

**TRANSLATION OF THE PROCEEDINGS AND RESOLUTIONS OF THE 73RD  
SESSION OF THE NATIONAL ASSEMBLY OF BHUTAN HELD  
FROM 10TH AUGUST TO 2ND SEPTEMBER, 1995.**

**I. OPENING CEREMONY**

The 73rd Session of the National Assembly began on the 15th Day of the 6th month of the Female Wood Hog Year corresponding to 10th August, 1995. A traditional chipdrel ceremony welcomed His Majesty the King to the Convention Centre where the session was opened in the new Assembly Hall with the performance of the auspicious ceremony of the Shugdrel Phuntshom Tshogpai Tendrel.

The Speaker of the National Assembly, Dasho Passang Dorji, began his opening address by welcoming His Majesty the King, the representatives of the Central Dratshang and the Rabdeys, ministers and officials representing the government and the representatives of the people. He also welcomed the new people's representatives and the candidates of the 20 Dzongkhags for election to the Royal Advisory Council.

The Speaker said that the National Assembly had developed and progressed greatly over the past four decades since it was first established in 1953 by the Third King of Bhutan, His Majesty Jigme Dorji Wangchuck, and the country had also achieved tremendous socio-economic progress during this period. He regretted that at a time when the country was achieving such progress the ngolop problem in southern Bhutan had arisen to create difficulties for the people and the government. However, due to the blessings of the Guardian Deities, the good fortune of the people and the wise leadership of His Majesty the King, the ngolop problem had not been able to harm the security and well-being of the country. The Speaker noted that many of the points submitted by the people's representatives for discussion were on the ngolop problem. As the issue was of national concern and importance, it should be discussed thoroughly, he said.

The Speaker recalled that notification had been issued last year to hold the 73rd session during the 8th and 9th month of the Bhutanese Calendar. As many of the points submitted for discussion by the people were about the ongoing bilateral talks between Bhutan and Nepal regarding the problem of the people in the refugee camps in eastern Nepal, and since the round of talks scheduled for September had to be postponed due to the political situation in Nepal at that time, it was felt that discussion of the points

submitted by the people would have had a negative impact on the bilateral talks and the Royal Government's efforts to negotiate a solution to the refugee problem with the Nepalese government. In view of this, the 73rd Session was postponed on the command of His Majesty the King. However, it now appears that the Nepalese government is not interested in the bilateral talks, he said.

The Speaker reminded the people's representatives that they were all elected by the people of their constituencies as the best persons to represent them. He expressed his hope and confidence that they would keep in mind both the short and long term interests of the country and participate actively in the discussions, thereby ensuring that sound resolutions are adopted on all the issues tabled in the agenda.

## II. ELECTION OF ROYAL ADVISORY COUNCILLORS

As the terms of the six people's representatives in the Royal Advisory Council are due to expire in October this year, the election of the six new Royal Advisory Councillors representing the people were held on 10th August in the new Assembly Hall at the Convention Centre. The twenty candidates elected by the people of the twenty dzongkhags were divided into three groups, two groups comprising seven dzongkhags each and one group comprising six dzongkhags. The two candidates receiving the highest number of votes in each group would be declared elected as the new Royal Advisory Councillors to represent the people of the Dzongkhags in their group. Accordingly, the National Assembly members, after three rounds of voting by secret ballot, elected the following candidates as Royal Advisory Councillors :

- |   |   |           |
|---|---|-----------|
| - | Bap Yeshey Dorji, the candidate from Thimphu        | Dzongkhag |
| - | Gembo Dorji, the candidate from Paro                | Dzongkhag |
| - | Tenzin, the candidate from Bumthang                 | Dzongkhag |
|   |   |           |
| - | Lungten Tshering, the candidate from Mongar         | Dzongkhag |
| - | Yam Bahadur Gurung, the candidate from<br>Dzongkhag | Dagana    |
| - | Tika Ram Giri, the candidate from Samtse            | Dzongkhag |

The above elected candidates will take up their posts as Royal Advisory Councillors for a three year term from the date they are formally awarded the scarf of office by His Majesty the King.

When the National Assembly session resumed its deliberations next day on 11th August, His Majesty the King extended his Tashi Delek to the six Royal Advisory Councillor-elects and expressed his hope and confidence that they would work with dedication to fulfil their important responsibilities as a bridge between the people and the government.

### III. DISTRIBUTION OF DRAFT ACTS/RULES AND REGULATIONS

The following Draft Acts/Rules and Regulations, and conventions were distributed on 11th August to the members of the National Assembly.

- a) United Nations Framework Convention on Climate Change, 1992. (for ratification by the 73rd Session of the National Assembly).
- b) Convention on Biological Diversity, 1992. (for ratification by the 73rd Session of the National Assembly).
- c) Mines and Minerals Management Act, 1995. (for enactment by the 73rd Session of the National Assembly)
- d) Forest and Nature Conservation Act of Bhutan, 1995. (for enactment by the 73rd Session of the National Assembly)
- e) Rules and Regulations for Election of National Assembly Members, 1995. (for enactment by the 73rd Session of the National Assembly)

### IV. REPORT ON THE 1994-95 BUDGET AND PRESENTATION OF 1995-96 BUDGET BY THE MINISTRY OF FINANCE

The Ministry of Finance distributed copies of its report on the 1994-95 Budget and the National Budget for the Financial Year 1995-96 to the members of the National Assembly, following which the Finance Minister made his presentation.

The Finance Minister reported that in keeping with one of the main objectives of the Seventh Five-Year Plan, economic self-reliance, every effort is being made to maintain a sustainable balance between revenue and current expenditure. The year, however, witnessed a major increase in current expenditure as a result of the introduction of the Special Government Allowance (SGA) and increase in the travel allowance of civil servants. With the last pay revision carried out in 1988 and there being no system of compensation for the rise in cost of living, most of the civil servants particularly those at the lower levels were facing immense hardship in meeting even the basic necessities of life. The Royal Government, therefore, approved increases in the salary of civil servants ranging between 56% at the lowest level to 4% at the highest level. Ministers and Deputy Ministers were not granted any increase in the salary. The daily allowances for travel within Bhutan were also enhanced to facilitate civil servants, particularly technical and professional man power, to undertake tours in connection with project implementation and field visits to monitor, supervise and improve the delivery of services.

The Royal Government also reviewed and enhanced the basic minimum wages of both skilled and unskilled workers to improve the well-being of the national work force and encourage them to work on projects and acquire skills so that dependence on outside work force can be gradually reduced.

The Finance Minister reported that another reason for the increase in current expenditure in the past fiscal year was due to the additional maintenance cost arising from the establishment of more schools and health facilities. In view of the rapid increase in current expenditure over the years and the limited scope of revenue enhancement, expenditure control is being strictly enforced. While revenue is sought to be increased through enhanced efficiency, no changes have been made in tax rates or coverage.

The Finance Minister informed the members that the 1994-95 overall budgetary outlay of Nu. 5,009.51 million increased by 4% to Nu. 5,211.73 million by the end of the fiscal year. The capital budget increased by 7% to Nu. 3,205.23 million. This increase in the capital budget was more or less matched by the increase in resources from international agencies. The current budget increased by 6.1% from Nu. 1,720.15 million to Nu. 1,825.43 million while the revenue projected at Nu. 1,633 million increased to Nu. 1,794.69 million. Domestic revenue was, therefore, able to cover 98.3% of the current expenditure. In spite of the considerable budget increase, the overall budgetary deficit

on account of both current and capital cost as well as debt servicing was reduced to Nu. 167.69 million from the projected amount of Nu. 381.78 million. The total budgetary deficit was equivalent to only 2.1% of the GDP. The Finance Minister said that the Ministry of Finance was, therefore, pleased to report to the hon'ble members of the National Assembly that the fiscal year 1994-95 had been yet another year of successful financial management.

The Finance Minister regretted that while the pace of development continued to advance steadily during the past fiscal year, the persistence of security problems had seriously impeded the implementation of the 7th Plan projects and programmes in the southern Dzongkhags. The frequent terrorist raids not only disrupted development works but jeopardised the safety of project personnel and the villagers. However, despite the difficult security situation, the Royal Government had been able to keep open 74 schools and 89 health facilities for the benefit of the people in the five southern Dzongkhags. Roads, telecommunication and power supply had been kept operational and all industries and commercial activities in the southern Dzongkhags had not been seriously affected. The Finance Minister expressed his hope that peace and tranquility would return soon to the whole of southern Bhutan so that the common people would be able to live without fear and pursue the path of development as in the past.

Concluding the review of the past fiscal year, the Finance Minister requested the members to refer to the printed report for further details of the 1994-95 budget.

On the national budget for the fiscal year 1995-96, the Finance Minister reported that the year itself had started on a positive note with substantial increase in revenue, making it possible to improve the past year's 98.3% coverage of current expenditure by domestic revenue to a full 100%. However, it is important not to become complacent but be constantly on guard to ensure a sound and sustainable balance between revenue and current expenditures, he said. With the additional increase of service facilities and the general inflationary pressures, the cost of upkeep of schools, hospitals, agriculture and animal husbandry extension centres, roads, telecommunication, etc. is becoming more difficult to manage. Enhancing government productivity, curtailing expenditure wherever possible and increasing revenue through improved efficiency has, therefore, assumed utmost importance.

The Finance Minister reported that the total outlay for the fiscal year 1995-96 is Nu. 5,155.24 million with the current expenditure budget outlay at Nu. 1,872.05 million and the capital expenditure budget at Nu. 3,003.51 million. Indian aid disbursement is expected to increase in the current fiscal year mainly on account of expected expenditure on the Kurichu Power Project and the construction of the Paro Airport Terminal building. Grants from other donors is expected to be Nu. 1,388.44 million. While donor commitment remains steady and positive, the level of aid disbursement varies from year to year depending upon project readiness and phase of implementation of on-going activities.

The Finance Minister said that he was proud to report that Bhutan's record on aid management and utilisation is among the best in the world. The impact of donor assisted projects, especially in the social sectors like health, education, water supply, rural development etc. have been significant and highly visible. In spite of immense difficulties due to shortage of skilled and unskilled manpower and communication problems, the Royal Government has spared no efforts to ensure successful implementation of donor assisted projects.

The Finance Minister informed the members that with many of the externally financed projects having started in the past fiscal year and continuing in 1995-96, the budget outlay during the remaining years of the 7th Plan will continue without major fluctuations. The current expenditure outlay for 1995-96 is only Nu. 46.62 million more than the outlay for the past fiscal year. On the other hand, internal revenue is estimated to increase by 10% to Nu. 1,850 million. Total domestic revenue is, therefore, expected to cover 100 % of the current expenditure.

The Finance Minister pointed out that Bhutan today is a social welfare state. Health coverage and education are free and all other development services are provided to the people on a highly subsidised basis. While in other welfare societies, people pay for the benefits through high taxes, tax rates remain negligible in Bhutan and user charges or fees are subsidised well below actual costs. In its quest for ensuring the well-being of the people and at the same time minimising the financial burden particularly on the poorer people, the Royal Government has consciously avoided increasing the tax rates. In fact, taxes for the common people, particularly the rural population, have not been

increased for the last 34 years even though there has been significant increases in the income levels of the people during the same period. Although 80% of the people are farmers, the total rural taxes in 1994 was Nu. 5 million which is only 0.3% of the total revenue. The business income tax is also negligible at only 3% of the total revenue. Most of the tax revenue, which comes to only 39% of the total revenue, comes from public or joint sector corporations and consumer taxes like sales tax and excise duty. The bulk of the government's revenue comes from earnings from public enterprises, dividends etc. It is clear from all this that the Bhutanese people continue to be among the least taxed in the world. The Finance Minister informed the members that in keeping with the Royal Government's policy of streamlining the tax administration and recognizing the inefficiency of quantitative restrictions, the Ministry of Finance is proposing to introduce a comprehensive custom's regulation and tariff structure during the current fiscal year to enhance efficiency in revenue collection.

The Finance Minister pointed out that in a country like Bhutan where the rapid pace of development brings about increases in imports, the balance of payments and particularly the current account situation is an important indicator of financial sustainability and general economic management. He reported that although the balance of trade deficit in 1994 was Nu. 966 million with imports amounting to Nu. 3,064 million and exports amounting to Nu. 2,098 million, the level of exports had more than doubled over the last six years. Also, due to constant efforts and a judicious policy followed by the government, Bhutan today has a convertible currency reserve of US\$ 115 million. This level of reserves is adequate to cover more than a year's requirement of imports and is considered good by international standards.

