and advice shared by His Majesty will always echo in our minds and undoubtedly go down to benefit the present and future generations of our Bhutanese society. His Majesty the Fourth King, ever since he ascended the golden throne, has always treated the people as His own children and constantly

endeavoured to educate us in all aspects. To ensure the success of democracy in the country, His Majesty the Fourth King has laid strong foundations in all the Dzongkhags and Geogs.

Likewise, under the wise and benevolent leadership of His Majesty the King, the first ever parliamentary elections in the country was successfully conducted in the most peaceful and fair manner. The Prime Minister said that the words of wisdom and advice of His Majesty the King will remain in our minds for all times to come and pledged utmost dedication and commitment to carry out the duties to the best of abilities towards ensuring a glorious Palden Drukpa. *(Copy of the expression of appreciation is included in the verbatim transcription)*

2. The Chairperson of the National Council

On behalf of the Bhutanese people and the Members of Parliament, the Chairperson of the National Council offered heartfelt gratitude and appreciation with body, soul and mind to the supreme leader of the medicinal land, the protector of the Bhutanese people, the prophesied ruler, His Majesty the King Jigme Khesar Namgyel Wangchuck for gracing the inaugural ceremony of the first parliament. He expressed deep gratitude and appreciation to the hereditary monarch, His Majesty the King Jigme Singye Wangchuck who since His ascension

to the Golden Throne as the Fourth King of Bhutan has magnanimously endeavoured and left no stones unturned for the wellbeing of the people and making remarkable accomplishments unprecedented in the world. He added that amongst the most significant achievements that have been brought about is the gradual devolution of power through the noble policy of decentralisation and the subsequent institution of the democratic constitutional monarchy in the country despite the reluctance of the Bhutanese people to accept such changes which are implanted in the history of our country.

He pledged full dedication and commitment to work towards ensuring the success of the democratic constitutional monarchy we institute today that stand exemplary in the world and the words of wisdom and advice of His Majesty the King will always echo as a reminder in our endeavours towards realising these noble goals. *(Copy of the expression of appreciation is included in the verbatim transcription)*

3. The Leader of Opposition

The Leader of Opposition said that today the 3rd day of the 4th month of the Earth Rat Year of the Bhutanese calendar is a very special day since the day marked the laying of a strong foundation to take the roots of democracy in our country. He said that although there were many other

monarchs in the world, a monarchy akin to the Wangchuck dynasty has never ruled a country and will never rule again in the future. Ever since the institution of a hereditary monarchy in the country, the successive monarchs have always placed the interest and wellbeing of the country and the people in the forefront and above everything else in their life. As we are all aware, remarkable progress and prosperity has been achieved under their farsighted and dynamic leadership.

His Majesty the fourth King, ever since He ascended the golden throne personally initiated the gradual devolution of power and fully empowered the people in the decision making process for all developmental activities as well as national issues. Today, the establishment of a democratically elected government and commencement of the 1st joint sitting of the first Parliament is without doubt, a significant step of selfless deeds of His Majesty the fourth King. He expressed and offered prayers for the success of democracy in the country and hoped that the roots of democracy will further strengthen in the years ahead under the guidance and dynamic leadership of His Majesty the King and that the country and the people achieve the noble goals of Gross National Happiness.
(Expression of appreciation is included in the verbatim transcription)

Deliberation concluded at 12:35 hrs

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The following members expressed appreciation to His Majesty the King:

1. Nanong-Shumar constituency member, Prime Minister Jigmi Y. Thinley
2. Sombeykha constituency member, Opposition Leader, Tshering Tobgay
3. National Council member from Punakha Dzongkhag, Chairperson, Namgay Penjore

Time: 09.30 hrs

V. Establishment of Democratic Government and submission of Pledge of Allegiance

The Prime Minister, Lyonchen Jigmi Yoedzer Thinley said that under the farsighted and magnanimous leadership of His Majesty the King Jigme Khesar Namgyel Wangchuck, the presence of Speaker and Members of the National Assembly, Chairperson and Members of National Council, Leader of Opposition, and the Council of Ministers in the Joint Sitting of the First Parliament is symbolic of the culmination of collective wishes, unwavering commitment and dedication to serve the Tsa-wa-sum. Admist the lack of peace and prosperity due to the war with British India and Tibet, the people of Bhutan unanimously elected Gongsar Ugyen Wangchuck as the first hereditary monarch in the year 1907 and bestowed upon him all powers to restore peace and unity in the country.

Besides unprecedented socio-economic development and greater political changes, the overarching philosophy of Gross National Happiness as the core development philosophy in the country and noble policy towards ensuring environmental sustainability has indeed earned a unique recognition and a special place in the world. It was due to the hardwork and the blessings of the successive monarchs that the people and the country is able to enjoy perpetual peace and prosperity in the country.

At a time in the history of our country, when the Bhutanese people were even more united in their unwavering loyalty and confidence in the leadership of His Majesty the King, the sacred authority to rule the country vested in the monarchs by our forefathers is returned back to the people from the golden throne in the *Tshokhang Chhenmo* on the auspicious 3rd day of the 4th month of the Earth Rat Year. After the gradual devolution of powers to the people at the grassroots level, full executive power was devolved to an elected council of ministers in 1998. The drafting of a written constitution was subsequently initiated in 2001 with the royal vision to eventually introduce the system of democratic constitutional monarchy in the country.

Today, the government led by the Druk Phuensum Tshogpa has won with overwhelming majority with 45 seats out of 47 seats in the National Assembly in the general election and is entrusted with heavy responsibility. The overwhelming faith endowed to the party by the people has given them enormous responsibility and the party is deeply committed towards fulfilling the aspirations of the people.

He expressed deep appreciation to all the development partners and also the international community for their unstinted support and cooperation during the period of major political transition in our country. He commended and expressed appreciation to the Chief Election Commissioner and all the concerned individuals involved in the election process for their contribution towards the success of the first historic election in our country as per the wishes of His Majesty the King.

Likewise, the Prime Minister also expressed appreciation to the Chairperson and the staff of the Anti-Corruption Commission for carrying out detailed investigations on corrupt practices during the election period. The Prime Minister, on behalf of the members and on his own behalf, expressed heartfelt gratitude to the people for the overwhelming faith and confidence reposed in the party and giving them the opportunity to form the new government.

The Prime Minister pledged that every effort shall be made to realize the hopes and aspirations of the people. He said that the Druk Phuensum Tshogpa was fully committed to pursue the noble vision of Gross National Happiness propounded by the Fourth Druk Gyalpo and assured that his government is fully dedicated to work towards achieving the vision through the policy of equity and justice.

Similarly, the successful conduct of the election process is chiefly attributable to the protective powers of the Guardian Deities and expressed his sincere gratitude and appreciation to the Dratshang, Rabdey and the Clergy for performing religious Kurims continuously during the election period. He also conveyed deep gratitude and appreciation to the officers and personnel of the armed forces for undertaking strict and vigilant security measures during the entire election period.

The Prime Minister also extended profound gratitude and appreciation to our closest friend and neighbour, the Government of India, for their continuous support and co-operation at a time when our country was undergoing dramatic political transformation and all round socio-economic development was taking place in the country. In a special mention, the Prime Minister expressed his

profound gratitude to the Prime Minister of India, His Excellency Dr. Manmohan Singh who will be visiting our country and address the First Joint Sitting of our new Parliament. The Prime Minister offered his sincere gratitude to the people and the Druk Phuensum Tshogpa Executive Committee for electing him to head the first democratically elected government and pledged to serve the Tas-wa-sum with utmost loyalty and dedication.

Finally, the Prime Minister offered hopes and prayers for the success of the newly introduced democracy in the country which would undoubtedly benefit the Bhutanese people and realize the wishes of His Majesty the King. He offered his prayer for the good health and long life of our precious jewel the Fourth Druk Gyalpo. *(Detail speech is included in the verbatim transcription)*

The Leader of Opposition said that although democracy ensued only after popular uprising and internal strife in many countries of the world, the entire process of Bhutan's transition to parliamentary democracy has been exceptionally peaceful, fair and devoid of any problems. This smooth democratic transition is attributed to His Majesties the Kings who, sharing deep concern for the present and future wellbeing of the country and people, took great initiatives and personally guided and

administered the entire electoral process. Expressing the party's concern, he said that an independent and an efficient civil service was important in a democratic Bhutan and assured the Parliament that the Opposition Party's role would not be to oppose the government, but help the ruling government in all its endeavours in order to achieve the wishes of His Majesties the Kings. *(Detail speech is included in the verbatim transcription)*

The Chairperson of the National Council said that it was not a cause for concern for having a small opposition party in the Parliament. The main objective of the Parliament is to serve the people and make our country even stronger and whichever party whether the Druk Phuensum Tshogpa or the People's Democratic Party had the majority in the Parliament is immaterial. He said that besides the legislative functions, the National Council would strive to carry out their responsibility to act as the house of review on matters affecting the security and sovereignty of the country and the people brought to the notice of the Druk Gyalpo, the Prime Minister and the Parliament. He assured that the National Council would support policies that would benefit the country and oppose those that were not in the interest of the country and the people. *(Detail speech is included in the verbatim transcription)*

The member from Lamgong-Wangchang constituency, Paro said that since Bhutan is a small nation with a small population, it was imperative to make best efforts in building a stronger and lasting relationships within families and communities, and greater unity in the spirit and purpose between the country and its people in order to achieve the noble goals of Gross National Happiness. Expressing his deep gratitude to the people of Lamgong, Wangchang and six geogs under Paro Dzongkhag for their overwhelming support, he pledged to serve the King, country, government and the people with unwavering loyalty and dedication.

The member from South-Thimphu constituency said that the new democratic system of governance emanated from the golden throne under the visionary and magnanimous leadership of His Majesty the Fourth Druk Gyalpo Jigme Singye Wangchuck now stands exemplary to the world. Since the promotion of good governance would be entirely based on the democratic principles, he expressed great satisfaction on the success of the historic introduction of democracy in the country. Although, Bhutan was comparatively a poor nation in the world, His Majesty the fourth Druk Gyalpo, over 34 years of His glorious reign on the Golden Throne has achieved

unparallel development and ushered the country into the international arena as a model for peace and progress.

He expressed profound gratitude to Their Majesties the Kings for conducting consultative meetings on the draft Constitution of the Kingdom of Bhutan in all the twenty Dzongkhags which contributed in finalizing and making it a unique Constitution for Bhutan. Since ensuring strong foundations for democracy in the country was of greater importance than economic development at present, the members of Parliament pledged to work wholeheartedly to strengthen the new democracy in the country for the benefit of the people for generations to come. His Majesty the King, reposing full faith and confidence in the Bhutanese people and the Parliament has devolved all the responsibilities in their hands. He pledged his unwavering dedication and loyalty to do everything possible towards fulfilling the wishes of His Majesty the King.

The National Council member from Trashigang Dzongkhag said that the ultimate essence of the democratic system introduced in the country by Their Majesties the Kings was the inception of the highest lawmaking body, the Parliament of Bhutan. In the event the democratic system was to have supreme legality, faith and shared consensus, it was of paramount importance for

the Bhutanese people to take active part in it. He added that as the Bhutanese people were fully aware of and endorsed the democratic process reposing complete faith in the new system, about 80 percent of the Bhutanese population participated in exercising their mandate during the general elections.

The National Council eminent person, Kuenley Tshering said that ever since His Majesty the King Jigme Singye Wangchuck ascended the golden throne as the fourth Druk Gyalpo, His Majesty has magnanimously strived to work for the wellbeing of the country and the people. During the reign, the security and sovereignty of the country was further strengthened and the Bhutanese people enjoyed greater peace and prosperity. He expressed his sincere gratitude for propounding the noble policy of Gross National Happiness, a policy which stands as an ideal alternative for development in the world today. He also expressed deep gratitude for the drafting of a written Constitution for the country and introducing democratic constitutional monarchy form of government within a short span of time in keeping with the changing needs of time. He said that it was imperative for the newly elected government and the members gathered in the joint sitting of Parliament to remain committed in our sacred duties towards realizing the wishes of Their Majesties the Kings

in accordance with the Constitution and other existing laws under the visionary and magnanimous leadership of His Majesty the King.

The National Council eminent person, Dasho Karma Ura said that His Majesty Jigme Singye Wangchuck is the architect of democracy in the country and the source of wellbeing for the people. Had His Majesty the fourth Druk Gyalpo Jigme Singye Wangchuck not solved the security problems between 1999 and 2003, we would not have been able to meet in this august house today. He offered his good wishes and prayers to the members of the ruling government particularly to the Prime Minister and hoped that the government would achieve greater heights in the service to the King, country and the people.

List of Members who made submissions during deliberation on the topic:

1. Prime Minister, Jigmi Y. Thinley
2. Leader of Opposition, Tshering Tobgay
3. National Council Chairperson, Namgay Penjore
4. Economic Affairs Minister, Lyonpo Khandu Wangchuk
5. Works and Human Settlement Minister, Lyonpo Yeshey Zimba
6. National Council Member of Trashigang Dzongkhag, Sonam Kuenga
7. National Council Eminent Person, Kuenley Tshering
8. National Council Eminent Person, Dasho Karma Ura

VI. Visit of the Prime Minister of India

1. Welcome Address by the Speaker of the Parliament of Bhutan during the visit of Prime Minister of India Dr. Manmohan Singh

On behalf of the Parliament of Bhutan and on my own behalf, it gives me great pleasure to extend a very warm welcome to Your Excellency Dr. Manmohan Singh, Prime Minister of India to this Joint Session of our first democratically elected Parliament.

As close friends and neighbours and befitting the extremely warm ties of friendship and cooperation that exists between our two countries, Your Excellency the Prime Minister of India is the first foreign dignitary to address the first session of the Parliament of Bhutan after we changed our political system to the Constitutional Democratic Monarchy.

Bhutan and India are bound by historical ties, cultural affinities and common geography. Today, our relations are an example of good neighbourly relations between a large and powerful country and a small landlocked country. The foundations of our present bilateral relations were laid by Pandit Jawaharlal Nehru and His Majesty Jigme Dorji Wangchuck, the third Druk Gyalpo in 1958 when Pandit Nehru visited Bhutan. Over the past five

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decades, with India's generous assistance, Bhutan has made tremendous progress in our socio-economic development. Our relations have been nurtured at the highest political levels.

It is a great honour to have Your Excellency Dr. Manmohan Singh, an outstanding statesman of our times in our midst to address the newly constituted Parliament of Bhutan in its First Joint Sitting. This marks an important event in the history of the new Parliament of Bhutan and it is yet another milestone in Indo-Bhutan relations.

Under the farsighted and dynamic leadership of His Majesty the Fourth Druk Gyalpo Jigme Singye Wangchuck, Bhutan initiated the process of a written Constitution in November 2001. The Drafting Committee reviewed numerous Constitutions of the world and consulted many renowned constitutional experts of the world. But most importantly our Constitution derived valuable inspiration from the Constitution of India, the world's largest leading democracy.

Taking a significant step forward in the process towards establishing parliamentary democracy in our country, the polling for National Council was conducted on December

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31, 2007 and the National Assembly Election was conducted on March 24, 2008 respectively. The newly elected government under the new Constitutional Democratic Monarchy was instituted in April 2008.

Bhutan is now the world's newest democracy. We shoulder very heavy responsibility to ensure a strong foundation for the success of democracy in our country for generations to come. Having said this, we would like to solicit, Your Excellency, the Prime Minister of India, the Government and people of India to continue with your support and assistance for the success of parliamentary democracy in Bhutan.

It is a matter of great satisfaction that Indo-Bhutan relations today are stronger than ever before. Our destinies are inexorably linked. We are confident that this historic visit by Your Excellency will contribute towards further strengthening of the relations between our two countries for the mutual benefit of our peoples.

Finally, may I also take this opportunity to wish Your Excellency a very happy and fruitful visit to our country.

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2. Address by H.E. Dr. Manmohan Singh, Prime Minister of India

Your Royal Highnesses

Hon'ble Speaker of the National Assembly, Lyonpo
Jigme Tshultim

Hon'ble Prime Minister, Jigmi Yoedzer Thinley

Chairman of the National Council, Mr. Namgay Penjore

Hon'ble Members

It is a great privilege for me to address the Joint Session of the National Assembly and the National Council of Bhutan. I bring to you the warmest greetings and felicitations of the Government and people of India.

I am delighted to be in your beautiful country at this historic time, and to celebrate with the people of Bhutan their towering achievements.

This is the centenary year of the Wangchuck Dynasty, the year of the coronation of His Majesty Jigme Khesar Namgyel Wangchuck as the King of Bhutan and of Bhutan's transition to a democratic constitutional monarchy.

It is a tribute to the enlightened leadership and statesmanship provided by His Majesty Jigme Singye Wangchuck that Bhutan has succeeded in reaching these

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milestones in an atmosphere of utmost peace and stability while steadily improving the welfare of her people.

During His Majesty's reign, Bhutan has witnessed unprecedented social and economic development. He is the architect of Bhutan's constitution and polity. Today His Majesty's vision of vesting sovereignty in the people of Bhutan has borne fruit.

As Bhutan enters a new era in its history, you can continue to count on India, as a friend and – may I say – an admirer of Bhutan. India will stand by you as a factor of stability and support in your quest for greater prosperity and happiness.

As the first ever elected representatives of your people, you bear a special responsibility, and have a unique opportunity, to translate the aspirations of your people into reality.

While we in India have considerable experience in attempting to bring about socio-economic transformation within the framework of a democratic polity, we do not claim a monopoly of wisdom and knowledge.

But we do know that democracy is not merely about holding elections. Democracy requires sustained commitment to tolerance and the judicious exercise of power as a societal trust to be used for public good. It

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requires a deep commitment to the rule of law. It requires the building of strong institutions of governance and respect for the other's viewpoint.

I can assure you that you have our wholehearted support as you enter this new and exciting phase in your country's history. We will work with you to realize your full potential, in a manner and pace that suits your own chosen path of development and your priorities.

Ladies and Gentlemen,

India is proud of its exemplary relations with Bhutan. Our bilateral relationship is no artificial political construct. It draws its strength from geography, from history, scholarship, religion and culture and ancient commercial and people-to-people contacts. The shared aspirations of our common destiny have been given expression by contemporary statesmanship.

Just as strands of many colours are woven together to make a beautiful Kira, so the many and varied strands that constitute the tapestry of our relationship come together.

Guru Padmasambhava and many learned Buddhist thinkers carried Lord Buddha's wisdom and learning from the great universities of India to these mountains. But no less have the Himalayas been a source of inspiration for

India over the centuries. Our sages and thinkers have sought enlightenment here.

In the modern era, the foundations of our relations were laid by the late King Jigme Dorji Wangchuck and Pandit Jawaharlal Nehru. 50 years ago Pandit Nehru travelled to Bhutan and witnessed the love and affection showered upon him by the men and women and children of Bhutan. Pandit Nehru's visit left an indelible impression on him and convinced him of the potential and richness of India-Bhutan relations. He said at that time, and I quote:

“Our only wish is that you should remain an independent country choosing your own way of life and taking the path of progress according to your will. At the same time, we two should live with mutual goodwill.” (unquote).

Based on this vision, India and Bhutan have created a unique, unparalleled and time-tested partnership of peace and friendship.

Today our relations are a model of how two neighbouring countries, uneven in physical size and attributes, can coexist in perfect harmony and understanding. Both our countries have a vital stake in each other's well-being and prosperity.

We have evolved a comprehensive framework for economic, commercial and trade linkages.

Our development cooperation encompasses varied areas such as health, education, infrastructure, culture, urban development, human resource development, media and telecommunications.

Time has, however, moved on, and so have our two countries. As we enter a new era in our ties and a new century, I come to seek and reinforce the same meeting of minds, the same depth of understanding and the same confluence of thoughts and aspirations that have characterized our relations thus far, to guide us in the future. As partners, confident in our friendship and mutual security, we will work together to make our friendship gain added strength with the passage of time.

The signing of the India-Bhutan Friendship Treaty in February 2007 was a watershed event. The treaty enshrines the principles that continue to underpin our relations. It has laid the basis for a relationship that is responsive to each other's national interests, a relationship that is consultative, and a relationship that ensures mutually beneficial cooperation. The Treaty symbolizes our conviction that stability, peace and economic advancement are the most durable guarantors of peaceful co-existence and mutual respect for each other.

We applaud the vision for Bhutan that has been laid down by His Majesty Jigme Khesar Namgyel Wangchuck. His Majesty's deep concern for the people of Bhutan and determination to create a policy framework that maximizes their potential holds great promise for Bhutan.

In the coming years, the challenge before both Bhutan and India will be to evolve a model of sustainable, inclusive and equitable development. We would like you to know that we remain at your disposal to share our experiences, including in those areas where we have had some success. Bhutan is a shining example of an industrious people blessed with a wise leadership. We have much to learn from you on how to pursue economic development that is neither at the expense of a fragile eco-system nor a country's social and cultural traditions. The concept of Gross National Happiness has particular resonance in today's world of unbridled materialism and consumerism.

An India-Bhutan partnership for the future must harness our mutual strengths and complementarities. Our desire is to create a framework that puts people at the heart of our cooperation. The young profile of our two populations makes it incumbent upon us to meet their aspirations. Economic strategies would need to be employment friendly. We have to invest much more in the area of human resource development, skill generation and education.

The Indian market offers vast opportunities for Bhutan's agriculture, industry and services sectors. We will work towards the further improvement of connectivity between our two countries so that our borders become the gateways for mutually beneficial undertakings. There is vast scope for the further expansion of people-to-people contacts, exchange of scholars and experts.

We should evolve a development and economic cooperation strategy that complements our mutual resource endowments. We know we are on the right path when electricity generated in the mountains and valleys of Chukha, Kurichhu and Tala lights homes in Bihar, West Bengal and Delhi and generates wealth for Bhutan.

India and Bhutan are well placed to create a new paradigm for intergovernmental cooperation in the areas of water security and environmental integrity. The Himalayan glaciers are our common asset and we can do much more together to devise strategies to combat global warming.

Over the past four decades and more our two countries have worked closely in the process of Bhutan's planned development. We remain committed to working with Bhutan in support of the 10th Five-Year Plan. This period will lay the building blocks for Bhutan's development and

support your vision for tomorrow. We will develop our cooperation during the 10th Plan with imagination and flexibility, in accordance with your priorities in human resource development, education, information and communication technologies, health, infrastructure and numerous other fields.

We also look forward to strengthening institutional linkages with the Bhutanese judiciary, the Election Commission and other constitutional bodies. Our parliamentary resources and facilities remain available to you to draw upon.

In the area of hydropower development, we will work with Bhutan to develop two new mega hydropower projects, Punatsangchhu-II and Mangdechhu. We will commence the preparation of detailed project reports for four new projects. Implementation of these projects will help us to achieve the target of export of at least 5000 megawatts of electricity from Bhutan to India by 2020, in a manner that is environmentally sustainable.

I am particularly happy to inform this august House that we will begin construction of the first ever rail link between India and Bhutan, connecting Hashimara to Phuentsholing, called the “Golden Jubilee Rail Line”.

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This link will connect Bhutan to the entire railway network of India.

We will also institute a Nehru-Wangchuck Scholarship to encourage students from Bhutan to study in leading Indian universities and institutions.

As we draw all these threads together, our bilateral economic engagement with Bhutan over the next five years will be of the order of Rs.100 billion.

My audience with His Majesty the King and my discussions with His Excellency Prime Minister Lyonchhen Jigmi Yoedzer Thinley have convinced me that the future of our relationship is bright. In this great hall of democracy, I sense an air of optimism and self-confidence. You stand on the threshold of change, and you have our best wishes for your success.

India desires to see a South Asia which is at peace with itself. We wish to contribute to ever widening circles of security, peace and prosperity in our region. It is with this objective that we look towards working further with Bhutan, in both the bilateral and regional context.

A Bhutan that is sovereign, prosperous and secure is central to our vision for the future.

I thank you for your attention and Tashi Delek!

3. Vote of Thanks by the Chairperson of the National Council of Bhutan

First of all, on behalf of all the Members of Parliament gathered here today, I wish to offer my sincere appreciation for your august presence at this joint sitting of the First Parliament of Bhutan, on the very auspicious occasion of the address by the leader of our closest friend and neighbor, His Excellency, the Prime Minister of India, Dr. Manmohan Singh.

We are greatly honoured to have had this opportunity of hearing Your Excellency make this historic address to the first democratically elected Parliament of Bhutan. We extend our most sincere gratitude for Your Excellency's inspiring and momentous address. Your Excellency's words of wisdom will go a long way in reminding us of our onerous duties as Members of Parliament in ensuring the success of parliamentary democracy in Bhutan.

Since the inception of the First Five Year Plan in Bhutan, the Government of India has generously provided Bhutan with full support in every field, financial, technical and human resources. The generous support of the Government of India has enabled us to harness our hydro-electric potential to the mutual benefit of our two countries. Today, Your Excellency will also be dedicating

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a landmark hydroelectric project, namely the Tala Project, to the peoples of India and Bhutan. Also Your Excellency shall be laying the foundation stone of the Puna Tsangchhu I Project. Such mega projects are testimony to the excellent cooperation between our two countries which greatly benefit our peoples.

Hereditary Monarchy was established in 1907, and our country enjoyed unprecedented peace and stability for the last one hundred years. Bhutan had been singularly fortunate to have had great Kings. In particular, under the wise and far sighted leadership of our Fourth Druk Gyalpo, His Majesty Jigme Singye Wangchuck, we have achieved tremendous progress in all spheres of life. His Majesty initiated the process of parliamentary democracy in our country ever since he ascended to the golden throne in 1972. His Majesty the Fifth Druk Gyalpo Jigme Khesar Namgyal Wangchuck has continued to steer the country on the path of constitutional democratic monarchy. We have successfully completed with the elections to this Parliament and the formation of the elected government. The support of the Government of India and the people in our endeavors has been instrumental in realizing the Royal vision and the aspirations of the Bhutanese people. The people of Bhutan therefore, offer our deepest

appreciation and gratitude to the people and Government of India for the enduring friendship and cooperation.

In conclusion, I would like to offer our best wishes and prayers for the health and happiness, and long life of Your Excellency and for Your Excellency's accomplishments to continue to flow like the waters of the Ganga. May the sun of peace and happiness shine on the people of India for all times to come and may the strong bonds of friendship and cooperation between India and Bhutan continue to flourish and blossom.

In addition, we wish and pray for well being of His Excellency Dr. Manmohan Singh, the Prime Minister of India and offer our prayers for the everlasting peace and happiness of the people and government of India.

The Prime Minister of India, Dr. Manmohan Singh concluded his participation in the first session of the first parliament with inauguration of the completed Tala Hydro Power Project and laying of the Foundation stone for the first phase of Punatsangchu Hydro Power Project along with the Prime Minister of Bhutan, Lyonchen Jigmi Yoezzer Thinley in the presence of the members of Parliament and senior government officials at the courtyard of the Assembly Hall. The participation of His Excellency Dr. Manmohan Singh, Prime Minister of India in the First Session of the First Parliament of Bhutan has become a historic honour and blessing to the people of Bhutan.

VII. Expression of Appreciation

The Speaker provided the opportunity to the members of Parliament to express appreciation to the Prime Minister of India, H.E Dr. Manmohan Singh for the historic address to Bhutan's new Parliament delivered on Saturday, 17th May 2008 at 0920 hrs. The Leader of Opposition along with other members expressed their appreciation on behalf of the House.

The members submitted that the Prime Minister of India, H.E Dr. Manmohan Singh was the first head of government to visit Bhutan after the establishment of democracy in the country and acknowledged that the visit was yet another milestone in the Indo-Bhutan relations. The members expressed that the introduction of democracy by His Majesty the King has indeed earned great admiration and appreciation from all walks of life. The members also expressed profound appreciation to the Embassy of India in Bhutan and their staff.

All these have been possible due to the unrelenting effort of His Majesty the King. The members offered their heartfelt gratitude and appreciation to His Majesty the King and said that they were very fortunate to have the presence of the first head of government from India, Prime Minister, H.E Dr. Manmohan Singh during

the deliberation on the most precious document, the Constitution of the Kingdom of Bhutan, in the joint sitting of Parliament. India has been the single most contributor in the socio-economic and human resource development of our country with special assistance extended in the legal system of our country. The three main institutions of the government have been fully strengthened which had greatly benefited the country and the people. The legal standards in the country have developed at par with other countries in the world and all these notable achievements are chiefly attributed to the generous support and continued cooperation extended by the Government of India. The members expressed their deep gratitude to the government and the people of India. Likewise, since Bhutan and India shared mutual benefits in all state of affairs, it was imperative to maintain full trust and confidence with India and vice versa and prayed that the close bond of trust and friendship between the two countries would be further strengthened under the wise and magnanimous leadership of His Majesty the Druk Gyalpo.

Relations between Bhutan and India have prevailed since the time of Lord Buddha and accordingly in the 8th century, Guru Rinpoche established relations between the King of Mon, Sindhu Raja and the Indian King, Nawche.

After the arrival of Zhabdrung Ngawang Namgyel in Bhutan in the 17th century, a King from one of the Indian states was the first to visit Zhabdrung and made many offerings amongst which the offering of “*Doma*” and “*Pani*” became chiefly instrumental in fostering ever lasting relations between our two countries. The successive monarchs and particularly Their Majesties the Kings continuously worked towards further cementing and strengthening the close relations between Bhutan and India. The visit to Bhutan by the Prime Minister of India and his inspiring address to the joint sitting of Parliament was not only widely televised both within and outside the country but also extensively reported by the foreign media which was a great pride for the Bhutanese people.

Further, the members expressed deep appreciation for the inspiring address and reminding them about the great responsibility as the first ever elected representatives to translate the aspirations of the people into reality. The Prime Minister said that it was imperative to bear in mind the need for further cementing the excellent relations that exists between the two countries. The members expressed their appreciation for the most valuable address to the joint sitting which clearly indicated the highest level of relations between our two countries.

Today, the excellent relations between our two countries are exemplary to the world. While there is every reason for a small country like Bhutan to be naturally apprehensive in being a neighbour with a huge country, there are no problems existing between our two countries. In fact, our big neighbour has continued to assist us for which we are very grateful. Irrespective of the physical size and attributes, Bhutan and India coexists in perfect harmony and understanding as separate independent nations. However, it is imperative to further strengthen the excellent relations between our two countries for eternity particularly because our country is relatively small in terms of its physical size, economy and population. While our relations existed long before, the foundation for strong bilateral relations were given further impetus under the initiative of Late His Majesty the third Druk Gyalpo. The excellent relationship between our two countries reached the zenith under the farsighted and selfless leadership of His Majesty the fourth Druk Gyalpo. Therefore, the members on behalf of the people of Bhutan, offered profound gratitude to His Majesty the Druk Gyalpo for fostering excellent bond of friendship and goodwill between our two countries.

The members also said that the commitment of 100 billion rupees for the socio-economic development of our

country by the Prime Minister of India in his address to our Parliament came at a time when they were deeply apprehensive on fulfilling the aspirations of the people as reflected in the Tenth Plan. The members expressed profound gratitude to the Government of India for the fund which has given them tremendous confidence in order to fulfill the aspirations of the people.

The members opined that it was an excellent proposal to distribute copies of the words of wisdom and advice shared by the Prime Minister of India in our schools within the country. India has committed the most generous grant as aid to our country in confidence to the devolution of power to the people by Their Majesties the Kings and also in keeping to the Druk Phuensum Tshogpa's central manifesto of "growth with equity and justice". The members offered their prayer for the continued growth in the relationship between Bhutan and India like the never ending river Ganga and expressed sincere appreciation to the Prime Minister of India for pledging to personally take keen role in further strengthening the Bhutan-India relationship.

In his address to the third Druk Gyalpo and the people of Bhutan during his first visit to Bhutan, the Prime Minister of India Pandit Jawaharlal Nehru had said that the only

wish of India was that we should remain an independent country choosing our own way of life and taking the path of progress according to our will. The members said that commemorating the 50th anniversary of Nehru's visit, the trust and unfaltering support reinforced by the Prime Minister of India, H.E Dr. Manmohan Singh was another milestone and indeed a matter of great satisfaction to the people of Bhutan.

The members expressed appreciation to the visiting Prime Minister of India, H.E Dr. Manmohan Singh for clearly stating at length on safeguarding our country's sovereignty and the need to undertake accelerated socio-economic development in the country. The members, on behalf of the people of Bhutan expressed appreciation to the Government of India for attaching great importance towards ensuring a Bhutan that is sovereign, prosperous and secure.

The members acknowledged the proposal to institute a Nehru-Wangchuck Scholarship by the visiting Prime Minister to encourage students from Bhutan to study in leading Indian universities and institutions. The members opined whether there was the feasibility of sending more students to study medicine under the Nehru-Wangchuck Scholarship since the shortages of doctors was the main problem in providing healthcare in the country.

On behalf of the Parliament, 12 members expressed heartfelt gratitude and appreciation to the Prime Minister of India, H.E Dr. Manmohan Singh for sharing with the Parliament words of wisdom and advice on Bhutan-India relationship and related matters.

Deliberation concluded at 10:21 hrs.

Deliberation took 56 minutes

The following were the members who availed the opportunity to express appreciation:

1. Sombeykha constituency member, Leader of Opposition, Tshering Tobgay
2. National Council Eminent Person, Kuenley Tshering
3. Drakteng-Langthel Constituency Member, Rinchen Dorji
4. Dorokha-Tading constituency member, Lyonpo Thakur Singh Powdyel, Ministry of Education
5. Dremitse-Nagtshang Constituency Member, Ugyen Wangdi
6. South Thimphu constituency member, Minister for Works and Human Settlement, Lyonpo Yeshey Zimba
7. Bji-Katsho-Uesu Constituency Member, Ugey Tenzin
8. Panbang constituency member, the Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
9. National Council Member of Trashigang Dzongkhag, Sonam Kuenga
10. Lhamoyzingkha-Trashiding Constituency Member, Hemant Gurung
11. Kanglung-Uzorong constituency member, the Minister for Home and Cultural Affairs, Lyonpo Minjur Dorji
12. National Council Eminent Person, Dasho Karma Ura

VIII. Windstorm Calamity

The Speaker provided the floor for discussion on the alternatives to mitigate the problem caused by windstorm in the two Dzongkhags of Trashigang and Pemagatshel. While expressing their condolences, the National Council Member from Trashigang Dzongkhag along with other members said that although the members representing the constituencies affected by the calamity were unable to visit the affected areas in person, they met and asked the authorities concerned to take immediate measures to mitigate such unexpected calamities. Further, His Majesty the King with magnanimous concern for the affected families had commanded for providing immediate relief measures. The members expressed their appreciation to the government for the immediate steps taken in rendering help to the affected people.