Regarding external debt, the Finance Minister reported that the Royal Government has always followed a cautious policy on taking external loans even where the terms and conditions are extremely soft. With the exception of the financing of the first BAE 146-100 aircraft for Druk Air, the government has not resorted to any commercial loan. The government's policy is to avoid loans to the extent possible and to avail loans only for income generating activities. As a result of this wise and cautious approach, Bhutan's external debt situation at Nu. 3,703 million, including both hard currency and Rupee, is still comfortable. The Royal Government continues to service the annual debt servicing cost of Nu. 364 million in keeping with repayment schedules without a single default. The Finance Minister said that he was happy to inform the hon'ble members that the bulk of external loans has been utilized to establish highly successful and profitable

projects including power which have become the main backbone of Bhutanese industry. These industries today are the most important contributors to revenue, export earnings and non-agricultural employment. Bhutan should be proud that external loans have been used productively to strengthen the economy and to generate revenue, he said.

The Finance Minister informed the National Assembly that despite the late start in development and the small size of the Bhutanese economy, the GDP growth rate for 1994-95 was 7%. In view of the substantial revenues expected from the Ferro Alloys industry, the Penden Cement Authority (PCA) expansion and revision of power tariff, the fiscal year 1995-96 is expected to register a high growth rate. Economic growth in the near future will be influenced mainly by the Basochhu and the Kurichhu Power Projects as the large investment of funds during the project construction period will stimulate the economy and increase the income of the people.

With the promotion of private sector development as one of the main objectives of the 7th Plan, every effort is being made to not only support private sector development but also to privatise public sector commercial undertakings. With this end in view, the Royal Securities Exchange (RSE) was established to facilitate private sector growth and to develop a well regulated and equitable share market. Earlier this year, the RSE was given the responsibility to handle issue of 26,667 shares worth Nu. 40 million for the expansion of PCA. The share issue received an overwhelming response from the market with an over-subscription of more than 50% which augurs well for the future of the RSE as well as private sector development.

The Finance Minister informed the members that the main reason for the slow development of the private sector at present is the lack of capital, managerial skill and shortage of skilled manpower. Private sector capacity is particularly weak in the construction business where there are ample opportunities provided by the large numbers of developmental programmes initiated by the Royal Government. In spite of the shortcomings of the private sector, the Royal Government continues to follow a policy of encouraging the private sector to take up construction activities, he said.

Noting that the members of the National Assembly may already be aware of the serious problem faced by the financial institutions on account of non-repayment of loans provided to the public, the Finance Minister said that the matter had been carefully reviewed by the government in view of the serious implication of such problems on

economic progress and private sector development. His Majesty the King had commanded the establishment of a Commission to resolve the “bad debt” cases taking into account the interest of the financial institutions as well as the interest of the defaulters. The Commission has made steady progress in resolving many of the serious cases. Loans have been rescheduled to the maximum extent possible and taking over of assets placed as security were resorted to only as a last measure. The Finance Minister said that it is vital for the people to understand the importance of proper utilisation and repayment of loans. Unless loans are repaid in time, the ability of the financial institutions to lend more money to the private sector for economic activities will be greatly reduced. Non-repayment of loans jeopardises not only the viability of the financial institutions but that of the whole system for mobilizing savings and channeling such savings into productive investments for economic growth and the well-being of the people.

With the impressive progress achieved over the past 34 years of planned development, Bhutan now has a wide variety of service facilities spread evenly throughout the country. All basic social infrastructure are available within easy reach of the Bhutanese people who enjoy the benefits of a social welfare state, said the Finance Minister. He pointed out that it is important for the people to also play an active role in maintaining the service facilities provided by the government at great cost for their benefit.

Concluding his presentation, the Finance Minister said that the success with which Bhutan has been able to achieve socio-economic growth has been made possible to a large extent by the continued support of the donors. On behalf of the Royal Government, he thanked all the donors for their generous financial and technical support towards improving the well-being of the Bhutanese people. In particular, he thanked India, Bhutan’s closest neighbour and largest donor, for her continued support since the inception of planned development in 1961. The most important factor, however, which has enabled Bhutan to progress rapidly, said the Finance Minister, has been the dynamic and enlightened leadership of His Majesty the King under whose guidance the government and the people of Bhutan have been able to work hand in hand towards the socio-economic development of the nation.

The Finance Minister requested the members to refer to the printed report for details of the 1995-96 budget and said he would be happy to clarify any doubts and answer questions raised by the hon’ble members on the budget report.

Requesting for the floor, the Planning Minister said that the Bhutanese people, as everyone is aware, enjoy the benefits of free health coverage and free education. Agriculture and animal husbandry centres, drinking water schemes and roads have also been built and provided by the government without any cost to the people. While people in other countries pay high taxes in return for the use of service facilities, Bhutanese people who are among the least taxed in the world pay nominal taxes only. He expressed the hope that the people would appreciate the fact that Bhutan is truly a welfare state. Although much satisfaction can be drawn from the fact that domestic revenue has been able to cover current expenditure as reported by the Finance Minister, it is important for the government and the people not to become complacent and to keep in mind that it is even more important to ensure that the many service facilities which have been established are properly maintained. He called on the people to place greater importance in shouldering the responsibility for maintaining the schools, health centres, roads and other service facilities established throughout the country.

The people's representatives expressed their appreciation for the report on the 1994-95 budget and the presentation of the 1995-96 budget by the Finance Minister. They said that the achievements highlighted in the report were possible because of His Majesty the King and were a reflection of the pure and close bond between the government and the people. The people fully appreciated that many service facilities have been provided free of cost for their benefit by the government. They also wished to acknowledge the government's efforts to increase the income of the people and to promote the growth of the private sector while at the same time excusing them from a commensurate tax schedule. The people were deeply grateful for all the benefits provided by the government and its efforts to improve their well-being and the opportunities given to them to formulate plans for their economic progress and prosperity through active participation in the Dzongkhag Planning process and the plan meetings held by His Majesty the King with the people of the Dzongkhags.

The people's representatives expressed their happiness on learning that one of the important national objectives, economic self-reliance, is being fulfilled as a result of the success in meeting current expenditure from domestic revenue. They were also deeply gratified by the Royal Government's sound policy on availing external loans and the lack of problem in debt servicing. The people's representatives requested the government not to be disappointed that rural taxes amounted to less than 1% of the total

revenue and tax returns from the business sector amounted to only 3%. They said that it is the aspiration of the people to contribute as much as possible to the domestic revenue and they would be proud to do so as their incomes increase and the private sector grows.

## V. ISSUES RELATED TO DEVELOPMENT PROGRAMMES

### 1. **Re-alignment of feeder road from Tashiyangphu to Thrimshing**

The people's representative of Thrimshing in Tashigang Dzongkhag submitted that the people of Thrimshing Dungkhag requested for the feeder road from Tashiyangphu to be re-aligned through Kharungla to Thrimshing. He said that when the alignment of the road was made in 1981-82, there had been a communication gap between the people and those making the alignment. As a result, the 15 Km feeder road does not pass near most of the villages or benefit the majority of the people. Moreover, as a result of landslides every year, the people have to frequently repair the road. If the road is re-aligned from Kharungla to Thrimshing, it will benefit over a thousand households in the two gewogs under Thrimshing Dungkhag and over two hundred households in Khaling Gewog. At present, the location of the Dungkhag Headquarters itself is unsuitable being at the junction of two gorges and prone to floods and landslides. If the feeder road is re-aligned through Kharungla, it will make it feasible for the Dungkhag Headquarters to be also shifted to a more central location nearer to most villages and service facilities like schools and health centres. Even though it may not be possible to re-align the road at present, the people have requested that it may be done when the 8th Five-Year Plan commences.

In response, the Secretary, Public Works Division, said that the Royal Government had spent Nu. 19.314 million to build the 14.5 Km feeder road. A sum of Nu. 0.15 million was being spent every year to maintain the road and keep it open to traffic all year round. If a new road is to be constructed from Kharungla to Thrimshing it will be about 18 Km and entail a budget of Nu. 23.976 million. The topographic formation of the proposed road is the same as the existing feeder road and the soil stability would be no different. Apart from the cost of construction there will also be additional recurring costs for maintenance of the road. Besides, this proposal has not been included in the 7th Plan and as such there are no funds available for it, the Secretary said.

The people's representatives from Trashigang Dzongkhag, while acknowledging that the Royal Government had incurred much cost in constructing the existing feeder road, pointed out that this road is not of much benefit to the people. On the other hand, a lot

of expenditure is incurred every year to repair and maintain this road. Although there will be large additional cost to re-align the road, it will greatly benefit the people of Thrimshing Dungkhag and nearby areas. The people's representatives, therefore, requested that the road may be re-aligned for the benefit and Kidu of the people. This request was supported by people's representatives from other Dzongkhags also.

The Deputy Minister of Communication and the Secretary, Public Works Division pointed out that the construction of a new road would not only be ecologically harmful but it will take about 30 years for the soil formation of a new road to stabilize. They suggested that it would be better to properly maintain and use the existing feeder road.

Some of the people's representatives said that although the soil stability and topographical structure of the proposed road from Kharungla may not be known and the construction of this road will entail substantial cost for the Royal Government, they would like to request that the benefit of the people may be taken into account and re-alignment of this road may be considered under the 8th Five-Year Plan.

The Deputy Minister of Communication informed the members that the Public Works Division has committed all its manpower and machinery to work full time in building and maintaining the roads and feeder roads included under the ongoing 7th Plan. He said that it would be acceptable if the request for re-aligning the feeder road from Tashiyangphu is included among the proposals to be discussed while finalising the 8th Five-Year Plan and a decision is taken based on proper investigation of its feasibility and benefits.

The Trashigang Dzongda, while acknowledging that Trashigang had the maximum number of roads and feeder roads amongst all the 20 Dzongkhags, said that the existing feeder road from Tashiyangphu to Thrimshing is not of much benefit to the people. On the other hand, if the road is re-aligned from Kharungla it will be of great benefit to them. He submitted that in accordance with the availability of funds, the proposal may be taken up under the 8th Plan.

The Planning Minister pointed out that before finalising any work or activity, the Royal Government always takes into account the cost, availability of funds and capacity for proper utilisation and maintenance of the concerned project or activity. Regarding the request to include the re-alignment of the feeder road from Tashiyangphu to Thrimshing

in the proposals for the 8th Plan, all the members are aware that from the 5th Five-Year Plan onwards, the Royal Government has been formulating all development programmes in close consultation with the people of the respective Dzongkhags. As such, there is no need to discuss this issue in the National Assembly, the Planning Minister said.

The National Assembly decided that the request for re-aligning the feeder road from Tashiyangphu to Thrimshing should be included among the proposals for the 8th Five-Year Plan and a decision taken in keeping with the procedures for finalising the Plan for every Dzongkhag.

## **2. Construction of Samtse-Dorokha road**

The people's representative of Samtse submitted that the people of Samtse Dzongkhag requested for the construction of the Samtse-Dorokha road to be resumed. The construction of this road had to be suspended due to the outbreak of anti-national activities in the Dzongkhag in 1990. Considerable money has already been spent by the Royal Government for this road which will greatly benefit the people of Dorokha and also the people of Samar and Sombey. The people's representative said that the people are ready to contribute all necessary support to construct the road.

The Secretary, Public Works Division, informed the members that 33 Km of formation cutting of the Samtse-Dorokha road had been completed upto Halhalay at a cost of Nu. 25.737 million. At present this road is being built upto Soureni, 16 Km away, to enable the installation of a Microwave Telecommunication Station. The Secretary said that there is no fund under the 7th Plan to build the road beyond Soureni.

The people's representative of Ha Dzongkhag and the representative of the Bhutan Chamber of Commerce and Industry submitted that besides the people of Samtse Dzongkhag, the Samtse-Dorokha road will also greatly benefit the people of Samar and Sombekha. They requested that this road may be built during the 8th Five-Year Plan.

The Planning Minister said that as submitted by him earlier, all issues related to building roads during the 8th Plan should be taken up when the government and people discuss the proposals and finalise the Plan for the respective Dzongkhags in close consultation with each other.

Speaking on the issue, His Majesty the King said that, as reported by the people, the construction of the Samtse-Dorokha road was suspended due to the security problem arising from the outbreak of anti-national activities in 1990. His Majesty noted that the construction of the 16 Km road from Samtse to Soureni will not only enable a Microwave Telecommunication Station to be established at Soureni for the benefit of Samtse Dzongkhag but will also benefit the people of the area. His Majesty also informed the National Assembly that a 24 Km road was being constructed from Sibsoo to Tendu. Although this road was not included in the 7th Plan, its construction has been made possible due to the generous assistance of Nu. 50 million extended by the Government of India. As in the case of the Sibsoo-Tendu road, if funds can be obtained from donors, construction of the Samtse-Dorokha road will also be resumed for the benefit of the people. Likewise, His Majesty was also pleased to command that the re-alignment of the feeder road from Tashiyangphu to Thrimshing should also be included in the Plan if donor assistance can be mobilised.

The National Assembly decided that as commanded by His Majesty the King, the construction of the Samtse-Dorokha road should be resumed within the Seventh Plan if donor assistance can be mobilised. If funds are not available, the matter should be brought up when the 8th Five-Year Plan programmes are discussed and finalised by the government and the people.

### **3. Construction of Tashithang-Gasa road**

The people's representative of Gasa submitted that since Gasa had earlier been a Dungkhag under Punakha Dzongkhag, no significant socio-economic development could take place. Therefore, His Majesty the King had kindly upgraded the Dungkhag into a Dzongkhag during the 7th Five-Year Plan and this had enhanced the prospects for development and progress. However, due to lack of a motor road, there is a big problem in transporting materials required for development programmes.

Also, many people who come from all over the country to the hot springs in Gasa to find a cure for various ailments face a great deal of problems while making the journey. Moreover, a motorable road is one of the main requirements for socio-economic development and progress. Since a survey of the 35 Km Tashithang-Gasa road has been completed by the Road Division, the people of Gasa have requested the Planning

Commission to identify funding and the Road Division to start construction of the road as soon as possible, he said.

The Secretary, Public Works Division informed the National Assembly that the PWD had carried out a preliminary survey of the Tashithang-Gasa road in accordance with the decision taken during the finalisation of the 7th Plan. However, it has not yet been possible for the Planning Commission to mobilise external assistance for this road. As such, the PWD has not been able to take up the construction of the road.

Some of the people's representatives pointed out that as Gasa is a remote Dzongkhag with most of the people living at high altitudes, almost all food items have to be brought from other Dzongkhags. In view of the difficulty in transporting goods from other Dzongkhags, and since the government had indicated that external assistance would be sought to build the road, they requested for the Gasa-Tashithang road to be constructed for the benefit of the people of this remote Dzongkhag.

Several other people's representatives pointed out that since internal revenue only came to slightly over 36% of the total budget, it will not be prudent to think of meeting the cost for this road from internal resources. It would be better if a study is carried out by the Forestry Division or other relevant sectors to assess possible economic benefits from forest produce or other returns if a motor road is built. Accordingly, external funds should be sought to construct the road, if possible, within the 7th Plan period, and if not, during the 8th Plan.

The people's representative of Gasa submitted that although many development programmes had been finalised, the people are facing great difficulty in transporting materials required for the programmes from Tashithang to Gasa. If it is not possible to build the road during the current Plan period, the people request for the road to be constructed during the 8th Plan.

The Planning Minister pointed out that it was premature to discuss programmes for the 8th Plan when it is still the third year of the 7th Plan. He said that in keeping with the Royal Government's decentralisation policy, the Gewog Yargay Tshogchungs (GYTs) and Dzongkhag Yargay Tshogchungs (DYTs) have been given the responsibility to identify programmes that should be included in the Five-Year Plans for their

Dzongkhags. Only after the development plans have been finalised at the Dzongkhag level, are they submitted to the National Assembly for discussion and approval.

The Gasu Dzongda submitted that when His Majesty the King visited Gasu to inaugurate it as a new Dzongkhag, he had been pleased to inform the people that a feasibility survey for a motor road from Tashithang to Gasu would be carried out during the 7th Plan and the road would be built if donor assisted funds are available. Since the Road Division has completed the survey, the people have been requesting for the road to be constructed during the 7th Plan if possible. He said that the people had also asked for the matter to be included among the proposals for discussion while drawing up the 8th Five-Year Plan if it is not possible for the road to be built during the current Plan period.

In response, the Planning Minister said that although the Road Division has carried out a survey of the proposed road, the budget for its construction is not included in the 7th Plan which was finalised three years ago. He said that the Planning Commission would study the survey report prepared by the Road Division and assess the benefits of constructing the road. If the matter is included among the points for discussion between the government and the people while formulating and finalising the 8th Five-Year Plan programmes for Gasu Dzongkhag, there should be no need for further discussion on this matter right now, he said.

Speaking on the issue, His Majesty the King said that although the Tashithang-Gasu road is to be constructed during the 7th Plan, if donor assisted funds can be mobilised, work could not be started so far because no assistance has yet been forthcoming. Recognizing the difficulty in implementing development programmes where there are no motor roads, the government has always accorded high priority to building roads wherever it is necessary. His Majesty instructed the Planning Minister to give high priority to seeking funds for the Tashithang-Gasu road. His Majesty also instructed the Planning Minister to brief the National Assembly about the process of formulating and finalising the Five-Year Plans.

The Planning Minister informed the National Assembly that from the Fifth Five-Year Plan onwards, all the programmes for the Five-Year Plans had been drawn up and finalised in close consultation with people of the respective Dzongkhags, taking into account their wishes and aspirations. In 1991, His Majesty the King further commanded

that the proposals for various programmes to be included in the Five-Year Plans must be initiated by the people of the respective Dzongkhags and not by the sectoral heads or the Dzongkhag administrations. Taking into account the wishes and aspirations of people in the villages and gewogs, the GYT's discuss and identify programmes for their gewogs and forward it to the DYT's where all the proposals are discussed and finalised at the Dzongkhag level before forwarding to the Planning Commission and the concerned ministries and departments. The proposals are then studied very carefully by experts to assess their long and short term benefits as well as budgetary and manpower requirements for their implementation. Following this, His Majesty the King accompanied by the concerned sectoral heads tours all the twenty Dzongkhags to discuss the proposals with the people in large public meetings which are attended by at least one member of every household in the respective Dzongkhags. After arriving at an understanding on any changes and adjustments found necessary on the proposals sent earlier by the people, His Majesty the King and the sectoral heads discuss the full details of all the programmes with the people in the meeting before finalising the Five-Year Plan for the concerned Dzongkhag. A full report on the Five-Year Plan is then submitted to the National Assembly before it is implemented. The Planning Minister said that all the people's representatives are fully aware of this procedure as they have been actively involved in the process of formulating and finalising the Five-Year Plans for their Dzongkhags. If proposals and requests such as building of roads are taken up in keeping with the procedure for drawing up the Five-Year Plans, there will be no need to raise such matters in the National Assembly and the role and responsibility given to the people to decide on development and policy matters concerning their own Dzongkhags will also be enhanced.

The people's representative of Gasa expressed his gratitude for the clarifications on the construction of the Tashithang-Gasa road and the command given by His Majesty the King to the Planning Commission.

The National Assembly decided that, as commanded by His Majesty the King, the Planning Commission must give high priority to finding funds for the Tashithang-Gasa road so that it can be constructed during the 7th Plan. If that is not possible, the matter should be decided when the government and the people discuss and finalise the 8th Five-Year Plan.

#### **4. Dungsam Cement Project**

The People's representative of Decheling and Norbugang under Samdrupjongkhar Dzongkhag submitted that work on the Dungsam Cement Project has still not started. Since land belonging to many people in the area have fallen under the project, undue hardship is being faced by them due to lack of cultivable land. The people would be grateful if the project could be started soon as it would alleviate their difficulties and also contribute to the national revenue once it is completed.

The Minister for Trade and Industry acknowledged that work on the Dungsam Cement Project has not yet begun. Although the government is keen to implement the project at the earliest, there are serious problems which need to be resolved first. As the members are aware, we are facing problems in the Nganglam area due to activities by the Bodo militants, he said. In view of this security situation, if the project is started now there will be constant danger to the people working on the project. Movement of goods and people between Nganglam and the highway at Pathshala will be seriously hampered. When this happens, it will not be possible to complete the project on time. This in turn will lead to the project costing much more than the present estimated cost of Nu. 3,000 million. The Minister said that the Government of India has been requested to finance the project and they have so far agreed to give Nu.1,790 million as loan. If the balance investment cannot be obtained as grant or mobilised from our own resources, it will be necessary to look for loans from other sources. If such large loans are taken and the project cannot be completed on time, it will be very difficult to repay the loans.

The Trade and Industry Minister reported that about half the land reserved by the project for its site and mining areas belong to the people. Some of this land has already been utilized to construct a helipad, school, guest house and the project colony. The government has already spent over Nu. 80 million on infrastructure development of the project. The Minister regretted that due to reservation of land belonging to the people and non-payment of compensation for a long time, the people are facing much inconvenience. However, the project will greatly benefit both the government and the people, and as it is the policy of the government to implement the project as soon as possible to benefit the people and generate more revenue for the country, the project will be started whenever project financing is available and the security situation improves, said the Minister.

Some of the people's representatives suggested that if the project cannot be implemented for some time, the people should be allowed to cultivate the reserved land until the project can be started. One of the Royal Advisory Councillors pointed out that not only has the project reserved a substantial amount of land but the people are still paying the tax for the land which was taken over from them. He said that the Ministry of Trade and Industry should sort out the problem faced by the people on this account. The matter of giving compensation or replacement land to the affected people should be brought before the Lhengyel Shungtshog and decided without delay.

The Minister of Trade and Industry said that the ministry was looking into the matter and would ensure that compensation or replacement land for the affected people would be given without delay.

Some of the people's representatives said that although cement is required for the implementation of almost every development programme and project, there is no point in starting the project when there is a security problem in the area at present. As for taking loans for the project, there should be no difficulties once the present problems are resolved and the marketing of the products is assured. It is, therefore, most important to find ways to resolve the security problem in the border area near the project site. As for the people's land reserved by the project, the matter can be resolved in accordance with the Land Act.

His Majesty the King informed the National Assembly that he had personally seen the land reserved by the Dungsam Cement Project during his visit to the project site and found that most of it is Tseri land. If the land is genuinely required for the project, the matter can be resolved without problem to the government or the people by following the Land Act and giving a fair price to the owners or by giving replacement land to those owners who have no other land.

His Majesty also informed the members that the Dungsam Cement Project is a big project with a capacity to produce 2,000 MT of cement per day. Although the budget for the project is estimated at Nu. 3,000 million, by the time the project is completed the cost will probably be much more. Although the implementation of the Dungsam Cement Project had been decided during the 7th Plan meeting with the people of Samdrupjongkhar, and its early implementation would be most beneficial for the successful establishment of hydroelectric projects in the country, the government has not taken a decision to take the required loan and start the project because of the Bodo

problem in Assam. All the people's representatives are fully aware of the difficulties due to the Bodo problem.

The biggest concern of the Ministry of Trade and Industry, His Majesty said, is that power for the project has to be brought from Assam through Bodo territory and the road access for Nganglam also passes through Bodo areas. If, after taking huge loans and starting the project, power lines are cut and transportation disrupted, there is a big risk of incurring heavy losses and not being able to repay the loans taken for the project. The Ministry of Trade and Industry, the Finance Ministry and the National Assembly should give careful thought before taking any decision on the matter. If it were not for the Bodo problem, the Dungsam Cement Project would have been implemented long ago, His Majesty said. As everyone is aware, during his visit to Bhutan in 1985, Prime Minister Rajiv Gandhi of India informed the National Assembly about establishing the Dungsam Cement Project at Nganglam. Since the feasibility studies and project reports have all been completed, the project will be started immediately regardless of the security problems if the investment cost can be obtained as grant, His Majesty said.

Several people's representatives said that although the Dungsam Cement Project is economically of considerable importance to the Royal Government, it could not be started because of the Bodo problem in Assam and the ngolop problem in southern Bhutan. As already declared by His Majesty the King, the project should be started immediately if the investment cost can be obtained as grant from friendly donor countries.

The people's representative of Norbugang and Decheling said that although he had requested for the Dungsam Cement Project to be started as soon as possible in view of the problems faced by the people due to shortage of cultivable land, he understood and appreciated the decision taken by the government in light of the difficulties and problems that had been highlighted.

The National Assembly decided that, as stated by His Majesty the King, if the cost of the Dungsam Cement Project can be obtained as grant, the project should be started without any further delay.

## **5. Establishment of Industries in the North**

The people's representative from Talo Gewog in Punakha Dzongkhag submitted that till date many big industries have been established in the southern Dzongkhags whereas there are no industries in the north. As a result of the ngolop problem today, huge expenses are being incurred for ensuring the security of the industries. In view of this, the people requested for industries to be established in the north. He said that the business community also share the same view.

In response, the Minister for Trade and Industry said that the establishment of an industry and the selection of the site depends on its economic viability. The required raw materials must be available at the right price and it must be feasible for the finished products to be transported and sold at a profit in competition with other manufacturers. Both skilled and unskilled manpower required for the industry must also be available. Only when all these requirements can be met is an industry considered viable and a decision taken to establish it.

Noting that many of Bhutan's large industries like the Penden Cement Authority, the Bhutan Calcium Carbide Ltd. and the Bhutan Ferro Alloys are located in the south, the Trade and Industry Minister said that these industries were established there because of their viability in these locations. Those raw materials required for these industries which are not available in the country has to be brought from India or through India from other countries. The finished products are sold mostly in India while those that are sold to other countries also have to transit through India. If these industries are located in the north, the added transportation costs would greatly reduce the profits and affect their financial viability.