Secondly, the members from the affected constituencies expressed their heartfelt condolences to the victims of the natural calamity and said that they were equally concerned and worried by the disaster irrespective of the areas struck by the calamity since we are one people under one King. They expressed that it was imperative to arrange adequate measures to ensure that students in the affected areas were not hampered in their studies. Thirdly, the members of the Parliament expressed their deep

appreciation for the assistance rendered by the Dzongkhag coordinators and community leaders to the affected people in Trashigang and Pemagatshel Dzongkhags.

Till today, His Majesty the King and the government has been providing full support and assistance to the victims of natural calamities. However, it was of paramount importance to develop policies and measures to manage and prevent such calamities by the present government and the relevant organizations. However, such calamities are unpredictable and efforts must be made to formulate policies/programmes to prevent such calamities in the future.

Likewise, the members expressed profound gratitude to HRH Ashi Dechen Yangzom Wangchuck who, on behalf of His Majesty the King, visited the affected areas in Trashigang and Pemagatshel and granted kidu to the people affected by the calamity.

The member from Bartsham-Shongphu constituency, the Finance Minister expressed his sadness and concern to those people affected by the windstorm in the two Dzongkhags of Trashigang and Pemagatshel. Till date, the Finance Ministry has been continuously providing monetary assistance to the affected victims as per the directives of the government. He added that the ministry shall allocate separate budget like before in order

to facilitate immediate relief measures during such calamities in the future.

The National Council Member of Mongar Dzongkhag said that he was greatly perturbed by the calamity caused by the recent windstorm in Trashigang and Pemagatshel Dzongkhags. He expressed heartfelt gratitude to HRH Ashi Dechen Yangzom Wangchuck who, on behalf of His Majesty the King, also visited the areas affected by the windstorm in Mongar Dzongkhag and granted generous kidu to the victims. Further, he urged not to be complacent with the temporary relief measures but carryout proper arrangements to face similar catastrophe in the future.

Deliberating on this issue, the Prime Minister expressed deep appreciation to the members of Parliament for expressing their concerns over the devastation caused by the recent windstorm. He informed the Parliament that as per the command of His Majesty the King, the government has taken all possible measures to help the affected families in these two Dzongkhags. The Prime Minister, on behalf of the members and on his own, expressed appreciation to the Dzongkhag administrations and the community leaders for taking immediate measures to mitigate the problems faced by the affected families.

The Prime Minister said that there were a number of plans and programmes framed by the government to deal with such calamities. While the government would continue to implement those plans and policies, a National Disaster Management Authority has been separately established which would look into such problems in the future. The Prime Minister also reminded that as there was risk of natural disasters in the world in general that included our country as well, the government would take note of the concerns and suggestions made by the members of Parliament and take adequate measures at the earliest possible.

While expressing satisfaction and deep appreciation for the elucidation provided by the Prime Minister, some of the members opined that since merely submitting concerns would not alleviate the problems of the victims affected by the windstorm, some monetary contributions by the members of the Parliament to the less affluent families affected by the calamity would immensely benefit them.

The National Council Member from Samdrup Jongkhar Dzongkhag said that he was greatly perturbed by the destruction caused by the recent windstorm in the two Dzongkhags and offered his sincere condolences to the affected families. As no mention was made by the

members on the minor destructions caused by the recent windstorm in Samdrup Jongkhar Dzongkhag, he expressed full support and sincere condolences to the affected households of Samdrup Jongkhar Dzongkhag.

The National Council eminent person, Kuenley Tshering elucidated on the external and internal preventive measures and arrangements during such calamities. He said that the construction of houses and other basic infrastructure by the government was an external arrangement and the internal factors consisted of imbibing mutual understanding between the Bhutanese people, preservation of our natural environment and conducting daily rituals in view of Bhutan being a deeply religious country. He said that such major natural disasters would be prevented in the event all these precautions were taken beforehand.

The Speaker, on behalf of the Parliament expressed deep gratitude to the government, people and the community leaders for collectively rendering their full support in providing all possible relief measures towards alleviating the problems of victims affected by the recent windstorm in the two Dzongkhags of Trashigang and Pemagatshel.

He highlighted the importance of the media to inform the nation on the relief measures rendered by the government

during such situation. He also said that the members were unanimous in expressing their concern in one impassioned submission pleading the government to arrange immediate relief measures for the benefit of the victims.

The deliberation concluded at 12:09 hrs.

The deliberation took 1:14 hour.

The following members made submission of condolences to the windstorm victims:

1. National Council Member, Trashigang Dzongkhag, Sonam Kuenga
2. Wamrong Constituency Member, Lhatu
3. Doga-Shaba Constituency Member, Chenchu Dorji
4. Thrimshing Constituency Member, Choeki Wangmo
5. National Council Member of Pemagatshel Dzongkhag, Jigme Rinzin
6. Bartsham-Shongphu constituency member, Minister for Finance, Lyonpo Wangdi Norbu
7. Lamgong-Wangchang constituency member, Minister for Economic Affairs, Lyonpo Khandu Wangchuk
8. Bji-Katsho- Uesu constituency member, Ugey Tenzin
9. Sombeykha constituency member, Leader of Opposition, Tshering Tobgay
10. Panbang constituency member, Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
11. Gangzur-Minjay constituency member, Karma Rangdol
12. Kengkhar-Weringla constituency member, Sonam Penjore
13. National Council member from Mongar Dzongkhag, Nechu

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14. National Council member from Trongsa Dzongkhag, Dr. Jagar Dorji
15. National Council member from Paro Dzongkhag, Ugyen Tshering
16. National Council member from Zhemgang Dzongkhag, Pema Lhamo
17. Nanong and Shumar constituency member, Lyonchhen Jigmi Y. Thinley
18. National Council Eminent Person, Kuenley Tshering
19. Kanglung-Uzorong constituency member, Minister for Home and Cultural Affairs, Lyonpo Minjur Dorji
20. National Council member from Punakha Dzongkhag, Namgay Peljor
21. Bongo-Chapcha constituency member, Ugya Tshering
22. Nganglam constituency member, Choida Jamtsho
23. National Council member from Samdrup Jongkhar Dzongkhag, Jigme Wangchuk
24. National Council member from Bumthang Dzongkhag, Tshewang Jurmi
25. Goenkhatoe-Laya constituency member, Damchoe Dorji
26. Dorokha-Tading constituency member, Minister for Education, Lyonpo Thakur Singh Powdyel

IX. Endorsement of the Draft Constitution of the Kingdom of Bhutan

1. Initial presentation by Speaker on the Draft Constitution

On behalf of the Parliament, the Speaker welcomed the Chairman of the Constitution Drafting Committee, Lyonpo Sonam Tobgye to the joint sitting of the Parliament. He also presented a general overview on the Draft Constitution of the Kingdom of Bhutan. He reminded the House that His Majesty the fourth Druk Gyalpo, bearing in mind the wellbeing of the people and the sovereignty of the country for all times to come and through the establishment of a democratic political system best suited for Bhutan, commanded the drafting of a written Constitution for the Kingdom of Bhutan. Accordingly, under the Chairmanship of the Chief Justice, the Constitution Drafting Committee was established with 39 members representing the monastic community, government, the general public and experts from different agencies. Consequent to the formulation of the Draft Constitution, His Majesties the King and HRH Choetse Penlop personally initiated the historic consultation meetings with the people of all the Dzongkhags with the first consultation meeting taking place at Lungtenphu,

Thimphu on 26th October, 2005. Besides explaining all the provisions of the Draft Constitution to the people of all the twenty Dzongkhags, His Majesties the King and HRH Choetse Penlop Jigme Khesar Namgyel Wangchuck also held discussion on each Article of the Constitution and incorporated the feedbacks received from the people during the consultation process. Their Majesties the Kings completed the final consultation meeting on the Draft Constitution of the Kingdom of Bhutan in Trongsa on 24th May, 2006.

The Speaker said that since the Draft Constitution was reviewed through public consultations and amended after incorporating the feedbacks of the people, there may not be changes, additions or deletions on this important document by the Parliament. However, as the Parliament was the final authority to endorse the Constitution, the Speaker expressed fervent hope that the members of Parliament would thoroughly review this sacred document that has been laid before the House and endorse it.

2. Presentation on the background and objectives of the Constitution of the Kingdom of Bhutan by the Chairman of the Constitution Drafting Committee

Commencing the deliberation on the Draft Constitution of the Kingdom of Bhutan, the Chairman of the Constitution Drafting Committee, the Chief Justice made a brief

presentation on the Draft Constitution. On behalf of the Constitution Drafting Committee and on his own behalf, the Chairman congratulated the Speaker of the National Assembly and the members of the Parliament on their election. He said that on 4th September 2001, His Majesty the fourth Druk Gyalpo briefed the Prime Minister, Council of Ministers, Speaker of the National Assembly, Chairperson of the Royal Advisory Council and the Chief Justice on the need to draft a written Constitution for the Kingdom of Bhutan. His Majesty also issued policy directives and guidelines consisting of 9 points. The process for drafting the Constitution was formally inaugurated with Zhugdrel Phuensum Tshogpai Tendrel ceremony at the Throne Room of Tashichhodzong. The members of the Drafting Committee, bearing in mind the welfare of the country and the people, had fully committed themselves in drafting the Constitution of the Kingdom of Bhutan with utmost loyalty and dedication.

The Chairman said that Articles enshrined in the Constitution are based on the security and sovereignty of the nation and equity and rights of the people as per the wishes of Their Majesties the Kings. He added that the Drafting Committee was very different and unique in its composition since its members represented a wide cross-section of the Bhutanese society. The members included

the Chief Justice, the Speaker of the National Assembly, the Zhung Kalyon, representatives from the monastic community, one elected member each from the twenty Dzongkhags, people's representatives of the Royal Advisory Council, representatives of the government, representatives from the judiciary and representative from the Office of Legal Affairs.

He reminded the House that His Majesty the King and HRH Choetse Penlop initiated the drafting of a written Constitution with a single-minded focus to provide the legal framework for a democratic political system and to establish a system of governance that would safeguard the security and sovereignty of the nation and ensure the wellbeing of the Bhutanese people for all times. The members of the Drafting Committee continuously worked hard for a period of 10 months and submitted the first draft of the Constitution of the Kingdom of Bhutan to His Majesty the King. The Committee submitted the second draft of the Constitution following repeated reviews and amendments, after which it was reviewed by a renowned constitutional lawyer from India and then the Lhengye Zhungtshog. The draft was also posted on the internet for public views and comments.

Besides widely distributing copies of the Draft Constitution to all the Dzongkhags and geogs, His Majesty the King and HRH Choetse Penlop

made available a copy each of the draft constitution to every household in the country. In order to carryout nationwide consultation on the Draft Constitution of the Kingdom of Bhutan, His Majesty the King and HRH Choetse Penlop personally visited all the twenty Dzongkhags and conducted meetings with representatives from each households to discuss and clarify on the provisions of the Draft Constitution. Over the period of the consultation meetings, a total of 330 feedbacks were received from the people and appropriate feedbacks incorporated in the Draft Constitution. The Chairman said that the Constitution was drafted with the noblest of thoughts amid peace and stability, bearing in mind the religion and culture of the country and practices of the world to ensure continued peace and prosperity in the country. He expressed sincere hopes and prayers that the members of the Parliament would provide valuable inputs and give careful thoughts during the deliberation and endorsement of the Constitution.

3. Submissions regarding the amendments on the Draft Constitution

After the presentation by the Chairman of the Constitution Drafting Committee on the objectives and purpose of the Draft Constitution of the Kingdom of Bhutan, the members of Parliament expressed profound gratitude and

appreciation to the Chairman and the members of the Drafting Committee on formulating a well written Constitution. The members said that the adoption of the constitution, besides establishing a system of governance that will safeguard the security and sovereignty of the nation and ensure the continuity of the institution of hereditary monarchy for all time to come, shall ensure national integrity and protection of our environment. Also, the Constitution will provide the framework for the preservation of our age-old traditions and safeguard the rights of the Bhutanese people. The following were the opinions raised by the members:

The member from Goenkhatoe-Laya constituency said that since the Constitution was duly formulated after having studied the constitutions of more than hundred countries and elaborately discussed by His Majesty the King and HRH Choetse Penlop with the people of all the twenty Dzongkhags through nationwide public consultations, he saw no reason to make any changes on the Draft Constitution. He said that the amendment made in one article risked the requirement to effect amendments in other articles and expressed his hope that the members would bear this in mind and provide tacit support in endorsing the draft Constitution.

Likewise, the member from Khar-Yurung constituency, the Health Minister said that not only was the Draft Constitution thoroughly discussed by His Majesty the King and HRH Choetse Penlop with the public of all the twenty Dzongkhags, it was imperative to appropriately treat this sacred document to ensure that the Constitution was not amended in the next 50 to 100 years. He added that apart from few clarifications, there was no need for major amendments in the constitution and hence, elaborate deliberations were not necessary.

The member from Dorokha-Tading constituency, the Minister for Education suggested that since the Constitution was a precious gift of His Majesty the fourth King to the Bhutanese people, it would be most befitting to incorporate his name in the title.

Opposing the submissions, the member from Drakteng-Langthel constituency said that His Majesty the King and HRH Choetse Penlop, while addressing the public in different parts of the country, have always stressed on the importance of establishing a Constitution that would be relevant for 100 years and beyond. Therefore, it was imperative for the house to carry out extensive review and deliberation while endorsing the constitution. He said that it will be very beneficial if the Chairman of the Drafting Committee

would provide clarifications during the course of the deliberation.

Likewise, the member from Bji-Katsho-Uesu constituency submitted that since the members of the Drafting Committee explicitly formulated the Constitution as desired by His Majesty the fourth King and subsequently discussed with the people of the twenty Dzongkhags, it was appropriate that the constitution was endorsed as presented. However, it was imperative to finalise the Constitution before it was endorsed since it was the core foundation of the nation and the basis of all laws in the country. He said that it was most appropriate to make minor amendments to the Constitution during the current sitting of the first session of the first Parliament, wherever appropriate.

The member from Panbang constituency, the Minister for Labour and Human Resources said that His Majesty the fourth King commanded the drafting of the Constitution of the Kingdom of Bhutan with a single-minded focus to further strengthen the security and sovereignty of the nation and to ensure even greater happiness and prosperity of the Bhutanese people. Since the Constitution was the ultimate legal framework for a democratic political system in the country, it was imperative to provide elaborate deliberations before endorsing it. Further, he

sought clarifications on whether the Constitution provided avenues for the execution of activities through the coordination between the ruling party and the local government. The member of National Council from Trongsa Dzongkhag said that since the members of the Constitution Drafting Committee formulated the Constitution as per the wishes of His Majesty the fourth King and further revised after elaborate discussions with the people of the twenty Dzongkhags, it was not appropriate for them to make any submissions. However, since it was imperative to clearly understand all the provisions of the Constitution before its actual implementation, it was of utmost importance that the Speaker of the House provided opportunity to seek elucidations.

The member from Khengkhar-Weringla constituency said that as per the understanding of the Rules of Procedure of the National Assembly, the members were required to submit a one day prior notice to the House on any motion or amendment. Hence, he sought clarification on whether the members were allowed to speak in the event they desired to raise any pertinent issues during the course of deliberation on the draft Constitution.

The member from Lingmukha-Toewang constituency said that the constitution was carefully drafted by the members

of the Drafting Committee as per the wishes of His Majesty the King and HRH Choetse Penlop. However, he added that prior to its enactment, the members of Parliament should render their full support in making necessary amendments in the event there were inconsistencies in the meanings so as to ensure that the Constitution was relevant for generations to come.

The member from Dremitse-Ngatshang constituency said that although the Constitution required no major amendments, there was room for proposals and suggestions in the context of the recent election experiences. He said that it was necessary to provide clarification on the issues since the Constitution was the supreme law of the country. It was equally important that the members engaged in substantive deliberations prior to its endorsement to ensure that the Constitution was not subject to frequent amendments.

The member from Sombeykha constituency, the Leader of Opposition said that His Majesty the Fourth Druk Gyalpo had always contemplated a Constitution for the country since His accession to the Golden Throne as a result of which a written Constitution was propounded in 2001 for the welfare of the country and the people. Further, the Constitution was also the outcome of elaborate

consultation meetings that His Majesty the King and HRH Choetse Penlop conducted with the people of the country.

Therefore, there was no reason to bring about any amendments to such a sacrosanct document and that he himself was not well-equipped to propose amendments to the Constitution. He shared his apprehension that a slight amendment may risk in triggering major amendments. The Constitution has also gone through the National Referendum stage and endorsed through nationwide consultation meetings by Their Majesties the Kings with the people after incorporating their feedbacks.

He added that it would be most appropriate to retain the provisions of the Draft Constitution without any amendments since the introduction of democracy in the country and the election of the members of Parliament was entirely based on the Draft Constitution.

The member from Drujeygang-Tseza constituency said that although the Constitution was drafted as per the directives of His Majesty the Fourth Druk Gyalpo, a strong Constitution was mandatory to ensure greater peace, happiness and security in the country. He said that in the event the current parliament engaged in extensive deliberations and endorsed a strong Constitution, it would

immensely contribute towards ensuring greater peace, happiness and security in the country.

The member from Kabji-Talo constituency said that since it was imperative to have a vibrant Constitution in place, the submission was made purely to seek clarification on whether there was any room to make any additions in the context of their experiences and not to entirely amend the Constitution.

The National Council eminent person, Kuenley Tshering reminded the House that the fourth Druk Gyalpo, bearing in mind the wellbeing of the country and the people and in accordance to the noble policy of decentralisation, formulated the Constitution of the Kingdom of Bhutan through ample discourse and reviews over a period of time. He added that the Constitution was introduced during a time when the country enjoyed peace, happiness and all round economic development and expressed his hope that the members of Parliament would carry out extensive deliberation on all the provisions and accordingly endorse the Constitution.

The member from Wamrong constituency submitted that there would not be major amendments since the democratic process in the country was based on the Draft Constitution. However, there was the possibility that there

may arise problems in the future in the event it was not thoroughly reviewed. Therefore, detailed discussion on the Draft Constitution was necessary to make it more comprehensive and complete in all respect.

The member from Khilkhorthang-Mendrelgang constituency, the Deputy Speaker supported the submissions made by the members on the need to provide clarification and also to make some minor amendments on the Draft Constitution.

The National Council member from Trashigang Dzongkhag submitted that the Constitution was the core basis of all the other Acts in the country and in the event there was inconsistency in the meanings between the texts from the very beginning, it would entail problems in the future on its actual implementation. He suggested that the Chairman of the Drafting Committee should provide further elucidations in order to enable the members of the National Council and the National Assembly to arrive at a common understanding on the terms in the Constitution.

Deliberation concluded at 13:00 hrs.

Deliberation time: 1:50 minutes.

List of Members who made submissions regarding the amendments on the Draft Constitution of the Kingdom of Bhutan;

1. Goenkhatoe-Laya constituency member, Damchoe Dorji

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2. Khar-Yurung constituency member, Health Minister, Lyonpo Zanglay Drukpa
3. Drakteng-Langthel constituency member, Rinzin Dorji
4. Dorokha-Tading constituency member, Education Minister, Lyonpo Thakur Singh Powdyel
5. Bji-Katsho-Uesu constituency member, Ugen Tenzin
6. Panbang constituency member, Labour and Human Resources Minister, Lyonpo Dorji Wangdi
7. National Council member from Trongsa Dzongkhag, Dr. Jagar Dorji
8. Kengkhar-Weringla constituency member, Sonam Penjore
9. Lingmu-Toewang constituency member, Namgay Wangchuk
10. Dremitse-Ngatshang constituency member, Ugyen Wangdi
11. Sombeykha constituency member, Leader of Opposition, Tshering Tobgay
12. Drujeygang-Tseza constituency member, Sonam Jamtsho
13. Kabji-Talo constituency member, Tshering Penjor
14. National Council Eminent Person, Kuenley Tshering
15. Wamrong constituency member, Lhatu
16. Kilkhorthang and Mendrelgang constituency member, the Deputy Speaker, Yangku Tshering Sherpa
17. National Council member from Trashigang Dzongkhag, Sonam Kuenga

Title of the Constitution of the Kingdom of Bhutan

Commencing the discussion, the Speaker stated that the House received 31 notices of motions for discussion on the Constitution from the members of the National Assembly and 5 from the National Council. He said that a motion shall be tabled for deliberation by the House in the event the said motion was seconded by at least two other members, otherwise, the motion shall not be admitted for discussion by the House.

The National Council Member from Haa Dzongkhag submitted the motion to change the title of the Constitution of the Kingdom of Bhutan by adding “Pelden” to the existing title in the Dzongkha text in line with the country’s ancient history.

The National Council member from Trongsa Dzongkhag, the member from Lingmu-Toewang constituency and the Panbang constituency member, the Minister for Labour and Human Resources seconded the motion for the change in the title of the Constitution in the Dzongkha text. However, most of the members submitted that since the title of the Constitution was very appropriate and corresponded to our country, it should be retained as was presented. Other members justified that it was mandatory

to retain the title of any Acts as short as possible and that the present title of the Constitution was appreciated and acknowledged by experts from outside the country. Therefore, the title of the Constitution should be retained or alternatively the Chairman of the Constitution Drafting Committee should provide clarification on this issue.

The Chairman of the Constitution Drafting Committee said that the need to add “Pelden” to the existing title of the constitution in the Dzongkha text was thoroughly discussed in the committee meetings but the members had unanimously decided to keep the present title. He added that in the event the title of the Constitution was changed as submitted by some of the members, firstly, there would be the defect due to a long title and secondly, it was imperative to take into account the pros and cons in having such addition in the years to come. He reminded the House to also bear in mind the advantages and benefits of the present title of the Constitution for the country and the people.

While deliberating on the motion to change the title of the Constitution, the House noted that since the title had different meanings and interpretations, it would be impossible for the House to arrive at a final decision on the title. However, given that the title was appropriate from all aspects, the House agreed to retain the title of the Constitution as presented.

The House noted that 16 members participated during the deliberation to change the title of the Constitution, out of which 3 members made submissions for the change in the title. Since the majority of the members made submissions against the motion, the House resolved that the existing title in the Dzongkha text of the constitution would be retained as presented.

Deliberation concluded at 10:27 hrs

Deliberation time: 52 minutes

List of members who participated on the motion to change the title of the Constitution in the Dzongkha text:

1. National Council member, Haa Dzongkhag, Tshering Dorji
2. National Council member, Tongsa Dzongkhag, Dr. Jagar Dorji
3. Lingmu-Toewang constituency member, Namgay Wangchuk
4. Kanglung-Uzorong constituency member, Home and Cultural Affairs Minister, Lyonpo Minjur Dorji
5. Panbang constituency member, Labour and Human Resources Minister, Lyonpo Dorji Wangdi
6. Dremitse-Ngatshang constituency member, Ugyen Wangdi
7. Bardo-Trong constituency member, Tshering Dorji
8. Kengkhar-Weringla constituency member, Sonam Penjor
9. Nanong-Shumar constituency member, Lyonchhen Jigmi Y. Thinley
10. Kilkhorthang and Mendrelgang constituency member, Deputy Speaker, Yangku Tshering Sherpa
11. Nyisho-Sepchu constituency member, Gyem Dorji
12. Khar-Yurung constituency member, Health Minister, Lyonpo Zangley Drukpa
13. Goenkhatoe-Laya constituency member, Damchoe Dorji

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14. Dorokha-Tading constituency member, Education Minister,
Lyonpo Thakur Singh Powdyel
15. National Council member from Bumthang Dzongkhag, Tshewang
Jurmi
16. National Council Eminent Person, Dasho Karma Ura

Article 1, Section 4

Time: 10:30 hrs

On Article 1, Section 4 of the Draft Constitution, the member from Dremitse-Ngatshang constituency submitted that the section “the territory of Bhutan shall comprise twenty Dzongkhags” be replaced with “the territory of Bhutan shall comprise all the Dzongkhags” so as to avoid complications regarding the increase and decrease in the number of Dzongkhags in the future. The submission was seconded by the members from Menbi-Tshenkhar and Thrimshing constituencies respectively.

The Chairman of the Constitution Drafting Committee clarified that 10 to 20 years from now, the people may not be able to know the total number of Dzongkhags in the country at a time when the Constitution was being endorsed in the event twenty Dzongkhags was not specified in the present constitution. Therefore, it was imperative to specify twenty Dzongkhags in order to avoid the increase or decrease in the number of Dzongkhags by influential people.

Deliberating on the motion, several members submitted that the section “the territory of Bhutan shall comprise twenty Dzongkhags” be kept as was specified in the Constitution. The Members pointed out that ever since the country was divided into twenty Dzongkhags, it has proved to be beneficial not only in implementing the planned developmental activities and achieving socio-economic prosperity but has also been convenient in terms of culture and tradition, language, administration and governance in the country. Moreover, the Draft Constitution clearly stated that the increase and decrease in the number of Dzongkhags and constituencies would be appropriately resolved by the Delimitation Commission. The Members said that in the event the territory comprising twenty Dzongkhags was amended and a fixed number of Dzongkhags was not specified, it was likely to lead to problems in the future while increasing or decreasing the number of Dzongkhags. While there were risks that political parties could alter the territories for personal advantages, members submitted that it would be most appropriate to retain the provision as specified in the Draft Constitution.

During the deliberation on this section, a total of 19 members participated, out of which 5 members submitted in favour of the amendment while the majority of the

members submitted in support of retaining the section as specified in the Draft Constitution. Accordingly, the Parliament resolved to retain Article 1, Section 4 as specified in the Draft Constitution.

Deliberation concluded at 11:55 hrs.

Deliberation time: 1:25 hrs.

The following members participated in the discussion pertaining to the 20 Dzongkhags in Article 1, Section 4:

1. Dremitse-Nagtshang constituency member, Ugyen Wangdi
2. Menbi-Tshenkar constituency member, Tshering Tenzin
3. Thrimshing constituency member, Choeki Wangmo
4. Kabji-Talo constituency member, Tshering Penjore
5. Gelephu constituency member, Prem Kumar Gurung
6. Panbang constituency member, Labour and Human Resources Minister, Lyonpo Dorji Wangdi
7. Nyisho-Sepu constituency member, Gyem Dorji
8. Nanong-Shumar constituency member, Lyonchhen Jigmi Y. Thinley
9. Lhamoyzingkha-Trashiding constituency member, Hemant Gurung
10. Kanglung-Uzorong constituency member, Home and Cultural Affairs Minister, Lyonpo Minjur Dorji
11. Khar-Yurung constituency member, Health Minister, Lyonpo Zangley Drukpa
12. National Council member of Zhemgang Dzongkhag, Pema Lhamo
13. Drakteng-Langthel constituency member, Rinchen Dorji
14. National Council Eminent Person, Kuenley Tshering
15. National Council member of Trongsa Dzongkhag, Dr. Jagar Dorji

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16. Dorokha-Tading constituency member, Education Minister,
Lyonpo Thakur Singh Powdyel
17. Chumey-Ura constituency member, Karma Wangchuk
18. National Council member of Bumthang Dzongkhag, Tshewang
Jurmi
19. National Council Eminent Person, Karma Yoezer Rayti

Article 1, Section 5

Time: 12:43 hrs

With regard to Article 1, Section 5 which stated that “the National Flag and the National Emblem of Bhutan shall be as specified in the First Schedule of this Constitution”, the National Council Member from Trashigang Dzongkhag said that the National Flag was not only a symbol of a sovereign independent nation but also illustrated the core founding of the Kingdom of Bhutan. It was, therefore imperative for the people within and outside the country to be familiar with the religious and secular aspects of the National Flag. He sought clarification of the House as to whether the inconsistency between the English and Dzongkha texts in the description of the National Flag were to be retained as specified or amended.

Article 1, Section 11

The member from Lamgong-Wangchang constituency, the Minister for Economic Affairs sought clarification on whether the Chief Justice of the Supreme Court should be a member of the Council of Regency as mentioned in Article 2, Section 8(C).

He said that since Article 1, Section 11 provided that the Supreme Court shall be the guardian of the Constitution and the final authority on its interpretation, the Chief Justice should not be a member of the Council of Regency because in case of a problem, the Council would have to resort to the Supreme Court where the Chief Justice would be required to resolve the conflict.

Supporting the motion, the member from Nanong-Shumar constituency, the Prime Minister requested for further elucidation on the issue by the Chairman of the Constitution Drafting Committee. The Chairman of the Drafting Committee said that the Chief Justice was included as a member of the Council of Regency after it was thoroughly deliberated by the members of the Constitution Drafting Committee. He said that the presence of the Chief Justice was important for preventive and deterrent matters since all other members were affiliated to political parties. Further, he said that the Chief Justice was included as a member in order to provide checks and balance in the Council of Regency.

On this, the members concerned expressed gratitude for the elucidation provided by the Chairman of the Drafting Committee on the inclusion of the Chief Justice in the Council of Regency. The sitting was adjourned

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after the House was notified that the deliberation on the same would be continued on 13.05.2008.

Deliberation concluded at 13:00 hrs.

Deliberation time: 17minutes

The following members participated in the discussion on the inclusion of the Chief Justice in the Council of Regency:

1. Lamgong-Wangchang constituency member, Minister for Economic Affairs, Lyonpo Khandu Wangchuk
2. Drakteng-Langthel constituency member, Rinchen Dorji
3. Nanong and Shumar constituency member, Lyonchhen Jigmi Y. Thinley
4. Bji-Katsho-Uesu constituency member, Ugey Tenzin
5. Khar-Yurung constituency member, Minister for Health, Lyonpo Zangley Drukpa
6. Goenkhatoe-Laya constituency member, Damchoe Dorji
7. Kabji-Talo constituency member, Tshering Penjore

Continuation of Discussion on Article 1, Section 11

Time: 0935 hrs

Prior to the continuation of discussion on the inclusion of the Chief Justice in the Council of Regency, the House resolved that in the event there was inconsistency in the Dzongkha and English texts of the Draft Constitution, the Dzongkha text shall be retained as presented and that the English text shall be amended.

The Chairman of the Constitution Drafting Committee submitted that cases related to the Council of Regency would not arise but in case if it did come before the Supreme Court and there was conflict of interest opposed to the natural law, it shall then be governed by the principles of natural law. Since the Chief Justice was a member of the Council of Regency, he would not be allowed to sit in such cases. Further, he said that not only in these cases but whatever cases that came before the Drangpons of the Dzongkhag Court or the Drangpons of the Supreme Court, they shall preside during the deliberation on such cases provided they have conflict of interests and similarly, the same shall apply to the Chief Justice of Bhutan.

On this, several members submitted their opinions and sought clarifications. After an elaborate deliberation for

37 minutes and as elucidated by the Chairman of the Constitution Drafting Committee, the House noted that the presence of the Chief Justice would provide checks and balance in the Council of Regency and as such unanimously agreed that the inclusion of the Chief Justice as a member of the Council of Regency was imperative.

Accordingly, the Parliament resolved to maintain the Section as provided in the Draft Constitution without any amendment.

Deliberation concluded at 1012 hrs.

Deliberation time: 37 minutes.

The following members participated in the discussion on the inclusion of the Chief Justice in the Council of Regency.

1. Choekor-Tang constituency member, Minister for Agriculture, Lyonpo Dr. Pema Gyamtsho
2. Panbang constituency member, Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
3. Menbi-Tshenkhar constituency member, Tshering Tenzin
4. National Council member of Zhemgang Dzongkhag, Pema Lhamo
5. Thrimshing constituency member, Choeki Wangmo
6. Gangzur-Minjay constituency member, Karma Rangdol
7. National Council Eminent Person, Kuenley Tshering
8. Dorokha-Tading constituency member, Minister for Education, Lyonpo Thakur Singh Powdyel
9. Gelephu constituency member, Prem Kumar Gurung

10. Nyisho-Sepchu constituency member, Gyem Dorji
11. Goenkhatoe-Laya constituency member, Damchoe Dorji
12. Lamgong-Wangchang constituency member, Minister for Economic Affairs, Lyonpo Khandu Wangchuk
13. National Council member of Mongar Dzongkhag, Naichu
14. Nanong-Shumar constituency member, Lyonchhen Jigmi Y. Thinley
15. National Council Eminent Person, Dasho Karma Ura
16. Khar-Yurung constituency member, Minister for Health, Lyonpo Zanglay Dukpa

Article 2, Section 8

Time: 09:45 hours

The member from Gangzur-Minjay constituency on Article 2, Section 8 submitted the motion to increase the number of members in the Council of Regency from the existing six to seven stating that number 6 was ominous as per Bhutanese belief.

Supporting the motion, the National Council member from Mongar Dzongkhag and the Panbang constituency member, the Minister for Labour and Human Resources said that the total number of members in the Council of Regency should be increased to seven with the inclusion of an additional member either from the Dratshang or a senior Royal Family.

The Chairman of the Constitution Drafting Committee said that the undesirability of the total number of

members in the Council of Regency at six was also raised during the Constitution consultation meetings held in all the twenty Dzongkhags. However, the total number of members was maintained at 6 because of inconveniences due to various reasons mainly because firstly to provide checks and balance and secondly, for permanence from the legal point of view. He also said that the reason for providing a senior member from the Royal Family was to include an important elder member of the Royal Family to the Council of Regency.

While deliberating on this issue, some members expressed that the number is not at all inauspicious while others submitted that the total number be increased to seven with an additional member either from the Dratshang, armed forces or from the private sector in view of the strong belief in auspicious premonitions. Suggesting another alternative, the members said that a member from the Royal Family may be included thereby increasing the total number to seven members.