The Minister informed the people's representatives that the Ministry of Trade and Industry has been making efforts to set up industries in the north wherever they are viable. For instance, the Bhutan Particle Board Ltd. at Tala and the Gedu Wood Manufacturing unit are both located in northern areas. The DANIDA assisted fruit processing unit and furniture unit in Thimphu, the timber factory in Wangdiphodrang, the apple juice and cheese unit in Bumthang, paper factories in Thimphu, and lemon grass distillation industries in Lhuntsi, Mongar and Trashigang are all located in the northern parts of the country. The Ministry of Trade and Industry will encourage establishment of industries in the north, provided the industries are viable from the point of view of raw materials, labour and marketing. It must, however, be kept in mind that an industry cannot be established if profits cannot be made, he said.

The Minister also informed the National Assembly that in keeping with the command of His Majesty the King, the private sector has been given opportunities and encouraged to establish industries. Also, in keeping with government policy, establishing industries close to the border is being discouraged in view of the security problem in these areas. The Ministry of Trade and Industry, therefore, fully supports the establishment of industries in northern areas and is gratified that both the people and the business community share this view. The Ministry will fully support whatever industries can be set up viably in the north, he said.

Some of the people's representatives suggested that while the viability of establishing big industries in the north is being studied, if small and medium sized industries are established and taxes for these are exempted for a few years, it would encourage entrepreneurs to establish industries.

The Finance Minister pointed out that although Bhutan is a social welfare state, the Bhutanese people are among the least taxed in the world and even the private sector's contribution to the total national revenue by way of taxes is only 3%. Regarding taxes for new industries, he recommended that it would be better to follow the present tax system formulated in 1992.

His Majesty the King observed that since all the big industries were established in the south uptil now, the people's representatives were proposing that as many viable industries as possible should be established in all the 20 Dzongkhags to promote the growth of the private sector and generate revenue for the government. His Majesty said that the government also considers it important not to limit industries to a few Dzongkhags only but to establish as many industries as possible, regardless of their size, wherever their establishment is economically viable. His Majesty suggested that in order to fulfil the wishes and aspirations of the people and to ensure balanced development and growth throughout the country, it is important for the Ministry of Trade and Industry to make every effort to establish as many industries as possible in all the Dzongkhags.

The National Assembly decided that the Ministry of Trade and Industry, taking into account both the short and long term economic benefits to the country, should, after

studying their viability, establish industries in the northern Dzongkhags wherever it is found viable.

## **6. Establishment of new Rigney School**

The people's representative of Mewang, Gyene, and Dagala gewogs under Thimphu Dzongkhag expressed his satisfaction that the establishment of the Simtokha Rigney School has contributed greatly to preserving and promoting the art of traditional Bhutanese learning and literature. In this connection, he called for the New Rigney School in eastern Bhutan to be established as soon as possible. He also pointed out that unless additional Dzongkha teachers are recruited in different schools for teaching Dzongkha, the time may come when the Bhutanese people could lose their traditional learning as more and more students find it difficult to read or write Dzongkha. He observed that in many offices an application written in Dzongkha is not given due attention, thereby resulting in the applicant not achieving the objective of writing the application. He said that the main problem in this regard is that there are not enough Dzongkha teachers. On average there is only one Dzongkha teacher to 20 other teachers in a school and, therefore, adequate thrust cannot be given to Dzongkha language, he said. As reported in the Kuensel issue of 14.5.94 even people from other countries had expressed concern that the younger Bhutanese generation do not believe very deeply in their tradition and culture. If the trend continues there is every possibility that we will lose the essence of our country's tradition and culture, he said. The people's representative pointed out that it is very important for the government and the people to motivate the younger generation to appreciate and cherish the country's tradition and culture.

The Secretary, Education Division, informed the members that during his tours of the eastern Dzongkhags, His Majesty the King had announced that in view of the importance of promoting traditional learning and literature, a new Rigney School would be established in eastern Bhutan. This will be a major project and the Education Division estimates that it will cost at least Nu. 43 million. A budget of Nu. 5.08 million has been allotted during the 7th Plan for Phase I of the construction. The Secretary informed the National Assembly that selection of a suitable site for the new Rigney School in close proximity to basic infrastructure like road, water supply, electricity etc. had been very difficult. Among the sites considered was Domkhar Dzong in Bumthang but it was not selected since the buildings there are not in suitable condition. The Secretary informed the National Assembly that he received instructions from His

Majesty the King to establish the new Rigney School in Tashiyangtse Dzongkhag in view of the fact that it is a newly established Dzongkhag that does not have any major development centres. After exploring funding possibilities for the past few years, the Royal Government has now received indication that the Government of the Netherlands is willing to assist in financing the new Rigney School. Work on the Rigney School is expected to start within the next 12 months and it will be completed and commissioned sometime during the 8th Five-Year Plan.

The Secretary also informed the members that in accordance with His Majesty the King's command, the existing facilities of the Simtokha Rigney School are being upgraded. During his visit to the school in 1993, His Majesty had observed that the facilities in the only Rigney School in the country were very inadequate. Accordingly, new dormitories for boys and girls, toilets and a dining hall are being constructed along with general campus development.

Regarding the need for additional Dzongkha teachers, the Secretary said that the Education Division sees no problem in meeting any such requirement. Presently, 540 of the 2,622 teachers in Bhutan are Dzongkha teachers. Moreover, most of the national teachers in the primary schools are able to teach Dzongkha to the lower classes. The Secretary said that there is no shortage of Dzongkha teachers. In fact, when the 20 Dzongkhag Administrations projected their requirement of additional teachers this year, out of the total requirement of 280 teachers only 17 requirements were for Dzongkha teachers. Nevertheless, the Education Division posted 49 new Dzongkha teachers who graduated from the Teachers Training Institute (TTC) in Paro this July. With about 200 Dzongkha Language Teachers expected to graduate from the Simtokha Rigney School and the TTC over the next few years, the Education Division expects a surplus of Dzongkha teachers.

The Secretary also informed the members that the Royal Government has been making considerable effort to promote Dzongkha. A Dzongkha Development Commission under the Chairmanship of the Hon'ble Finance Minister and comprising the Dorji Lopen, six ministers and six senior officials was established by His Majesty the King in 1986. Since then, the Commission made much progress in developing Dzongkha and promoting its use throughout the country. The Education Division has also made Dzongkha a compulsory subject from PP Class to Class XII, and students today can read and write Dzongkha much better than before. On the command of His Majesty the

King last year, Dzongkha is now going to be taught in Sherubtse College at the degree level.

The Secretary assured the people's representatives that preservation and promotion of tradition and culture, which constitute an essential element of Bhutan's unique national identity, is one of the most important national objectives. To fulfil this objective, the Education Division is making every effort to educate the Bhutanese youth about their rich cultural heritage and traditions while they are still in school. While most of the teachers in the past were expatriates, more and more national teachers have been trained and inducted. Bhutanese national teachers now comprise 78% of all teachers in the country. The school curriculum which used to be based on those of other countries has also been revised to make it more relevant to Bhutan. In keeping with His Majesty the King's directives, the Education Division has developed a new curriculum along with new textbooks for primary and high schools written by Bhutanese educationists. Students are now able to learn Bhutanese history and understand Bhutan's rich culture, traditions and value system. The Secretary assured the people's representatives that there is no need to be concerned about the promotion of the national language and the appreciation of the Bhutanese youth for their rich cultural heritage.

The people's representatives from Trashigang, Bumthang, Paro and Thimphu Dzongkhags expressed their views on the importance of promoting Bhutanese traditional learning and literature. Some of the people's representatives expressed regret that many Class X passed students are not only averse to writing in Dzongkha but their ability to write good Dzongkha is also very weak. They felt that it was not enough for the students to be able to just read and write Dzongkha and called upon the Education Division to ensure that the standard of Dzongkha in schools is improved. Others suggested that instead of maintaining English as the medium of instruction in the schools, as many subjects as possible should be taught in Dzongkha. Some of the people's representatives suggested that in order to meet any shortage of Dzongkha teachers before the new Rigney School is commissioned, Gomchens and ex-monks who have the potential can be trained as Dzongkha teachers. Others suggested that at the beginning of the daily class routines in the schools, a period of traditional teachings can be included to teach students the values and concepts of love and loyalty, mutual obligations, good morals, and right conduct as a member of society. Also, since the majority of officials and executives in government service and the private sector have been educated in English medium schools, it will be useful to make them write and

communicate as much as possible in Dzongkha. Other people's representatives, noting that in many schools there are only one or two Dzongkha teachers compared to 20 to 30 other teachers, called for the number of Dzongkha teachers to be increased. Also, there being not many people in the villages who are able to read and write Dzongkha well, it is necessary to find various ways to promote Dzongkha throughout the country.

Speaking on the issue, the Finance Minister, in his capacity as the Chairman of the Dzongkha Development Commission, assured the people's representatives that the Royal Government has been fully aware of the points covered in the views and suggestions they had just expressed. Accordingly, as already submitted by the Secretary, Education Division, various steps have been taken to promote Dzongkha in the schools in keeping with government directives. He informed the members that it is the responsibility of the Dzongkha Development Commission to develop and promote Dzongkha. To this end, the Commission has been writing and revising Dzongkha text books for all the schools. Between 1991 and 1995, the Commission wrote 61 different Dzongkha text books which have been printed and distributed to all primary schools, high schools and junior colleges in the country. The Commission will be writing and completing 25 more Dzongkha text books by next year. Over the past three years, the Commission has distributed 500 Dzongkha typewriters to the Dratshang, Rabdeys and government offices. The Commission is also developing computer software for Dzongkha.

The Finance Minister informed the Assembly that the Commission has ensured that all sign boards in the towns and along the roads are written in Dzongkha. Receipts and forms for financial transactions are also printed in Dzongkha. The Commission has also issued a notice in May this year that all appointment orders and circulars, and internal written communication will be in Dzongkha. Moreover, all the laws and Chathrimis are written and printed in Dzongkha. The Finance Minister reported that over the past decade, the Dzongkha language has developed to a comparable degree with languages of other countries. He assured the people's representatives, that every effort will be made by the Dzongkha Development Commission to further develop Dzongkha.

The National Assembly decided that the Education Division will start work on the new Rigney School in Tashiyangtse during the 7th Plan period and ensure that it is completed within the 8th Five-Year Plan. It was also decided that every effort must be made to promote Dzongkha in the schools and offices, both in government departments and in the private sector. The National Assembly emphasised that the Dzongkha Development

Commission and the Education Division had a vital role to play in promoting Dzongkha.

## **7. Bus service**

The people's representative of Tewang Gewog in Punakha Dzongkhag submitted that bus accidents have been taking place frequently due to several factors such as narrow roads, overloading, steep slopes and poor maintenance. Between Paro, Thimphu and Punakha alone there were three major accidents in the recent past which resulted in 40 passengers being killed and over 100 being injured. Although the government has been sparing no efforts to widen roads and take other preventive measures to avert accidents, the people would like to suggest that instead of allowing big six-wheeler buses to ply, accidents would be greatly reduced if only mini-buses are allowed to operate.

Several people's representatives pointed out that while mini-buses may be convenient for passengers who do not have baggages to carry, it would pose problems for those who travel with a lot of loads. Since there is only a limited number of seats in a mini-bus, the number of mini-buses will also have to be increased to accommodate the passengers. So it would be better to continue with the existing type of buses.

Other people's representatives, while insisting that the regular buses should be continued, suggested that in addition to widening of roads by the government, the concerned Dzongkhag authorities should carry out frequent inspections to check the fitness of buses and to see that overloading is not done. Some people's representatives observed that one of the causes of bus accidents was overloading due to passengers bringing too much baggage and loads. They suggested that trucks should be used by the bus owners to carry the baggage of the passengers separately. Other people's representatives pointed out that there was a substantial difference in the fares of mini-buses and regular buses plying between Thimphu and Phuentsholing. While mini-buses may be convenient for those who can afford the fares they are not beneficial for the general public. Also, since mini-buses cannot carry much baggage and load, it will be inconvenient for passengers to send their baggages and loads separately by truck. They suggested that the regular buses should be continued for the time being.

The Deputy Minister of Communication informed the people's representatives that in order to reduce accidents on the bus routes, the bends on the roads from Thimphu to Punakha, Wangdiphodrang to Tsirang and Samdrupjongkhar to Mongar are being

widened. In keeping with His Majesty the King's command to find ways to reduce and avert accidents, all buses are checked for fitness before they start the journey and surprise checks are carried out enroute to see if there is any overloading. One of the reasons why the concerned Dzongkhag administrations have been authorised to allow additional buses to ply whenever necessary is to prevent overloading.