The Speaker said that since an agreement could not be arrived at on the number of members, the House decided to resolve the matter through voting by raising of hands. During the voting, 94 percent of the members voted in favour of the existing six members in the Council of

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Regency. Accordingly, it was resolved to retain the total members at six as specified in the Draft Constitution.

Deliberation concluded at 10:30 hours

Deliberation time: 45 minutes

The following members participated in the debate on the number of members in the Council of Regency:

1. Gangzur-Minjay constituency member, Karma Rangdol
2. National Council Eminent Person, Kuenley Tshering
3. Dorokha-Tading constituency member, Minister for Education, Lyonpo Thakur Singh Powdyel
4. Goenkhatoe-Laya constituency member, Damchoe Dorji
5. Lamgong-Wangchang constituency member, the Minister for Economic Affairs, Lyonpo Khandu Wangchuk
6. National Council member of Mongar Dzongkhag, Naichu
7. Panbang constituency member, Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
8. Nanong-Shumar constituency member, Lyonchhen Jigmi Y. Thinley
9. National Council Eminent Person, Dasho Karma Ura
10. Khar-Yurung constituency member, Minister for Health, Lyonpo Zanglay Drukpa

Article 1, Section 11

Time: 10:33 hrs

The member from Panbang constituency, the Minister for Labour and Human Resources said that there was a minor inconsistency in the meaning between the Dzongkha and the English text in Article 1, Section 11

of the Draft Constitution and enquired whether there was room for effecting amendments in the English text.

While deliberating on the issue, members said that the problems pointed out by the Minister of Labour and Human Resources were due to typographical errors and therefore required no further deliberation. Some members also said that as the issue was resolved by the House on the previous day, it was appropriate to uphold the decision already made. However, the Minister of Labour and Human Resources reiterated that the problem was due to differences in the meaning communicated by the Dzongkha and English versions of the text and not that of translation.

On this issue, the Chairman of the Constitution Drafting Committee submitted that legal terms were difficult and in case of complexity in the future it could become a cause for litigation. The Committee had separately discussed this matter in keeping with the age old traditions of the country. Based on the possible problems in the country and the country's current situation, the Chairman suggested that it would be most befitting not to make any amendments but it be retained as "Druk Gyalpo" only.

As elucidated by the Chairman of the Constitution Drafting Committee, the Parliament resolved to retain

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Article 1, Section 11 as provided in the Draft Constitution without any amendments.

The deliberation concluded at 1130 hrs.

Deliberation time: 27 minutes

The following members participated in the discussion on the inconsistency in the meanings between the Dzongkha and the English text in Article 2 Section, 11:

1. Panbang constituency member, Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
2. National Council member of Trashigang Dzongkhag, Sonam Kuenga
3. Khar-Yurung constituency member, Minister for Health, Lyonpo Zanglay Drukpa

Article 2, Section 14

Time: 11:35 hrs

With regard to the Privy Council which stated that “one member nominated by the Lhengye Zhungtshog”, the member from Mongar constituency sought clarification as to whether the member would be nominated from amongst the ministers, the National Assembly or some other experts. This motion was seconded by the members from Nganglam and Deothang-Gomdar constituencies.

During the deliberation, the Chairman of the Constitution Drafting Committee said that there should be a separate Act with specific clauses on the subject as the Constitution provided only the general basis for the establishment of any law. He said that it would be easy

and appropriate to make amendments to other laws framed by the House as and when the necessity arose.

Since most of the submissions made by the members were in respect to the Rules of Procedure, the Chairman said that it would be better to endorse the Constitution as presented. He added that the elected members of the Parliament were the choice of the people and it would undermine their high status in the event the members participated in such councils. There was also the possibility that it would weaken checks and balance system while reviewing issues. It is, therefore important to remain separate from other councils.

On this, the member from Goenkhatoe-Laya constituency said that there was a need to specify the tenure for the members of the Privy Council and sought clarification on the nomination procedures in case the Druk Gyalpo was underage or the Parliament was dissolved. He also sought a briefing as to whether there was a separate Bill for the Privy Council. The member from Mongar constituency enquired whether a Bill has already been drafted or whether the National Assembly was mandated to draft the Privy Council Bill.

The Chairman of the Constitution Drafting Committee submitted that while the Privy Council Bill has been

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drafted, he was unable to inform the House as to when the Bill would be tabled in the Parliament. However, he said that the concerns of the members would be taken into consideration and included in the Privy Council Bill. Accordingly, the House resolved to conclude the discussion on this issue.

Deliberation concluded at 11:46 hrs.

Deliberation time: 11 minutes

The following members participated in the discussion on Article 2, Section 14 relating to the Privy Council:

1. Mongar constituency member, Karma Lhamo
2. Nganglam constituency member, Choida Jamtsho
3. Deothang-Gomdar constituency member, Ugyen Dorji
4. Goenkhatoe-Laya constituency member, Damchoe Dorji

Article 2, Section 16(a) and (c)

Time: 10:33 hrs

The Panbang constituency member, the Minister for Labour and Human Resources sought clarification on whether the word “Lhengye” in Section 16(a) of Article 2 included the members of Parliament. If not, a separate clause stating that they would receive *Tashi Khadhar* from His Majesty the King should be included in the Constitution as this would be a basis for the strong bond between His Majesty the King and the members of Parliament in the future. Further, there was difference in the connotation of the word “grant amnesty” between the Dzongkha and English texts in Section 16(C) of Article 2 and suggested that the word “*sid dhen*” be deleted from the Dzongkha text. While seconding the submission made by the Minister, the Kabji-Talo and the Deothang-Gomdar constituency members suggested that it would be most appropriate not to include Royal prerogatives in the Constitution.

Intervening in the deliberation, the Chairman of the Constitution Drafting Committee said that the members of Parliament were not included in “Lhengye” for various reasons. While discussing thoroughly on this issue, the committee had unanimously agreed that like in the judiciary, the National Assembly and the National

Council Members would be awarded dhar by the Speaker and the Chairperson respectively. However, he said that it was up to the members of Parliament to decide whether to insert the clause in the Draft Constitution or in the subsequent Act or Rules of Procedure.

On Article 2, Section 16(c), the Chairman said that although the word “granting amnesty” in the Dzongkha text generally had a different meaning, the word “*Sid dhen*” was added since it had reference to the political aspects and if need be, this clause should be amended only after proper review.

Some of the members submitted that the Royal prerogatives not included under Section 16(a) of Article 2 was included under Section 16(e) and therefore, there was no need for further discussion on this matter. However, the members sought clarification on the definition of Royal prerogative and suggested for incorporating clear examples in the Constitution.

The members of Parliament opined that they were very fortunate and blessed to receive *Tashi Khadhar* from His Majesty the King and therefore, expressed profound gratitude for bestowing such an honour. In order to boost the morale of the parliamentarians and to encourage them to work harder in the service of the country and people,

it would be appropriate to specifically mention in the Constitution that His Majesty may confer *Tashi Khadhar* to the members of Parliament. With regard to the awarding of *Tashi Khadhar* to the parliamentarians by the respective Speaker and the Chairperson of the Houses, the members expressed apprehensions on parliamentarians belonging to a different political party receiving *Tashi Khadhar* from an elected Speaker belonging to another political party since the House would comprise of two political parties.

Similarly, the members expressed concerns that the awarding of *Tashi Khadhar* by the elected Chairperson who has been elected from amongst its members would only dilute the importance and high status of such posts. On the contrary, receiving *Tashi Khadhar* from His Majesty the King would signify an important bond between His Majesty the King and the members of Parliament. Thus, the members suggested that the elected members of Parliament be awarded *Tashi Khadhar* by His Majesty the King.

Further, it was also requested that the members may be awarded *Tashi Khadhar* by His Majesty the King if possible, otherwise, the *Tashi Khadhar* should be awarded by the Prime Minister and accordingly a provision to this effect should be included in the Constitution.

Some of the members of Parliament submitted that while the Parliament was not in a position to define the prerogatives of the Druk Gyalpo, the decision and the authority to award *Tashi Khadhar* to the members of Parliament should be the Royal prerogative of His Majesty the King and added that the discussion on such issues was inappropriate in the presence of observers and the mass media.

According to the tradition and customs in the country, it should be noted that a person receiving *dhar* from His Majesty the King could continue to wear his *Kabney* even after their tenure whereas the members of Parliament could not wear it after the expiry of their term. Hence, it was essential to consider the issue at hand from such perspectives and further sought clarification as to whether the members of Parliament were covered under the category of *Lhengye* or *Nyikelma*.

Since it was customary that titles and *Dakye* was awarded only by His Majesty the King and the President and not by the Prime Minister, the awarding of *dhar* by the Prime Minister was not appropriate. Therefore, it is better to retain the clause as it was without making any amendments. While receiving *dhar* from His Majesty the King was indicative of falling under the category of *Nyikelma*, such discussions should be held when the

House discussed the National Council and the National Assembly Bills.

The Speaker sought clarification whether it was acceptable to take note of these submissions made by the members for further discussion by the Constitution Drafting Committee or whether this issue was to be submitted to His Majesty the King for assent.

On this issue, some of the Members pointed out that if the House unanimously agreed that receiving *Tashi Khadhar* from His Majesty the King would serve as a morale boost for the parliamentarians to serve the country and the people with added vigor, it was fitting to make a submission to His Majesty the King for assent. However, some members suggested that in case the House failed to reach a consensus on this issue, the same may be decided through vote while some others expressed for exhaustive deliberation instead of deciding it through vote. Still some other members said that the matter should be discussed and reviewed by the Constitution Drafting Committee and a decision taken thereon.

Further, some of the members said that since the discussion on the Royal prerogatives by the Parliament contradicted with our tradition and custom, it would be proper not to make any amendments and retain the

clause as enshrined in the Draft Constitution. While the Speaker had the authority to resolve an issue through vote, it would be acceptable whichever way the Speaker decided.

Responding to the deliberation, the Chairman of the Constitution Drafting Committee said that it was acceptable to abide by the decision of the House on whether to incorporate the clause stating His Majesty may confer *Tashi Khadhar* to the Members of Parliament in the Constitution, in the Act or the Rules of Procedure. The Chairman supported the submissions made by several members on the aptness to maintain the clause in the Article without making any changes.

Taking into consideration the majority of the House in favour of retaining Section 16(a) of Article 2 as prescribed in the Draft Constitution, the House decided to deliberate on this issue when the National Assembly and the National Council Bills were tabled in the House.

Deliberation concluded at 10:47 hrs

Deliberation time: 15 minutes

The list of Members participating in the discussion on Article 2, Section 16(a):

1. Panbang constituency member, Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
2. Kabji-Talo constituency member, Tshering Penjore
3. Deothang-Gomdar constituency member, Ugyen Dorji

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4. Goenkhatoe-Laya constituency member, Damchoe Dorji
5. Drakteng-Langthel constituency member, Rinchen Dorji
6. Lingmu-Toewang constituency member, Namgay Wangchuk
7. Drujeygang-Tseza constituency member, Sonam Jamtsho
8. National Council member of Lhuentse Dzongkhag, Rinzin
9. Sombeykha constituency member, Leader of Opposition, Tshering Tobgay
10. Choekhor-Tang constituency member, Minister for Agriculture, Lyonpo (Dr.) Pema Gyamtsho
11. National Council member of Zhemgang Dzongkhag, Pema Lhamo
12. National Council member of Chukha Dzongkhag, Tshewang Lhamo
13. Khar-Yurung constituency member, Minister for Health, Lyonpo Zangley Drukpa
14. Nanong-Shumar constituency member, Lyonchhen Jigmi Y. Thinley
15. National Council Eminent Person, Karma Damchoe Nidup
16. National Council member of Bumthang Dzongkhag, Tshewang Jurmi
17. Sompangkha constituency member, Minister for Information and Communications, Lyonpo Nandalal Rai
18. Dorokha-Tading constituency member, Minister for Education, Lyonpo Thakur Singh Powdyel
19. Lamgong-Wangchang constituency member, Minister for Economic Affairs, Lyonpo Khandu Wangchuk
20. Kanglung-Uzorong constituency member, Minister for Home and Cultural Affairs, Lyonpo Minjur Dorji
21. Gangzur-Minjay constituency member, Karma Rangdol
22. National Council member from Punakha Dzongkhag, Chairperson, Namgay Penjore
23. Bji-Katsho-Uesu constituency member, Ugen Tenzin
24. Nyisho-Sepchu constituency member, Gyem Dorji

25. National Council member of Thimphu Dzongkhag, Sangay Zam

26. National Council member of Paro Dzongkhag, Ugyen Tshering

Article 2, Section 19(i) and (n)

Time: 10:52 hrs

The member from Panbang constituency, the Minister for Labour and Human Resources made a submission on the composition of members in the Defense Service Promotion Board under Section 19(i) of Article 2. He also sought clarification on Section 19(n) of Article 2 which stated “the Secretary General of the respective Houses on the recommendation of the Speaker of the National Assembly and the Chairperson of the National Council” was later replaced with “the Secretary General of the respective Houses on the recommendation of the Royal Civil Service Commission”.

Article 2, Section 19(e), (g) and (h)

The member from Dremitse-Ngatshang constituency submitted that under Section 19(e), the appointees were designated as commissioners but under Section 19(g) and (h), the appointees were designated as members only. He sought clarification on the difference between the two as it showed that the later two positions were less important.

The Chairman of the Constitution Drafting Committee said that the query on Section 19(i) was clearly explained under Article 28, Section 1 in which it stated that the Druk

Gyalpo is the Supreme Commander-in-Chief of the Armed Forces. He said that the armed forces followed two different procedures in the appointment of Goongleon and other high officials and therefore was not a new insertion in the Draft Constitution.

Responding to the reservation on Section 19(n) of Article 2, the Chairman of the Constitution Drafting Committee said that sub-section which stated “the Secretary General of the respective Houses on the recommendation of the Speaker of the National Assembly and the Chairperson of the National Council” was later replaced as it was adequate that the Chairperson of the Royal Civil Service Commission would be appointed on the joint recommendation of the Prime Minister, the Chief Justice, the Speaker, the Chairperson of the National Council and the Leader of Opposition and that there was no need for a separate recommendation. The Section which read “on the recommendation of the Speaker of the National Assembly and the Chairperson of the National Council” was replaced with “on the recommendation of the Royal Civil Service Commission” as it had the benefit of not requiring for repeated discussion with an already trusted appointee.

On the appointment of commissioners under Section 19(e) and members under Section 19(g) and (h), the Chairman said that the names were assigned as per the international

standard and practice to have universal parity. He added that it would be easier to understand and assigning nomenclature as per the international standards would greatly benefit in highlighting the sovereignty of our country. Hence, the nomenclatures were assigned according to the nature of work.

During the deliberation, the Lamgong-Wangchang constituency member, the Minister for Economic Affairs suggested that the appointees be either termed as commissioners or as members since all garnered equal importance as holders of constitutional posts. More so, they all required maximum autonomy to carry out their functions and responsibilities. One of the member submitted that there was no practice in other countries to call the civil service as a commission. The member reasoned that the appointees may have been termed differently with the objective to help better understand the clauses since the Constitution being the founding basis of all Laws and Acts would be referred not only within the country but also by people from other countries. Other members submitted that appointees to the Royal Civil Service Commission be kept as members since it did not meet on a regular basis. Similar to the appointees of the Election Commission, the appointees of the Anti-Corruption Commission be also termed as members

because they were appointed from within its commission. The member for the motion on the issue submitted that since the Royal Civil Service Commission was to fully function like the other two commissions with the endorsement of the constitution, it would be most appropriate to refer the three commissions uniformly.

The Parliament noted that there were minor inconveniences under Section 19 (i), (n), (e), (g) and (h) of Article 2 and resolved that the above sub-sections should be amended.

Deliberation concluded at 11:53 hrs.

Deliberation time: 1 hour

The list of members who participated in the discussion on Section 19 (i), (n), (e), (g) and (h) of Article 2:

1. Panbang constituency member, Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
2. Dremitse-Ngatshang constituency member, Ugyen Wangdi
3. Lamgong-Wangchang constituency member, Minister for Economic Affairs, Lyonpo Khandu Wangchuk
4. National Council Eminent Person, Kuenley Tshering
5. Goenkhatoe-Laya constituency member, Damchoe Dorji

Article 3, Section 3

Time: 12:04 hrs

The Choekhor-Tang constituency member, the Minister for Agriculture said that different interpretations perceived by the Dratshang, Goendeys and the villagers on the last sentence of Section 3 of Article 3 which stated

“Religious institutions and personalities shall remain above politics” has caused confusion. Further, as Section 6 of Article 7 stated “a Bhutanese citizen shall have the right to vote”, a briefing was sought on the correlation between the two sections.

Seconding the motion, the National Council member from Trashigang Dzongkhag said that the booklet published by the Election Commission of Bhutan only stated that religious institutions and personalities shall remain above politics but made no mention of religion being separate from politics. He expressed great admiration and reverence for specifically including in the Constitution that religious institutions and personalities shall remain above politics. However, he said that it was unreasonable to differentiate and separate religion from politics since religion and politics were closely related from a very long time in the history of our country. Therefore, in the event Section 3 of Article 3 that stated “religion remains separate from politics” was excluded, it would not contradict with other relevant clauses in the Constitution. Likewise, he suggested that the phrase “ensuring that religion remains separate from politics” may be deleted and the phrase “religious institution and personalities shall remain above politics” may be inserted as presented in the Draft Constitution.

Likewise, other members expressed that although there were slight contradictions between Article 7, Section 6 which stated “a Bhutanese citizen shall have the right to vote” and Section 3 of Article 3, which only stated that religion should remain separate from politics and made no mention of anything related to voting. Therefore, the members suggested that it would be most appropriate to thoroughly deliberate on this issue when the Election Bill was discussed in the House. The members also submitted that in the event religion was not separated from politics, it would be difficult to maintain our religion properly and therefore, barring the clergy from participating in the elections would be immensely beneficial in the long run.

While the issue of the sacredness and importance of distinguishing religion from politics was pertinent, the members submitted that inconveniences could arise in the event clear distinctions were not specified on the right to vote since there were also other members of the clergy apart from those in the Dratshang and Shedras. Since the Constitution was the ultimate basis of all laws in the country, it was imperative that all fundamentals and doctrines were duly incorporated in it. With regard to voting, it would be appropriate to discuss it during the enactment of Election Bill.

The member moving the motion on this issue submitted that although it would be suitable not to specifically distinguish religion from politics solely in view of the spiritual heritage of the country, it was of utmost importance to clearly specify that religion and politics remained separate in view of the different types of religion practiced in the country. He added that inclusion of this would be in the best interests of all the religions in the country and would remove the risk of being misinterpreted. Although religion and politics complemented each other from times immemorial, with the starting of parliamentary democracy, it is necessary to ensure that these two remained separate in order to avoid undesirable risks and implications in the future. Hence, there should be specific mention of Goendeys, Rabdeys and the Dratshang in the Act or the Rules and Regulations. It is probable that some sections of the clergy may not be pleased but some other members of the clergy had expressed great respect and admiration for the provision in the constitution separating religion from politics.

The member from Goenkhatoe-Laya constituency inquired whether the clergy were barred from joining politics but allowed to cast their votes as the right to vote was universal phenomenon in a democratic system. It

is crucial to clearly mention in the constitution because it is doubtful whether the ensuing Rules and Regulations would be authoritative to address these issues.

Clarifying on this issue, the Chairman of the Constitution Drafting Committee said that Lord Buddha was the first to separate religion from politics by renouncing His Kingdom to pursue enlightenment. Lord Buddha had already perceived that in the event religion was not separated from politics, it would be the sentient beings who would ultimately suffer. In Bhutan, religion and politics were separated by Zhabdrung Rinpoche prior to his retreat in 1651. With the advent of system of appointing Desis and Je Khenpos, religion was always kept separate from politics. Based on this tradition, it was incorporated in the Constitution to ensure that religion remained separate from politics. He also reminded the house that procedures relating to the religious institutions were incorporated in detail in the Religious Society Organisations Act, 2007.

The House noted that the members had expressed their opinions and actively deliberated on this issue keeping in view its importance for the present and future wellbeing of the country and the people. Since all the members were unanimous in their expression, the House resolved to retain Article 3, Section 3 without any amendment.

Deliberation concluded at 13:00 hrs.

Deliberation time: 56 minutes

The following members participated in the discussion on Article 3, Section 3:

1. Choekhor-Tang constituency member, Minister for Agriculture, Lyonpo (Dr.) Pema Gyamtsho
2. National Council member of Trashigang Dzongkhag, Sonam Kuenga
3. Kabji-Talo constituency member, Tshering Penjore
4. Drujeygang-Tseza constituency member, Sonam Jamtsho
5. Chumey-Ura constituency member, Karma Wangchuk
6. Lamgong-Wangchang constituency member, Minister for Economic Affairs, Lyonpo Khandu Wangchuk
7. Khar-Yurung constituency member, Minister for Health, Lyonpo Zangley Drukpa
8. National Council member of Thimphu Dzongkhag, Sangay Zam
9. National Council member of Trongsa Dzongkhag, Dr. Jagar Dorji
10. National Council Eminent Person, Karma Yoezer Reddey
11. Goenkhatoe-Laya constituency member, Damchoe Dorji
12. Dorokha-Tading constituency member, Minister for Education, Lyonpo Thakur Singh Powdyel
13. Dramitse-Ngatshang constituency member, Ugyen Wangdi
14. Lingmu-Toewang constituency member, Namgay Wangchuk
15. National Council Eminent Person, Tashi Wangmo
16. National Council member of Paro Dzongkhag, Ugyen Tshering
17. National Council member of Wangduephodrang Dzongkhag, Sonam Yangchen

Article 3, Section 6(c)

Time: 14:36 hrs

On Article 3, Section 6(c), the member from Dremitse-
Ngatshang constituency sought clarification on whether
the appointment and status of the Secretary of Dratshang
Lhentshog was at par with other government secretaries.
He also sought elucidation on the final authority to make
the appointment. Seconding the submission, the
Panbang constituency member, the Minister for Labour
and Human Resources sought clarification since the
Secretary of the Dratshang Lhentshog played an
important and critical role with the religious institutions.

Responding in the deliberation, the Chairman of the
Constitution Drafting Committees said that the Secretary
of the Dratshang Lhentshog was one of the most
important civil servants serving as the link between the
government and Dratshang Lhentshog and was therefore
at par with other government secretaries as adequately
covered under Article 2, Section 19(p). The House
resolved to retain the Section without any amendments.

Deliberation concluded at 14:45 hrs.

Deliberation time: 9 minutes.

The following members participated in the discussion on Article 3, Section 6(c):

1. Dramitshe-Ngatshang constituency member, Ugyen Wangdi
2. Kanglung-Uzorong constituency member, Minister for Home and Cultural Affairs, Lyonpo Minjur Dorji
3. Panbang constituency member, Minister for Labour and Human Resources, Lyonpo Dorji Wangdi

Article 4, Section 1

Time: 14:45 hrs

On Article 4, Section 1, the member from Drakteng-Langthel constituency submitted that arts and crafts should be included along with the others since the cultural heritage was one of the most important pillars towards ensuring the sovereignty of the country. Likewise, the member from Gelephu constituency moved a motion that culture and tradition from the regions and localities should also be included under this Section.

Speaking against the motion, some of the members said that there should be no distinction on the cultural heritage into regional and local as the Section adequately covered the issue. The members said that the inclusion of “State” included the regions and broadly covered under “visual arts”. The Chairman of the Constitution Drafting Committee clarified that the 13 arts and crafts included under cultural heritage of our country consisted of all the arts and crafts and that these

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were also covered under the visual arts mentioned in the section. The House decided to retain the section as in the Draft Constitution.

Deliberation concluded at 15:01 hrs.

Deliberation time: 16 minutes.

The following members participated in the discussion on Article 4, Section 1:

1. Gelephu constituency member, Prem Kumar Gurung
2. National Council member of Tsirang Dzongkhag, Justin Gurung
3. Nubi-Tangsibi constituency member, Nidup Zangpo
4. National Council Eminent Person, Kuenley Tshering
5. Khar-Yurung constituency member, Minister for Health, Lyonpo Zangley Drukpa
6. Lamgong-Wangchang constituency member, Minister for Economic Affairs, Lyonpo Khandu Wangchuk
7. Kabji-Talo constituency member, Tshering Penjore
8. Chumey-Ura constituency member, Karma Wangchuk

Article 5, Section 2, 3, 4 and 5

Time: 15:01 hrs

The member of the National Council from Trashigang Dzongkhag submitted that Section 2, 3, 4 and 5 of Article 5 provided for the roles and responsibilities of the Government and the Parliament. However, if Section 1 was properly examined, it is found to provide for the fundamental duty of every citizen of the country and not specific to the duties of the government and parliament.

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Since the Section specifically mentioned the fundamental duty of every citizen of the country, he suggested that Section 1 of Article 5 be inserted together with the preservation of culture and heritage as Section 3, Article 8.

Seconding the motion, the member of the National Council from Mongar Dzongkhag and the member from Bji-Katsho-Uesu constituency submitted that since Section 1 of Article 5 referred to two different matters, it would be most appropriate to separately incorporate the Section under fundamental duties in Article 8.

The Chairman of the Constitution Drafting Committee informed the House that as there were inconveniences in separating Section 1 of Article 5 and incorporating half of it under fundamental duties in Article 8, the Section was maintained separately. He said that the citizens of the country may fail to fulfill their responsibilities in the event a part of Section 1 which provided for the protection of environment by its citizens to be incorporated under the Article on fundamental duties were decided by the House. Hence, the entire Section 1 has to be maintained as presented in the Draft Constitution.

While deliberating on the motion, some of the members submitted that most of the constitutions in the world made no mention about the environment and that the inclusion

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of a separate Article on the environment was one of the most distinctive features in our constitution. The members added that this section should be kept as it was since the section was addressing various issues. As Section 1 of Article 5 provided a series of responsibilities towards the protection of our natural environment, it was most appropriate to retain the section as presented in the Draft Constitution.

The members made numerous submissions that the duty to protect the environment was altogether different from other responsibilities and that the section be retained as it adequately provided the importance for every citizen to contribute to the protection of our environment. Most of the members supported the motion raised by the National Council Member from Trashigang Dzongkhag and stated that the House should not refer to the volume and pleasantness of the words in the section but consider the appropriateness of the section under an Article. Accordingly, the Chairman of the Constitution Drafting Committee consented to separately incorporate it under Section 2 of Article 8.

The House resolved that the fundamental duty of every citizen provided in Section 1 of Article 5 shall be incorporated under fundamental duties in Article 8.

Deliberation concluded at 15:39 hrs.

Deliberation time: 38 minutes

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The following members participated in the discussion on Article 5, Section 1:

1. National Council member of Trashigang Dzongkhag, Sonam Kuenga
2. National Council member of Mongar Dzongkhag, Naichu
3. Bji-Katsho-Uesu constituency member, Ugen Tenzin
4. Choekhor-Tang constituency member, Minister for Agriculture, Lyonpo (Dr.) Pema Gyamtsho
5. Panbang constituency member, Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
6. National Council Eminent Person, Kuenley Tshering
7. Lamgong-Wangchang constituency member, Minister for Economic Affairs, Lyonpo Khandu Wangchuk
8. National Council member of Zhemgang Dzongkhag, Pema Lhamo
9. Khar-Yurung constituency member, Minister for Health, Lyonpo Zangley Drukpa
10. Goenkhatoe-Laya constituency member, Damchoe Dorji
11. Dorokha-Tading constituency member, Minister for Education, Lyonpo Thakur Singh Powdyel
12. Kabji-Talo constituency member, Tshering Penjore
13. Sompangkha constituency member, Minister for Information and Communications, Lyonpo Nandalal Rai

Article 6, Section 1

Time: 15:40 hrs

On Article 6, Section 1, the member from Gelephu constituency sought clarification on whether children born to incumbent residents would be considered as natural

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born citizen or whether children born to parents who had obtained registration would also be considered as natural born citizen.

Responding to this query, the Chairman of the Constitution Drafting Committee said that those domiciled in Bhutan before 1958 and have obtained their citizenships were citizens of Bhutan and children born to parents who had obtained their registration would automatically be natural born citizens. The House resolved to retain the Article as presented in the Draft Constitution.

Deliberation concluded at 15:46 hrs

Deliberation time: 6 minutes

The following members participated in the discussion on Article 6, Section 1:

1. Gelephu constituency member, Prem Kumar Gurung
2. Lamgong - Wangchang constituency member, Minister for Economic Affairs, Lyonpo Khandu Wangchuk
3. Kabji-Talo constituency member, Tshering Penjore

Time: 10:33 hrs

On Article 7, Section 1, the member from Goenkhatoe-Laya constituency submitted that the Constitution was formulated as per the visions of Their Majesties the Kings and it would be most befitting to incorporate a separate section regarding capital punishment. He added that it would suffice if the Constitution Drafting Committee could scrutinize the issue and accordingly incorporate it in the constitution.

During the deliberation by the House, the Chairman of the Constitution Drafting Committee said that the Article on fundamental rights was necessary and the different types of rights covered under Article 7 of which Section 1 to 10 were the most essential fundamental rights. Therefore, he suggested that Section 1 be maintained as was presented in the Draft Constitution. Further, he suggested that it would be appropriate to incorporate as “A person shall not be subjected to death or torture...” under Section 17 of Article 7. At the same time, he reminded that it was imperative to bear in mind that it would be very difficult to withdraw the same after it was incorporated in the constitution.

On fundamental rights under Article 7, Section 1 “All persons shall have the right to life, liberty and security of

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person and shall not be deprived of such rights except in accordance with the due process of law”, the members suggested that the section be separated and retained only as “All persons shall have the right to life, liberty and security of person” and the remaining part of the sentence be incorporated under section 19 of the same Article. The members pointed out that it was essential to amend Section 1.

Other members submitted that there was no need to effect amendments as it has already been provided as “pardon” under Article 2, Section 16 (c) and likewise, all necessary points were clearly included under Section 1. It was important that the prerogative to award or waive capital punishment should only lie with the Druk Gyalpo. They argued that there were chances that some evil minded people may plan to damage or destroy our religious *Ku-Sung-Thukten* in the event capital punishment was not incorporated in the constitution. Hence, this provision may be maintained as presented in the Draft Constitution.

Some of the members submitted that it would be more convenient to simultaneously discuss the rights of the country and the rights of a person, while the House was deliberating on the Constitution. While some sections seemed to allow a right, some other sections indicated that

the particular right was not allowed. In order to avoid such confusion, the members said that the provisions be categorised separately and relevant provisions aligned together.

The Members opined that His Majesty after much consideration had issued the Royal Decree abolishing capital punishment and therefore, it was essential that a provision on capital punishment was incorporated in the constitution. They suggested that it should be left at the discretion of the Constitution Drafting Committee to categorize and put the provisions in sequential order. If undue changes were made without proper scrutiny, it entailed risks that our present laws which permitted flexibility would become rigid and inapplicable. With regard to the term “due process of law”, although it was in the hands of the members to make laws but going by the discussions, it appeared that there is no confidence in oneself.

As the issue on the abolishment of capital punishment was an ongoing debate in other Parliaments, it was apt to endorse the recommendations made by the Chairman of the Constitution Drafting Committee thereby ending the discussion. In case a provision on the abolishment of capital punishment was incorporated, the country would greatly benefit even if evil-minded person(s) became law

administer. If the provisions in the Royal Decree issued by His Majesty the Druk Gyalpo and the fundamental rights under Article 7 were aligned, it would have immense benefit to the country and the people in the future. However, if a separate provision on capital punishment was possible to be incorporated in the constitution, it would be appropriate to resolve the issue through vote.

Some members said that all the points raised in the House were already provided in the Draft Constitution and hence, there was no need to effect any amendments to it. While the term “due process of the law” provided in the section addressed such problems, the members concurred to retain the provision as reflected in the Draft Constitution.

As submitted by the Chairman of the Constitution Drafting Committee, the Parliament resolved that the inclusion of a provision on the capital punishment shall be discussed when the House deliberated on Section 17 and therefore resolved to retain Section 1 of Article 7 without any amendments.

Deliberation concluded at 10:45 hrs.

Deliberation time: 12 minutes

The following members participated in the discussion on Article 7, Section 1:

1. Goenkhatoe-Laya constituency member, Damchoe Dorji

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2. Drujeygang-Tseza constituency member, Sonam Jamtsho
3. Gelephu constituency member, Prem Kumar Gurung
4. Panbang constituency member, the Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
5. National Council Eminent Person, Dasho Karma Ura
6. Kabji-Talo constituency member, Tshering Penjore
7. Sombeykha constituency member, the Leader of Opposition, Tshering Tobgay
8. Dorokha-Tading constituency member, the Minister for Education, Lyonpo Thakur Singh Powdyel
9. Kanglung-Uzorong constituency member, the Minister for Home and Cultural Affairs, Lyonpo Minjur Dorji
10. Bji-Katsho-Uesu constituency member, Ugen Tenzin
11. North Thimphu constituency member, the Minister for Foreign Affairs, Lyonpo Ugyen Tshering
12. National Council Eminent Person, Kuenley Tshering
13. Lamgong-Wangchang constituency member, the Minister for Economic Affairs, Lyonpo Khandu Wangchuk
14. National Council member of Thimphu Dzongkhag, Sangay Zam
15. Lingmu-Toewang constituency member, Namgay Wangchuk
16. National Council member of Tashigang Dzongkhag, Sonam Kuenga

Article 7, Section 5

Time: 10:46 hrs

Deliberating on Article 7, Section 5, the member from Dremitse-Ngatshang constituency submitted that it was proper to re-arrange Section 5 immediately after Section 3 in order of sequence since both the Sections reflected on the right to information. This submission was seconded by the member from Nyisho-Sepchu constituency.

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The member from Goenkhatoe-Laya constituency submitted that the Constitution Drafting Committee should arrange the sections in the order of sequence as per the imperativeness of the sections and further submitted for sequencing Section 6 immediately after Section 3.

Supporting the submissions made by the members, the Chairman of the Constitution Drafting Committee said that it was acceptable to make amendments as per the recommendations. The Parliament accordingly resolved to make the amendments.

Deliberation concluded at 10:48 hrs.

Deliberation time: 2 minutes

The following members participated in the discussion on Article 7, Section 5:

1. Nyisho-Sepu constituency member, Gyem Dorji
2. Dremitse-Nagtshang constituency member, Ugyen Wangdi
3. Goenkhatoe-Laya constituency member, Damchoe Dorji

Article 7, Section 6

Time: 10:52 hrs

On Article 7, Section 6 “A Bhutanese citizen shall have the right to vote”, the member from Kabji-Talo constituency submitted that although the clergy from the Dratshang and other religious institutions were not allowed to participate in politics as coordinators or candidates, they should be allowed to cast votes since they were also true Bhutanese citizens.

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The House noted that it has been clearly provided in Section 6 and resolved that the issue shall be further discussed by the House during the endorsement of the Election Bill.

Deliberation concluded at 10:57 hrs.

Deliberation time: 5 minutes

The following members participated in the discussion on Article 7, Section 6:

1. Kabji-Talo constituency member, Tshering Penjore
2. National Council Member of Pemagatshel Dzongkhag, Jigme Rinzin
3. Kengkhar-Werlingla constituency member, Sonam Penjore
4. National Council member of Samtse Dzongkhag, Dr. Mani Kumar Rai

Article 7, Section 9

Time: 11:36 hrs

On Article 7, Section 9 which stated “A Bhutanese citizen shall have the right to own property”, the National Council member from Pemagatshel Dzongkhag sought clarification on whether a Bhutanese citizen shall have the right to own property in a foreign State.

While deliberating on this section, some members sought clarification on incorporation of the term “except in keeping with laws enacted by the Parliament” under Section 9 and not in other provisions of the constitution as it was felt that the said term ought to be mentioned in all

relevant provisions. Other members suggested that the provision which provided “A Bhutanese citizen shall have the right to own property” should be retained under Section 9 with other parts deleted from this section.

Some of the members submitted that it was clearly mentioned that a Bhutanese citizen could sell properties in accordance with laws enacted by the Parliament. While other members submitted that the provision which mentioned that a Bhutanese citizen shall have the right to own property but shall have no right to sell or transfer land to a person who was not a citizen of Bhutan was prone to provide other interpretations because although a Bhutanese citizen was not allowed to acquire the citizenship of a foreign State, it implied that citizenship could be acquired with the acquisition of immovable property in a foreign State. As such, it was important to clearly define these issues in the Constitution.

Some members sought to be briefed on leasing land since there was no right to sell or transfer land particularly to sell or transfer land to a legal entity of a foreign State. A lot of doubts engulfed in their minds as it was not clearly mentioned in the Constitution. It was necessary to incorporate a provision barring selling or leasing out land or any immovable property to a person who was not a

citizen of Bhutan or to any legal entity of a foreign state since it may pose problems when right over land or any immovable property was acquired in the future.

Some members submitted that it was necessary to encourage foreign investors to invest in the country to enhance economic development, generate more income for the people and create job opportunities. It was of utmost importance to pave way for creating excellent opportunities from the very beginning. As long as such ventures were carried out within the mandates of the Companies Act of Bhutan, it would not pose any problems to the country.

While land or any immovable property should never be allowed to be sold or transferred, the term “except in keeping with the laws enacted by the Parliament” would adequately address the issue of leasing land or of any immovable property. As regard to the right to own property, members suggested that the laws of other countries should also be referred.

Some of the members opined that as the discussion was on fundamental rights, there was the need to thoroughly analyse whether to effect amendments or to make additions to this section. Although there was no right to sell or transfer land or any immovable property to a

person who was not a citizen of Bhutan, the term “except in keeping with laws enacted by Parliament” however indicated to give the right to sell such immovable properties. Therefore, the members suggested that this phrase be deleted.

One member suggested that it would not be relevant to include the provision on immovable properties under the fundamental duties and that such issues be kept aside to be discussed during the deliberation on the Land Act. Yet other members reiterated that there would be no tangible output in the event business partners from foreign states were not involved particularly in the areas of trade and industry. Hence, it would be proper to retain the provision as presented in the Draft Constitution. In the event the provision was subjected to amendment at present, it was possible that the government or the Ministry of Economic Affairs would make a submission requiring such a provision within a year or so. Therefore, the members submitted to retain this provision without amendments.

The members also said that the matters which were currently discussed by the House were duly covered in the Land Act and that the provision also adequately covered relevant matters not included in the Land Act. Further, the members reminded that during the 52nd Session held in

1980, the National Assembly had resolved that no Bhutanese citizen would be allowed to invest money and undertake business activities outside the country.

The House noted that the aforementioned issues shall be further discussed during the deliberation on the Land Act and resolved that Article 7, Section 9 shall be retained as presented in the Draft Constitution.

Deliberation concluded at 12:28 hrs.

Deliberation time: 1 hr and 4 minutes

The following members participated in the discussion on Article 7, Section 9:

1. National Council member of Pemagatshel Dzongkhag, Jigme Rinzin
2. National Council Eminent Person, DASHO KARMA URA
3. National Council member of Thimphu Dzongkhag, Sangay Zam
4. Panbang constituency member, the Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
5. Sompangkha constituency member, the Minister for Information and Communications, Lyonpo Nandalal Rai
6. Goenkhatoe-Laya constituency member, Damchoe Dorji
7. Khar-Yurung constituency member, the Minister for Health, Lyonpo Zanglay Dukpa
8. National Council member of Trashigang Dzongkhag, Sonam Kuenga
9. National Council member of Bumthang Dzongkhag, Tshewang Jurmi
10. Lamgong-Wangchang constituency member, the Minister for Economic Affairs, Lyonpo Khandu Wangchuk

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11. Choekhor-Tang constituency member, Minister for Agriculture,
Lyonpo (Dr.) Pema Gyamthso

12. Dorokha-Tading constituency member, Minister for Education,
Lyonpo Thakur Singh Powdyel

As suggested by the Chairman of the Drafting Committee to incorporate “A person shall not be subjected to **death...**” under Section 17 of Article 7, the House accordingly endorsed the suggestion.

Article 7, Section 18

Time: 12:28 hours

With regard to the usage of the term “his” under Section 18 of Article 7, the National Council eminent person, Karma Damchoe Nidup submitted that it was equally essential to include the term “her” in the English text. Seconding the submission, several members said that both “his” and “her” should be mentioned under the section. However, some members pointed out that even the homosexuals may have to be mentioned in the near future in the event both “his” and “her” are distinctively specified. The Chairman of the Constitution Drafting Committee acknowledged that it was acceptable to include both “his” and “her”. Accordingly, the House resolved that both “his” and “her” shall be incorporated in the English text of the Constitution.

Deliberation concluded at 12:38 hrs.

Deliberation time: 11 minutes

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The following members participated in the discussion on Article 7, Section 17:

1. National Council Eminent Person, Karma Damchoe Nidup
2. National Council member of Zhemgang Dzongkhag, Pema Lhamo
3. Drakteng-Langthel constituency member, Rinchen Dorji
4. National Council member of Bumthang Dzongkhag, Tshewang Jurmi
5. National Council member of Thimphu Dzongkhag, Sangay Zam

Article 7, Section 20

Time: 12:38 hrs

On Section 20 of Article 7 which provided “A person shall have the right to consult and be represented by a Bhutanese Jabmi of his choice”, the Lamgong-Wangchang constituency member, the Minister for Economic Affairs sought a briefing on the rationale for specifically mentioning “**Bhutanese Jabmi**”. Further, the National Council member from Paro Dzongkhag submitted on not translating the word “Jabmi” in the English text. Likewise, the member from Bji-Katsho-Uesu constituency and the Choekhor-Tang constituency member, the Minister for Agriculture expressed apprehension that the specific mention of “Bhutanese Jabmi” may lead to inconveniences in case of litigation in a foreign country.

Since the Chairman of the Constitution Drafting Committee did not provide any explanation on these

submissions, the House resolved to retain the section without any amendments.

Deliberation concluded at 12:40 hrs.

Deliberation time: 3 minutes.

The following members participated in the discussion on Article 7, Section 20:

1. Lamgong-Wangchang constituency member, the Minister for Economic Affairs, Lyonpo Khandu Wangchuk
2. Bumdeling-Jamkhar constituency member, Dupthob
3. Bji-Katsho-Uesu constituency member, Ugen Tenzin
4. Choekhor-Tang constituency member, the Minister for Agriculture, Lyonpo Pema Gyamtsho
5. National Council member of Bumthang Dzongkhag, Tshewang Jurni

Article 7, Section 22

On Section 22 of Article 7 which read “...the right to initiate appropriate proceedings in the Supreme Court or High Court for the enforcement of the rights conferred by this Article...”, the member from Goenkhatoe-Laya constituency suggested that the provision may be amended as “...the right to initiate appropriate proceedings in the Supreme Court for the enforcement of the rights conferred by this Article...” without having to be routed through the High Court.

The member from Dremitse-Ngatshang constituency submitted that it would be more convenient to retain

either the High Court or the Supreme Court instead of keeping an option between the two. The submission was seconded by the Panbang constituency member, the Minister for Labour and Human Resources.

The Chairman of the Constitution Drafting Committee submitted that this provision was left open in order to provide an opportunity to make an appeal to the Supreme Court in the event an agreement could not be arrived at in the High Court. Hence, it would be proper to retain the section as presented in the Draft Constitution.

The House resolved that it was adequate that these matters were looked into by the Constitution Drafting Committee and that no further discussion was necessary.

With regard to Section 21 which provided “nothing in this Article shall prevent the State from subjecting reasonable restriction by law”, the National Council member from Gasa Dzongkhag reminded that it was important to discuss whether this provision would adequately cover in case the country was under military coup.

Article 8

At the conclusion of discussion on Article 8, the Panbang constituency member, the Minister for Labour and Human Resources suggested that since the environment was one of the pillars of Gross National Happiness, a summary of

the provisions of Section 1 of Article 5 on the preservation and protection of the natural environment be incorporated under a separate Section towards the end of Article 8.

While deliberating on this, some of the members seconded the motion raised by Minister for Labour and Human Resources and submitted that there were inconsistencies in translation. Some members said that both the provisions were clearly specified in the Draft Constitution and reminded that it was imperative to take into account the overall essence of the provisions instead of merely going word by word.

The House directed the Constitution Drafting Committee to look into the inconsistencies in the translation between the Dzongkha and the English text of the Draft Constitution and ended the discussion on Article 8.

Article 9, Section 2

While deliberating on Article 9, the member from Kengkhar-Weringla constituency submitted that it would be most suitable to change the sequence of Section 1 and 2 since Section 2 provided conditions enabling the pursuit of Gross National Happiness and also for clarity on the provisions.

Article 9, Section 9

While deliberating on Section 9 of Article 9, the National Council eminent person, Dasho Karma Ura said that there was inconsistency in translation of the word “open” between the Dzongkha and English texts and minor inconsistency in translation in most cases between these two texts. He expressed doubts that he could not comprehend when the Minister for Economic Affairs, under Section 9 of Article 7, stated that it was allowed to transfer land to a business company of a foreign state but not to a person who was not a citizen of Bhutan and also when the Minister for Works and Human Settlement explained the word “open” as in Section 9 of Article 9 whereby it would be impossible to achieve enhanced development of the country in the absence of Foreign Direct Investment (FDI).

The Chairman of the Constitution Drafting Committee made clarification on the submission in five different parts. Most importantly, it was incorporated in order to enable the future governments to work closely as per the provision and in the event it proved to be inapplicable, the provision would serve as a guideline. With regard to translation, the Chairman said that the word “open” was used as the committee was unable to find a more suitable term. However, the House could recommend a more suitable term in the event the current

term was inappropriate. The House noted that the Chairman of the Constitution Drafting Committee would report back to the House on this issue on the following day or two.

Article 9, Section 16

Time: 15:45 hrs

With regard to Section 16 of Article 9 which provided “The State shall provide free education to all children of school going age up to tenth standard”, the member from Nyisho-Sepu constituency submitted that it would be appropriate to raise free education level upto the twelfth standard, otherwise, the section may be kept flexible by not mentioning the tenth standard.

Seconding the submission, the members from Thrimshing, Wamrong and Kabji-Talo constituencies submitted that raising the free education level from tenth to the twelfth standard would greatly contribute in improving the living standard in the rural areas and also in alleviating poverty. Some of the members submitted that it was essential to strengthen education to enhance literacy level and at the same time to accord due consideration on the current level of economic prosperity and the huge school dropouts who were unable to attain the tenth standard.

In order to ensure that the constitution remained relevant in the future, some of the members submitted that the motion for amendment of free education level upto twelfth standard would be greatly beneficial for the present and the future generations. Therefore, it was important to incorporate such a provision which would undoubtedly contribute to the achievement of Gross National Happiness. Likewise, the constitutional provision should be amended to read as “provide free education to all children of school going age up to a minimum of tenth standard” in place of the provision which stated “provide free education to all children of school going age up to tenth standard”.

Repending to the deliberation, the Chairman of the Constitution Drafting Committee said that the average level of free education in other countries was up to the sixth standard only. Although most Dzongkhags, during the consultation meetings, submitted that the level be upgraded to the twelfth standard, the government was not in a position to do so at the moment. He said that it will be the people who would be ultimately overburdened in the event such a provision was incorporated in the constitution. Though free education upto tenth standard was not provided in other countries, Their Majesties the Kings have magnanimously provided this facility in our country and as such this provision was incorporated in the Draft Constitution.

The Dorokha-Tading constituency member, the Minister for Education reminded that the level of free education in the country was initially provided up to the sixth standard and subsequently raised upto eighth and tenth standards. The government and the Education Ministry were looking into the feasibility of upgrading the level of free education to twelfth standard. Commencing next year, the number of classes in tenth and twelfth standards would be increased thereby increasing the number of enrollment in the first year in the colleges within the country. As submitted by the Deputy Speaker, he supported that it would be most appropriate to incorporate “provide free education to all children of school going age upto a minimum of tenth standard” under Section 16 of Article 9.

The House resolved that Article 9, Section 16 which provided “upto tenth standard” shall be amended as “upto a minimum of tenth standard”.

Deliberation concluded at 16:13 hrs.

Deliberation time: 29 minutes

The following members participated in the discussion on Article 9, Section 16:

1. Nyisho-Sepu constituency member, Gyem Dorji
2. Thrimshing constituency member, Choeki Wangmo
3. Khilkhorthang-Mendrelgang constituency member, the Deputy Speaker, Yangku Tshering Sherpa
4. National Council member of Thimphu Dzongkhag, Sangay Zam
5. National Council member of Trongsa Dzongkhag, Dr. Jagar Dorji
6. Kabji-Talo constituency member, Tshering Penjore
7. Wamrong constituency member, Lhatu

8. Dorokha-Tading constituency member, the Minister for Education, Lyonpo Thakur Singh Powdyel

Duties of Parents and Rights of Children

Time: 10:00 hrs

Submitting a separate motion on Article 9, Section 16 which stated “The State shall provide free education to all children of school going age upto tenth standard”, the member of Kabji-Talo constituency submitted that there was the possibility that parents may be unwilling to send their children to schools even when free education was provided by the State. According to the rights of a child, he pointed out that it was the duty of parents to ensure that their children were sent to schools and it was also the right of a child not to be deprived of education even if a child was an adroit. Therefore, he moved a motion on the need to insert such a provision under the same Section.

Deliberating on the motion, many of the members submitted that although a child was provided the right to education, it was the parents who deprived this right to their children. Hence, the members enquired whether it was feasible to incorporate a provision on the right of a child under the same Section. The members also submitted that the addition of a separate provision on a child’s right to education under Section 16 of Article 9 would be more appropriate in accordance with the provisions of international child rights.

Since most of the fundamental rights in the United Nations agreements have been reflected in the constitution, it would be beneficial in the future to incorporate an additional provision on the right to education. The members also pointed out that such a provision should not be excluded based on the capacity of the government and therefore it would be most appropriate to incorporate the provision on a child's right to education under Article 7. Further, the term "duty" should be used with regard to parents since the "duty" and "responsibility" implied two different meanings.

The Dorokha-Tading constituency member, the Minister for Education said that incorporating a new provision on the duties and responsibilities of parents and the rights of a child in the Constitution would only cause the parents to be penalised in the event, the parents were unable to send their children to schools due to unavoidable circumstances. Since Bhutan is a member of the United Nations and has signed the agreement to provide equal opportunity to all the children in the country, the Ministry of Education was in the process of creating opportunities and hence there was no need to incorporate a separate provision in the Constitution.

Likewise, some members submitted that there was every possibility that less affluent parents who could not afford

to send their children to schools would be punished under the law in the event such a provision was incorporated as a law. It was imperative to bear in mind that in the event such a situation arose, it would be impossible to achieve Gross National Happiness which is the ultimate basis and objective of our young democracy. Therefore, it would be befitting to accord greater consideration to the difficulties of the rural poor and not to any other problems and inconveniences put forth pertaining to the motion. Since it was apparent that the inclusion of such a provision would adversely affect the less affluent people, retaining the section as presented in the Draft Constitution has many advantages.

Furthermore, the provision stated under Section 16 of Article 9 was adequate if the State rendered free education to all children. However, there were inconveniences to incorporate a separate provision providing “the right of a child to be sent to school” under the fundamental rights. These issues are also covered under Section 20 and Section 22 of the Article. In the event, the distinction was made by separately incorporating a clause stating the parents’ duties to their child, it would be indicative of forcing duties as against the parents’ wishes and desires. Therefore, the members said that it was better to retain the section without any amendment. Responding to the

submissions of the members to incorporate a separate provision on the duties of parents and rights of children under Section 16 of Article 9, the Chairman of the Constitution Drafting Committee provided detailed elucidation on the different types of rights. He said that political and civil rights were included under Article 7 and Article 8 while Article 9 contained economic and social rights.

The Chairman of the Constitution Drafting Committee also said that such provisions were incorporated under Article 7 and Article 8 based on the financial capacity of the State. However, the committee would look into the feasibility to incorporate the provision and then present it to the House after a week. Accordingly, the House noted that the Chairman shall present the same at an stipulated time and ended the discussion on Section 16.

Deliberation concluded at 12:59 hrs.

Deliberation time: 2 hrs, 59 minutes

The following members participated in the discussion on Article 9, Section 16:

1. Kabji-Talo constituency member, Tshering Penjore
2. Dorokha-Tading constituency member, the Minister for Education, Lyonpo Thakur Singh Powdyel
3. National Council member of Zhemgang Dzongkhag, Pema Lhamo
4. National Council member of Thimphu Dzongkhag, Sangay Zam

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5. Mongar Constituency member, Karma Lhamo
6. Lingmu-Toewang constituency member, Namgay Wangchuk
7. Drujeygang-Tseza constituency member, Sonam Jamtsho
8. Bardo-Trong constituency member, Tshering Dorji
9. National Council member of Chukha Dzongkhag, Tshewang Lhamo
10. National Council member, Pemagatshel Dzongkhag, Jigme Rinzin
11. National Council Eminent Person, Tashi Wangmo
12. National Council member of Samdrup Jongkhar Dzongkhag, Jigme Wangchuk
13. Sombeykha constituency member, the Leader of Opposition, Tshering Tobgay
14. Goenkhatoe-Laya constituency member, Damchoe Dorji
15. National Council Eminent Person, Kuenley Tshering
16. Athang-Thedtsho constituency member, Pasang Thrinlee
17. Menbi-Tshenkhar constituency member, Tshering Tenzin
18. Nubi-Tangsibje constituency member, Nidup Zangpo
19. Khamdang-Ramjar constituency member, Kesang Wangdi
20. National Council member of Lhuentse Dzongkhag, Jigme Rinzin
21. National Council member of Tashigang Dzongkhag, Sonam Kuenga
22. Nyisho-Sepchu constituency member, Gyem Dorji
23. Chumey-Ura constituency member, Karma Wangchuk
24. Bji-Katsho-Uesu constituency member, Ugyen Tenzin
25. Panbang constituency member, the Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
26. National Council member of Mongar Dzongkhag, Naichu
27. National Council member of Trongsa Dzongkhag, Dr. Jagar Dorji
28. Dremitse-Ngatshang constituency member, Ugyen Wangdi

Article 9, Section 22

Time: 10:21 hrs

On Section 21 of Article 9 which stated “free access to basic public health services” the member from Bji-Katsho -Uesu constituency requested for a briefing on the precise meaning of “basic services” as there were many hospitals with different standards. He added that the phrase “shall provide free access” was misinterpreted in its meaning between the Dzongkha and English texts and there was vast difference in the meanings between the phrases “shall provide” and “shall ensure”. The use of correct words between the two texts was an important issue that needed comprehensive discussion by the House.

The Chairman of the Constitution Drafting Committee informed the House that with the finalization of the Draft Constitution, repeated statements were received from the hospital stating that the particular phrase used under the section was incorrect. Subsequent to that, a letter was also received from the Minister of Health suggesting the use of the term “general” in place of “basic”. He said that the word “basic” was in line with the international practices and encompassed such services which were provided easily. The word was retained with the view that the governments in the future would provide such services commensurate with the economic development of the

country. It would serve no better purpose by replacing it with the term “general”.

While some of the members seconded the submission made by the Chairman of the Constitution Drafting Committee, some others made submissions on the feasibility and agreeability on the words “basic” and “general” under “basic public health services” in Article 9, Section 21. Since there was no objection from any members on the replacement of the word “basic” with “general” in the English text, the House directed the Constitution Drafting Committee to incorporate the most suitable word from these two words and accordingly report the same to the House.

Deliberation concluded at 11:54 hrs.

Deliberation time: 1 hr. 15 minutes

The following members participated in the discussion on Article 9, Section 21:

1. Bji-Katsho-Uesu constituency member, Ugen Tenzin
2. Lamgong-Wangchang constituency member, the Minister for Economic Affairs, Lyonpo Khandu Wangchuk
3. Chumey-Ura constituency member, Karma Wangchuk
4. Kabji-Talo constituency member, Tshering Penjore
5. Bardo-Trong constituency member, Tshering Dorji
6. Goenkhatoe-Laya constituency member, Damchoe Dorji
7. Choekhor-Tang constituency member, the Minister for Agriculture, Lyonpo (Dr.) Pema Gyamtsho

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8. Panbang constituency member, the Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
9. Dremitse-Ngatshang constituency member, Ugyen Wangdi
10. Dorokha-Tading constituency member, the Minister for Education, Lyonpo Thakur Singh Powdyel
11. National Council member of Zhemgang Dzongkhag, Pema Lhamo
12. Gelephu constituency member, Prem Kumar Gurung
13. National Council member of Gasa Dzongkhag, Sangay Khandu
14. Kengkhar-Weringla constituency member, Sonam Penjore
15. Drakteng-Langthel constituency member, Rinchen Dorji
16. National Council member, Samtse Dzongkhag, Mani Kumar Rai
17. Drujeygang-Tseza constituency member, Sonam Jamtsho
18. National Council member of Mongar Dzongkhag, Naichu
19. Athang-Tshedtsho constituency, Pasang Thrinlee
20. Mongar constituency member, Karma Lhamo

Aged and Incapacitated Citizens

Time : 11:57 hrs

Submitting a motion on Article 9, Section 21, the National Council eminent person, Dasho Karma Ura sought clarification on the *Kidu* rendered to those vulnerable senior citizens falling victims to unforeseen accidents and other misfortunes. He also said that based on the enhanced health-care system and the problems faced, this section warranted further discussion.

Some members pointed out the importance of inserting an additional provision under the same section providing social security to the vulnerable and dependent senior citizens and also insert an additional phrase “natural

calamities” under the same section. It was suggested to insert “shall ensure to provide security” in place of “shall endeavor to provide security”. It was also befitting to incorporate an additional provision on providing care during old age. However, some other members pointed out that there was no need to insert additional words or phrases under Section 22 since these issues were clearly illustrated in other Articles of the Constitution.

It was submitted that this section referred to all sections of the society and not particularly to the senior citizens in line with the policy of the State. Further, it was felt to have an additional provision under the same section regarding building relationship and care between parents and their children as it was the duty of the children to look after their aged parents and these issues were adequately covered under Article 14 and Article 33.

The Speaker reminded the House that it was the responsibility of an individual to look after one’s aged parents which should be clearly reflected in the relevant Bill that has been drafted. In line with the submission of the members, the House resolved to retain Article 9, Section 22 as presented in the Draft Constitution.

Deliberation concluded at 12:39 hrs.

Deliberation time: 1 hr.36 minutes.

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The following members participated in the discussion on Article 9, Section 22:

1. National Council Eminent Person, Dasho Karma Ura
2. Menbi-Tshenkhar constituency member, Tshering Tenzin
3. Kengkhar-Weringla constituency member, Sonam Penjor
4. Wamrong constituency member, Lhatu
5. National Council member of Paro Dzongkhag, Ugyen Tshering
6. Dremitse-Ngatshang constituency member, Ugyen Wangdi
7. Gangzur-Minjay constituency member, Karma Rangdol
8. Nyisho-Sepchu constituency member, Gyem Dorji
9. National Council member of Trashigang Dzongkhag, Sonam Kuenga

Article 10, Section 2

Time: 14:35 hrs

On Article 10, Section 2, the Panbang constituency member, the Minister of Labour and Human Resources submitted for the addition of the alphabet “s” to the word “legislation” in the English text and accordingly, the House resolved to add the alphabet to read as legislations.

Article 10, Section 13

On Section 13 of Article 10 which provided “Incase of equal votes, the Speaker or the Chairperson shall have a casting vote”, the member of Goenkhatoe-Laya constituency sought elucidation as to who had the casting vote, the Speaker or the Chairperson.

Since no other members made any submissions on this issue, the Speaker clarified that the Speaker of the House shall have a casting vote during the sitting of the Parliament and accordingly, the House endorsed the clarification provided by the Speaker.

Article 10, Section 19

With regard to Article 10, Section 19 which provided “The Prime Minister, Ministers, Speaker, Deputy Speaker and the Chairperson of the National Council shall take an Oath or Affirmation of Secrecy, as provided for in the Fourth Schedule of the Constitution, before assuming office”, the National Council member from Lhuentse Dzongkhag submitted that the Deputy Chairperson of the National Council should also be included under the Section.

While deliberating on this issue, some of the members opined that all the members of Parliament should take an Oath or Affirmation of Secrecy and that the Leader of Opposition should also be included amongst those who are required to take an Oath or Affirmation of Secrecy as provided in the Section. Further, the members sought clarification for not including the Deputy Chairperson of the National Council under this Section.

On the issue of requiring the Deputy Chairperson of the National Council to take an Oath or Affirmation of Secrecy, the members said that it should be mandatory for the Deputy Chairperson of the National Council to take an Oath or Affirmation of Secrecy and therefore should be reflected under this Section. If agreeable, the Deputy Chairperson should also be incorporated under Section 4 of Article 11. However, it was felt that there was no need to reflect the Leader of Opposition under Section 19 since the Leader of Opposition was not required to establish a separate office for political administration. While some members questioned for not including the Deputy Chairperson of the National Council in this provision, they reiterated the need to incorporate the same in the constitution if feasible.

The Chairman of the Constitution Drafting Committee informed the House that there was no practice even in other countries where members of Parliament were required to take an Oath or Affirmation of Secrecy. He explained that the Leader of Opposition was omitted amongst those who have to take the Oath or Affirmation of Secrecy and kept flexible as a mechanism to provide checks and balance.

The House noted that this provision adequately covered all aspects in the Draft Constitution and resolved to retain Section 19 of Article 10 without any amendments.

Article 11, Section 3

On Article 11, Section 3 “A candidate to or a member of the National Council shall not belong to any political party”, the National Council member from Haa Dzongkhag submitted that a new phrase stating “...nor have affiliation to any political party” be added at the end of the section which was seconded by the National Council member from Samdrup Jongkhar Dzongkhag.

During the deliberation, some of the members submitted that there was the need to provide opportunity to run as candidates for the National Council to those who wished to resign from their earlier affiliations to a political party and who was nominated with the support of the people to run as candidates.

Some members sought clarification on whether a candidate of a political party or those registered with a political party could participate in the National Council or the local government elections after their resignation from their aforementioned affiliations. It was likely that inconveniences might arise in the event one member of a family was in politics while another member was a

Candidate for the National Council. Under such circumstances, it is important to decide from the outset on such permissibility and accordingly frame clear-cut rules to this effect.

On the issue of whether a candidate of a political party or those registered with a political party could participate in the National Council or the local government elections after resigning from their affiliations, some members submitted that it is essential to thoroughly deliberate and come to a concrete resolution before the deliberation on the relevant Bill since it concerned all the members of the House. However, few members submitted that the provision in the Draft Constitution was adequate and should be retained without any amendments and taken up during the deliberation on the relevant Bill if required.

The Chairman of the Constitution Drafting Committee said that as per the drafting principles, as far as possible the laws should be framed with the most minimum words to ensure that laws were not subject to frequent amendments. Hence, the usage of explanatory sentences was not included in the provision.

The National Council member from Haa Dzongkhag submitted that it was necessary to incorporate the word “affiliation” under the provision, whereas the member of

the National Council from Lhuentse Dzongkhag submitted against the proposal. Some members expressed their view that the inclusion of an additional phrase “nor have affiliation to any political party” would cause inconveniences in the effective functioning of the Parliament.

Intervening in the deliberation, one member submitted that since all the members of Parliament were responsible to carry out politically related responsibilities, it was necessary to understand the meaning of the word “politics” in its correct perspective and the way it was defined for different references. Moreover, as the members of the National Assembly were elected from amongst the political parties while the members of the National Council were elected independently, the words in the provision adequately spelt the connotation and required no amendment on this provision. However, the submissions of the members may be re-visited during the deliberation on the Election Bill.

The House resolved that this issue would be further taken up during the deliberation on the Election Bill and Article 11, Section 3 is retained without amendments.

Deliberation concluded at 16:19 hrs.

Deliberation time: 2 hrs. 45 minutes

The following members participated in the discussion on Article 10:

1. Panbang constituency member, the Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
2. Goenkhatoe-Laya constituency member, Damchoe Dorji
3. National Council member of Lhuentse Dzongkhag, Rinzin
4. National Council member of Gasa Dzongkhag, Sangay Khandu
5. National Council member of Trashigang Dzongkhag, Sonam Kuenga
6. Dremitse-Ngatshang constituency member, Ugyen Wangdi
7. National Council member of Bumthang Dzongkhag, Tshewang Jurmi

The following participated in the discussion on Article 11:

1. National Council Member of Haa Dzongkhag, Tshering Dorji
2. National Council member of Samdrup Jongkhar Dzongkhag, Jigme Wangchuk
3. Goenkhatoe-Laya constituency member, Damchoe Dorji
4. National Council member of Trashigang Dzongkhag, Sonam Kuenga
5. Kabji-Talo constituency member, Tshering Penjore
6. Dremitse-Ngatshang constituency member, Ugyen Wangdi
7. Lingmu-Toewng constituency member, Namgyel Wangchuk
8. Wamrong constituency member, Lhatu
9. National Council member of Lhuentse Dzongkhag, Rinzin
10. Nanong-Shumar constituency member, Prime Minister Jigmi Y. Thinley

Continuation of Discussion on Article 11, Section 3

Time: 14:33 hrs

Referring to Article 11, Section 3 which provided “A candidate to or a member of the National Council shall not belong to any political party”, the Sombeykha constituency member, the Leader of Opposition said that since the deliberation on the ensuing Bills has to be based on the constitution, it was important that there was uniform interpretation of the provisions in the Constitution. He requested the Chairman of the Constitution Drafting Committee to brief the House on the interpretation of the section during the drafting process by the members of the Constitution Drafting Committee.

The National Council member from Haa Dzongkhag submitted that since Section 3 of Article 11 contained one of the general principles of the functioning of the National Council, it was felt that such matters should be clearly spelt out under the section. He sought clarification on whether such matters should be reflected in the Constitution since these issues were provided in the relevant Bills as annexures.

Furthermore, he pointed out that in the event a political party with an altogether different outlook was allowed to participate in the National Council, there was the risk of

the needs and aspirations of the general public being sidelined. As such, it was important to clearly define the political system from the very beginning. Since incorporating such issues in the Constitution would further strengthen the foundation of both the National Council and the National Assembly, it was fitting to accord due importance for the inclusion of such matters under the section.

While deliberating on this, some members pointed out that the motion submitted by the National Council member from Haa Dzongkhag provided the principle founding of the functioning of National Council and hence, it would be most appropriate to incorporate a separate section providing “the National Council shall not have any affiliation with a political party” under the same Article. Some other members suggested that it would be proper to incorporate a separate provision under Article 15 providing “no political party shall support a candidate to or a member of the National Council”.

Some of the members pointed out that the term “affiliation” was provided at page 66 under Article 31, Section 3 and hence it would not pose any inconvenience to incorporate the same under Article 11, Section 3. While some other members submitted that as both the National Council and the National Assembly carried out politically

related functions, the members expressed that in the event there was no affiliation between these two institutions, this would impede the smooth execution of developmental activities in the respective communities and constituencies. Therefore, the House should engage in thorough deliberation on this issue.

Interpreting the section, some members perceived that the said section provided as to who were allowed to participate as a candidate to or as a member of the National Council and also a candidate of a political party or those registered with a political party could participate in the National Council elections after resigning from the party politics. The members informed the House that the same would be interpreted later during the deliberation on the relevant Bills.

A majority of the members submitted that this section was specific and flexible and therefore there was no need to effect any amendments. In order to derive uniform interpretation of the provisions, the members sought to be briefed on the interpretations as agreed upon by the Constitution Drafting Committee.

The House noted that the section was adequate and resolved to retain Article 11, Section 3 without amendments.

Article 11, Section 4

On Section 4, Article 11 which provided “after any general election”, the National Council member from Zhemgang Dzongkhag said that it would be appropriate to incorporate the said provision under Section 5 of Article 10 in case this provision referred to the general election to the National Assembly. Likewise, the National Council member from Pemagatshel Dzongkhag also enquired whether the provision “after any general election” referred to the general election of the National Council or to the National Assembly. He sought further elucidation on the phrase “first sitting” as provided in the section and expressed doubts that the procedure for the election of the Deputy Chairperson of the National Council was not uniform with that of the others.