The Deputy Minister said that since all the bus accidents in the past three years had occurred due to the fault of the drivers, His Majesty the King had commanded that all bus drivers should be given special training. He said that the drivers training programme will be conducted from October, 1995. The Deputy Minister also pointed out that if the regular buses are replaced by mini-buses, their numbers will have to be increased greatly to accommodate the passengers, and this would raise the chances of more accidents taking place. The increase in fare will also affect the general public. It would be much better to continue with the regular buses, he said. If and whenever mini-buses are preferred by the people, they can be commissioned after consulting with the concerned Dzongkhag administrations.

The discussion on this issue was concluded with the people's representative of Tewang Gewog expressing his appreciation to the Ministry of Communication for all the measures being taken to prevent and reduce bus accidents.

## VI. ISSUES RELATED TO NGOLOP PROBLEM

### 1. **Outside agencies providing assistance to the ngolops should be given clear information and true facts about the ngolops**

The people's representatives of Lhunsi Dzongkhag and the representative of Khibisa, Lajab and Tshangkha gewogs in Dagana Dzongkhag pointed out that in the past few years people from the southern Dzongkhags had emigrated and left the country despite repeated appeals made by the government not to leave. These people even ignored the personal appeals made to them by His Majesty the King through his Kashos and when he visited the southern Dzongkhags to meet the emigrants and asked them not to leave the country. They even threatened local authorities and other villagers who tried to discourage them from emigrating and left for Nepal after taking Kidu Soilra. Lhotshampa civil servants who have stolen government funds also absconded to Nepal while other Lhotshampas had left after terrorising and robbing the villagers. After going

to Nepal, these people have registered themselves as refugees by claiming to have been forcefully evicted and making other false allegations against the Royal Government. The people's representatives said that they are shocked that these people have been given refugee status by international organizations and that their cause is being supported by the Nepalese government. If they had been forcefully evicted they would have stayed across the border in India. Why go all the way to Nepal? Many of these people who are registered in the refugee camps in Nepal have been sneaking back into the country to carry out terrorist acts such as murder, rape, armed robbery and destruction of development facilities. Such terrorist acts by the ngolops have been going on for several years now. The people's representatives asked the government to clearly inform all the foreign agencies providing assistance to the ngolops about the serious crimes being constantly committed by these people. They said that the Nepalese government and international organisations like the UNHCR should reconsider their position on this issue on the basis of the true facts.

The Home Minister acknowledged that there was much substance to the points raised by the people's representatives of Lhunsi and Dagana Dzongkhags. Despite all the efforts made by the government to dissuade them, most of the Lhotshampas who had applied to emigrate had left the country for Nepal. Many of these people have since been coming back to carry out terrorist raids inside Bhutan, he said. Giving a summary of the terrorist activities perpetrated upto August, 1995, the Home Minister informed the National Assembly that the ngolops had committed 68 confirmed murders and 960 cases of dacoity and armed robbery. They had burnt down or destroyed 66 private houses, hijacked 62 vehicles and destroyed another 36. They had also physically attacked and injured 664 Bhutanese nationals and carried out 65 ambushes and attacks on the security forces and government officials. The Home Minister also informed the members that 112 terrorists had been apprehended and handed over to the police by the village volunteers in the southern Dzongkhags.

The Home Minister said that the terrorists and ngolops are persons who have stolen government funds, have incurred large loans and debts or were involved in criminal activities while they were in Bhutan. The reason why all those who leave Bhutan go straight to Nepal is because the ngolop leaders have been telling them to come to the refugee camps where they will receive free food and housing, free education for their children, free health facilities and even free kerosene oil and soap, he said. They are also provided free transport from Bhutan to the camps in eastern Nepal. All it takes for them

to be accepted in the camps in Jhapa, is to be of Nepalese origin and to declare they are Bhutanese refugees. As a result of this, many unemployed and destitute ethnic Nepalese from Nepal and the nearby areas have congregated in the camps in eastern Nepal claiming to be Bhutanese refugees. Among this group of people claiming to be Bhutanese refugees are many labourers brought from Nepal and the neighbouring areas by the Nepalese Baidars to work in Bhutan on development projects and who have since returned. The Home Minister agreed that it is indeed very important to apprise all outside agencies helping the ngolops about these facts.

The Home Minister informed the members that several non-governmental organisations, some UN agencies and a few countries are involved in giving assistance to the people in the refugee camps in eastern Nepal. Some of them are extending assistance out of genuine humanitarian concern while some are doing so to proselytise their own faith, and some others for political reasons. All of them are now aware that there are people in the refugee camps in Nepal who are not really Bhutanese, he said. The Nepalese government is also aware of this fact. However, the Nepalese government and the concerned organisations continue to extend their support because they find it difficult to withdraw after being involved in establishing and running the camps over the last four years. The Home Minister assured the people's representatives that the Royal Government has been making every effort to keep the agencies and organisations involved in the refugee camps properly informed about the true facts regarding the ngolops and their activities.

The people's representatives of Lhunsi and Dagana Dzongkhags said that while they could understand the position of the concerned organisations if the people in the camps had been forced to leave Bhutan, they are utterly shocked that people who refused to remain in the country when His Majesty the King himself had repeatedly appealed to them not to leave have been given refugee status and are receiving assistance from these organisations and the Nepalese government. They once again emphasised the need to properly apprise these agencies and the Nepalese government about the true facts regarding the ngolops.

The Samtse Dzongda informed the people's representatives that since he took office in Samtse in 1992, about 400 Lhotshampas from his Dzongkhag had emigrated and left for Nepal despite all efforts to dissuade them from leaving. After registering themselves in the refugee camps in eastern Nepal, some of these people have been coming back to carry out terrorist activities in the Dzongkhag. He also informed the Assembly that over

20 Indian journalists and 14 Western journalists have visited Samtse Dzongkhag to see the true situation for themselves. Members of international organisations and non-governmental organisations, and officials from foreign embassies have also visited Samtse. They have all seen and studied the situation and know the true facts, including whether people have been forcefully evicted or not. For instance, in May 1994, 269 persons from Dorokha Dungkhag came to Samtse and insisted on emigrating to Nepal despite every effort by all of us in the Dzongkhag Headquarters to persuade them to withdraw their applications, he said. Even after reading to them a Kasho sent by His Majesty the King appealing to them not to leave and exempting all rural taxes for three years to all those who withdrew their applications, only 32 persons accepted His Majesty's Kasho and stayed back. All the others left for Nepal. Journalists and NGO members who have met these people and interviewed other emigrants and their neighbours know whether they were forced to leave or left of their own free will. He agreed with the people's representatives that it is indeed shocking to see the Nepalese government and the concerned outside agencies according refugee status and giving assistance to people who have emigrated from the country despite every effort to persuade them to stay back, especially when many of these very people have been coming back to carry out terrorist activities inside Bhutan.

The representative of the Bhutan Chamber of Commerce and Industry reminded the National Assembly that in October, 1991, Prime Minister G.P. Koirala of Nepal had clearly stated in a BBC interview that in 1952 he had helped to organise the first attempt by the Lhotshampas to rise against the Royal Government of Bhutan which had given them shelter and Kidu when they came to the country without any possessions to their names. It is very significant also, he said, that the relatives of some of the ngolop leaders today were involved in this attempt organised by the former Prime Minister of Nepal. Persons carrying out ngolop activities as well as those who have been taking Kidu Soilra and emigrating have all been going straight to Nepal because they are being given full support and encouraged to come there. It is important that these facts are explained clearly to all those who are extending assistance to the ngolops, he said.

Speaking on the issue, the Foreign Minister assured the people's representatives that the countries and international organisations and agencies giving assistance to the people in the refugee camps in Nepal have been kept informed about the true facts regarding the ngolops. He said that one of the main reasons why some of the organisations are extending assistance to the people in the camps is to proselytise and convert as many of them as possible in return for free handouts of food and clothing, free education and

health facilities, and other incentives. He informed the members that more than 3,000 people in the camps have already been converted to Christianity. Some of the organisations and countries involved in giving assistance to the people in the camps are doing so for political reasons and others because all the people in the camps are ethnic Nepalese, he said.

The Samdrupjongkhar Dzongda recalled that in February 1992, His Majesty the King toured all the villages in Bhangtar, Daifam and Samrang by foot to meet with the Lhotshampas who had applied to emigrate and appealed to them to stay back. While these people assured His Majesty that they would not leave, the moment His Majesty returned to Thimphu they all insisted on emigrating and pressed for their applications to be processed without delay. Members of the media and foreign organisations who have visited southern Bhutan are fully aware of the true facts since they have carried out their own study of the situation and have also observed the emigration procedures and seen all relevant records and documents. Since some international organisations and countries are giving assistance to these people who have left Bhutan on the basis of their false allegations against the Royal Government, it is necessary to make them understand that there are really no grounds at all for treating these people as refugees, he said.

The National Assembly resolved that the Royal Government must make every effort to clearly brief the international agencies and countries extending assistance to the people in the refugee camps in Nepal about the ngolops and their true motives and activities. The National Assembly also resolved that when the Nepal-Bhutan talks are held, the Nepalese government must also be clearly briefed about the above views and concerns expressed by the people's representatives.

## **2. Relatives of ngolops and employment in government service**

The people's representatives of Lhunsi Dzongkhag, Serti, Louri and Orong gewogs in Samdrupjongkhar Dzongkhag, Nanong, Lumang, Merak, Sakteng, Radhi, Khaling and Uzurong gewogs in Trashigang Dzongkhag, Drakteng gewog in Trongsa Dzongkhag, and Thangrong and Silambi gewogs in Mongar Dzongkhag submitted the views of the people of their constituencies on the continued employment of relatives of ngolops in government service. They said that the relatives of the ngolops are like the seedlings of bad fruits. They can never be trusted since they maintain close contact with their relatives in Nepal and, as such, have one foot inside the country and the other outside.

The people's representatives also pointed out that instead of sending these people out, the government has continued to employ the relatives of ngolops and also given them financial assistance and support to do business. There have been many cases of Lhotshampa officials stealing government funds and leaving the country. There have also been cases of Lhotshampas who have not returned after going abroad for further studies and training. While these are the facts, the ngolops have been constantly making false allegations that the government has been discriminating against the Lhotshampas. As submitted earlier during the 72nd Session of the National Assembly, the people once again submit that all relatives of ngolops should not be employed in government service.

The people's representatives of Tong gewog in Zhemgang Dzongkhag, Dogar and Humrel gewogs in Paro Dzongkhag, and Chubu and Gooma gewogs in Punakha Dzongkhag also submitted the views of the people on this issue. They reminded the other members that senior Lhotshampa officials who had stolen large amounts of government funds and fled to Nepal had shamelessly alleged that the Royal Government has been discriminating against Lhotshampas and terminating them from government service. The relatives of ngolops are a constant threat to the country and they cannot be trusted in government service. They must not be given any responsible posts or jobs involving financial matters. Nor should they be considered for promotions. Lhotshampas going for trainings, meetings or seminars must be carefully screened before they are sent. The people's representatives emphasised that this is a matter which must be given careful thought and consideration by the government.

The people's representatives of Samtse Dzongkhag, Geta gewog in Chukha Dzongkhag, Khar gewog in Pemagatsel Dzongkhag, and Zomey and Talo gewogs in Punakha Dzongkhag also submitted the views of the people on this issue. They pointed out that while the relatives of the ngolops continued to be employed in government service and carry out business activities without discrimination, the ngolops in the camps in eastern Nepal have been making all sorts of malicious and false allegations against the Royal Government. The ngolops have also been inflicting untold suffering on the people in the villages of southern Bhutan through their constant terrorist raids. Most of these terrorist acts are being carried out by the ngolops who have their relatives inside the country and are passing information to them. Because they maintain close contact with each other, the relatives of the ngolops who are inside Bhutan are a constant security

threat to the country. Therefore, all relatives of the ngolops should be sent out of the country.

Speaking on the issue, the Deputy Minister, Royal Civil Service Commission (RCSC), said that he fully understood and appreciated the concerns expressed by the people's representatives about the continued employment and appointment of relatives of ngolops in the civil service and the proposals regarding their retention in service, appointment in sensitive posts, and screening for appointments and trainings. He said that the concerns expressed by the people were not unfounded as many Lhotshampa civil servants had absconded from the country since 1990 to join the ngolops, and the leaders of almost all the ngolop groups in Nepal are former civil servants. The repeated calls by the people's representatives not to promote Lhotshampas or send them abroad for training and to stop employing relatives of ngolops is understandable in light of the fact that many Lhotshampa civil servants have absconded after stealing large amounts of government funds and assets and also taken important documents with them.