Relating to the provision in the Constitution on the dissolution of the National Assembly before the completion of its five-year term, the National Council member from Trashigang Dzongkhag submitted that the phrase “after any general election” as provided under Section 4 could be interpreted as “after any National Council election”. However, he sought elucidation from the Chairman of the Constitution Drafting Committee on this issue.

As submitted by the National Council member from Trashigang Dzongkhag, the Chairman of the Constitution Drafting Committee said that it would be suitable to amend the phrase “after any general election” to “after any National Council election”. Regarding the Deputy Chairperson of the National Council, he suggested that an additional word may be incorporated under the section and included to take the Oath or Affirmation of Secrecy. The phrase “first sitting” should be interpreted as the sitting of the House which has been summoned and graced by the Druk Gyalpo. He also said that the members of the National Council shall complete its five-year term in accordance with Article 10, Section 24.

With regard to the phrase “or when necessary to fill a vacancy” in the same section, the Goenkhatoe-Laya constituency member sought elucidation on whether the vacancy referred to the member or the Chairperson. On this, the Speaker clarified that the word “vacancy” has immediate reference to the Chairperson of the National Council.

Some members submitted that although the Oath or Affirmation of Secrecy was administered in the recent election of the Deputy Chairperson of the National Council, this procedure was not mentioned in the Constitution. The recent taking of Oath or Affirmation

of Secrecy was contradictory in the event the Deputy Chairperson was not required to take an Oath or Affirmation of Secrecy. It would be adequate to omit the Deputy Chairperson from requiring to take an Oath or Affirmation of Secrecy to enable as many members to participate in the deliberations while other members said that it was adequate to maintain the election procedure of the Chairperson as provided in the Bill and that the Oath or Affirmation of Secrecy be mentioned as recently administered.

Few members submitted that a single vote has determined the election of the Chairperson and Deputy Chairperson at the present but is essential to formulate a uniform election procedure from the very beginning. The members expressed the hope that their submissions made now would be incorporated during the amendment of the relevant Act. However, inconveniences may arise in the future in the event a procedure has to be followed requiring to elect both the Chairperson and the Deputy Chairperson in order to fill the vacancy of a single Chair.

The House resolved that amendments shall be effected on Section 4 of Article 11 as per the submission made by the Chairman of the Constitution Drafting Committee.

Article 11, Section 5

With regard to Section 5 of Article 11 and on the word “His”, the Panbang constituency member, the Minister of Labour and Human Resources said that the earlier amendment made on the gender issue may affect the ensuing provisions. While several members made submissions against it, the House resolved to retain the provision without amendment.

Deliberation concluded at 12:59 hrs.

Deliberation time: 2 hrs 59 minutes.

The following members participated in the discussion on Article 11:

1. Sombeykha constituency member, the Leader of Opposition, Tshering Tobgay
2. National Council member of Haa Dzongkhag, Tshering Dorji
3. National Council member of Zhemgang Dzongkhag, Pema Lhamo
4. Goenkhatoe-Laya constituency member, Damchoe Dorji
5. Khamdang-Ramjar constituency member, Kesang Wangdi
6. National Council member of Lhuentse Dzongkhag, Rinzin
7. Panbang constituency member, the Minister of Labour and Human Resources, Lyonpo Dorji Wangdi
8. Drakteng-Langthel constituency member, Rinchen Dorji
9. Sompangkha constituency member, the Minister of Information and Communications, Lyonpo Nandalal Rai
10. Kengkhar-Weringla constituency member, Sonam Peljore
11. Nyisho-Sepu constituency member, Gyem Dorji
12. Athang-Thedtsho constituency member, Passang Thrinlee
13. National Council member of Pemagatshel Dzongkhag, Jigme Rinzin

14. National Council member of Trashigang Dzongkhag, Sonam Kuenga
15. National Council member of Bumthang Dzongkhag, Tshewang Jurmi
16. National Council member of Gasa Dzongkhag, Sangay Khandu
17. National Council member of Trongsa Dzongkhag, Dr. Jagar Dorji
18. National Council member of Punakha Dzongkhag, the Chairperson, Namgay Penjore
19. National Council member of Thimphu Dzongkhag, Sangay Zam

Article 12, Section 1

Time: 15:13 hrs

On Article 12, Section 1 which stated “the National Assembly shall have a maximum of fifty-five members elected from each Dzongkhag in proportion to its population”, the Gelephu constituency member submitted that the maximum number of members in the National Assembly be increased in keeping with the future increase in the population of the country.

Deliberating on this, the members expressed their doubts on the phrase which read “no Dzongkhag shall have less than two members or more than seven members”. On the phrase “each Dzongkhag”, the members said that the word “each” should be deleted and retained as “Dzongkhags” by adding the alphabet “s”. The members pointed out the inconsistency in the interpretation of the provision in the English text and further sought clarification on the rationale to maintain the maximum

number of members in the National Assembly at fifty-five. Some other members said that the maximum number of members at fifty-five was proportionately adequate even if there was increase in the population in future.

The Chairman of the Constitution Drafting Committee reminded the House that it was acceptable to effect amendments as long as the amendments were not against the law and did not distort the actual interpretation of the provisions. He said that there was not much difference between the existing provision in the Draft and the one suggested by the members and therefore, any decision made on the provision by the House would be acceptable.

The Prime Minister said that it would not require the House to engage in lengthy deliberations if the discussions were entirely based on the Dzongkha text and not on the English text of the Constitution. He said that it would be in line with the procedure of the House as well.

On this, the Chairman of the Constitution Drafting Committee said that there were only one or two countries in the world who had more number of members representing in proportion to its population as compared to our country. He said that the House was well aware of the problems that would be encountered in the event of undue increase in the number of members and also of the

benefits and problems of having a very less number of members representing in the House.

Although the maximum number of members was reduced at the present, the number of members to the National Council was increased to one member from each Dzongkhag from the previous number of six members under the command of His Majesty the King. He said that the total number of seventy-two members representing in the Parliament as provided in the Draft Constitution was one of the highest in comparison to the population of the country and the earlier voting experiences. It would not be possible to constitute a strong government in the event there were fewer members in the House and that a weak government would not only have adverse effect on the country but would also have undesirable implications to the people. Hence, the maximum number of members elected to the National Assembly was appropriately maintained at fifty-five.

The House noted that there was no problem with the provisions under Section 1 of Article 12 and resolved to retain the section without amendment.

Deliberation concluded at 16:10 hrs.

Deliberation time: 1 hr. 23 minutes.

The following members participated in the discussion on Section 1 of Article 12:

1. Gelephu constituency member, Prem Kumar Gurung
2. Kabji-Talo constituency member, Tshering Penjore
3. Kengkhar-Weringla constituency member, Sonam Peljore
4. Choekhor-Tang constituency member, the Minister of Agriculture, Lyonpo (Dr.) Pema Gyamtsho
5. Sombeykha constituency member, the Leader of Opposition, Tshering Tobgay
6. Panbang constituency member, the Minister of Labour and Human Resources, Lyonpo Dorji Wangdi
7. Nyisho-Sepu constituency member, Gyem Dorji
8. Sompangkha constituency member, the Minister of Information and Communications, Lyonpo Nandalal Rai
9. Dorokha and Tading constituency member, the Minister of Education, Lyonpo Thakur S. Powdyel
10. Nanong-Shumar constituency member, Prime Minister Jigmi Y. Thinley
11. North Thimphu constituency member, the Minister of Foreign Affairs, Lyonpo Ugyen Tshering
12. Goenkhatoe-Laya constituency member, Damchoe Dorji
13. National Council member of Sarpang Dzongkhag, Karma D. Wangdi
14. National Council member of Pemagatshel Dzongkhag, Jigme Rinzin
15. Bji-Katsho-Uesu constituency member, Ugen Tenzin
16. Doga-Shaba constituency member, Chencho Dorji
17. Lingmu-Toewang constituency member, Namgyel Wangchuk

Article 12, Section 2

Time: 09:35 hours

Opening the discussion on Article 12, Section 2, the South Thimphu constituency member, the Minister for Works and Human Settlement said that it would be advisable not to reflect the 10 year period to reapportion the number of elected members from each Dzongkhag in the Constitution. It would be more convenient to increase the number according to the national census in the future. With rapid urbanization, large numbers of people continue to migrate to towns and it was likely that the population in the towns would be increased in future. The members from Nganglam, Doga and Shaba and Phuentsholing constituencies seconded the motion.

In response, the Chairman of the Constitution Drafting Committee said that in order to ensure that the Constitution was comprehensive and relevant, a period of 10 years was provided to maintain a minimum term as practiced in other countries in the world. However, the submission made by the Minister of Works and Human Settlement was also relevant and hence the House may decide to incorporate the same in the relevant Act except in the Constitution.

The Sombeykha constituency member, the Leader of Opposition said that the increasing population of Thimphu

was not a recent phenomenon but a gradual process over a period of 40 years. It was important to bear in mind that most of the permanent residents of Thimphu still maintained their census in their native villages according to their conveniences. It was also important to maintain this provision as reflected in the Constitution without any amendments for future benefit since we are unable to predict the type of political parties in the future.

The National Council eminent person, Dasho Karma Ura, the Kanglung-Uzorong constituency member, the Minister of Home and Cultural Affairs, National Council member from Bumthang Dzongkhag, Goenkhatoe-Laya constituency member, Choekhor-Tang constituency member, the Minister of Agriculture and National Council member from Trashigang Dzongkhag said that the system of voting from one place to another must be developed and discussed during the deliberation on the Election Bill. They supported that the period of 10 years to reapportion the number of elected members from each Dzongkhag be maintained as presented in the Draft Constitution.

Since there was consensus on this issue, the House resolved to retain Article 12, Section 2 without any amendments.

Article 14, Section 7

Deliberating on Article 14, Section 7, the Bartsham-Shongphu constituency member, the Minister for Finance said that a minimum foreign currency reserve of one year's import be reduced to six months in order to avoid complications while implementing it or to amend the provision by incorporating a clause for the execution of the surplus money without parliamentary interference on serious matters like repayment of loans.

During the deliberation, the members submitted that with rapid changes taking place in the country, there was the need to pay much attention in the development of trade and industry towards the overall economic development of the country. As per the financial procedures, it would be appropriate to reduce the minimum foreign currency reserve of one year's import to either three months or six months. The Members opined to endorse the submission of the Finance Minister since there were risks that maintaining currency reserve for longer period might not be in the interest of the country's economy.

The submission was seconded by the members from Kengkhar-Weringla constituency, Gangzur-Minjay constituency, South Thimphu constituency, the Minister for Works and Human Settlement, Dorokha-Tading

constituency, the Minister for Education, Kabji-Talo constituency, Choekhor-Tang constituency, the Minister for Agriculture, Panbang constituency, the Minister for Labour and Human Resources and Bji-Katsho-Uesu constituency.

The Sombeykha constituency member, the Leader of Opposition, National Council eminent person, Kuenley Tshering and National Council member from Zhemgang Dzongkhag said that the management of foreign currency reserve was clearly stipulated under Article 33 which provided that the Druk Gyalpo may proclaim a financial emergency in case His Majesty the King was satisfied that the financial stability or credit liability was threatened. It was essential to import and ensure the stability of the currency since Bhutan was a small country. Further, there is a risk that the Ngultrum may be rendered valueless in the event there was no foreign currency reserve in the country. The members submitted that in order to ensure the future sovereignty of the country and fulfill the aspirations of its people, this provision should be retained as presented in the Draft Constitution.

The Chairman of the Constitution Drafting Committee said that the minimum foreign currency reserve for

essential import was kept at one year for lawful enforcement. This provision was incorporated in order to ensure that our country is not dependent on other countries and also to enable the democratically elected government to fulfil their promise of serving the country and the people.

The House noted that this issue was pertinent and should not be decided upon immediately. The House resolved that the Chairman of the Constitution Drafting Committee would provide further elucidation on this matter on 28th May, 2008.

Article 15, Section 5

Deliberating on Article 15, Section 5 which dealt on political parties, the National Council member from Trashigang Dzongkhag sought clarification on the system of governance in the event the ruling party secured all the 47 National Assembly seats during the run-off in the general election. He expressed reservation on the relevance of the term “...two political parties established...” in the event of such election outcome. This submission was seconded by the National Council member from Zhemgang Dzongkhag.

In response, the Chairman of the Constitution Drafting Committee said that though the main principle of the Constitution consisted of the ruling and the opposition

party, the requirement for a specific number of members in the ruling and the opposition party in the general elections could not be ascertained in the Constitution since it was entirely up to the people to decide during the voting process.

With regard to the provision which provided the need for two political parties, the members sought clarification on fulfilling the requirement of having two political parties elected in the National Assembly in the event the ruling party secured all forty-seven seats. Hence, there was the need to effect minor amendment to Section 5 of Article 15 in order to cater for one political party securing all the seats in the National Assembly to form the government. However, one member pointed out that this provision provided the room for selecting the two political parties from amongst all registered political parties and hence, there was no need to amend the section.

Some members sought clarification on the follow-up action that would be taken in the event one of the two political parties established through the primary round was unable to participate in the election campaign and at the same time failed to submit the Letter of Intention to the Election Commission of Bhutan. Some other members expressed doubts on the suitability of the opposition

party to function during the session from its office when a single seat could not be secured.

Likewise, some members said that it would be inappropriate to specifically mention the number of political parties in the Constitution and therefore, submitted that the phrase which stated "...by two political parties established..." may be amended. Most of the members submitted that Section 5 and 6 of the Article was adequate and required no amendment.

Continuing the deliberation on this issue, other members submitted that although our country has been blessed with the perfect form of government over the past hundred years, it was not possible to have such governments under the new democratic system. Hence, the provision was adequate and that there was no need for amendment. However, some members submitted that the word "two" should be deleted from the provision and the amended provision be read as "Election to the National Assembly shall be by political parties established through a general round of election". Other members suggested amendments by replacing the word "Election to the National Assembly shall be by two political parties securing the highest votes" or "Election to the National Assembly shall be by a maximum of two political parties".

The Chairman of the Constitution Drafting Committee said that although it was necessary that there was a strong opposition party, it was not feasible to specifically mention the same under the constitution since the authority to determine the numbers was entirely in the hands of the people. He submitted that the committee would review Section 5 of the said Article and submit a report on 28th May 2008.

In connection to the recent declaration by the Election Commission of Bhutan to forgo the primary round of election and directly hold the general election in view of only two registered political parties, the National Council member from Trashigang Dzongkhag expressed whether the same election procedures would be followed in the ensuing elections in the event there was only two registered political parties. If this would be the case, the same should be explicitly mentioned in the Constitution. The National Council member from Zhemgang Dzongkhag seconded the submission.

Responding on this issue, the Chairman of the Constitution Drafting Committee said that while it would be more relevant to discuss this matter during the endorsement of the Election Bill, it would not be proper to include such a provision in the Constitution.

Pertaining to the issue submitted by the National Council member from Trashigang Dzongkhag, the House noted that it would be more relevant to discuss this matter during the endorsement of the Election Bill.

Article 15, Section 14

On Section 14 of Article 15 which provided “an opposition party shall be elected within sixty days from the date of the dissolution of the original opposition party”, the members sought a briefing on whether the election period of two months would be calculated in addition to its five-year term.

The Chairman of the Constitution Drafting Committee clarified that the members of Parliament must resign immediately after the completion of their five-year term.

The House resolved that Section 14 of Article 15 shall be retained as presented in the Draft Constitution without any amendments.

Deliberation concluded at 12:56 hrs

Deliberation time: 3 hrs

The following members participated in the discussion on Article 12:

1. South Thimphu constituency member, the Minister of Works and Human Settlement, Lyonpo Yeshey Zimba
2. Nganglam constituency member, Choida Jamtsho
3. Doga-Shaba constituency member, Chencho Dorji

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4. Sombeykha constituency member, the Leader of Opposition, Tshering Tobgay
5. Phuentsholing constituency member, Chencho Tshering
6. National Council Eminent Person, Dasho Karma Ura
7. Kanglung-Uzorong constituency member, the Minister of Home and Cultural Affairs, Lyonpo Minjur Dorji
8. National Council member of Bumthang Dzongkhag, Tshewang Jurmi
9. Goenkhatoe-Laya constituency member, Damchoe Dorji
10. Choekhor-Tang constituency member, the Minister of Agriculture, Lyonpo Dr. Pema Gyamtsho
11. National Council member of Trashigang Dzongkhag, Sonam Kuenga
12. Nanong-Shumar constituency member, Prime Minister Jigmi Y. Thinley

The following members participated in the discussion on Article 14:

1. Bartsham-Shongphu constituency member, the Minister of Finance, Lyonpo Wangdi Norbu
2. Kengkhar-Weringla constituency member, Sonam Penjore
3. Gangzur-Minjay constituency member, Karma Rangdol
4. South Thimphu constituency member, the Minister of Works and Human Settlement, Lyonpo Yeshey Zimba
5. Sombeykha constituency member, the Leader of Opposition, Tshering Tobgay
6. Dorokha-Tading constituency member, the Minister of Education, Lyonpo Thakur Singh Powdyel
7. Kabji-Talo constituency member, Tshering Penjore
8. National Council member of Zhemgang Dzongkhag, Pema Lhamo
9. National Council Eminent Person, Kuenley Tshering
10. Choekhor-Tang constituency member, the Minister of Agriculture, Lyonpo Dr. Pema Gyamtsho
11. Bji-Katsho-Uesu constituency member, Ugen Tenzin

12. Panbang constituency member, the Minister of Labour and Human Resources, Lyonpo Dorji Wangdi

The following members participated in the discussion on Article 15:

1. National Council member of Trashigang Dzongkhag, Sonam Kuenga
2. National Council member of Zhemgang Dzongkhag, Pema Lhamo
3. National Council member of Bumthang Dzongkhag, Tshewang Jurmi
4. Goenkhatoe-Laya constituency member, Damchoe Dorji
5. Choekhor-Tang constituency member, the Minister of Agriculture, Lyonpo Dr. Pema Gyamtsho
6. Menbi-Tshenkhar constituency member, Tshering Tenzin
7. Nyisho-Sepchu constituency member, Gyem Dorji
8. National Council member of Gasa Dzongkhag, Sangay Khandu
9. Dremitse-Ngatshang constituency member, Ugyen Wangdi
10. Kilkhortahng-Mendrelgang constituency member, the Deputy Speaker, Yangku Tshering Sherpa
11. Sombeykha constituency member, the Leader of Opposition, Tshering Tobgay
12. Kanglung-Uzorong constituency member, the Minister of Home and Cultural Affairs, Lyonpo Minjur Dorji
13. Khamdang-Ramjar constituency member, Kesang Wangdi
14. Gelephu constituency member, Prem Kumar Gurung
15. Lamgong-Wangchang constituency member, the Minister of Economic Affairs, Lyonpo Khandu Wangchuk
16. Sompangkha constituency member, the Minister of Information and Communications, Lyonpo Nandalal Rai
17. Drujeygang-Tseza constituency member, Sonam Jamtsho
18. Thrimshing constituency member, Choeki Wangmo

19. National Council member of Sarpang Dzongkhag, Karma D. Wangdi

20. National Council member of Lhuentse Dzongkhag, Rinzin

Article 17, Section 2

Time: 12:56 hours

During the deliberation on Section 2 of Article 17 which provided “No person shall hold office as Prime Minister for more than two terms”, the Dremitse-Ngatshang constituency member sought to be briefed on the rationale for not entertaining holding office for more than two terms.

Responding to the deliberation, the Chairman of the Drafting Committee highlighted the various reasons for providing the provision that a person shall not hold office as Prime Minister for more than two terms. He said that the provision on the tenure of the Prime Minister was in keeping with the precedence and example set by His Majesty the King where it has been provided that the Druk Gyalpo shall retire upon reaching the age of sixty-five years. He added that many countries around the world provided that the Prime Minister shall hold office for only ten years. Further, the principal advantage of the democratic system was that no person remained at the helm of government for a long period. Also, the tenure of two terms was attributed to various other political issues.

With regard to Article 17 which stated “or shall remove a Minister on the advice of the Prime Minister”, the National Council eminent person Karma Damchoe Nidup expressed reservation on whether it was possible that the post of the Prime Minister could also become vacant under unavoidable circumstances or removed from office as no such provision was mentioned in the Constitution. The member enquired as to who would take up the responsibilities of the Prime Minister until such time a new Prime Minister was elected in the event the office became vacant. Further, the member sought clarification on the possibility of conducting general elections under such circumstances or the ruling party could elect a new Prime Minister.

Speaking on this issue, the Speaker said that similar to the authority of a registered political party to elect its own President, there was also the procedure to appoint the elected Vice-President of the ruling party as the new Prime Minister through the support of the party in the event the serving Prime Minister resigned from his post under unavoidable circumstances. The House noted that elucidation provided on the submission was adequate and ended the discussion on the matter.

Article 18, Section 3

With regard to Section 3 of Article 18 on the opposition party, the Kabji-Talo constituency member expressed

doubts as to whether it was essential to have a Leader of Opposition for the two elected members in the National Assembly and whether it was appropriate to have a Leader of Opposition in the event of only one National Assembly member in the opposition.

The Chairman of the Constitution Drafting Committee said that it would pose inconveniences to set a criterion only after the opposition party has secured certain numbers of seats in the National Assembly. The House shall have a Leader of Opposition irrespective of whether the opposition party constituted of a single or several members in the National Assembly. He reminded that Their Majesties the Kings have commanded to the people of all the twenty Dzongkhags that the opposition party shall play a unique and a constructive role towards the greater wellbeing of the country and its people unlike the opposition party in other countries whose main objective centered on bringing down the government. Their Majesties the Kings have said that there would be no difference between the ruling and the opposition party in Bhutan unlike in other countries.

Article 19, Section 2

The Panbang constituency member, the Minister of Labour and Human Resources sought clarification for the need to appoint Chief Justice as the Chief Advisor to the

King during interim period after the dissolution of the government on the ground that cases on disputes during election reached the Supreme Court. In such a case, the Chief Justice as Chief Advisor would face difficulty in resolving the cases. Many members seconded the motion moved by the Minister.

The Chairman of the Constitution Drafting Committee clarified the doubt that during the interim period if there were disputes relating to elections, the senior most Judge would preside in place of the Chief Justice.

The National Council eminent person, Kuenley Tshering added that the Chief Advisor should be the Chief Justice due to independence of the judiciary branch and on the ground that ministers should be elected through election process and appointed from amongst the Members of Parliament. Further, he said that the Chief Advisor was appointed to ensure free and fair election. On this, a member also added that the Chief Justice had the judicial competencies which would help in conducting the election as per rules and procedures in equal and fair manner making the Chief Justice as the most suitable person.

Based on the importance cited above, Section 2 of Article 9 was endorsed without amendment.

Deliberation concluded at 3.09 PM
Deliberation time: 1 hr. 27 minutes

The following members participated in the discussion on Section 2 and 3 of Article 17 and Section 2 of Article 19:

1. Drametsi-Ngatshang constituency member, Ugyen Wangdi
2. National Council eminent person, Karma Damchoe Nidup
3. Kabji-Talo constituency member, Tshering Penjor
4. Panbang constituency member, the Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
5. National Council member of Haa Dzongkhag, Tshering Dorji
6. Doga-Shaba constituency member, Chencho Dorji
7. Menbi-Tsenkhar constituency member, Tshering Tenzin
8. National Council eminent person, Kuenley Tshering
9. Nyisho-Sephu constituency member, Gyem Dorji

Article 21, Section 4

Time: 3.06 PM

The Sipsu constituency member expressed his doubt on incoherence on the word “Lyonpo” for the Chief Justice of Bhutan and non inclusion of the same word for the Speaker of the National Assembly and the Chairman of the National Council.

On this, the member of National Council from Bumthang said that it is not in line with Section 1 of Article 20 of the Constitution and the word “Lyonpo” should be excluded. The Choekhor-Tang constituency member, the Minister of Agriculture clarified that the addition of the word “Lyonpo” would create confusion in future if a new Minister of Law was created while a member was of the

view that non addition of the word will give more reverence and charisma to the title of the Chief Justice.

The Chairman of the Constitution Drafting Committee clarified that the removal of the word “Lyonpo” would make no difference to the government policies but was added to give charisma and for ensuring independence of the Judiciary.

The issue for the need to add word “Lyonpo” to the Chief Justice was supported by the Sombeykha constituency member, the Opposition Leader since the Chief Justice was appointed by His Majesty the King. The Kanglung-Uzorong constituency member, the Home Minister also seconded and said that the post of Chief Justice was awarded by His Majesty the King with scarf of five different colors and official robe with seven folds, which justified the title of Lyonpo. The National Council eminent person, Kuenley Tshering said that the Chief Justice was awarded the orange scarf to strengthen the Judiciary similar to awarding of orange scarf to the Speaker to strengthen the Parliament and as such the word “Lyonpo’ should be kept as in the Draft Constitution.

The Kabji-Talo constituency member expressed his doubt on the submission by stating whether simply keeping the word as the Chief Justice would add to the charisma and

reverence to the post. It was seconded by the Kanglung-Uzorong constituency member, the Home Minister. With the view of having distinctive government branches and to keep up with the changing times, it was appropriate to remove the word Lyonpo. The Member of Nisho-Sepu constituency said that the change would have no affect on the rank and position, except to the name, so amendment was necessary.

Based on the majority of the house, the word “Lyonpo” under Section 4 of Article 21 was removed.

Article 21, Section 17

The National Council member of Pemagatshel Dzongkhag expressed his opinion on the appropriateness to appoint the Chairman of the Royal Civil Service Commission in place of the Attorney General in order to have better checks and balance in the system and for better contribution in the law making.

On this issue, the member of Panbang constituency, the Minister of Labour and Human Resources suggested on either reducing the number of members to three by removing the Attorney General or increasing the number of members to five by adding the Attorney General. On this, the Mongar constituency member supported for the replacement of the Attorney General by the Chairman

of the Royal Civil Service Commission as the former would be involved in so many court cases and inclusion of the later could contribute more in terms of rules and procedures as the Chairman of the RCSC was more involved in policy making for the Civil Service.

The Chairman of the Constitution Drafting Committee expressed his views on the need to include Attorney General as one of the members of the National Judicial Commission. He expressed that many other countries have faced with the same problem, but we are fortunate to have His Majesty the King, on whose command we have formed the Commission. He also explained that His Majesty the King has approved the members after having consulted three best constitutions of the world.

He also explained that the reason for inclusion of the Chief Justice and the senior most Judge of the Supreme Court was because they were in a better position to ascertain the capability of the Judges the best. The Attorney General was included as a member because he, on behalf of the Prime Minister represented the executive branch of the government. The Chairman of the Legislative Committee of the National Assembly has to be included as he was elected by the people with their trust and confidence. He also added that inclusion of the Chairman of the Royal Civil Service Commission would dilute the independent policy of the Judiciary as a separate

branch of the government. The Chairman of the Constitution Drafting Committee requested for re-submission on this Article on 28th May 2008.

Accordingly, the Parliament decided on the re-submission on Section 17 of Article 21 by the Chairman of the Constitution Drafting Committee on 28th May 2008.

Deliberation concluded at 3:58 PM

Deliberation time: 1 hour 4 minutes

The following members participated in the discussion on Article 21, 4 and Section 17:

1. Sipsu constituency member, Durga Prasad Chhetri
2. National Council member of Bumthang Dzongkhag, Tshewang Jurmi
3. Choekhor-Tang constituency member, the Minister of Agriculture, Lyonpo Dr.Pema Jamtsho
4. Phuentsholing constituency member, Chencho Dorji
5. Sombeykha constituency member, the Opposition Leader, Tshering Tobgay
6. Kanglung-Uzorong constituency member, the Home Minister, Lyonpo Minjur Dorji
7. National Council eminent person, Kuenley Tshering
8. Kabji-Talo constituency member, Tshering Penjor
9. Lamgong-Wangchag constituency member, the Minister for Economic Affairs, Lyonpo Khandu Wangchuck
10. Nisho-Siphu constituency member, Gyem Dorji
11. National Council member of Pemagatshel Dzongkhag, Jigme Rinzin
12. Panbang constituency member, the Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
13. Drametsi-Ngatshang constituency member, Ugyen Wangdi

Article 22

Time: 0935 AM

The member from Panbang constituency, the Minister for Labour and Human Resources said that in order to achieve the vision of His Majesty the King, the constitution and the expectations of the people, it was of paramount importance to have effective coordination and co-operation between the central and the local governments. Since Article 22 did not mention anything relating to this issue, it was important for the parliament and the representatives of the local government to work hand in hand for the socio-economic development of the respective areas. He suggested incorporating Section 4 under Article 22 stating that the local government must act in line with the general government priorities within the powers of local government.

While discussing on this issue, some of the members stated that it was important for a healthy functional relationship between the central and the local governments. Some members suggested for including this matter in the local government Act and not in the Constitution. On the other hand, some of the members opined that in case this issue was included in the Constitution, it would make some of the Article void. Since the Local Government Act did not stipulate that the members and the political parties could not interact, it

would be appropriate to retain as mentioned in the Draft Constitution.

Moreover, the new section would serve as a basis for the relationship between the local government and the National Assembly Members. If inserting a section entailed changes, a committee could be constituted to review and report back. The members expressed their doubts whether this would affect the related sections mentioned in the Constitution. However, most of the members submitted for mentioning this issue in the Local Government Act.

Responding in the deliberation, the Chairman of the Constitution Drafting Committee explained that Article 22 was beneficial in enhancing the relationship between the central and the local governments and it would be more appropriate to mention a new section under the Local Government Act then in the Constitution as it may entail amendments in keeping with the changing times. It was also the wish of His Majesty the King that the article in the draft was not binding and the parliament had the power to amend it. However, there was no separate resolution on this section.

Deliberation concluded at 12:20 PM

Deliberation time: 2 hrs. 20 minutes

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The following members participated in the deliberation on Article 22:

1. Panbang constituency member, the Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
2. The National Council eminent person, Kuenley Tshering
3. The National Council member from Trashigang Dzongkhag, Sonam Kuenga
4. Dorokha-Tading constituency member, the Minister for Education, Lyonpo Thakur Singh Powdyel
5. Deothang-Gomdar constituency member, Ugyen Dorji
6. Lingmu-Teowang constituency member, Namgay Wangchuk
7. Gelephu constituency member, Prem Kumar Gurung
8. The National Council member from Zhemgang Dzongkhag, Pema Lhamo
9. Kabji-Talo constituency member, Tshering Penjore
10. The National Council eminent person, Dasho Karma Ura
11. Sombeykha constituency member, the Opposition Leader, Tshering Tobgay
12. Drakteng-Langthel constituency member, Rinchen Dorji
13. Choekhor-Tang constituency member, the Minister of Agriculture, Lyonpo Dr. Pema Gyamtsho
14. The National Council member from Haa Dzongkhag, Tshering Dorji
15. Drugyelgang -Tshezang constituency member, Sonam Jamtsho
16. Dramitse-Ngatshang constituency member, Ugyen Wangdi
17. The National Council member from Punakha Dzongkhag, Chairman Namgay Penjore
18. National Council eminent person, Karma Damchoe Rayti

- 19. National Council eminent person, Tashi Wangmo
- 20. National Council member from Chukha Dzongkhag, Tshewang Lhamo
- 21. Nubi-Tangsibi constituency member, Nidup Zangpo

Article 22, Section 18 (D) & (E)

Time: 12:21 PM

The member from Bartsham and Shongphu constituency, the Finance Minister said that since the meaning in Section 18 (D) and (E) of the Article were same, he suggested for merging of these two sections and inserting a new section. However, the parliament was of the view that it would not make any difference in combining these two sections.

Responding in the deliberation, the Chairman of the Constitution Drafting Committee said that Section D related to the rights granted by the government and Section E was pertaining to the rights granted by the Constitution. Since these two sections differed significantly in all respects, it would be better to retain without merging them. Although, there was no separate resolution on this, it was decided that the Constitution Drafting Committee should provide further clarification on 28th May, 2008.

Deliberation concluded at 12:42 PM

Deliberation time: 1 hour

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The following members participated in the discussion on Article 22, Section D and E:

1. Bartsam-Shongphu constituency member, the Minister of Finance, Lyonpo Wangdi Norbu
2. Panbang constituency member, the Minister of Labour and Human Resources, Lyonpo Dorji Wangdi
3. National Council member from Pemagatshel Dzongkhag, Jigme Rinzin
4. Khamdang and Ramjar constituency member, Kezang Wangdi
5. Dorokha-Tading constituency member, the Minister of Education, Lyonpo Thakur Singh Powdyel
6. Lingmu-Teowang constituency member, Namgyel Wangchuk
7. Choekhor-Tang constituency member, the Minister for Agriculture, Lyonpo Dr. Pema Gyamtsho

Article 23, Section 2 (C)

Time: 12:43 PM

The member from Jomotsangkha-Martsala constituency sought clarification on the conflicting nuances in Section 2 (c) of Article 23 with Section 6 of Article 7.

Intervening in the deliberation, the Chairman of the Constitution Drafting Committee said that Section 2(c) of Article 23 was very important in order to avoid the shifting of registration from one constituency to another by the members of the political parties in the event the time limit of one year was not imposed. He said that the same provision was implemented in the recent election. It

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was also as per our tradition and customs and there was no conflict with Section 6 of Article 7.

Based on the justification and clarification provided by the Chairman of the Constitution Drafting Committee, Section 2(C) of Article 23 was retained as in the Draft Constitution.

Deliberation concluded at 12:58 PM

Deliberation time: 16 minutes

The following members have spoken on the above section:

1. Jomotsangkha -Martsala constituency member, Norbu Yangzom
2. Drametsi-Ngatshang constituency member, Ugyen Wangdi
3. Lhamoizingkha-Tashiding constituency member, Hemant Gurung

Article 23, Section 3 (C)

Time: 2:36 PM

The National Council member from Bumthang Dzongkhag expressed his opinion on the reduction of age limit from 65 to 62 for filing nomination as per Section 3 (c) of Article 23 that it may prove as a gesture of respect to our monarchs as the maximum age for a King to abdicate as per the Constitution was 65. Keeping the same age limit in his view was against our love and respect to our monarchs.

The Chairman of the Constitution Drafting Committee clarified the need to keep the age limit of maximum 65

during nomination. As the saying goes ‘older the wiser’, it was a privilege for the nation and the people to have wiser people making important decisions for the country for greater peace and prosperity and safeguard the sovereignty of our nation. He informed the house that this issue was discussed in depth and accordingly decided to retain it for all practical purpose. The Parliament, thus decided to keep the section with no amendment.

Article 23, Section 4 (C)

The National Council member from Trashigang Dzongkhag expressed his reservation on the eligibility for nomination of those convicted by the court but have completed the prison term with reference to Section 4 (c) of Article 23.

In response, the Chairman of the Constitution Drafting Committee made it clear that this section was kept flexible for future accommodation according to the needs of time. He said that those who were convicted but allowed to pay compensation in lieu of imprisonment do not come under the purview of this section while those convicted and sent to prison were considered as prisoners. Therefore, to accommodate changes in the future as per the situation, this section provided no details of prison terms and nature of conviction.

Based on the clarifications provided by the Chairman, this section was retained without amendment.

Article 23, Section 4 (b) and 4 (f)

The members sought clarification on Section 4(b) and 4(f) of Article 23 in which the word “private” was missing.

The Chairman of the Constitution Drafting Committee said that the words “Public services” referred to enterprises with no involvement of government money or government shares and included the private sector. However, if private sector was included there were separate rules and procedures which demanded separate mentioning of the sector. On this the views of the members were sought.

During the deliberation, many views were raised by the members on the need to include private sector in the article. Some members submitted for the need to define the word “private” while some said to keep it unchanged as the present discussion simply pertain to the candidates. Some members submitted for the need to add private under Section 4(f) of the Article with the view that some private enterprises were larger than the government organisations and the misuse of private fund would affect the eligibility of the candidates.

Some of the members expressed their opinion against the amendment of the sections in line with the articles on the Fundamental Rights passed on the 7th day of the

Parliament. The House was reminded to look into the need to include the words “office of profit” in the Dzongkha text of the Constitution as in the English version.

As some private companies were larger than the government companies in terms of profit margins, it was necessary to include “Private Limited” in the article same as “Public Company” which was already included. Some members were of the view that Section 4(g) would cover those not included in Section 4(f) which should suffice the missing element and therefore amendment was not required.

As the word “Public” was clearly defined in the Election Bill of the Kingdom of Bhutan, 2008, the House decided to retain the sections without amendments.

Article 25, Section 4

The member from Nganglam constituency expressed his reservation on non-inclusion of the Parliamentary committees in the audit preview in Section 4 of Article 25. However, the same was included clearly in the Audit Act and there was no need to deliberate on this issue.

Accepting the clarification provided by the Chairman of the Constitution Drafting Committee, the Parliament endorsed Section 4 of Article 25 without amendment. The House noted that the Royal Audit Authority did not conduct audit of the private companies where government money was not involved.

Article 25, Section 6

The member from Drametsi-Ngatshang constituency submitted that both in the Draft Constitution and in the Public Accounts Act, the number of members was mentioned as five, which in his opinion should be deleted. The motion was seconded by the members from Khamdang-Ramjar and Drakteng-Langthel constituencies. The members sought rationale for keeping the number as five.

The Chairman of the Constitution Drafting Committee clarified the doubt on the number of members in the Public Accounts Committee of the National Assembly. He said that it was with the view to arrive at judicious and sensible decisions that the number of committee members was kept at five. There would be biasness in the decision making process in case the members were less and in the event the committee members were more, it would be difficult to reach concrete decisions at times. Based on the clarification submitted by the Chairman of the Constitution Drafting Committee, the Parliament endorsed the article without any amendment.

Article 26, Section 2

The member from Lamgong-Wangchang constituency, the Minister of Economic Affairs expressed for the need

to reduce the members of the Royal Civil Service Commission from five as per the Draft Constitution to three including the Chairperson in order to save cost in view of the limited resources of the country. The motion was seconded by the member from Panbang constituency, the Minister of Labour and Human resources and the member from Dewathang-Gomdar constituency.

Seeking clarification on keeping the number of commission members as five, the members expressed their opinion that the number of the commission members could be increased by temporary recruitment if required.

The Chairman of the Constitution Drafting Committee provided clarification on the need to have five members in view of the importance of the Commission to the government. The Commission had important responsibility to fulfill the needs of the people and the country as it looked after recruitment, selection, promotion, and human resource development of the civil service through which services were guaranteed. Therefore, it was necessary to have a commission with appropriate members for proper decision making as well as to maintain checks and balance in the system.

He also pointed out that keeping the number of members to two would be very less for a commission that

controlled nearly 20,000 civil servants. It would not be possible to have proper checks and balance in the system with two or three members only.

He said that the Commission with five members would be less to meet the trust and confidence of the civil servants and to strengthen the capacity of the civil servant.

The Chairman further said that the recruitment of temporary members from outside would lead to unfair decisions. In order to have a competent and trust worthy commission, he urged the Parliament to retain the members at five. As the decision could not be reached, the Parliament adjourned to continue the discussion on this Article on Monday, 26th May 2008.

Deliberation concluded at 4.03 PM

Deliberation time: 1hour 33 minutes

The following members took active part in the discussion on Article 23:

1. National Council member of Bumthang Dzongkhag, Tshewang Jurmi
2. National Council member of Trashigang Dzongkhag, Sonam Kuenga
3. Mongar constituency member, Karma Lhamo
4. Choekhor-Tang constituency member, the Minister of Agriculture, Lyonpo (Dr.) Pema Gyamtsho
5. Ngatsang-Dramitse constituency member, Ugyen Wangdi

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6. Panbang constituency member, the Minister of Labour and Human Resources, Lyonpo Dorji Wangdi
7. Goenkhatoe-Laya constituency member, Damchoe Dorji
8. Sombeykha constituency member, the Opposition Leader, Tshering Tobgay
9. Lamgong-Wangchang constituency member, the Minister of Economic Affairs, Lyonpo Khandu Wangchuk
10. National Council member of Pema Gatsel Dzongkhag, Jigme Rinzin
11. National Council member of Gasa Dzongkhag, Sangay Khandu
12. National Council member of Zhemgang Dzongkhag, Pema Lhamo
13. National Council eminent person, Karma Damchoe Nidup

The following members participated in the discussion on Article 25:

1. Nganglam constituency member, Choida Jamtsho
2. Ngatshang-Drametsi constituency member, Ugyen Wangdi
3. Khamdang-Ramjar constituency member, Kesang Wangdi
4. Dakteng-Langthel constituency member, Rinchen Dorji

The following members took part in the discussion on Article 26:

1. Lamgong-Wangchang constituency member, the Minister of Economic Affairs, Lyonpo Khandu Wangchuk
2. Panbang constituency member, the Minister of Labour and Human Resources, Lyonpo Dorji Wangdi
3. Dewathang-Gomdar constituency member, Ugyen Dorji
4. National Council member of Trongsa Dzongkhag, Jagar Dorji

Deputy Speaker preside the Session

Time: 9:35 AM

The Deputy Speaker presided over the 13th day of the Parliamentary session on 23rd May 2008 as the Speaker was engaged in some other important assignments. The Deputy Speaker before opening the discussion offered his heartfelt gratitude to His Majesty the King, His Majesty the Fourth King and the people of Bhutan for their blessings and benevolent guidance and the public of Kilkhorthang-Medrelgang constituency for electing him with their trust and confidence. He also re-iterated his pledge to serve the Tsa-wa-sum to the best of his ability. He expressed his appreciation to the people of his constituency, the Prime Minister, Cabinet Ministers and Members of the National Assembly for electing him as the Deputy Speaker through which he could avail the opportunity of presiding over the session of the First Parliament of the country.

Continuation of discussion on Article 26, Section 2

Concurrent to submitting the submissions and opinions, the members of Parliament expressed their pleasure on having the Deputy Speaker preside over the 13th day of the sitting, following which the deliberation on Article 26, Section 2 was resumed. The member from Bji-Katsho-Uesu constituency expressed concern and complexity on the appointment of one Chairperson and four members

amongst those holding the post of the Secretary and other capable members in the Royal Civil Service Commission. It was suggested that the number of members be limited to one Chairperson and two members similar to the constitutional post holders.

During the deliberation on the composition of the Civil Service Commission with 5 or 3 members, the members expressed diverse opinions. One of the submissions made was concerning the composition of the civil service commission. The members felt that if a proper system was put in place for the governance of the civil service, it would not matter much whether the civil service commission consisted of two or more members.

Likewise, it was also submitted that a separate Administrative Tribunal would be established in the future for the civil service which will deal with disciplinary and related matters. Thus, it would be more appropriate to maintain the number of members at 4 since a portion of the responsibility of the civil service commission would be shared by the Administrative Tribunal.

Therefore, it was submitted that as mentioned under Article 26, Section 4 and 5, since the responsibility of the civil service commission was likely to change, it would be more appropriate to maintain the members of the civil service commission at two.

Adhering to Article 26, Section 2, it was submitted that the number of the members be retained as provided in the Draft Constitution to fulfill the aspirations of the people and the country in general since the Prime Minister represented the executive branch while the Chief Justice of Bhutan, the Speaker of the National Assembly, the Chairperson of the National Council and the Leader of Opposition represented various other institutions.

Seconding the submission for retaining the Article, it was submitted that as the civil service commission was mandated to look into the promotion, retirement and impeachment/termination etc. from the civil service, the number of members should be more than 5 to avoid any discrepancies and biasness in the decision making process that may result with lesser number of members.

To ensure that the civil service was provided with fair and equitable opportunities, the rational for maintaining the number of members of the civil service commission be retained as reflected in the Constitution.

The Civil Service of Bhutan was an exemplary in the world due to its efficient functioning. The policy of the civil service is compact, efficient, accountable and transparent civil service. Thus to maintain it, the provision in the Constitution should be retained. Bearing in mind

the importance of the Civil Service Commission as an important entity vested with the mandate to look into the grievances of civil service personnel, it was imperative to keep minimum of five members in the commission.

In order to uphold equity and transparency in the state of affairs and implement the technological usage and added responsibility, some of the members submitted that the commission could function with two members while some of the members speculated that if the number of the members in the commission was maintained at four, it was likely that promotion and appointments in the civil service would be manipulated. It was opined that the Article should be thought over not for the present convenience but for the future as well. Irrespective of the number, if the duty was performed in a transparent and efficient manner, the human resource officers attached with the ministries and departments would also be in a position to function well in the interest of the civil service.

It is important to identify and understand the responsibility of the members of the civil service commission more than the number of its members. It was more important and crucial to support and develop the civil service rather than the number of members in the commission.

During the deliberation, the Chairman of the Constitution Drafting Committee said that Article 26 was incorporated since the principle and the objective of the Constitution was to ensure the independence and the security of the country and the civil service played an important role in implementing it. While all the constitutional posts were important, they differed in their functional responsibilities and mandates. The responsibility of governance lay largely with the civil service commission, and thus in comparison with the other commissions, there were enormous differences in their functioning in accordance with the changing times. It was, therefore important to retain the membership at five as provided in the Draft Constitution.

Deliberating on this issue, 21 members of the Parliament submitted their opinions out of which 13 members submitted in favour of retaining the provision as in the Draft Constitution and the remaining 8 members submitted for restricting the members of the Commission to 4. In response, the Chairman of the Drafting Committee requested the house that instead of responding instantly, he would report to the Parliament on 28th May, 2008 and accordingly the Parliament endorsed the proposal.

Deliberation concluded at 12:07 hours.

Deliberation time: 1 hr. 27 minutes

The following members participated in the discussion on Article 26, Section 2:

1. Lamgong-Wangchang constituency member, the Minister for Economic Affairs Lyonpo Khandu Wangchuk
2. Bji- Katsho-Uesu constituency member Ugey Tenzin
3. Choekhor-Tang constituency member, the Agriculture Minister, Lyonpo Dr. Pema Gyamthso
4. National Council eminent person, Kuenley Tshering
5. Dremitse-Nagtshang constituency member, Ugyen Wangdi
6. National Council eminent person, Dasho Karma Ura
7. Kanglung-Uzorong constituency member, the Home Minister, Lyonpo Minjur Dorji
8. Dorokha-Tading constituency member, the Education Minister, Lyonpo Thakur Singh Powdyel
9. Gelephu constituency member, Prem Kumar Gurung
10. Panbang constituency member, the Labour and Human Resources Minister, Lyonpo Dorji Wangdi
11. National Council member of Thimphu Dzongkhag, Sangay Zam
12. Nyisho-Sepchu constituency member, Gyem Dorji
13. Goenkhatoe-Laya constituency member, Damchoe Dorji
14. National Council member of Trongsa Dzongkhag, Dr. Jakar Dorji
15. Sombaykha constituency member, the Leader of Opposition, Tshering Tobgay
16. Nubi-Tangsbji constituency member, Nidup Zangpo
17. Doga-Shaba constituency member, Chencho Dorji
18. National Council member of Mongar Dzongkhag, Naichu
19. Kabji-Talo constituency member, Tshering Penjor
20. National Council member of Tashigang Dzongkhag, Sonam Kuenga
21. National Council eminent person, Tashi Wangmo
22. Menbi-Tshengkhar constituency member, Tshering Tenzin

Article 28, Section 3

Time: 12:10 hours

The member from Lhamoyzingkha-Trashiding constituency sought clarification on Article 28, Section 3 whereby the Royal Bhutan Police which was under the Royal Bhutan Army till date would be merged under the Ministry of Home and Cultural Affairs as per the Constitution. The member from Kabji-Talo constituency also suggested that if the Royal Bhutan Police was maintained under the Ministry of Home and Cultural Affairs, there was the potential danger of creating problems in the future whereas if it was accorded autonomy, it would give scope for maintaining checks and balance. The member from Goenkhatoe-Laya constituency submitted that the provision in the Draft Constitution be retained as it was.

Responding in the deliberation, the Chairman of the Constitution Drafting Committee said that generally the police force was under the Ministry of Home Affairs. In case of calamities in the country, it would fall under the national security force. Since the internal administration and authority would be regulated by the Police Act, there would not be any inconveniences. The Home Minister also submitted that the Police Act determined the responsibilities of the police force and therefore the provision in the draft should be retained.

The Parliament resolved to retain the provision of the Royal Bhutan Police in Article 28, Section 3 without any amendment.

Article 29, Section 1

The member from Ugentse-Yoseltse constituency in Samtse submitted that the interpretation of Article 29, Section 1 and 5 were contradictory and suggested that in the English text of Section 1 “within the domain and authority of the Government” and in section 5, “ have the power to”, should be deleted.

The Chairman of the Constitution Drafting Committee said that Section 5 was important because of the objective and the commendable job done by the previous governments and to adhere to its policy. While “have the power to” was an extra phrase and did not make any difference even if it was deleted, a report would be made on 28th May, 2008 after thorough review on this issue.

Article 29, Section 5

During deliberation on this Article, the member from Goenkhatoe-Laya constituency submitted that for several inconveniencies attached with the responsibility of the Attorney General in Article 29, Section 5, it was appropriate to make the Office of the Attorney General, a constitutional post as it would contribute to the achievement of equity and justice.

The National Council eminent person Kuenley Tshering submitted that instituting the Office of Attorney General as a constitutional office was not viable since there was no separate Law Ministry and legal advice to the Government and Prime Minister could only be provided by a non-constitutional body.

Likewise, the member from Lingmu-Toewang constituency said that in Section 5, the Attorney General had the power to withdraw cases as per Article 29, Section 2. When other ministries questioned the withdrawal of cases, Article 29, Section 2 which stated that the Attorney General has the power was causing inconveniences. It was also requested that the submission of the Committee Chairman to incorporate the phrase “have the power to” be endorsed.

On Article 29, Section 1 and 5, the Parliament resolved that as submitted by the Chairman of the Constitution Drafting Committee, it shall be reported on 28th May, 2008.

Article 31, Section 4

The member from Mongar constituency sought clarification on Article 31 Section 4 which stated that the constitutional post holders shall not be eligible for re-appointment. The member sought clarification as to

whether it meant that one could not hold constitutional post again nor avail the opportunity to serve in the government service.

On this issue, the National Council member from Pemagatshel sought clarification as to whether the constitutional post holders could hold another constitutional office after the expiry of their tenure in case one has not attained the age of 65 years. In case there was no such opportunity, then Article 21, Section 4 and Section 5 gave enough room to the Chief Justice and Drangpons of the High Court to be appointed in the Supreme Court which implied that the Chief Justice and Drangpons of the High Court had the prospect for appointment. Therefore, it should be clearly spelt out that no constitutional post holders would be eligible for other appointments.

The member from Drakteng-Langthel constituency sought clarification regarding the status of the Chairperson of the Anti-Corruption Commission, Chief Election Commissioner and the four members of the Royal Civil Service Commission. Henceforth, it was necessary to clearly mention the series of the posts in the Acts enacted prior and subsequent to the adoption of the Constitution.

Responding to the queries, the Chairman of the Constitution Drafting Committee said that the issue of the re-appointment of the constitutional post holders were clearly mentioned in Article 21, 25, 26, and 27 and therefore were bound by these Articles. While the commissioners were eligible to take up the post of the Chief Election Commissioner, the Drangpons of the High Court were also eligible to move to the Supreme Court but would not be eligible to move to other ministries.

It was further submitted that in the event, the Chief Election Commissioner took up post in the Anti-Corruption Commission or the Civil Service Commission, it would immensely hamper its operation as well as fairness. However, after completing the tenure of five years, the Chief and the commissioners shall not be eligible for re-appointment. In case there was no fixed term for the constitutional post holders, it would contradict Article 1, Section 12 rendering the very concept of independence meaningless. The Chairman of the Constitution Drafting Committee sought the permission of the house to report on the principles of the series of the post on 28th May, 2008.

The Parliament resolved that the Article 31, Section 4 shall be adopted without any amendment in view of the justifications provided to the House on this issue.

Deliberation concluded at 14:36 hours

Deliberation time: 1 hour 16 minutes

The following members participated in the discussion on Article 28, Section 3:

1. Lhamoyzingkha-Trashiding constituency member, Hemant Gurung
2. Kabji-Talo constituency member, Tshering Penjor
3. National Council member from Gasa, Sangay Khandu
4. Samkhar-Uzorong constituency member, the Home Minister, Lyonpo Minjur Dorji

The following members participated in the discussion on Article 29, Section 5:

1. Ugentse-Yoseltse constituency member, Lila Pradhan
2. Goenkhatoe-Laya constituency member, Damchoe Dorji
3. National Council eminent person, Kuenley Tshering
4. Lingmu-Toewang constituency member, Namgay Wangchuk

The following members participated in the discussion on Article 31 Section 4:

1. Mongar constituency member, Karma Lhamo
2. National Council member from Pemagatshel Dzongkhag, Jigme Rinzin
3. Drakteng-Langthel constituency member, Rinchen Dorji

Article 32, Section 3

Time: 14:38 hrs

The member from Phuentsholing constituency submitted that Article 32, Section 3 stated that the Chief Justice of Bhutan shall preside over the impeachment proceedings and in the case of the impeachment of the Chief Justice of Bhutan, the senior most Drangpon of the Supreme Court shall preside. He suggested that the impeachment proceedings of the Chief Justice of Bhutan should be presided over either by the Attorney General or the

Speaker. Seconding the submission, the member from Gelephu constituency submitted that in accordance with the designation and the nature of job, it was not appropriate for the the senior most Drangpon to preside over the impeachment proceedings.

During the deliberation, the Chairman of the Constitution Drafting Committee said that in case a situation arose for the impeachment of the Chief Justice, it was necessary for the Attorney General to charge-sheet the Chief Justice on behalf of the government and accordingly submits a report to the Parliament. Therefore, it was not appropriate for the Attorney General to preside over the impeachment proceedings.

Secondly, an order for the impeachment of the Chief Justice has to be issued by the Prime Minister on behalf of the Government. While the Attorney General was under the authority of Prime Minister, the Speaker representing the legislature was not appropriate to preside over the impeachment proceedings or else it would be contradictory to the justice and the natural law.

Thirdly, a senior Drangpon was preferred over the others since a Drangpon was well-versed with the law and the civil and criminal procedure code. Being a senior Drangpon, the Drangpon would need to adhere to the laws

and go by what the majority concur upon. Principally, the process should adhere to Article 32, Section 2 making it more appropriate.

Following the elucidation by the Chairman of the Constitution Drafting Committee, the member from Bji-Katsho-Uesu constituency said that in the event the impeachment proceeding of the Chief Justice was presided over by the senior-most Drangpon, it was likely that there would be discrepancies in view of the similarity of their job. However, since Article 32, Section 2 stated that impeachment has to be concurred by the Parliament, it would meet the requirement.

It was also opined that at the time of re-appointment following the impeachment of the Chief Justice of Bhutan, it was likely that a person without any legal background would be appointed. There was doubt that such a person would be able to function effectively. It was necessary to clearly mention the process and procedures in the Judiciary after the re-appointment.

The judiciary had full power relating to all judicial trials and inconveniences would be faced in the event impeachment trials were also decided by it. Under such circumstances, trials presided by a senior most Drangpon of the Supreme Court would have less of checks and

balance. It was suggested that it would be better for the Chairperson of the National Council, an apolitical body to preside over impeachment trials. While this submission was seconded by one member, yet another member submitted that the provision for the impeachment of the Chief Justice to be presided over by the senior most Drangpon should not be there.

Further, it was submitted that during the impeachment of the Chief Justice of Bhutan, the result did not depend solely on the presiding officer but on votes and concurrence of all the 72 members of Parliament. As such it would not matter even if the present provision was retained as the Article fulfilled the present and future standards on impeachment proceedings. Furthermore, the Chairman submitted that it would be acceptable for the Chairperson of the National Council to preside over the impeachment of the Chief Justice of Bhutan. However, a majority of the members submitted against this proposal and reiterated to retain the provision as it was. It was also stated that even in case a Chief Justice was impeached in accordance with Article 32, Section 4, another would be appointed.

The Parliament resolved to retain Article 32, Section 3 without any amendment.

Deliberation concluded at 14:38 hours

Deliberation time: 57 minutes

21st day of the 4th month of Earth Rat Year

26/05/2008

The following members participated in the discussion on Article 32,
Section 3:

1. Phuentsholing constituency member, Chencho Dorji
2. Gelephu constituency member, Prem Kumar Gurung
3. Bji- Katsho and Uesu constituency member, Ugen Tenzin
4. Kabji-Talo constituency member, Tshering Penjore
5. Panbang constituency member, the Minister for Labour and Human Resources, Lyonpo Dorji Wangdi
6. Menbi-Tshenkhar constituency member, Tshering Tenzin
7. Lhamoyzingkha-Trashiding constituency member, Hemant Gurung
8. Goenkhatoe-Laya constituency member, Damchoe Dorji
9. National Council eminent person, Kuenley Tshering
10. National Council member from Gasa Dzongkhag, Sangay Khandu

X. Motions for Reconsideration by the Parliament

Time: 09:35 hours

The Speaker said that His Majesty the Druk Gyalpo commanded the drafting of the Constitution for the wellbeing of the country and the people. Following the finalization of the Draft Constitution by the members of the Constitution Drafting Committee, it was submitted for adoption in the Joint Sitting of the Parliament. During the deliberation, the inconsistency in the Dzongkha and the English texts were amended apart from rephrasing few sentences with no major amendments in the Articles and Sections. However, the changes and amendments thereon consisting of three pages were made available to all the members of Parliament. Firstly, the amendments proposed by the Parliament were deliberated and adopted as follows:

Article 2 section 3 (b), amendment made to the Dzongkha text only.

Article 2 section 5, amendment made to the Dzongkha text only.

Article 2 section 7 (b), amendment made to the Dzongkha text only.

Article 2 section 8 (f), amendment made to the Dzongkha text only.

Article 2 section 11, the article is rephrased as, “when the successor to the Throne attains the age of twenty one years or when the Druk Gyalpo resumes”

Article 2 section 14 (a), spelling of “privilege” in the Dzongkha text corrected.

Article 2 section 14 (a), amendment made to the Dzongkha text only.

Article 2 section 16 (c), amendment made to the Dzongkha text only. ?

Article 2 section 17, amendment made to the Dzongkha text only.

Article 2 section 18, amendment made to the Dzongkha text only.

Article 2 Section 18, Parliament resolved to adopt the changes proposed in the motion for reconsideration paper. (Dzongkha text only)

Article 4 Section 2, amendment made to the Dzongkha text only.

Article 3 Section 4, amendment made to the Dzongkha text only.

Article 3 Section 5, amendment made to the Dzongkha text only.

Article 7 Section 5, original clause is retained.

Article 7 Section 9: To this motion, the Parliament deliberated again and decided that since Article 7, Section

9 was an important provision, it was decided to retain the clause as in the Draft Constitution. Most of the members supported the motion to retain the clause.

The Parliament resolved to retain Article 7, Section 9 as in the Draft Constitution on the 6th day of the sitting convened on 15th May, 2008.

The Chairman of the Constitution Drafting Committee informed the House that Section 10 of Article 7 was maintained as in the draft with no amendment and the Parliament endorsed it.

In Article 7, Section 18 “a person shall not be subjected to capital punishment” the member from North-Thimphu constituency, the Foreign Minister Lyonpo Ugyen Tshering said that though Article 7, Section 1 was retained as in the draft, the new section proposed by the Chairman of the Constitution Drafting Committee was also acceptable. The member from Kabji-Talo constituency proposed that the new section was a fundamental right offered by His Majesty the Fourth Druk Gyalpo where a person shall not be subjected to capital punishment which was also supported by the member from Doga-Shaba constituency.

The member from Choekhor-Tang constituency, the Agriculture Minister and the National Council member

from Bumthang Dzongkhag submitted that under Section 17, capital punishment should be added without adding a new section altogether. It should be noted that there was no proposal for new section previously.

Responding in the deliberation, the Chairman of the Constitution Drafting Committee said that the reason for inserting new Section 18 was because the abolition of capital punishment was a unique feature in our country and well known all over the world so adding a new section would be distinctive and exemplary for other countries to understand.

The Parliament resolved to insert a new Section 18 under Article 7 as “a person shall not be subjected to capital punishment”.

Under Article 8, Section 2 a new word “environment” should be included and so it was changed as “A Bhutanese citizen shall have the duty to preserve, protect and respect the environment, culture and heritage of the nation”.

Under Article 9, Section 17, it was resolved to amend the section as “ The State shall endeavor to take appropriate measures to eliminate all forms of discrimination and exploitation against women including trafficking,

prostitution, abuse, violence, harassment and intimidation at work in both public and private spheres”.

Under Article 9 Section 18, the amendment was made in the Dzongkha text.

Under Article 9, Section 21 the word “general” was added instead of basic public health as clarified by the Health Minister on the difference between basic and general and accordingly the Parliament resolved to retain as in the draft.

Under Article 9, Section 22, amendment was made in Dzongkha text.

Under Article 10, Section 11, amendment was made in Dzongkha text.

Under Article 10, Section 19, it was resolved that both the Chairperson and the Deputy Chairperson would be added.

Under Article 10, Section 24 “National Assembly” has been added after “....Druk Gyalpo....”

Under Article 11, Section 4, instead of general election, National Council was added and likewise the Deputy Chairperson was added after Chairperson.

Under Article 14, Section 1, in Dzongkha text, “except by law” moved to the end instead of retaining it in the beginning like in the draft.

Under Article 14, Section 6, it was resolved that in the Dzongkha text, “internal resources of the country” would be placed after recurrent expenditures.

Under Article 14, Section 11, it was resolved that in Dzongkha text, “in accordance with the law” would be replaced after nature of the expenditure and also syllable “tshu” has been added after appropriation.

Under Article 14, Section 13, it was resolved that “shall have a casting vote” was found incorrect compared to the Dzongkha text and hence it was decided that “shall cast a deciding vote” would be used instead.

Under Article 14, Section 12, amendment was made in Dzongkha text.

Under Article 15, Section 5, the member of the National Council from Tashigang Dzongkhag recommended some changes to the clause and amended the section as “that the two political parties established through National Assembly’s primary round of election was for the general round of election”. However, the Parliament resolved to retain the section as in the draft.

Under Article 18, Section 2, a new section was proposed by the Chairman of the Constitution Drafting Committee which read as “His Majesty the King will award Dakyen to the leader of the party who wins the least number of

seats in the National Assembly as the leader of opposition party”. Most of the members submitted that awarding Dakyen was His Majesty’s prerogative so it would not be appropriate to insert a new section. The Leader of the Opposition also submitted that the constitution should not be amended in any way and so inserting a new section at this juncture was inappropriate. However, the Parliament resolved to retain the section as in the draft.

Under Article 18, Section 6 in Dzongkha text the words “external threat” and “natural calamities” were interchanged.

Under Article 20, Section 5(b), and Article 21, Section 15, the amendments were made in Dzongkha text.

Under Article 21 Section 17, some members proposed that the Attorney General under sub section (d) should be replaced by Chief Justice of High Court and be placed as sub-section(c). On this issue, the South Thimphu constituency member, the Minister of Works and Human Settlement, the Chairperson of the National Council, the National Council member from Haa Dzongkhag, the member from Goenkhatoe-Laya constituency and the Lamgong-Wangchang constituency member, the Minister of Economic Affairs submitted that the entire clause should be retained as in the draft and accordingly the Parliament resolved to retain the clause.

Under Article 23, Section 4(f), it was proposed that instead of public companies, it should be private companies and also the office of profit be added. The member from Goenkhatoe-Laya constituency said that adding private instead of public would invite problem and the Speaker during the 12th day of the joint sitting had said that the private and public companies were already mentioned in the Election Bill and thus Section 4 (f) should be retained without any changes. Subsequently, the Parliament agreed to retain the section as in the draft.

XI. Motion for reconsideration by the Parliament

Under Article 7 Section 1, the Minister of Labour and Human Resources, Lyonpo Dorji Wangdi submitted that although Section 1 of Article 7 required amendment, the new section regarding capital punishment as proposed by the Chairman of the Constitution Drafting Committee sufficed. Hence, the Parliament resolved to retain Section 1 of Article 7 as in the Draft.

In Article 7, Section 22, the Speaker said that although there was no need to revisit the section again, the members were granted the opportunity to express their views. During the deliberation, the National Council eminent person, Kuenley Tshering submitted that there

was no need to amend the section and accordingly the Parliament decided to retain the section as in the Draft.

In Article 9, Section 16, the proposal “till class 10” should be amended as “**minimum** of class 10” during the 6th joint sitting. The Chairperson of the Constitution Drafting Committee highlighted around eight rationales on the inappropriateness of adding “**minimum**”. The Parliament accordingly resolved to retain the section as in the Draft.

In Article 9, Section 18, there were discussions to insert a new section. However, since Section 19 and 20 covered the mutual obligation between parent and child the Parliament resolved to retain the section as in the Draft without any amendments.

In Article 11, Section 3, the National Council member from Haa Dzongkhag submitted that the section should be amended as “a member of the National Council **shall not belong to any political party or have any affiliation to any political party**”. The Parliament decided that the Constitution Drafting Committee should only make changes if required and retain the section in case there was no necessity for changes.

Under Article 14, Section 7, the member from South Thimphu constituency, the Minister of Works and Human Settlement and the Sombeykha constituency member, the

Leader of Opposition provided rationale for retaining the section and accordingly the Parliament decided not to amend the section.

Under Article 22, Section 4, the member from Panbang constituency, the Minister of Labour and Human Resources proposed for minor changes and addition of new sections. Responding to the proposal, the Chairman of the Constitution Drafting Committee presented the rationale from sub-section (a) to (f) and the inaptness of inserting new section as proposed by the Minister. The Parliament accepted the rationales and resolved to retain Article 22, Section 4 as in the Draft without any amendments.

In Article 22, Section 18(c) and (d), the Bartsam-Shongphu constituency member, the Finance Minister during the 12th day of the joint sitting had proposed that the two sections should be merged together since it portrayed the same interpretation. While the Parliament was unable to decide the issue on the same day, the Chairman of the Constitution Drafting Committee in the motion for reconsideration submitted the basis for not merging the two sections together. While the South Thimphu constituency member, the Minister of Work and Human Settlement seconded the motion, the Parliament resolved to retain the section without any amendment.

In Article 26, Section 2, some of the members submitted that in case the Royal Civil Service Commission was a permanent body, the commission with a total of five members including the Chairperson was more than required and that the total number of four members would be acceptable if the commission was constituted on a temporary basis. Responding during the deliberation, the Chairman of the Constitution Drafting Committee submitted the advantages of having more members and accordingly, the Parliament resolved to retain the section as in the Draft.

Under Article 29 Section 5, “The Attorney general shall have the power to institute or withdraw any case in accordance with the law” and in the request for withdrawal of **“have the power to”**, the member of the National Council from Gasa Dzongkhag and the members from Ugetshe-Yoeseltse and Drakteng-Langthel constituencies submitted that the section required no changes. The Parliament accordingly resolved to retain Article 29, Section 5 as in the Draft.

In Article 31, Section 2(a), on the discussion of the term “The Chief Justice of Bhutan” that also took place during the 11th joint sitting wherein the “The Chief Justice of Bhutan” should be changed to “Drugi Thrimchee”, most of the members opined to change the term while some others gave varied reasons for retaining as Chief Justice of

Bhutan only. The House accordingly resolved to retain the section as in the Draft.