The Deputy Minister said that while he shared the concerns of the people, the Royal Government has always followed one policy for all Bhutanese and in keeping with this policy, the induction, training and promotions of civil servants by the RCSC has been based purely on merit. Despite the ngolop problem in southern Bhutan, and the considerable risk and embarrassment to the Royal Government over the past five years on account of Lhotshampa civil servants absconding, the RCSC has, on the command of His Majesty the King, not resorted to any discriminatory measures against the Lhotshampas. Out of 11,793 Bhutanese in the civil service today, 3,179 are from southern Bhutan, he said. Since 1990, 1,061 Lhotshampas have been inducted into the civil service and 784 Lhotshampa civil servants have been promoted by the Ministries and the RCSC. 441 Lhotshampas have been sent abroad for training out of which 59 are students sent to study in professional fields. On the other hand, the Deputy Minister said, 465 Lhotshampa civil servants have absconded during the same period, many of them with large amounts of government funds and assets, and hundreds have resigned to join the ngolops. Seven Lhotshampas sent abroad for higher studies did not return to the country. Such actions by Lhotshampa civil servants and students have been a source of much disappointment to the Royal Government and constant embarrassment both at home and abroad. The Royal Government educated and trained these people at great cost with the hope that they would contribute to the progress and development of the country, the Deputy Minister said. By absconding or resigning and leaving in such large

numbers, these Lhotshampa civil servants have not only harmed His Majesty the King's policy and vision of bringing the Lhotshampas into the national mainstream but they have also brought about immeasurable loss in terms of skill and experience.

Being as concerned as the people about the continued employment of the relatives of ngolops in government service, the RCSC decided several times to retire all immediate family members of the ngolops from government service. However, on each occasion the RCSC decision was over-ruled by His Majesty the King on the ground that no civil servant should be dismissed unless he or she has violated the Civil Service Rules and Regulations. The Deputy Minister said that while the RCSC is making every effort to properly screen all applicants inducted into the civil service and civil servants considered for promotions and trainings, it is difficult to know a person's true feelings and intentions. As such, some element of risk will always remain. Nevertheless, in keeping with the directives of His Majesty the King, the RCSC will not adopt any discriminatory policy towards the relatives of the ngolops and will continue to provide equal opportunity to all citizens for employment, promotion and trainings. The Deputy Minister said that it is his fervent hope and prayer that the Lhotshampas, including those in the civil service, will in turn prove themselves to be loyal citizens so that the aspiration and vision of His Majesty the King to build a strong, united and prosperous Bhutan will be fulfilled.

The Sarpang Dzongda informed the National Assembly that in the course of his tours of the villages in Sarpang, the people had categorically told him that if the relatives of ngolops are allowed to remain in the country, they cannot visualise the ngolop problem in southern Bhutan ever being resolved. The people had told him that the time had now come to remove the relatives of ngolops from the midst of loyal citizens and send them out of the country as milk should not be diluted with water. According to the people in his Dzongkhag, there are many cases of parents taking Kidu Soilra and emigrating while the children remain in the country and parents remaining behind while the children have left. There are even cases of husbands leaving and wives staying behind, and wives leaving and husband, staying back. There are also cases of Kidu Soilra being given to the family members staying behind, and those leaving transferring their property in the names of family members staying back. The people had told him that the constant contact between those staying behind and their relatives in the camps in Nepal is a serious security threat.

The Dzongda said that members of the Dzongkhag Yargay Tshogchung and the Gewog Yargay Tshogchungs are hesitant to raise this issue because they are immediately targeted for attack by the ngolops. For instance, a DYT member from Hilley gewog who informed the DYT about the movement of the ngolops had his house blown up the very next day and was himself injured by the ngolops. The Dzongda also narrated an incident of an elderly woman who had given food and shelter to three terrorists. When she was questioned after the incident became known, she had said that she felt obligated to give food and shelter to the terrorists since one of them was her own son. The Dzongda also said that threat letters were sent to those who had apprised His Majesty the King during one of his meetings with the people about the difficulties faced by them on account of the ngolops and their terrorist activities. The people are living in constant fear because of the threats and terrorist attacks by the ngolops. The Dzongda said that in his view also the ngolop problem is not likely to be resolved if the relatives of the ngolops are allowed to continue staying in the country. Since “blood is thicker than water”, he did not see why the bonds between the ngolops and their relatives should not be stronger than the feelings these people have for the country.

The people’s representative of Gelephu informed the National Assembly that some of the ngolops who had left for Jhapa, Nepal, after carrying out terrorist activities and disrupting development activities in the Dzongkhag have been coming back frequently to meet their relatives who have stayed behind. In the course of these visits they have not only been taking information back and forth but have also been terrorising and robbing our villagers, he said. In view of their role in prolonging the ngolop problem, all relatives of the ngolops must be sent out of the country.

The people’s representatives of Ha, Paro, Mongar, Trongsa and Chukha Dzongkhags also expressed strong views on the issue one after another. Some of the people’s representatives pointed out that the people had repeatedly called for all relatives of ngolops to be dismissed from government service right from the 71st Session of the National Assembly, and they were again calling for all ngolop relatives to be removed from government service. Other representatives said that the National Assembly had the power to decide on any measure and policy that will remove the ngolop problem once and for all. As one of the measures necessary to remove the ngolop problem is to ensure that the relatives of the ngolops do not stay in the country, they said that the National Assembly must take a decision to send away all relatives of the ngolops. Other people’s representatives said that since the relatives of the ngolops are passing information to

their relatives in the camps in Nepal and pose a constant security threat, all of them must be sent out of the country.

Intervening in the debate, His Majesty the King said that not only the people but the Royal Civil Service Commission had also wanted to dismiss the relatives of ngolops from government service and they had taken a decision to do so several times. However, His Majesty had over ruled their decisions and no relatives of ngolops have been dismissed from the civil service till date. His Majesty asked the National Assembly members to keep in mind that any action taken against civil servants whether they are relatives of ngolops or not must be governed by the Civil Service Rules and Regulations. His Majesty also reminded the members that it is a serious violation of the law and a punishable offence to force any Bhutanese citizen to leave the country.

The Speaker reminded the people's representatives that while the views and concerns expressed by them regarding the relatives of ngolops were true and reflected the feelings of the people, the responsibility for resolving the ngolop problem had been entrusted to His Majesty the King by the people with the prerogative to take whatever decisions he deemed necessary to remove the problem. Therefore, the question of dismissing relatives of ngolops from government service or sending them out of the country should be dealt with in accordance with His Majesty the King's decision and policy on the matter. Regarding promotions and responsibilities to be given to Lhotshampa civil servants and sending them for trainings and meetings, the Royal Civil Service Commission should exercise proper care and carry out thorough screening as proposed by the people's representatives.

The National Assembly resolved that the issue of removing the relatives of ngolops from government service or sending them out of the country should be dealt with in accordance with His Majesty the King's policy and decision. Regarding promotions and responsibilities to be given to Lhotshampa civil servants and sending them for trainings and meetings, it was resolved that the Royal Civil Service Commission shall exercise the greatest care and carry out proper screening of the concerned civil servants.

### **3. Extradition of Rongthong Kinley**

The people's representatives of Lhunsi, Pemagatshel, Mongar, Trashigang, Punakha, Sarpang, Trashiyangtsi, Zhemgang, Samdrupjongkhar, Wangdiphodrang, Thimphu and Paro Dzongkhags, and the representative of the Bhutan Chamber of Commerce and

Industry made 14 submissions on behalf of the people of 36 gewogs calling for Rongthong Kinley to be extradited from Nepal and punished without leniency for subversive activities.

The people's representatives of Wangdiphodrang, Punakha, Thimphu and Paro Dzongkhags, and the representative of the Bhutan Chamber of Commerce and Industry said that Rongthong Kinley had left the country and joined the ngolops in Nepal. He then established a subversive party called Druk National Congress with himself as president and has been spreading baseless allegations of human rights violations in Bhutan. He has been attempting to create misunderstanding between the government and the people by falsely claiming that the people of eastern and western Bhutan support his subversive activities. However, nobody believes a single word of the malicious lies spread by him in an attempt to erode the pure bond that exists between the government and the people.

The people's representatives pointed out that Rongthong Kinley is a person who has received much Kidu from the government. His children were educated by the government and he himself was assisted by the Ministry of Trade and Industry and awarded a coal mining lease at Bhangtar, Samdrupjongkhar for several years. Instead of repaying the bank loans taken for this project, he did not even pay the royalty and taxes due from him. Contrary to the terms of the contract, he stole and sold coal in Assam and West Bengal. Since he failed to make any of the payments due from him or even submit accounts, his mining contract was terminated. Realizing that it was difficult for him to repay the many loans he had taken he fled the country. The people strongly condemn Rongthong Kinley for spreading false and malicious allegations against the Royal Government of Bhutan. They request the Royal Government to talk with the Nepalese government and extradite Rongthong Kinley following which he must be given capital punishment.

The people's representatives of Trashigang, Mongar, Trashiyangtse, Pemagatshel, Lhunzhi and Zhemgang said that the country had been enjoying peace and happiness due to the blessings of the Guardian Deities, the farsighted leadership of His Majesty the King and the good fortune of the people when the ngolop problem in southern Bhutan arose. The people strongly condemn Rongthong Kinley and Tenzin Gawa Zangpo for attempting to take advantage of this problem to promote their own vested interests by also launching subversive activities against the Tsa-Wa-Sum. The representatives said

that most of the people of the eastern Dzongkhags did not know Rongthong Kinley and had not even heard his name before. According to those who knew him he had married the widow of Trashigang Dzongpon, Sonam Tobgyel, and thereafter, attached the name of her village, Rongthong, to his name. That is how he came to be called Rongthong Kinley although he was neither born and raised in this area nor was his name listed in the census register of Rongthong gewog in Trashigang. The people's representatives called for the prefix "Rongthong" to be deleted from his name in the Assembly records as it insulted the area that he did not belong to, and to, henceforth, have him referred to only by his real name Kinley Dorji. In any case he is no longer married to the Dzongpon's widow, having divorced her after he had gambled away most of her wealth and assets. Kinley Dorji is an irresponsible person who spent most of his time indulging in heavy gambling sessions. He neglected his business ventures and never bothered to repay the large loans he had taken to finance them.

Just like the horse that kicks the person who has fed it, Kinley Dorji has repaid the government for helping him in his business ventures and educating his children by joining the ngolops. He has been attempting to create ill feelings among the people of Bhutan and misunderstandings between the government and the people in his efforts to subvert the established system of government. The representatives said that the people of the eastern Dzongkhags are greatly outraged with Kinley Dorji for his audacity in claiming to have their support, and they dismiss his claims with utter contempt. The representatives said that a ngolop like Kinley Dorji should not hope for the support of the people of the eastern Dzongkhags even in his wildest dreams.

The representatives reiterated the people's pledge of total support and loyalty to the Tsa-Wa-Sum. They also requested the government to apprise the National Assembly about any course of action that may have been decided regarding Kinley Dorji's false and treacherous allegations against both the government and the people. They said that the people of the eastern Dzongkhags strongly condemned Kinley Dorji and called for every effort to be made to extradite him and Tenzin Gawa Zangpo and award them both capital punishment.

The Home Minister acknowledged that there was much substance to the condemnation of Rongthong Kinley Dorji voiced by the people's representatives and their call for him to be extradited and punished as per the laws of the country. He distributed a brief write-up on the background of Kinley Dorji and his accomplices for the information of the members.

Kinley Dorji is the son of Khen Mamung Khotso from Zhemgang Dzongkhag, said the Home Minister. As the people's representatives had pointed out he was a habitual gambler, so much so that most people knew him as Tasi Kinley (Cardplayer Kinley). In the late 1960s, he moved to Samdrupjongkhar looking for business opportunities. He obtained large loans from the Bank of Bhutan and the Royal Insurance Corporation of Bhutan and received trade and business licences to set up agencies in salt, rice, cement, and beer dealership. He established weaving, brick making, and stone crushing units. He also received licenses for export of forest products, coal mining, construction, transportation, hotel and travel agency. He, however, misused much of the large loans he had taken from the financial institutes and business associates to indulge in his compulsive gambling habits and love of the good life and did not manage his business properly. He even misused the Drezhu (contribution) money for the maintenance of the Zangtopelri Lhakhang at Samdrupjongkhar. Eventually, his debts swelled to Nu. 10,115,345.35. In order to avoid having to pay this huge debt, Rongthong Kinley devised a devious scheme whereby he established contact with the Lhotshampa ngolop leaders and assured them that he would mobilize the people of eastern Bhutan to support their subversive activities.

Based on reliable evidence of his subversive activities, Rongthong Kinley was detained on May 18, 1991 for further investigations which established that he had indeed carried out treasonable acts against the Tsa-Wa-Sum. Although he was liable to the severest punishment under the law of the land, His Majesty the King granted him royal pardon on July 5, 1991 with the hope that he would appreciate the magnanimous gesture and in view of the fact that amnesty had also been granted to many Lhotshampa anti-nationals. In appreciation of the royal pardon, Rongthong Kinley signed of his own free will an undertaking in the presence of the Chief Justice, the Deputy Home Minister, the Royal Advisory Councillor from Kurtoe and his younger brother Pema Wangdi who was then the Director of Home Ministry, pledging that he would never indulge in any activity against the Tsa-Wa-Sum. He declared his willingness to face any punishment under the laws of the land if he failed to honour the undertaking signed by him. However, he left the country for Nepal in August 1991. Once in Nepal, he projected himself as an influential and successful businessman and made baseless outcries of human rights violations in Bhutan to cover up his own shortcomings and misdeeds. On June 21, 1994, he launched a subversive party called the Druk National Congress with himself as Chairman and about 25 office bearers and members. The names and backgrounds of

some of these associates, most of whom had stolen government funds and absconded were given in the brief write-up.