Deliberation concluded at 10.28 hrs

Deliberation time: 1 hour, 23 minutes

The following members participated in the discussion on Article 26, Section 2:

1. Lamgong-Wangchang constituency member, the Minister of Economic Affairs, Lyonpo Khandu Wangchuk
2. Dorokha-Tading constituency member, the Education Minister, Lyonpo Thakur Singh Powdyel
3. Nganglam constituency member, Choida Jamtsho
4. Choekhor-Tang constituency member, the Agriculture Minister, Lyonpo (Dr.) Pema Gyamtsho
5. Bumdeling-Jamkhar constituency member, Kesang Wangdi
6. Sombeykha constituency member, the Leader of Opposition, Tshering Tobgay
7. Bji-Katsho-Uesu constituency member, Ugen Tenzin
8. Doga-Shaba constituency member, Chencho Dorji

The following members participated in the discussion on Article 29, Section 5:

1. National Council member of Gasa Dzongkhag
2. Ugetshe-Yoeseltse constituency member, Lila Pradhan
3. Drakteng-Langthel constituency member, Rinchen Dorji

The following members participated in the discussion on Article 31, Section 2:

1. Kabji-Talo constituency member, Tshering Penjore
2. Goenkhatoe-Laya constituency member, Damchoe Dorji
3. Chapcha-Bongo constituency member, Ugey Tshering

4. Sombeykha constituency member, the Leader of Opposition, Tshering Tobgay
5. Choekhor-Tang constituency member, the Agriculture Minister, Lyonpo Dr. Pema Gyamtsho
6. Athang-Thedtsho constituency member, Pasang Thrinlee

XII. Celebration of the Constitution Day

Having endorsed the Constitution of the Kingdom of Bhutan by the Parliament, it was decided that the Constitution should be signed by the members of Parliament. The Prime Minister, on behalf of the Cabinet, consulted with the Parliament for the need to celebrate the endorsement and the signing of the Constitution and accordingly the day coinciding with the coronation of the Fourth Druk Gyalpo on 2nd June was suggested. The Prime Minister said that the very Constitution which Bhutan proudly owns as the unique Constitution that ushered the country to a parliamentary democracy was the fruit of noble thoughts of the Fourth King to ensure everlasting peace, happiness and prosperity for the Bhutanese people. It was a noble gift of the Fourth King to the people after having accomplished unprecedented reforms for the benefit of the people and country in His 34 years of golden reign.

The Prime Minister said that the celebration of the Constitution Day coinciding with the Coronation Day of

the Fourth King would not only remind the people of Bhutan on the achievement of a vibrant democracy in the country but would prove as a testimony to the future generations of a King who ruled the country selflessly and ensured peace and prosperity for the people and the country. Truly, the very democracy is the gift of the Fourth King to His people.

The National Council eminent person, Dasho Karma Ura commended the proposal to celebrate the day and informed the House that it should not only be celebrated by the government and people of Bhutan but the whole world should know the great achievement of our King. Therefore, he urged the House that it should be well planned and the Foreign Ministry should make proper arrangements to inform the outside world.

The National Council member from Bumthang Dzongkhag while appreciating the proposal said that the Constitution should be signed by all the members and submitted to His Majesty the King on the celebration day. While supporting the proposal to celebrate the day coinciding with the coronation day of the Fourth King, the Leader of Opposition said that it would help the Bhutanese people cherish our beloved King for all times to come. The member from Lingmu-Toewang constituency added that keeping the constitution day on

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2nd June would herald the day with three important celebrations as the day is already celebrated as the Social Forestry Day which is excellent as per our traditional belief.

June 2 was formally approved by the Parliament as the Constitution Day of Bhutan.

Deliberation concluded at 10.09 hrs

Deliberation time: 23 minutes

The following members participated in the discussion on the Celebration of the Constitution Day:

1. Nanong-Shumar constituency member, Prime Minister Jigme Y. Thinley
2. National Council member from Bumthang Dzongkhag, Tshewang Jurmi
3. National Council eminent person, Dasho Karma Ura
4. Sombaykha constituency member, the Leader of Opposition, Tshering Tobgay
5. Lingmu-Toewang constituency member, Namgay Wangchuk

XIII. Corrections incorporated through general clarifications and opinions

Under Article 7, Section 18, although it was already decided that both “his” and “her” would be inserted wherever necessary, the member from Bumdeling-Jamkhar constituency submitted that it should be kept as “his” as in the Draft .

Responding in the deliberation, the National Council member from Thimphu Dzongkhag submitted that under the magnanimous leadership of His Majesty the King, in principle, equal status has been granted to both the male and female citizens. The decision taken in the recent past in favour of having to reflect both the gender has undoubtedly made the females happy. Therefore, the decision taken earlier should be upheld.

The members from Menbi-Tsengkhar, Khamdang-Ramjhar, Khengkhar-Weringla, Dorokha-Tading and Goenkhatoe-Laya constituencies, and the National Council member from Bumthang Dzongkhag submitted that “his” and “her” meant differently in legal terms and also from women’s point of view both “his” and “her” should be used.

The member from Gelephu constituency proposed that in case both “his” and “her” were used then “it” should also

be used. The member from Nubi-Tangsibi constituency said that the Chairman of the Constitution Drafting Committee should be requested to clarify their doubts.

The member from Choekhor-Tang constituency, the Agriculture Minister submitted that in case both his and her were added, it would pose problem in understanding the meaning later. The member from Dramitse-Ngatshang constituency said that while drafting a law, there are rules to be followed and in the event of inconsistency, it would create controversy and reminded the House that while it was being inserted in the Constitution it should also be inserted in other Acts.

Similarly, the member from Kabji-Talo constituency opined that both “his” and “her” should be deleted and only “her” should be used instead. The members from Lingmu-Teowang and Athang-Thedtsho constituencies submitted that it should be kept as in the Draft without any changes. The member from Somphangkha constituency, the Information and Communications Minister said that the difference between male and female should be understood beyond the literal meanings attached to it.

After a prolonged discussion on the motion, the Parliament resolved that both “his” and “her” will be added like in the earlier resolutions.

Under Article 7, Section 9, the Parliament decided not to deliberate again on the same issue as it was already resolved.

In Article 11, Section 3 which stated “A candidate to or a member of the National Council shall not belong to any political party” the National Council member from Haa Dzongkhag said that the word “not belong to” would not cover the word “affiliation” and also in the legal terms the two words depicted two different connotations. Even in the Election Bill, the word “not belong to” and “affiliation” were shown separately. Since the main source of interpretation was the Constitution, a uniform standard should be maintained in the Constitution. The amended section should be “A candidate to or a member of the National Council shall not belong to any political party or have any affiliation” and said that incorporating the aforesaid section would suit democracy but would not have any negative implications.

Summing up the deliberation, the Speaker called for raising of hands to decide on this issue tabled by National Council Member from Haa Dzongkhag. Since most of the members were in favour of the section, the House resolved to retain the section as in the Draft. The member from Goenkhatoe-Laya constituency pointed out that the

phrase “His Majesty” in the English text, the alphabet “H” should be in capital which was in small letter in the Draft.

After deliberating on the motion for reconsideration, the members of Parliament were accorded the opportunity to express their opinion on other issues. The National Council Member from Bumthang Dzongkhag submitted that in a democracy, the Chief Justice should be referred as the Chief Justice of Bhutan as mentioned in the Draft since addressing the Chief Justice as “Minister” would apparently mean that he was under the category of the Cabinet Minister. For this reason, the motion passed in the 11th joint sitting of Parliament should be reconsidered and the Chief Justice should be addressed as the Chief Justice of Bhutan.

The National Council eminent person, Karma Damchoe Nidup submitted that Article 2, Section 19 (k) stated “The Governor of the Central Bank of Bhutan on the recommendation of the Prime Minister” should be by the advisory board and not by the Prime Minister. This motion was seconded by the National Council Member from Chukha Dzongkhag.

The National Council member from Lhuentse Dzongkhag sought clarification on the term of the constitutional post

holders and whether the constitutional post holders would be appointed from government, private or from the armed forces. The member from Bardo-Tong constituency enquired about the word “accepted”, and under Article 9 Section 21 whether the word “basic” or “general” was finalized. Under Article 21 Section 17(d), he asked whether Attorney General would fall under the category of National Judicial Commission.

The National Council Member from Mongar Dzongkhag sought clarification on the characteristics of a Jabmi under Article 7, Section 20 which stated “A person shall have the right to consult and be represented by a Bhutanese Jabmi of his or her choice”. The National Council member from Pemagatshel Dzongkhag sought clarification on whether the constitutional post holders would be reappointed like the Drangpons of Supreme Court and the High Court.

The National Council member from Zhemgang Dzongkhag submitted that Article 13, Section 4 stated that if there was no consensus, then the issue should be decided through voting by simple majority but in this case it appeared that it did not go by the same stand.

The South Thimphu constituency member, the Minister of Works and Human Settlement seconded the view of the

National Council member from Zhemgang Dzongkhag and reminded the Chairman of the Constitution Drafting Committee to revisit the Article in case an agreement could not be reached by both the Houses in framing new Bills and amendments.

The National Council member from Thimphu Dzongkhag reminded the House on the importance of Section 14 of Article 7 which needed adequate attention during the discussion on the Land Act by the Land Act Committee members.

The Panbang constituency member, the Minister of Labour and Human Resources said that the members of the National Assembly should work in close coordination with the local government leaders as both were mandated to serve the common people and that he had no intention to centralize power and involve in the decision making processes at the Dzongkhag and Geog Yargay Tshogchung.

The deliberation on the Constitution of the Kingdom of Bhutan was concluded with the Speaker informing the members on the opportunity to revisit the Constitution in future and expressed appreciation to the Chairman of the Constitution Drafting Committee for clarifying all their doubts and the members for their active participation which has greatly contributed to the successful conclusion

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of debates on the Draft Constitution of the Kingdom of Bhutan. The Constitution was formally endorsed on 29th May 2008 coinciding with the 24th day of the 4th month of Bhutanese Male Earth Year.

Discussion concluded at 1315 hrs

Deliberation time: 2 hrs. 43 minutes

The following members took part in the discussion on the Draft Constitution of the Kingdom of Bhutan:

1. National Council member, Bumthang Dzongkhag, Tshewang Jurmi
2. Bumdeling-Jamkhar constituency member, Drubthop
3. National Council eminent person, Karma Damchoe Nidup
4. National Council member, Chukha Dzongkhag, Tshewang Lham
5. National Council member, Lhuentse Dzongkhag, Rinzin
6. Bardo-Tong constituency member, Tshering Dorji
7. National Council member, Mongar Dzongkhag, Naichu
8. National Council member, Pemagatshel Dzongkhag, Jigme Rinzin
9. National Council member, Zhemgang Dzongkhag, Pema Lhamo
10. South Thimphu constituency member, the Minister of Works and Human Settlement, Lyonpo Yeshey Zimba
11. National Council member, Thimphu Dzongkhag, Sangay Zam
12. Panbang constituency member, the Minister of Labour and Human Resources, Lyonpo Dorji Wangdi

XIV. Presentation by the Chairman of the Constitution Drafting Committee to the Parliament

The Chairman of the Constitution Drafting Committee expressed his appreciation to the members of the Parliament for the successful conclusion of deliberation on the Draft Constitution. He also briefed the Parliament on the command of His Majesty the King regarding the signing of the Constitution.

The Chairman conveyed that His Majesty was happy with the level of discussion on the Draft Constitution by the members of Parliament. Since the significance of Constitution permeate through past, present and future, it was not necessary to be in haste to sign the Constitution. Such an opportunity would come only once in our history. Therefore, it was not only necessary to have a grand celebration but every Bhutanese must be able to receive the share of their blessings of this auspicious occasion. As such, since the Parliament was sitting for one month, it would be apt to have the Constitution signing ceremony sometime before the conclusion of the Parliament session, so that it would provide adequate time for everyone to participate in this historic occasion.

The Chairman said that His Majesty the King was immensely satisfied and happy with the expression of

hopes and aspirations by the members of Parliament that the Constitution emanated from the vision of His Majesty the Fourth King who is the father of our Constitution. Therefore, either 2nd June or 11th November should be celebrated as the Constitution Day and a decision may be taken accordingly by the Parliament.

The Chairman of the Constitution Drafting Committee said that the amendments proposed by the members of the Parliament after detail deliberations on the Draft Constitution would be incorporated and submitted to His Majesty the King. He also said that he would report to the Parliament towards the end of June on the signing ceremony after discussing with the Prime Minister. The Chairman on behalf of the Constitution Drafting Committee expressed his appreciation to all the members of Parliament for engaging in fruitful and qualitative discussion on the Draft Constitution for the ultimate interest of the present and future wellbeing of the nation and making it finer and exemplary for international observers.

1. Expression of Appreciation to the Chairman of the Constitution Drafting Committee

The Speaker provided opportunity to the members to express appreciation to His Majesty's command which

came through the Chairman of the Constitution Drafting Committee. The summary of the expression of appreciation is as follows;

On the submission made to endorse the constitution by the representative of the people to the National Assembly under the monarchy, His Majesty the Fourth King commanded that the Constitution was earmarked to be endorsed by the new democratic Parliament. The members of the new Parliament engaged in lengthy deliberation on the Draft Constitution because it was important to sign the Constitution by His Majesty the King before its enforcement. As per the political reforms taking place in the country and based on the command of His Majesty the King, it was important not to rush to plan and organize the Tendrel for the signing of the Constitution. The members submitted that while they fully respected the command of His Majesty the King, it was also important that besides the Parliament, all the people in the country should also get the opportunity to celebrate this historic moment.

2. Acknowledgement by Parliament on the presentation made by the Chairman of Constitution Drafting Committee

The Members indicated their worries over whether the deliberations on the Constitution were in line with what His Majesty envisaged.

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The members submitted that they were most happy to learn through the Chairman of the Constitution Drafting Committee that His Majesty was appreciative of their deliberation on the Draft Constitution.

The members said that it was 100 years before when the representatives of the Dratshang, government and the people unanimously endorsed their respective seals on the Genja and surrendered their power to Gongsar Ugyen Wangchuck. Today, after 100 years, as His Majesty the Fourth King and His Majesty the King gave the power back to the people, it was imperative for His Majesty the King to endorse and sign the Constitution and magnanimously continue to oversee the security and development of the country, the preservation of environment and the traditions even in the era of democracy in the country.

As the deliberation on the endorsement of Constitution concluded, the date for signing the Constitution was set for 2nd June, 2008. However, His Majesty the King after deep thoughts accepted to sign the Constitution on 11th November coinciding with the birthday of His Majesty the Fourth King. All the members expressed their appreciation to His Majesty the King. With the command of His Majesty

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the King, the Constitution was drafted by a 39-member Constitution Drafting Committee. His Majesty the King and HRH the Choetse Penlop personally conducted consultative meetings with the people of all the twenty Dzongkhags. The members submitted that while there was no room for suggesting changes in the Constitution, the deliberation on the Constitution provided them an opportunity to gain knowledge and experience at a time when they were for the first time participating in the Parliament. The members of the Parliament pledged their full support and appreciation in finalizing the date for signing the Constitution through mutual agreement between the Prime Minister, the Chief Justice and the Speaker.

In a most democratic arrangement, the Constitution Drafting Committee, in accordance with the vision of His Majesty the King formulated this suitable Constitution wherein members of Parliament made few amendments in keeping with the ultimate interest of the country and people. Therefore, as His Majesty the King expressed His happiness, it is a cause of happiness and encouragement not only for the members but also for the entire Bhutanese people.

It is important to realize the fact that there were limited opportunity to make amendments in the Constitution and it should be a privilege to appraise His Majesty the King on the proposed amendments in the Constitution.

The members also expressed their appreciation for providing ample time to make appropriate arrangements and invite guests from outside to witness the celebration of the Constitution day.

Bhutan has been able to prove as an exemplary model to outside world despite the small size in terms of population, area and level of economic development. The monarchy system is a unique example in the world where the First King was elected by the people, monk body and the government in 1907. His Majesty the Fourth King Jigme Singye Wangchuck selflessly worked for the people through policies to empower them and laid the foundation for democracy between the period from 1991 to 1998. His Majesty the King devolved full executive power to the elected council of ministers when other countries struggled to fight against centralization of power by the Kings and the government. With the noble deeds of the great King who always worked for the welfare of his people, our country is self-reliant and is able to stand on its own feet today. The members availed the opportunity to offer their heartfelt gratitude and reverence to the hereditary monarchs. The Constitution of the Kingdom of Bhutan, 2008 is considered unique, encompassing the culture and tradition, environment, fundamental rights, election funds, important issues related to opposition party and other important issues

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related to democratic governance in 33 Articles, a pride of the Bhutanese people and a unique example to the outside world. After signing the Constitution by His Majesty the King, it would be our bounden duty to work and adhere to the Articles enshrined in the Constitution. The members offered humble prayers for the wellbeing of all Bhutanese for eternity.

While the deliberation on the Constitution created some misgivings initially, the members expressed that they are now very happy and satisfied after receiving the feedback from His Majesty the King. All the members had actively participated in the deliberation to fulfill the wishes of our King, the wellbeing of our people and the Tsa-wa-sum. It has contributed immensely in making our constitution the very best as perceived before.

The date for the Constitution Day celebration has been fixed on 11th November as it also coincided with the birthday of the Fourth King who is the architect of the Constitution. The celebration of the Constitution Day on 11th November is thus the most appropriate.

The members expressed their deep gratitude to His Majesty the King for granting the Constitution, a gift to the people of Bhutan from the golden throne after 100 years of golden rule and returning the power back to the people by setting up a democratic system of governance in the country.

Since almost all the members were new, they were a little apprehensive on the discussion of the Constitution but were happy with the outcome. The members expressed that while deliberation on the Constitution has been acknowledged by His Majesty the King, they were equally humbled by the trust and confidence reposed by His Majesty the King on them. The Royal Message is indeed a blessing and they were now happy and contented with their work on the Constitution.

All the 72 members of the Parliament have lived up to the Royal expectations evident from the Royal Address on the opening day of the First Session. The Parliament would always remain grateful to His Majesty the King and pledge to serve the Tsa-wa-sum with utmost dedication and loyalty.

The deliberations in the session has really lived up to the Royal expectations and the Royal Message of appreciation is befitting for all of us and we would like to offer our humble pledge for His Majesty's blessings and noble guidance in the future.

The election to the National Assembly and the National Council have been very smooth and fruitful with unprecedented response from the Bhutanese people as per the Royal Command of His Majesty the King and His Majesty the Fourth King. We offer our heartfelt

appreciation to the people of Bhutan. The election was so smooth and fair to the astonishment of the outside observers which has not only helped build on to our already good image but has established a strong foundation for a vibrant democracy in the country.

In line with the noble aims of His Majesty and His Majesty the Fourth King to promote peace, happiness and prosperity of the nation and to hand over the same to our future citizens, the endorsement of the Constitution is a testimony for establishing strong foundation for a vibrant democracy in the country. In order to fulfill the wishes of Their Majesties the Kings, we all should join hands and work to make the democratic system a vibrant one. In order to deliver ourselves as per the Articles enshrined in the Constitution, it was important for all of us to study and understand the Articles one by one for which exhaustive deliberation has been very beneficial.

The members also expressed gratitude to His Majesty the King for commanding the postponement of the celebration of the Constitution Day, which would be held after the session.

The Speaker informed the House that the Royal Kasho will be distributed to all the members on the postponement of the celebration of the Constitution Day. He informed the

House that the main reason for the postponement was to give opportunity to all the Bhutanese people to take part in the celebration. The House also resolved to keep the decision on the selection of day between 2nd June and 11th November for celebrating the Constitution Day and concluded the discussion.

Deliberation concluded at 1241 hrs

Deliberation time: 2 hours 30 minutes

The following members participated in expressing appreciation:

1. South Thimphu constituency member, the Minister of Works and Human Settlement, Lyonpo Yeshey Zimba
2. Sombeykha constituency member, the Leader of Opposition, Tshering Tobgay
3. National Council Chairperson, Namgay Penjore
4. Bji-Katso-Uesu constituency member, Ugen Tenzin
5. National Council eminent person, Kuenley Tshering
6. National Council member, Haa Dzongkhag, Tshering Dorji
7. Dorokha-Tading constituency member, the Education Minister, Lyonpo Thakhur Singh Powdyel
8. Drametse-Ngatshang constituency member, Ugyen Wangdi
9. Panbang constituency member, the Labour and Human Resources Minister, Lyonpo Dorji Wangdi
10. Lamgong-Wangchang constituency member, the Economic Affairs Minister, Lyonpo Khandu Wangchuk

XV. Signing of the Constitution by His Majesty the King

1. His Majesty the King in the presence of His Majesty the Fourth Druk Gyalpo, Geduen Dratshang, Royal Families, Members of the National Assembly, Members of the National Council, representatives of international organizations and the representatives of the Bhutanese communities addressed the nation on the occasion of signing of the Constitution on 18th July, 2008 corresponding to the 15th day of the second 5th month of the Earth Male Rat Year in Tashi-chodzong Kunrey.

On this day of destiny, in the blessed land of Pelden Drukpa, we, the fortunate People and King, hereby resolve to bring into effect the root and foundation – the very source – of all law in our nation.

On such an auspicious occasion, on behalf of the people, I offer gratitude to His Majesty the Fourth Druk Gyalpo. During his reign, His Majesty built a strong nation and secured the hopes and aspirations of the people through the process of democratization and the enlightened vision of Gross National Happiness. His Majesty has also laid a clear path for our future through this Constitution.

The significance of His Majesty's unique achievements as leader has transcended the experiences of our country and been acknowledged by the world. In our own country, many generations into the future, the Constitution will

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continue to inspire our people as it stands a testimony to a selfless and extraordinary leadership.

This Constitution is the most profound achievement of generations of endeavour and service. As it is granted to us today, we must remember that even more important than the wise and judicious use of the powers it confers, is the unconditional fulfilment of the responsibilities we must shoulder. Only in understanding our duties will the exercise of our powers be fruitful. If we can serve our nation with this knowledge and in this spirit, then an even brighter future awaits our country.

It is my fervent prayer that through this Constitution we will, with our body, speech and mind work with complete commitment and conviction as we strengthen the sovereignty and security of Bhutan, secure the blessings of liberty, ensure justice and peace and enhance the unity and happiness of all Bhutanese, now and always.

Lastly, this Constitution was placed before the people of the twenty Dzongkhags by the King. Each word has earned its place with the blessings of every citizen in our nation. This is the People's Constitution.

And today, through this, my Hand and Seal, I affix on to the Constitution of the Kingdom of Bhutan, the hopes and prayers of my People.

2. Golden signing by His Majesty

The historic Constitution was signed by His Majesty the King, Members of the National Assembly and the National Council in the presence of His Majesty the Fourth King, Geduen Dratshang, Royal families, senior government officials, representatives of international organizations and the representatives of the Bhutanese communities in Tashichhodzong Kunrey at 10.40 am on 18th July, 2008, corresponding to the 15th day of the second 5th month of the Earth Male Rat Year. After the signing of the Constitution by His Majesty the King, a special signing ceremony of the Constitution by the members of the Parliament led by Prime Minister in Tashichhodzong Kuenrey followed under the watchful eyes of *Toenpa Sacha Thubpa* and *Zhabdrung Khansum Zilngoen* with *Zugdrel Phuensum Tshogpai Tendrel*. Thereafter, the Constitution was presented for public viewing.

3. Ushering of the gold written Constitution document into the National Assembly Hall

The Constitution was ushered into the National Assembly Hall on 18th July 2008 at 4 pm. The Speaker placed the Constitution on the golden throne in the Namgyel Khamgzang for a day after the Tashi Moenlam prayer offered by the Members of Parliament.

XVI. Expression of Appreciation and pledging allegiance for signing the Constitution by His Majesty the King

The Prime Minister submitted that the Constitution was unanimously endorsed by the Bhutanese people and was signed by His Majesty the King amid the congregation of Bhutanese *Lha Dey Mi Dey* in Tashichhodzong Kuenrey on 18th July 2008 corresponding to the 15th day of the second 5th month of the Earth Male Rat Year at 10:40 am. The Prime Minister stated that the Constitution would serve as the sacred foundation and basis for formulating and visioning of any plans for the future generations as commanded by His Majesty after signing the Constitution. The Prime Minister on behalf of the people of Bhutan and the Lhengye Zhungtshog pledged to serve the Tsa-wa-sum in accordance with the provisions of the Constitution.

The Leader of Opposition submitted that the signing of the Constitution by His Majesty the King evoked the memories of reverting the powers to the people from the throne that was unanimously placed in the hands of the first King Gongsar Ugyen Wangchuck in 1907. He said that the advent of democracy elsewhere in the world was invariably preceded by internal strife and war. However, Bhutan's peaceful transition from monarchy to democracy with the adoption of Bhutanese Constitution

and the devolution of power from the throne was an unprecedented and exemplary tradition in the history of monarchy in the world.

Therefore, this act of Bodhisattva and farsightedness of His Majesty has generated immense benefit to the Bhutanese people. In order to provide similar benefit to the global population, it was befitting for His Majesty the King to receive the Nobel Peace Prize because the policy of Gross National Happiness propounded by His Majesty the Fourth King provided foundation and opportunity to promote peace not only in Bhutan but also in the entire world.

In response to the submission made by the Leader of Opposition, the Prime Minister said that the farsighted leadership roles of His Majesty has not only benefited Bhutanese people but the policy initiatives of sustainable environment has become exemplary in the world. The issue of Noble Peace Prize is deemed out of context to be deliberated in the House and therefore, the government is unable to present any clear statement on this.

However, the policy of Gross National Happiness propounded by His Majesty Fourth King has not only spread to other countries in the world but has also been recognized as a sound policy for community development

and has even been applied by some other countries. Therefore, the consultation in the United Nations has already begun to observe Gross National Happiness Day in a year.

The Members from Minjey-Ganzur, Drakteng-Longthel, Lingmu-Toewang constituencies and the Minister for Labour and Human Resources, the Minister for Education and the Minister for Works and Human Settlement expressed their appreciation for the signing of the Constitution by His Majesty the King on 18th July, 2008 corresponding to the 15th day of the second 5th month of the Earth Male Rat Year.

As the foundation for democracy, the Constitution of Bhutan was drafted according to the command and guidance of His Majesty the King by a team of qualified people led by the Chief Justice of Bhutan by referring the Constitutions of other countries to make it one of the best in the world. His Majesty the King and HRH Choetse Penlop toured all the 20 Dzongkhags to discuss the Constitution with the people, the members of the parliament deliberated on all the Articles of the Constitution and adopted it as the supreme law of the country. They expressed their gratitude and appreciation for this historic achievement to the Bhutanese people in

general and in particular to His Majesty the King, HRH Choetse Penlop and Chairman and the members of the Constitution Drafting Committee.

Further, the Members pledged their oath of allegiance for the opportunity bestowed on them to serve the Tsa-wa-sum with outmost dedication by upholding the Constitution under the farsighted leadership and enlightened guidance of His Majesty the Fifth King in order to achieve the objectives of Gross National Happiness, the philosophy of His Majesty the Fourth King.

Under the farsighted and visionary leadership, His Majesty the Fourth King selflessly commanded that it was imperative to have a Constitution in place to serve as the pillar for instituting democracy. The team of qualified people of the Constitution Drafting Committee under the leadership of its Chairman Lyonpo Sonam Tobgye completed the drafting of the Constitution. Their Majesties the Kings conducted substantive discussion on the draft Constitution with the people in all the Dzongkhags. After which, the first session of the first Parliament endorsed the draft Constitution after extensive deliberation in the joint sitting of the House.

From the day His Majesty signed the Constitution, it became one of unparalleled Constitutions in the world.

The Constitution encompasses all the past laws, serve as the source of future laws and the centre of the present legislations. The Constitution is the manifestation of the vision of His Majesty the King and the pillar of our country's sovereignty and independence. The adoption of the Constitution not only made the Bhutanese people proud but also drew admiration from other parts of the world bringing peace and confidence in our minds. For this gift, the Bhutanese people would like to pledge unwavering loyalty to the Tsa-wa-sum and offer our hopes and prayer for the untainted monarchy to flourish to the posterity.

The signing of the Constitution has generated unprecedented and unforgettable memory in the minds of the Bhutanese people. The members expressed their heartfelt appreciation to Their Majesties the Kings, Royal Family Members, the Chairman and the Members of the Constitution Drafting Committee.

The signing of the Constitution by His Majesty the King would herald strengthened security and sovereignty of the country and boost rapid development. It was imperative for every Bhutanese citizen to recognize their rights and responsibilities in order to coexist in peace and harmony

with stronger solidarity and strive to develop communities through compassion, respect and cooperation among the people. They pledged to respect the Constitution and serve the Tsa-wa-sum with unwavering dedication and loyalty.

The Members submitted that the signing of the historic constitution in the Tashichodzong Kuenrey by His Majesty the King and the Members of the Parliament depicted the successful completion of Constitution related works. Due to the blessing of His Majesty the Fourth King, Bhutan was recognized for having an exemplary good governance system in the world. The Constitution is the foundation for future stability and a strong democracy.

The Members reminded the House that being merely happy with the signing of the Constitution by His Majesty would not suffice. It was of paramount importance to act according to the provisions of the Constitution. If this sacred golden document was neglected in one corner and acted in contravention to the Constitution, there was potential danger that problem could arise in the country.

The Speaker said that signing of the Constitution by His Majesty the King in presence of His Majesty the Fourth King, the Royal family Members, Dratshang and representatives from international agencies at

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Tashichhodzong Kuenrey on 18 July, 2008 corresponding to the 15th day of the second 5th month of the Earth Male Rat Year would not only enhance and strengthen the judicial and political systems but would also greatly contribute towards the achievement of the objectives of good governance in the country. He said that the Constitution was also signed by the Prime Minister of the newly elected government and the members of both the Houses.

He expressed his hope that the Bhutanese people in general and the members of the Parliament in particular would shoulder their constitutional responsibilities in good faith without any favoritism and bear the ultimate interest of the people in their minds. The signing and endorsement of this historic Constitution by His Majesty the King after detailed deliberation in the Parliament was the most sacred document to which the Members of Parliament had expressed their boundless appreciation to Their Majesties the Kings. The expression of appreciation for signing the Constitution concluded with the members expressing their hopes and prayer that the Constitution would strengthen the sovereignty of the country and bring further peace and prosperity to the people.

XVII. Proceedings of 19th day of the Parliamentary sitting

1. Reasons for the Joint Sitting of Parliament

The Speaker welcomed the Members of Parliament and reminded them the importance of carrying out their responsibilities as per Article 10(1) and Article 11(2). Although 7 Bills of immense national importance were adopted after thorough review, there were still few Bills with few provisions which could not be adopted and hoped for their endorsement in the joint session.

The Speaker reminded the House that since the two Houses differed, the Druk Gyalpo could issue *Kasho* to deliberate and vote on the Bill in a joint sitting as per Article 13(8) of the Constitution. Prior to voting, a member initiating the motion should submit the background justifications and subsequently two to three members should second the submission. Therefore, it was important for everyone to take note and conduct themselves dutifully.

2. Address by the Chairperson of the National Council.

The Chairperson of the National Council, welcomed the ministers and all the members of Parliament. He said that during the enactment of 7 Bills, no major amendments were made which signified the similarity of vision of both the Houses. The joint sitting of Parliament was being

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convened to jointly resolve the differences of opinions in few provisions of the seven Bills. It was also imperative that the submission made in the House were harmoniously seconded by others without resorting to voting. While we have two Houses in the Parliament, we must work in unison to strengthen the laws of the land for the wellbeing of the country and the people. He reiterated that we must all have the interest of the others before ones own interest and amicably adopt those provisions which could not be adopted earlier in the joint sittings of the House.

3. Kasho of His Majesty the Druk Gyalpo

Since the National Council did not concur on the amendments proposed by the National Assembly on the Election Bill, 2008 and the National Council Bill, 2008, I hereby command on this 21st day of the second 5th month of the Earth Male Rat Year to convene the joint sitting of the parliament as per Section 8 of Article 13 of the Constitution to resolve the differences.

(Sd/-)

**Jigme Khesar Namgyel Wangchuck
His Majesty the King of Bhutan**

4. Funds for the election of the Local Government

The Chief Election Commissioner presented the rationale for state fund to finance local government election campaigns. The members submitted that they were pleased with the allocation of Ngultrum 15,000/- for the local government election campaign but expressed their doubts that this nominal fund was likely to create inconveniences during the election process. While increased state funding for the local government election would undoubtedly attract qualified and competent candidates, the members articulated that the ceiling for the local government elections be fixed at Ngultrum 50,000/- as provided in Section 58 of the Election Bill in order to carry out smooth election.

XVIII. Amendments made on the Bills in the Joint Sitting of Parliament

1. Election Bill

After lengthy deliberation on the Election Bill by the National Council from 18th June to 7th July, 2008, the Bill was forwarded to the National Assembly with amendments for endorsement. Subsequently, the National Assembly deliberated on the abstract of the amendments from 9th to 16th July, 2008. The provisions not accepted by the National Assembly were referred back to the National Council. As per Article 13(8) of the Constitution, the differences in the opinions of the two Houses in respect

of certain provisions were put up for deliberation in the 19th joint sitting of the First Parliament held on 25th July, 2008. After detailed deliberation, the following amendments were made:

In Chapter 12, Section 203 (d), the deletion of the phrase **“after the lapse of one year”** was deliberated. Deliberating on this issue, the South Thimphu constituency member, the Minister for Works and Human Settlement inquired on the possibility for the postponement of the local government elections. Responding to the query, the Chief Election Commissioner said that it may take a year or so till the election process got established. The Parliament also resolved to retain the age limit provision as provided in the Bill.

Under Chapter 15, Section 274, the need for state funding for local government was deliberated at length. Since there was no compromise on this issue, it was put to vote as per Article 13 (8) of the Constitution. A total of 25 members voted in support while 45 members voted against the motion. The House resolved not to add the words, **“or Local Government”**.

The Parliament resolved to endorse the motion by the National Council to add **“and section 10 for election to the National Council”** in the annexure.

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According to Article 13(4) of the Constitution, a Bill shall be passed by not less than two thirds of the total numbers in the joint sitting of Parliament. When voting was conducted, 47 members voted in favour while 21 voted against. Accordingly, the Parliament passed the Election Bill of the Kingdom of Bhutan 2008 at 1500 hours on Friday, the 22nd day of the 5th month of the Male Earth Rat Year corresponding to 25th July, 2008

2. The National Council Bill

After lengthy deliberation on the National Council Bill of the Kingdom of Bhutan, 2008 on 14th, 15th and 21st July, 2008, the National Council submitted the Bill with proposed amendments to the National Assembly for further deliberation. The National Assembly deliberated on the abstract of the amendments on 22nd and 23rd July, 2008. In accordance with Article 13(8) of the Constitution, the provisions on which the two Houses could not concur were submitted for deliberation in the 19th joint sitting of the First Parliament held on 25th July, 2008. After deliberation, the following amendments were made:

In Chapter 2, Section 3, the Parliament resolved to endorse the motion of the National Council to add the **“highest legislative bodies”** and delete **“Houses of Parliament”**.

In Chapter 2, Section 10(c), the National Council submitted to retain the provision as in the Bill whereas the National Assembly submitted to repeal the provision. After deliberation, the Parliament resolved to retain the provision as in the Bill and repealed the submission of the National Council to insert a new sub clause as “(f) **Review whether the National Assembly functions in the interest of the people**”.

In Chapter 3, Section 21, the Parliament resolved to endorse the submission of the Chairman of the Legislative Committee, “**If the member so resigning is the Chairperson, the letter of resignation shall be submitted to the Druk Gyalpo**” and repeal the motion of the National Council to add “**If the member so resigning is the Chairperson, the declaration shall be addressed and delivered to the Vice Chairperson**”.

In Chapter 5, Section 73, the Parliament resolved to endorse the amendment proposed by the National Assembly as “**At the commencement of each session of Parliament, the Druk Gyalpo shall be received in a joint sitting of Parliament with Chibdrel ceremony. Each session shall be opened with Zhugdrel Phuensum Tshogpai Tendrel**”.

The Parliament resolved not to endorse the proposed amendment of the National Council to insert two new sections 81 and 82.

In Chapter 7, Section 121, despite lengthy deliberation, no concurrence could be arrived at. Thus, it was resolved that since the Chairperson of the Constitution Drafting Committee was responsible for the interpretation of the Constitution, the Chairperson would be approached for further elucidation and a report presented to the House.

When Section 121 of Chapter 7 was again deliberated on 28th July, 2008, the National Council submitted for the deletion of the whole section since it contradicted the provision of Article 14(8) and (9) of the Constitution. The National Council also submitted that the Parliament should retain the provision as in the Bill but replace the word “Finance Minister” with “Finance Ministry”.

In Chapter 7, Section 122, the National Council submitted that the provision be retained as in the Bill whereas the National Assembly submitted that the Royal Civil Service Commission and the Office of the Attorney General should not be liable to submit their Annual Report to the National Council. The Parliament resolved to endorse the motion of the National Assembly.

In Chapter 8, Section 146, the National Council submitted that the provision be repealed whereas the National Assembly submitted that the provision be retained as in

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the Bill. When no concurrence could be arrived at despite a lengthy deliberation, the issue was put to vote in accordance with Article 13(8) of the Constitution. During the vote, 24 votes were cast in favour of the motion while 43 votes were cast against it. Accordingly, the Parliament decided to retain the provision as in the Bill.

After the National Council member from Pemagatshel Dzongkhag moved a motion for the endorsement of the National Council Bill 2008, the Parliament passed the Bill with the concurrence of all the members of Parliament at 18:24 hours on Monday the 26th day of the 5th month of the Male Earth Rat Year corresponding to 28th July, 2008.

26th day of the 5th month of Earth Rat Year

28/07/2008

Time: 09:35 hours

XIX. Preliminary Process of the 20th joint sitting

The Speaker informed that the House would deliberate on the Bills mentioned in the Kasho of the Druk Gyalpo. Accordingly, the deliberation resumed.

1. Kasho of His Majesty the Druk Gyalpo

Since the National Assembly did not concur the amendments proposed by the National Council on the Parliamentary Entitlements Bill, 2008 and the National Budget and Appropriation Bill for the financial year 2008-2009, I hereby command on this 22nd day of the second 5th month of the Earth Male Rat Year to convene the joint sitting of the parliament as per Section 8 of Article 13 of the Constitution to resolve the differences.

(Sd/-)

Jigme Khesar Namgyel Wangchuck
His Majesty the King of Bhutan

XX. Process of passing of Bills

1. The National Assembly Bill

After a lengthy discussion on the National Assembly Bill of the Kingdom of Bhutan 2008 for 9 days from 16th to

26th July, 2008, the bill was forwarded to the National Council with proposed amendments. The National Council deliberated on the abstract of the amendments made by the National Assembly and the provisions not accepted by the National Council were referred back to the National Assembly. In accordance with Article 13(8) of the Constitution, the provisions on which the two Houses disagreed were put up for deliberation in the 20th sitting of the First Parliament on 28th July, 2008. After deliberation, the following amendments were made on the Bill:

In Chapter 15, Section 128, the Parliament resolved to endorse the motion of National Assembly to replace the word “**Leader of Ruling Party**” with “**Prime Minister**”.

In Chapter 19, Section 175, the Parliament resolved not to endorse the motion of the National Council to delete “**not less than half**” and add “**a simple majority**”, thus retaining the provision as in the Bill.

In Chapter 21, Section 229 and 231, the National Council repealed and amended few words since they were in contradiction to Article 13(2). However, the Parliament resolved to retain the provision as in the Bill without any changes.

In Chapter 21, Section 235, the National Council moved a motion to insert “**both the Houses**”. The Parliament after

some discussion resolved to retain the provision in the Bill without any amendments.

When the South Thimphu constituency member, the Minister for Works and Human Settlement moved a motion for the endorsement of the National Assembly Bill 2008, the Parliament adopted the Bill with raising of hands at 18:55 hours on Monday the 26th day of the 5th month of the Male Earth Rat Year corresponding to 28th July, 2008.

2. The Public Election Fund Bill

The National Assembly discussed the Public Election Fund Bill of the Kingdom of Bhutan 2008 from 27th June to 7th July, 2008. It was then forwarded to the National Council with amendments for endorsement. The National Council deliberated on the abstract of the amendments and the provisions which were not accepted by the National Council were referred back to the National Assembly. When consensus could not be reached on the amended provisions, they were put up to the 20th joint sitting of Parliament on 28th July 2008 as per Article 13(8) of the Constitution. During the deliberation in joint sitting, the following amendments were made on the Bill:

In Chapter 2, Section 3, the motion of the National Assembly to add the words “**or Local Government**” was not endorsed by the Parliament and thus no addition was made on the provision.

In Chapter 2, Section 4, the motion of the National Council to delete the whole section was not endorsed by the Parliament and thus the provision in the Bill was retained.

In Chapter 2, Section 5, the motion of the National Council to add the words “**or Local Government elections**” was not endorsed by the Parliament and thus the provision in the Bill was retained.

In Chapter 2, Section 7, the motion of the National Assembly to delete the words “**or Local Government**” was not endorsed by the Parliament and thus the provision in the Bill was retained as it was.

In Chapter 3, Section 17, the Parliament resolved to endorse the submission of the National Council to incorporate a new sentence to the section as, “**or as may be fixed by the Election Commission from time to time**”.

The motion of the National Council to incorporate a new section after section 32 was endorsed by the Parliament.

In Chapter 3, Section 27, the motion of the National Council to delete the phrase, “**by the Election Commission**”, was not endorsed by the Parliament.

In Chapter 4, Section 31, the Parliament endorsed the motion of the National Council to reduce the working days from ten to three.

In Chapter 4, Section 33, the Parliament did not endorse the motion of the National Council for the merger of Section 33 with Section 35, thus retaining the provision in the Bill as it was.

The Parliament endorsed the motion of the National Council to insert a new section following section 34 as, **“A candidate to Local Government Elections shall file his/her election return within thirty days of the declaration of results to the Division”**.

In Chapter 4, Section 37, the motion of the National Council to add **“or Local Government”** was not endorsed by the Parliament.

In Chapter 4, Section 38, the motion of the National Assembly to delete the phrase, **“or the National Council”** and the motion of the National Council to merge Sections 36 and 38 as **“ the unspent amount of the campaign funds provided to the political parties for the primary round by the Election Commission, upon the completion of the primary round shall be retained for use in the general elections, provided proper documentation is maintained in the election return under section 113, while the parties ineligible to contest the general election shall refund the unspent amount to Division”** was endorsed.

The motion of National Council to incorporate a new section following Section 54 was not endorsed by the Parliament.

In Chapter 6, Section 58, the motion of the National Assembly to delete the whole section while the motion of the National Council was to delete the phrases **“Dzongkhag Tshogdues and Thromde Tshogdues”** and the amount to be reduced from 50,000/- to **“30,000/- Ngultrums”**. The Parliament decided to maintain the maximum amount to Nu.50,000/- and also retain the above-mentioned phrases without any changes.

In Chapter 7, Section 64, the National Assembly moved the motion to incorporate this section in the Election Bill while the National Council proposed to delete the phrase **“in an election to the National Assembly”** and to add the phrase, **“per member per year”**. The Parliament resolved to adopt the motion raised by the National Council.

In Chapter 7, Section 65, the Parliament endorsed the motion raised by the National Council to delete the whole section.

In Chapter 7, Section 68, the motion of the National Council to add the phrase in the Dzongkha text, **“Prohibited Expenditure”**, was not endorsed by the Parliament and thus, the provision was retained as in the Bill.

The Parliament endorsed the motion of the National Assembly to insert a new section under Chapter 7 preceding the section that stated “verifying registered members” as “**Tax Exemption on contribution : Tax exemption shall be allowed on contributions made by registered members to political parties upto a limit of 5% of the member’s total adjusted gross income**”.

In Chapter 11, Section 115, the motion of the National Council to add the phrase, “or **Local Government**” was endorsed by the Parliament.

In Chapter 14, Section 138, the Parliament did not endorse the motion of the National Assembly to delete the phrase, “or **candidate**”.

Following the amendments, the member from Dremitse-Ngatshang constituency moved a motion for the endorsement of the Public Election Fund Bill 2008. The Parliament passed the Bill with 94% of the members raising their hands in approval at 15:20 hours on Monday, the 26th day of the 5th month of the Male Earth Rat Year corresponding to 28th July, 2008.

3. Parliamentary Entitlements Bill of the Kingdom of Bhutan

The Parliamentary Entitlement Bill of the Kingdom of Bhutan 2008 was deliberated by the National Assembly

on 8th and 9th August, 2008. The same was forwarded to the National Council with proposed amendments. The abstract of the amendments were deliberated by the National Council and the provisions not accepted by the National Council were referred back to the National Assembly. In accordance with Article 13(8) of the Constitution, the provisions on which the two Houses differed in their opinion were deliberated on 20th sitting of the Parliament held on July 20, 2008. Accordingly, the following amendments were made on the provisions:

The motion of the National Council was to change Annexure I to Annexure II in the General clause while the National Assembly submitted that the provision in the Bill be retained as it was. After thorough discussion, the Parliament resolved to retain the provision as in the Bill.

In Chapter 2, Section 2, the National Assembly submitted to retain the provision as in the Bill whereas the National Council submitted to delete the phrase, **“but shall not apply to the members of the Lhengye Zhungtshog”**. After thorough discussion, the Parliament resolved to retain the provision as in the Bill.

In Chapter 3, Section 10, the Parliament did not endorse the motion of the National Council to add the phrase **“which shall be as per Annexure I”** at the end of the sentence, and thus the provision in the Bill was retained without any amendment.

In Chapter 3, Section 17, the motion of the National Assembly was to delete the whole section while the submission of the National Council was to amend it as, **“Members of Parliament shall be entitled to sitting fees while attending the sessions of parliament. The rates of sitting fees shall be as in Annexure II”**. Following lengthy discussion on the sitting fee issue, it was agreed that since the members received adequate remuneration from the government, the payment of sitting fee was not justified. The Parliament in accordance with the submissions of the National Assembly resolved to repeal this provision and not to entertain the payment of sitting fees to the members.

In Chapter 3, Section 20, the National Assembly submitted that **“driver allowance”** be incorporated in the provision. The National Council submitted that when voting was conducted on this provision, 9 members voted in favour of monthly driver allowance, 9 voted for drivers to be provided by the government while 6 members abstained from voting. In view of the inconveniences that the members would have to face in the absence of a driver, the Parliament resolved to provide driver allowance to the members.

The National Council submitted for new Sections on 1) Leave 2) Discretionary allowance 3) Expenses for

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carriage and 4) expenses for shifting of personal belongings at the time of joining the office after the election and after nomination in the case of five eminent persons of the National Council. The Parliament accordingly endorsed the proposals to be incorporated under a new section.

When the motion for the adoption of the Parliamentary Entitlements Bill 2008 was raised by the member from Dremitse-Ngatshang constituency, the Parliament passed the Bill with 94% of the members endorsing the Bill by raising of hands at 15:20 hours on Monday the 26th day of the 5th month of the Male Earth Rat Year corresponding to 28th July, 2008.

XXI.Tenth Five Year Plan Report

The Finance Minister, Lyonpo Wangdi Norbu reported on the 10th Five Year Plan for scrutiny and further improvement. The minister said that the main goals of the 10th Five Year Plan which commences from 2008 and ends in 2013 were to alleviate poverty level by bringing it down to 15 percent from the present level of 23 and other aims and objectives. Of the total outlay of Nu.135 billion in the 10th Plan, Nu.64 billion would comprise of internally generated revenue, Nu.35 billion as financial grant from the Government of India, Nu.13 billion as grants from other donors and Nu.9.00 billion as loan with fiscal deficit of Nu.14 billion.

The most important development programmes in the 10th Five Year Plan were in the agriculture, municipality development, employment related trainings, rural water supply, public transport services and community development services sectors. The Finance Minister informed the House that the draft report on the 10th Plan should be discussed and necessary improvements made within two months so that it could be submitted in the 2nd Session of the Parliament slated to be held sometime in November 2008 for approval. The following are the main goals of the 10th Five Year Plan:

1. Raise GDP growth rate from 8% to 9%
2. Reduce poverty level from 23% to 15%
3. Increase annual household income to Nu.35,000.00
4. Fulfill 100% Rural Drinking Water supply from present level of 96%
5. Increase life expectancy to 70 years from present 65 years
6. Reduce infant mortality rate from 43.13 per 1000 born to 20 per 1000 children born
7. Reduce child death below 5 years of age from 62.53 per 100,000 to 30 per 100,000
8. Reduce death rate of mother during delivery from 150 per 100,000 children born to 100 per children born

9. Increase enrollment in the Non-formal Education from 78.8% to 100%
10. Increase enrollment in the Formal education from 73.7% to 100%
11. Increase literacy rate from 56% to 100%
12. Fulfill 100% rural electricity supply

XXII.State funding for political parties

The National Assembly deliberated on the National Budget Report and Budget and Appropriation Bill for the financial year 2008-09. Having endorsed the Bill, it was then forwarded to the National Council. The National Council deliberated on the Bill for 3 days from 30th June to 2nd July 2008. During the discussion, Ngultrum 30 million for state funding annually for political parties which was reflected in the national budget was withdrawn by the National Council which was reported to the Secretary of the National Assembly vide letter No.NC/GEN/13/2008/301 dated 2nd July 2008. Subsequently, with the approval of the Speaker of the National Assembly, a copy each of the letter was circulated to all the Parliament members. Following the circulation of the letter, a detailed deliberation on the fund was held in the National Assembly. Since it was contradictory to Article 13(7) of the Constitution, the Parliament decided that the political parties would not be provided with state funding.

XXIII. Constituency Development Fund

The Nu.94 million constituency development fund allocated to the members of the National Assembly was not conclusively deliberated by the National Council and thus there appeared to be some misunderstanding on this issue. While it was not the intention of the National Council members to block the constituency development fund, on the other hand it was the requirement to have clear procedures for implementing it. The members of both the Houses discussed this issue in detail and reached to a consensus that the National Assembly had the authority over the budget which was also in line with the Constitution.

The constituency development fund was thoroughly discussed with the local governments as provided in the Constitution. At the same time, the fund was primarily provided for the development of the local government and the expenditure would be made as per the procedures laid down by the government and there should be no problem in its implementation. Furthermore, the fund was being allocated for the welfare of the local government and the country and not for the welfare of the political parties.

Some of the members from the National Council agreed that there were certain procedures that needed to be

adhered to and supported the view that the funds would not be used directly by the members but routed through the Ministry of Finance to the Dzongkhag Administrations. This fund would be primarily used for the unplanned activities and in areas where funds was not sufficient. Other members also supported the deliberation on this issue which concluded at 09:02 hours. Concluding the deliberation, the Parliament resolved that although the provision of the constituency development fund was a sound idea, it was more important for the government to formulate proper procedures for its utilization and distribute to the Members of Parliament.

XXIV.Expression of Appreciation

The Member of South Thimphu constituency, the Minister for Works and Human Settlement expressed his appreciation to the Members of Parliament for their active participation and sincere submission during the deliberation in the First Session of the First Parliament in the interest of the country and the people. This intention on the part of the members has contributed in the fruitful conclusion of the debates.

The Minister expressed that the Constitution has been drafted for the wellbeing of the Bhutanese people and there was no greater gift than the Constitution from a very visionary leader, the Fourth Druk Gyalpo to the people of

Bhutan. He expressed deep appreciation to the Fourth Druk Gyalpo on behalf of all the members of Parliament for further strengthening the sovereignty and security of the country. He expressed his appreciation to the members of Parliament for sincerely deliberating on the Constitution and to the Druk Gyalpo for the Royal assent granted to the Constitution. He also reminded the House that it was the collective responsibility of each individual to show respect to the Druk Gyalpo by not keeping the Constitution aside wrapped in silk scarf but by striving to serve as per the provisions enshrined in the Constitution.

The Minister expressed his appreciation to the Chairman of the Constitution Drafting Committee, Lyonpo Sonam Tobgye for clearly elucidating the objectives of the Constitution during the deliberation on the Constitution and to the Chief Election Commissioner for providing comprehensive clarification during the deliberation on the Election Bill. The Minister, on behalf of the members of Parliament also expressed his appreciation to the Chairperson and Vice-Chairperson of the National Council and the members of the Parliament for their active participation during the deliberation.

Furthermore, the Minister expressed his appreciation to the Speaker of the National Assembly for presiding over the deliberations proficiently during the First Session of

the First Parliament and making it possible for the successful conclusion of the First Session.

Finally, the Minister on behalf of the Parliament of Bhutan expressed his deep appreciation to Their Majesties the Kings for magnanimously shouldering the responsibility of looking after the welfare and the harmonious coexistence that we enjoy today. He offered humble prayers for the long life of His Majesty the Druk Gyalpo and the prosperity of the Bhutanese people. Thus, the 20th sitting of the Parliament concluded at 0915 hours.

XXV. List of the documents distributed during the First Session of the First Parliament

1. National Assembly Bill of the Kingdom of Bhutan, 2008.
2. Election Bill of the Kingdom of Bhutan, 2008.
3. Public Election Fund Bill of the Kingdom of Bhutan, 2008.
4. National Referendum Bill of the Kingdom of Bhutan, 2008.
5. National Council Bill of the Kingdom of Bhutan, 2008.
6. Parliamentary Entitlements Bill of the Kingdom of Bhutan, 2008.
7. National Budget Report and Budget and Appropriation Bill, financial year 2008-09.
8. Agreement for establishment of south Asian University.
9. Agreement on Establishing the SAARC Food Bank

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XXVI. List of the documents distributed for the Second Session of the First Parliament

1. Civil Service Bill of the Kingdom of Bhutan, 2008.
2. Police Bill 2008.
3. Prison Bill 2008.
4. Water Bill 2008.

XXVII. List of the Acts distributed for review

1. Lhengye Zhuntshog Act 1999.
2. Local Government Act of the Kingdom of Bhutan 2007.
3. Thromde Act of the Kingdom of Bhutan 2007.

XXVIII. Concluding Ceremony of the First Session of the First Parliament

The First Session of the First Parliament of Bhutan commenced on 8th May 2008 and concluded on 29th July 2008. During this period, the parliament endorsed the ultimate pillar of our country's sovereignty and independence, the Constitution of the Kingdom of Bhutan besides passing 7 very important Acts and ratifying 2 international Conventions. The Session also witnessed the successful deliberation of some historic and important national issues. The following is the translation of the Speech delivered by the Honorable Speaker during the concluding day:

1. At the outset, I would like to take this opportunity to welcome His Majesty the King, the Royal Family Members, representatives from the armed forces, senior government officials, representatives from the donor agencies, foreign dignitaries, media personnel and other guests to this auspicious occasion of the closing ceremony of the First Session of the First Parliament on 29th July, 2008.
2. This First Session of the First Parliament which was successfully held from May 8 to July 29, 2008 shall formally conclude today with the administering of Tashi Moenlam prayer.

3. The Constitution of the Kingdom of Bhutan which was propounded by our most grateful parent, His Majesty the King Jigme Singye Wangchuck was deliberated at length in the joint sitting of the parliament from May 9 to May 29, 2008 and is endorsed with negligible amendments.
4. The Constitution of the Kingdom of Bhutan was formalized with the signing of the Constitution by His Majesty the King and the Members of Parliament in the Kuenrey of Tashichho-dzong before the statue of Lord Buddha on 18th July 2008 in the presence of His Majesty the Fourth King, the Royal Family Members, Central Monk Body and representatives of international agencies.
5. Both the Houses of Parliament have successfully deliberated on six important Bills consisting of the National Assembly Bill, National Council Bill, Election Bill of the Kingdom of Bhutan, Public Election Fund Bill of the Kingdom of Bhutan, Parliamentary Entitlements Bill, and the National Referendum Bill. The two Houses have also deliberated on the Annual Budget Report for the Fiscal Year 2008-09 besides ratifying the conventions on establishment of South Asian Medical College and South Asian Food Buffer Zone.
6. On 3rd June 2008, the National Assembly formally established 14 Committees of the National Assembly. All

the committees are expected to scrutinize and make amendments of all the past laws, Bills and Acts in line with the Constitution of the Kingdom of Bhutan in the interest of the people and country.

In addition, the committees are expected to study and finalize all Acts and Bills that are proposed to be tabled and discussed in the coming second session of the first Parliament. The existing acts requiring urgent attention and review are the Local Government Acts, Cabinet Act and the Municipality Act while the Royal Civil Service Bill, the Royal Bhutan Police Bill, Prison Bill and the Water Bill need further review by the committee.

The committees may also look into the problems and progress of implementation of the national policies relating to ban on smoking, import of meat during auspicious days, use of plastics and import of chicken and poultry products.

7. It was a historic moment for all Bhutanese when Dr. Manmohan Singh, the Prime Minister of India paid a state visit to our Kingdom on 17th May 2008. He was also the first foreign dignitary to address the joint session of the newly constituted First Parliament of Bhutan. Being one of the largest and the oldest democracies in the world, it was indeed a great honour to welcome His Excellency

the Prime Minister of India to address our Parliament and enrich ourselves with his vast experience and advice. The visit further cemented the already existing strong relationship that exists between our two countries. As everybody is well aware, India is the most reliable and biggest development partner of Bhutan. During the visit, His Excellency the Prime Minister of India committed to extend a financial grant of Nu.100 billion to the new government. This commitment came at an appropriate time and will have far reaching effects in the socio-economic development of the country particularly the 10th FY Plan and strengthening the relationship between the two countries at the political level.

8. On the invitation of the Government of India, Lyonchhen Jigmi Yoedzer Thinley, the Prime Minister of Bhutan accompanied by government officials, private representatives and media personnel visited India from 14th July to 17th July 2008. The visit was very fruitful not only in terms of strengthening the already existing strong relationship but also in terms of mobilization of financial assistance from the Government of India. Besides consenting to finance mega projects and developmental programmes in the 10th FY Plan, the Government of India has also agreed to finance eight hydro power projects in fulfilling the proposed ten thousand mega watts of

electricity production by 2020. The people would like to extend their deepest appreciation to the Government of India for the generous assistance including the assistance provided for the smooth election in the country and the desire of the Government of India for further strengthening the relationship between the two nations. The continued and substantial assistance so kindly committed to us would not only benefit the country economically but would play a big role in strengthening the newly established democracy in the country.

9. It was exactly 100 years back when the people of Bhutan ceremoniously elected Gongsar Ugyen Wangchuck as the first hereditary King of Bhutan which laid the foundation for the establishment of the Wangchuck dynasty in the country. During this period, the people have witnessed unprecedented peace, happiness and prosperity in their lives with the sovereignty and national security remaining intact. After 100 years of reign by the hereditary monarchs, the power of governance of the country is handed over to the people by His Majesty the Fourth King with full faith and confidence. It is through the initiatives of His Majesty the Fourth King that the Constitution has been drafted and conducted smooth parliamentary elections that led to the formation of the first democratically elected government. Therefore, it is the

mandate of the new government to shoulder greater responsibilities and work towards fulfilling the hopes and aspirations of the King and the people in bringing peace, prosperity and happiness more than ever before.

10. I, on behalf of all the members of Parliament and on my own behalf, would like to express my deepest gratitude to His Majesty the King for the trust and confidence reposed on us. His Majesty the King has reiterated that being educated and competent and elected by the people, we should shoulder greater responsibilities in the interest of the country and the people.
11. The government takes great pride in having elected to run the government for the first time and the opportunity to serve the nation with equity and justice. The government will spare no efforts in the protection and promotion of natural resources and our traditional and cultural heritage. Continued endeavour would be made to strengthen the economic base of the country and the development activities will be carried out effectively and efficiently so that the people will witness higher economic growth. The new government should work hard to promote peace, bring better economic growth and happiness to the Bhutanese people and thus, fulfilling the philosophy of Gross National Happiness.
12. As the government consists of the executive, legislative and the judiciary, it is important to complete the process

of appointments to the constitutional posts with the assent of the Druk Gyalpo for submission to the winter session of the parliament as per Section 19 of Article 2 of the Constitution of Bhutan. One example is to render the Royal Bhutan Police under the Ministry of Home and Cultural Affairs as per Section 3 of Article 28 of the Constitution of Bhutan.

In addition, it is also mandatory to submit the annual audit report to the Parliament by the Royal Audit Authority as per Section 5 of Article 25 and similarly the Anti-Corruption Commission is required to submit its annual report on its policies and performances to the Parliament as per Section 4 of Article 27 of the Constitution of the Kingdom of Bhutan.

13. Although there were no issues pertaining to developmental activities for deliberation during the Session, I would like to urge all the Members to visit their respective constituencies and disseminate the contents of the Constitution and other Bills approved by the Parliament to the people.
14. I urge you all to submit issues that are raised by the public during the constituency visit to the National Assembly Secretariat before one month. The next Session is tentatively scheduled to begin from 12th November 2008 coinciding with the 14th day of the 9th month of the Earth Rat Year.

15. The First Session of the First Parliament has concluded in a fruitful note and the credit goes to the enlightened directives and guidance of His Majesty the King and the support and assistance of the members. The members have actively participated on important national issues having immense bearings on the life of the people. I would like to express my deep appreciation to His Majesty the King and all the members of the Parliament.
16. I would also like to extend my appreciation to the Chief Justice, Lyonpo Sonam Tobgye and the members of the Constitution Drafting Committee for the hard work and commitment that they have put in to come up with this finest Constitution in line with the directives and guidance of His Majesty the Fourth King.
17. I would like to thank the Royal Bhutan Police for making adequate security arrangements during the session and extend our appreciation to the media including TV and Radio stations for the live broadcast of the proceedings of the parliament. Through the media, the public availed the opportunity to witness the parliamentary session and were able to clearly understand their constitutional rights and responsibilities and the policies and programmes of the government.

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18. Lastly, the First Session of the First Parliament shall conclude today with the offering of our prayers to our protective Guardian Deities in general and to the wise and farsighted leadership of His Majesty the King. It is through the immense hard work and selfless leadership of the hereditary Kings that we are able to live in unprecedented peace, happiness and prosperity and therefore, we pray for greater achievements under the dynamic leadership of His Majesty the King.

TASHI DELEK



29 July, 2008

Sd/-

(Jigme Tshultim)
SPEAKER

**List of the National Council Members who participated in
the First Session of the First Parliament**

1. Namgay Penjore, Punakha Dzongkhag (Chairman)
2. Dasho Karma Ura, Eminent person (Deputy Chairman)
3. Kuenley Tshering, Eminent person
4. Karma Yoezer Redi, Eminent person
5. Tashi Wangmo, Eminent person
6. Karma Damchoe Nidup, Eminent person
7. Tshewang Jurmi, Bumthang Dzongkhag
8. Tshering Dorji, Haa Dzongkhag
9. Pema Lhamo, Zhemgang
10. Sonam Yangchen, Wangduephodrang Dzongkhag
11. Dr. Jaga Dorji, Trongsa Dzongkhag
12. Kezang Namgyal, Trashiyangtsi Dzongkhag
13. Sonam Dorji, Dagana Dzongkhag
14. Tshewang Lhamo, Chhukha Dzongkhag
15. Jigme Rinzin, Pemagatshel Dzongkhag
16. Ugen Tshering, Paro Dzongkhag
17. Naichu, Mongar Dzongkhag
18. Rinzin, Lhuentse Dzongkhag
19. Sangay Zam, Thimphu Dzongkhag
20. Sonam Kuenga, Trashigang Dzongkhag
21. Karma Doenen Wangdi, Sarpang Dzongkhag
22. Mani Kumar Rai, Samtse Dzongkhag
23. Jigme Wangchuk, Samdrupjongkhar Dzongkhag
24. Justin Gurung, Tsirang Dzongkhag
25. Sangay Khandu, Gasa Dzongkhag

**List of the National Assembly Members who participated in
the First Session of the First Parliament**

1. Speaker, Jigme Tshultim, Radhi-Sakteng constituency, Trashigang Dzongkhag
2. Prime Minister, Jigmi Yoedzer Thinley, Nanong-Shumar constituency, Pemagatshel Dzongkhag
3. Leader of Opposition, Tshering Tobgay, Sombeykha constituency, Haa Dzongkhag
4. Lyonpo Yeshe Zimba, South Thimthrom constituency, Thimphu Dzongkhag
5. Lyonpo Khandu Wangchuk, Langong-Wangchag constituency, Paro Dzongkhag
6. Lyonpo Wangdi Norbu, Bartsam-Shongphu constituency, Trashigang Dzongkhag
7. Lyonpo Ugyen Tshering, Kawang, Lingshi-Soe-Naro constituency, Thimphu Dzongkhag
8. Lyonpo Zanglay Drukpa, Khar-Yurung constituency, Pemagatshel Dzongkhag
9. Lyonpo Minjur Dorji, Kanglung-Uzorong constituency, Trashigang Dzongkhag
10. Lyonpo Thakhur Singh Powdyel, Dorokha-Tading constituency, Samtse Dzongkhag
11. Lyonpo Dr.Pema Jamtsho, Choekhor-Tang constituency, Bumthang Dzongkhag
12. Lyonpo Nandalal Rai, Shompangkha constituency, Sarpang Dzongkhag
13. Lyonpo Dorji Wangdi, Panbang constituency, Zhemgang Dzongkhag
14. Deputy Speaker, Yangku Tshering Sherpa, Kilkhorthang-Mendrelgang constituency, Tsirang Dzongkhag

15. Karma Wangchuk, Chumey-Ura constituency, Bumthang Dzongkhag
16. Ugyen Tshering, Bongo-Chapcha constituency, Chukha Dzongkhag
17. Chencho Dorji, Phuentsholing constituency, Chukha Dzongkhag
18. Sonam Jamtsho, Drugyalgang-Tsezang constituency, Dagana Dzongkhag
19. Hemant Gurung, Lhamoizingkha-Tashiding constituency, Dagana Dzongkhag
20. Kinley Dorji, Goen-Khamey-Luna constituency, Gasa Dzongkhag
21. Damchoe Dorji, Goen-Khatoe-Laya constituency, Gasa Dzongkhag
22. Ugey Tenzin, Bji-Katso-Useu constituency, Haa Dzongkhag
23. Karma Rangdol, Menjay-Gangzur constituency, Lhuentse Dzongkhag
24. Tshering Tenzin, Menbi-Tsengkhar constituency, Lhuentse Dzongkhag
25. Ugyen Wangdi, Drametsi-Ngatshang constituency, Mongar Dzongkhag
26. Sonam Penjore, Khengkhar-Weringla constituency, Mongar Dzongkhag
27. Karma Lhamo, Mongar constituency, Mongar Dzongkhag
28. Chencho Dorji, Dogar-Shaba constituency, Paro Dzongkhag
29. Choida Jamtsho, Nganglam constituency, Samdrup Jongkhar Dzongkhag
30. Tshering Penjore, Kabji-Talo constituency, Punakha Dzongkhag
31. Namgay Wangchuck, Lingmu-Toewang constituency, Punakha Dzongkhag
32. Ugyen Dorji, Dewathang-Gomdar constituency, Samdrup Jongkhar Dzongkhag

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33. Norbu Wangzom, Jomo-tsangkha-Martsala constituency, Samdrup Jongkhar Dzongkhag
34. Pralhad Gurung, Pagli-Samtse constituency, Samtse Dzongkhag
35. Durga Prasad Chhetri, Sipsu constituency, Samtse Dzongkhag
36. Lila Pradhan, Ugyentse-Yoeseltse constituency, Samtse Dzongkhag
37. Prem Kumar Gurung, Gelephu constituency, Sarpang Dzongkhag
38. Choeki Wangmo, Thrimshing constituency, Trashigang Dzongkhag
39. Lhatu, Wamrong constituency, Trashigang Dzongkhag
40. Druptob, Bumdeling-Jamkhar constituency, Trashiyangtse Dzongkhag
41. Kezang Wangdi, Khamdang-Ramjhar constituency, Trashiyangtse Dzongkhag
42. Rinchen Dorji, Drakteng-Langthel constituency, Trongsa Dzongkhag
43. Nidup Zangpo, Nubi-Tangsibji constituency, Trongsa Dzongkhag
44. Nar Bhadur Gurung, Patale-Tsirang-toe constituency, Tsirang Dzongkhag
45. Pasang Thrinlee, Athang-Thedsho constituency, Wangduephodrang Dzongkhag
46. Gyem Dorji, Nesho-Sepu constituency, Wangduephodrang Dzongkhag
47. Tshering Dorji, Bardo-Trong constituency, Zhemgang Dzongkhag