Rongthong Kinley is a two faced person, said the Home Minister. He recalled that, in one of the large public meetings in Samdrupjongkhar during His Majesty the King's tours to meet the people and discuss development programmes with them, Kinley Dorji had praised His Majesty and the previous kings at great length. As the people's representatives from Samdrupjongkhar and the government officials who attended the meeting will recall, he spent so much time on making these praises that His Majesty had to intervene and remind him to confine himself to speaking about development matters as the purpose of the meeting was to discuss development programmes to promote the welfare of the people. Recalling his praises for His Majesty the King at that time and seeing the malicious allegations in the subversive literature he has been distributing, the government officials are as amazed as the people at the false and treacherous character displayed by Rongthong Kinley, said the Home Minister.

His objective is now clear to everyone. He is attempting to foment misunderstandings between the government and the people and undermine the image of the Royal Government through his false and malicious allegations. By joining hands with the ngolop leaders in Nepal he hopes to thereby overthrow the Royal Government and assume an important position in Bhutan. Among other things, he sees this as a way to avoid having to pay the huge debts accumulated by him. Rongthong Kinley and his associates are all birds of a feather who have stolen government funds or defaulted against loans and have resorted to subversive activities against the Tsa-Wa-Sum as a way out for escaping the consequences of their misdeeds, said the Home Minister. Rongthong Kinley is a chronic gambler, a conman, a defaulter of large loans and a ngolop to his King, country and people. As such, there is no need for the National Assembly to have an extended discussion on such an insignificant person like Rongthong Kinley, said the Home Minister.

The Home Minister reported to the National Assembly that Rongthong Kinley falls under Category 4, "Bhutanese who have committed criminal acts", of the four agreed categories of people in Nepal as accepted by the Ministerial Joint Committee during the ongoing Bhutan-Nepal talks. He also informed the members that there were many cases registered against Rongthong Kinley including one case by R.B. Basnet who was then the Director of Revenue & Customs and is now the President of the Nepal based party

called BNDP. There are two cases registered against Rongthong Kinley in the Samdrupjongkhar District Court, one case in the Mongar District Court and four cases in the High Court. The Home Minister assured the members that the arm of the law is long and that the ngolop Rongthong Kinley will be brought to justice in due course of time.

The people's representatives, the representative of the Bhutan Chamber of Commerce and Industry, Royal Advisory Councillors and representatives of the government all made repeated interventions on the issue. Some members said that Rongthong Kinley had not only caused heavy losses due to his loan defaults but he had been making malicious and false allegations against the government to erode the strong and pure bond between the government and the people. They said that the National Assembly must discuss the matter thoroughly and decide on a course of action to extradite Rongthong Kinley and his associates to Bhutan and award them capital punishment.

Other members said that Rongthong Kinley Dorji's children and close relatives should be made to clear the dues of more than Nu. 10 million owed by him to the government, financial institutes and private individuals. Others suggested that although there is no extradition treaty between Bhutan and Nepal, possibilities of extraditing him on the grounds of the civil cases of loan defaults pending against him in the Court should be explored. If that is not possible, the Foreign Ministry and the Home Ministry should raise the issue of his extradition during the Bhutan-Nepal talks. They reiterated that a treacherous man like Rongthong Kinley must be extradited and punished. Some of the people's representatives from the eastern Dzongkhags, expressing their outrage with Kinley Dorji for attempting to involve the people of the eastern Dzongkhags in his devious scheme to avoid paying the debts accumulated by him, also insisted on his extradition.

Other people's representatives said that the issue of extraditing a worthless person like Rongthong Kinley is not important enough to be deliberated any further in the National Assembly. The Speaker also reminded the members about the Home Minister's clarification that Rongthong Kinley's case would fall under Category 4 of the four agreed categories of people accepted by the Ministerial Joint Committee in the course of the Bhutan-Nepal talks.

The National Assembly condemned Rongthong Kinley Dorji and his party. It was decided that the extradition of Rongthong Kinley and his associates should be taken up with the government of Nepal in conjunction with the outcome of the Bhutan-Nepal talks on the problem of the people in the refugee camps in Nepal.

#### **4. Ban on return of people who have left the country**

The people's representatives of Samtse Dzongkhag, Norbugang, Dalim, Bakuli and Hastinapur gewogs in Samdrupjongkhar Dzongkhag, and Kalikhola, Sarpangtar, Leopani, Hilley, Dovan, Gelephu, Bhur, Taklai, Sershong and Surey gewogs in Sarpang Dzongkhag submitted the views of the people on those who had left the country.

Although the people had called for a ban on the return of all those who had left the country and the issue was discussed during the 71st and 72nd Sessions of the National Assembly and resolutions also adopted, the representatives said that this point was being raised once again by the people because they felt very strongly about the matter. Following the establishment of the camps in eastern Nepal where free food, housing, health, education and other facilities were given, without proper verification, to any person claiming to be a Bhutanese refugee, many Lhotshampas had applied to emigrate and left for Nepal. His Majesty the King appealed many times to the Lhotshampa emigrants not to leave the country. He issued Kashos exempting rural taxes, Goongda Woola and taxes on the sale of oranges and cardamom to encourage them to stay and even visited the villages in the south to meet these people and personally explain to them the disadvantages of leaving the country. However, these people refused to listen even to His Majesty the King and left for Nepal after taking Kidu Soilra.

After reaching Nepal, they all claimed to have been forcefully evicted from Bhutan and made malicious and false allegations against the Royal Government. Many of them have also been coming back into the country to terrorise and raid the innocent villagers in the south.

The people's representatives said that the people are very upset to hear that ngolops who have blown up and destroyed schools, health centres, bridges and other service facilities have hopes of returning to the country. The people cannot stand the thought of such persons returning even in their dreams. It is very important for all members of the National Assembly to realise that the real reason why these shameless ngolops wish to return is not to live peacefully and earn a livelihood but to launch insurgency and

overthrow the Royal Government. It must, therefore, be ensured that, in keeping with the law, all those who have left the country must never be allowed to return.

The people's representatives of Yangtse and Bumdeling gewogs in Trashiyangtse Dzongkhag, Khar and Yurung gewogs in Pemagatshel Dzongkhag, Nanong, Lumang, Merak, Sakteng, Radhi, Khaling, Shongphu and Uzurong gewogs in Trashigang Dzongkhag pointed out that all those who left the country are either terrorists, persons who stole public funds or those who applied to emigrate and left. Everyone knows that the intentions of these people are to subvert the country. The loyal citizens of Bhutan cannot stand the thought of having such people living in their midst. The people, therefore, request the government to ensure that all those who have left the country are never allowed to return.

The people's representatives of Tsirang and Samtse Dzongkhag recalled that instead of appreciating the many development facilities given by the government for the progress and prosperity of the Lhotshampa people, the ngolops in southern Bhutan had turned against the Tsa-Wa-Sum in 1990. All loyal citizens were threatened by the ngolops to join them or they would have their heads cut off. Offices and development centres were closed down or blown up and destroyed. Ghos and kiras were forcibly stripped off people and burnt, and all those supporting the government were threatened for being "Bhotay Chamchas". As a result of the outbreak of the ngolop problem in southern Bhutan in 1990, the people have been facing great difficulties.

The representatives said that all those who have since left the country are ngolops, including the people who applied to emigrate and left. From the time when Lhotshampas first applied to emigrate, His Majesty the King made repeated appeals to them to stay back. His Majesty not only travelled to the southern Dzongkhags to meet and appeal to them personally but he also issued Kashos exempting the Lhotshampa people from Goongda Woola and rural taxes. These Kashos were not only read out and explained by the Dzongda in the Dzongkhag Yargay Tshogchungs but also translated into Nepali and distributed to the people. However, these people refused to listen to all appeals. They sold their land and property, insisted on having their emigration applications processed, submitted written statements to the Dzongkhag Courts that they were emigrating of their own free will, took Kidu Soilra and left the country. After leaving, they claimed to have been forcefully evicted. The representatives said that the people are very upset to hear that these shameless persons and the terrorists who have

inflicted untold suffering on the people have hopes of returning. The people are also upset to hear that the Nepalese government also wishes to send these persons back to Bhutan. The people, therefore, reiterate their call to ban all persons who have left the country from ever returning.

The Samdrupjongkhar Dzongda recalled that His Majesty the King visited the villages in Bakuli, Dalim and Samrang in February 1993 to meet and explain to the Lhotshampa emigrants the disadvantages of leaving their country. His Majesty had pointed out that, although free food and housing may be available in the camps in eastern Nepal at the time, such facilities would not be available forever. So by leaving the country, they would, in the long run, be making life very difficult for themselves. Although the emigrants assured His Majesty that they would not leave the country, the moment His Majesty returned to Thimphu, they all insisted on leaving. They sold their cattle and other property, including materials from their houses which they dismantled, and left in trucks already arranged from Assam to pick them up and take them to Nepal. It was found that these emigrants had been in close contact with the people in the camps in eastern Nepal and had made plans to leave the country and join them. As seen also by the Gups and National Assembly members of Samdrupjongkhar, these emigrants had dismantled the pipes from irrigation schemes and CGI sheets from development centres and sold these materials across the border in Assam before leaving. Such people who have left the country must not be allowed to come back, said the Dzongda.

The Sarpang Dzongda informed the Assembly that every effort had been made by the government to dissuade emigrants from leaving. Applicants were even given daily allowances sanctioned by the government while strenuous efforts were made to persuade them to stay back. Despite all efforts these people refused to stay back and left for Jhapa, Nepal. Many of these people who had left for Nepal have been coming back to carry out terrorists raids in different parts of the southern Dzongkhags, he said. In Sarpang alone the ngolops have carried out 389 terrorist raids, injuring 250 people, and the identities of the perpetrators of these crimes are also known. Just about two weeks ago, the house of one of the villagers in Sarpang, Bhim Prasad Phuyel, was raided for the fourth time by the terrorists. Bhim Prasad Phuyel was shot and injured and is still undergoing medical treatment in the hospital. Eight schools, six health centres and 10 Forest Department offices in Sarpang Dzongkhag have been destroyed by the ngolops. Agriculture and animal husbandry centres and gewog offices have also been destroyed. The irrigation scheme in Taklai, the biggest such scheme in Bhutan, and UNICEF

assisted rural drinking water supply systems have also been destroyed by the ngolops. The Dzongda informed the members that the perpetrators of these terrorist acts are mostly people from the camps in Jhapa, Nepal. Village volunteers in Sarpang had upto now apprehended 49 terrorists during raids on villages who were all found to have come from the refugee camps in Nepal. He submitted that all those who left the country and then come back to terrorise and rob the people must never be allowed to return.

The Dzongdas, Royal Advisory Councillors and people's representatives all made repeated interventions to emphasise that those who have left the country must never be allowed to return. These people had left despite every effort made by the government to dissuade them from emigrating, including exemption of rural taxes, goongda woola and exemption of cash crop taxes which was given only to the Lhotshampas to encourage them to stay back. After reaching Nepal they claimed to have been forcefully evicted and made other baseless and malicious allegations against the Royal Government. It is not possible for such people, who have turned against the Tsa-Wa-Sum and left the country, to co-exist with loyal citizens again. Not only must these people never be allowed to return, but all those who have been helping them and are still in the country must be sent out, keeping in mind the saying, "evil must be rooted out so that good can flourish".

The Minister for Trade and Industry said that the views of the people's representatives on the issue must be given full consideration. He pointed out that the real objective of the ngolops in the camps in eastern Nepal is to overthrow the Royal Government and undermine the Bhutanese tradition and culture and way of life. Leave alone hundreds or thousands, not even one person from the camps must be allowed to return, he said. Since they have gone to a country of their choice to enjoy human rights and democracy, they should be happy to continue staying there.

The Home Minister said that the representatives of the people and the government had clearly highlighted the difficulties and hardship caused by the ngolop problem in southern Bhutan and the suffering inflicted on the villagers by the continued terrorist activities. Indeed, everyone is aware of this and how those Lhotshampas who emigrated and left for Nepal refused to stay back despite the appeals from His Majesty the King and the efforts of the Dzongkhag officials and the Dzongkhag Yargay Tshogchung members to dissuade them from leaving. He informed the Assembly that it has now been established that the terrorist attacks inflicted on the innocent villages in the

southern Dzongkhags are carried out by persons from the refugee camps in eastern Nepal. Village volunteers in the southern villages have caught and handed over to the police 112 terrorists who have come from the camps in Jhapa, Nepal, he said. He also informed the members that there are 1,661 persons in the camps in eastern Nepal who have committed various crimes and against whom charge sheets have been prepared for registering in the Court.

The Home Minister pointed out that many relatives of ngolops and those who have left the country continue to be employed in government service and live in the villages. If the government has been evicting people as alleged by the ngolops, the first persons to be sent out should be the relatives of ngolops and those who have left the country. As for the question of banning the return of people who have left the country, this was debated during the 71st and 72nd Sessions of the National Assembly, and resolutions also adopted. The Home Minister also informed the members that His Majesty the King had made it very clear that if there are any Bhutanese citizens in the camps in Jhapa, Nepal, who have been forced to leave the country, they will be accepted as Bhutanese refugees and the Royal Government will take full responsibility for them.

The National Assembly decided that there was no need to adopt a separate resolution on banning the return of people who have left the country as the resolutions adopted during the 71st and 72nd Sessions on the same issue should stand in force.

## **5. Bhutan-Nepal talks**

The people's representatives of Samtse and Bumthang Dzongkhags, Drametsi, Ngatshang and Chaksikhar gewogs in Mongar Dzongkhag, and Shelngana and Bemey gewogs in Punakha Dzongkhag submitted that the Royal Government, keeping in mind both the short and long term interest of the country, should from the very outset not even discuss the question of allowing any of the people in the refugee camps in eastern Nepal to come to Bhutan. Those who have left Bhutan and joined the ngolops in these camps did so of their own free will. The people have been dismayed to learn from radio and newspaper reports that the Bhutan-Nepal talks did not progress well because the Nepalese government wanted to send all the people claiming to be Bhutanese refugees back to Bhutan. Since this is the intention of the Nepalese government there is no reason to continue the talks and the people would appreciate it if further talks on the issue are not held.

The people's representative of Dagapela Dungkha in Dagana Dzongkhag pointed out that the anti-nationals carrying out terrorist raids in southern Bhutan have been coming from the refugee camps in Nepal. These are the very people who have left Bhutan of their own free will and were then given refugee status by the UNHCR and the Government of Nepal. It seems that the Nepalese government is not at all bothered about preventing people in the refugee camps from going to Bhutan to carry out terrorist activities. If the Nepalese government is sincere about a fruitful outcome of the Bhutan-Nepal talks, they should not allow people registered as refugees in Nepal to carry out terrorist activities in Bhutan. If terrorist activities by the so-called refugees continue like this, the Nepalese government and the UNHCR should be held responsible as the refugee camps in Nepal will have to be considered the base for these activities. The people would like to request the government to focus on this issue during the next round of the Bhutan-Nepal talks.

The people's representatives of Mewang, Gyene and Dagala gewogs in Thimphu Dzongkhag, Tong and Nangkhor gewogs in Zhemgang Dzongkhag, and Samar gewog in Haa Dzongkhag said that although the first five rounds of the Bhutan-Nepal talks had made progress, they had learnt from the radio and Kuensel that the 6th round of talks had not gone well. The people would, therefore, like to receive a briefing on the Bhutan-Nepal talks.

The Home Minister distributed a written report on the Bhutan-Nepal talks and briefed the National Assembly. He informed the members that following the outbreak of ngolop activities in southern Bhutan in 1990, 234 persons claiming to be Bhutanese refugees reached Nepal in January, 1991. In August 1991, the Nepal government formally invited the UNHCR to provide assistance to these persons, and when the UNHCR commenced giving food and shelter from September 1991 there were still only 304 persons claiming to be Bhutanese refugees.

When the number of people increased to 6,000 by the end of 1991, His Majesty the King told Prime Minister G.P. Koirala of Nepal during their meeting in Colombo that many of these people were neither refugees nor Bhutanese. When His Majesty requested Prime Minister Koirala not to allow people claiming to be Bhutanese refugees to enter Nepal, as it would provide opportunity for many destitute and unemployed ethnic Nepalese to congregate in the camps for free handouts, he replied that he could

not comply with the request as it would hurt the sentiments of the Nepalese people and the political parties would criticise him.

After exchanging communications through diplomatic channel, it was decided that a ministerial level joint committee would be set up to discuss and resolve the problem of the people in the refugee camps in eastern Nepal. The first ministerial level talks between the two governments were held in Thimphu in July 1993 during which a Ministerial Joint Committee was established with a three point mandate to resolve the problem.

During the first meeting of the Ministerial Joint Committee which was held in Kathmandu, the two sides agreed that there are four categories of people in the refugee camps in eastern Nepal. During the third meeting of the Ministerial Joint Committee a Mechanism for Joint Verification of the people in the camps was agreed. The fourth meeting discussed the harmonisation of the two government's positions on the four categories. Although agreement of positions was negotiated on three of the categories, the Nepalese delegation said they had problems on the second category "Bhutanese who emigrated" and the positions could not be harmonised.

The fifth meeting of the Ministerial Joint committee was held with the new government in Kathmandu. Although general agreement was reached on Category 2, the Nepalese delegation had problems with harmonising positions on Category 3 "Non-Bhutanese people". During the sixth meeting held in Thimphu, the Bhutanese delegation accepted most of the amendments proposed by the Nepalese side and came very close to working out an agreement. However, the Nepalese delegation introduced a new dimension by saying that the problem was between the Royal Government of Bhutan and the people in the camps so Bhutan should take all these people. Regrettably, it was then agreed that the matter should be discussed again during the next meeting.

On May 3, 1995, His Majesty the King met with Prime Minister Adhikari of Nepal during the 8th SAARC Summit held in New Delhi. His Majesty presented a set of documents to the Nepalese Prime Minister containing proposals to resolve the problem. After the meeting, the Prime Minister told His Majesty that he now had a better understanding of the problem. He said he would respond to His Majesty on the proposals after consulting with his cabinet colleagues. The Home Minister informed the

members that copies of the documents given to the Nepalese Prime Minister were included with the brief on the Bhutan-Nepal talks distributed to them earlier.

Following the briefing by the Home Minister, the people's representatives, and the Chairman and Councillors of the Royal Advisory Council expressed their views on the Bhutan-Nepal talks. Some of them pointed out that not much progress had been made in the talks because the Nepalese side had been frequently changing their positions on points that had already been agreed upon and they had also introduced new elements, thus rendering the talks quite meaningless. The members pointed out that the refugee camps were established by the Nepal government, and the people going to these camps from Bhutan all left the country of their own free will. If the Nepalese government thinks that this issue is not their concern, there is no need for Bhutan also to have any concern over the matter.

Some of the members said that, in the course of completing six rounds, the talks had to be postponed several times because of the Nepalese government. Since it appears that the Nepalese government is not keen on finalising the dates for the next meeting, there really seems no point in continuing the talks.

The representative of the Bhutan Chamber of Commerce and Industry and the people's representatives of Paro Dzongkhag wondered why it is only now that the Nepal government is saying that the problem is between the people in the camps and the Royal Government of Bhutan. If that is the case why did they agree to hold talks or not take this position when the talks started? Seeing how they have taken this position at this juncture, after four years of bilateral talks, it appears that the Nepal government is not interested in resolving the problem of the people in the camps in eastern Nepal.

The Deputy Minister, Royal Civil Service Commission and other people's representatives said that although there may be a change of position every time there is a change of government in Nepal, if any talks are to be held it should continue to be with Nepalese government. Under no circumstances should the Royal Government even consider holding talks with the people in the camps claiming to be Bhutanese refugees.

One of the people's representatives from Punakha Dzongkhag pointed out that just as "birds roost on trees which catch their attention and the trees are made to bend by the force of the wind", the Lhotshampas who left Bhutan despite all efforts to persuade them to stay back, went to Nepal since they were attracted by the free food, housing and

other benefits available in the refugee camps established by the Nepal government. The Nepalese government knows why the Bhutan-Nepal talks have not been fruitfully concluded till now. Since there is no reason for the Royal Government to talk with the people in the camps, there is also no reasons for the talks to continue.

The people's representatives of Tsirang Dzongkhag pointed out that there is no ground for the Nepal government and the concerned international organisations to give credence to the claims of forceful eviction by those who have gone from Bhutan to the camps in Nepal. If these claims are true why have the majority of Lhotshampas who continue to live in the country and work in government service and the business sector, and on their farms in the villages not been mistreated and evicted also? There are also many cases of parents who have left the country while the children continue to live in Bhutan. How could that be possible if the allegations of the ngolops are true? For instance, Bishnu Bhakta Misra, a student in Kanglung college was listed by his parents in their application to emigrate. When the application was processed, Bhisnu Bhakta told the Dzongda that he was born and raised in Bhutan, loved his country, and did not want to leave with his parents. His name was removed from the application and Bishnu Bhakta Mishra is today undergoing teachers training at the National Institute for Education in Samtse. If eviction was being carried out what more convenient reason could there be than to send out a person whose own parents had applied for his emigration? The representative said that there is no need to give much thought to the outcries of people who refused to live happily in Bhutan and are now barking like stray dogs after they have left. If the Nepal government, although fully aware of all the facts, is not interested in the talks, we do not see why our government should show any special interest either, he said.

Other people's representatives expressed outrage at the Nepal government's statement that the problem is between the people in the camps and the Royal Government of Bhutan so talks should be held directly with them. They pointed out that there is no reason for the Royal Government to talk with the people in the camps nor did they see any need under the circumstances to pursue the bilateral talks with the Nepal government.

His Majesty the King informed the National Assembly that although newspapers had quoted the Deputy Prime Minister of Nepal as saying that the people in the camps and the Royal Government should hold talks directly as the problem is between them and not with the Government of Nepal, there has been no official communication from the

Nepalese government indicating they do not wish to continue the bilateral talks. As such, His Majesty asked the members not to give too much credence to what is written in the newspapers. While the Royal Government will continue to attach importance to holding bilateral talks with the Government of Nepal, talks will never be held with people claiming to be Bhutanese refugees. His Majesty said that the Royal Government attaches great importance to maintaining good relations with a close neighbour like Nepal. We must continue with the bilateral talks and make every effort to find an early solution to the problem of the people in the refugee camps in eastern Nepal, His Majesty said.

The National Assembly, taking note of the fact that the people had entrusted His Majesty the King with the responsibility of resolving the ngolop problem in southern Bhutan along with the prerogative to take whatever decisions he deemed necessary, resolved that in keeping with His Majesty the King's views on the issue, the Bhutan-Nepal talks should continue and every effort should be made through bilateral talks to find a solution to the problem of the people in the refugee camps in eastern Nepal.

## **6. RBP Patrolling**

The people's representatives of Samtse submitted that while village volunteers had curtailed the terrorist activities of the ngolops and the frequent patrolling by the Royal Bhutan Police had also helped to minimize terrorist raids, cases of terrorist attacks still continued to take place. The people of Samtse Dzongkhag, therefore, requested for patrolling by the RBP to be intensified.

The Chief Operations Officer of the Royal Bhutan Army, Goongloen Gongma Lam Dorji said that he fully shared the concerns of the people. The continued terrorist attacks on innocent people are a constant source of concern and worry to the security forces. He said that the enforcement of law and order and protection of lives and property of the people is the primary responsibility of the police. In order to enable the police to fulfil this task, His Majesty the King had sanctioned the strength of the Royal Bhutan Police to be increased. As compared to its size in 1991, the strength of the Royal Bhutan Police has since been increased by 100 percent.

As everyone is aware, the area in the south is widely spread out and it is very easy for the ngolops to enter and exit, said the Goongloen Gongma. Although it is very difficult

to anticipate when and where the terrorists will carry out their attacks, the police have been trying to cover as many areas as possible. The Goongloen Gongma assured the people's representatives that the Royal Bhutan Police will continue to do their best to safeguard the security of the people.

The people's representative who raised the point thanked the Goongloen Gongma for his clarification and assurance regarding the security of the people.

## **7. Presence of ngolops in the north**

The people's representative of Wangchang gewog in Paro Dzongkhag submitted that due to the blessings of the Guardian Deities and the wise leadership of His Majesty the King, the country has not been affected by any great problems so far. He expressed the hope and prayer that the system of hereditary monarchy which has provided peace and stability to the country will continue to flourish. As for the present ngolop problem, we must keep in mind the saying "if evil is not rooted out, the good cannot flourish", he said. Thorough investigations must, therefore, be carried out to remove those ngolops who have infiltrated in the northern Dzongkhags. Such measures will reduce ngolop activities and prevent similar problems in the future, he said.

Responding to the point, the Home Minister said that the possibility of ngolops infiltrating the northern Dzongkhags to carry out subversive activities cannot be ruled out. Keeping in mind the saying "a tiger's stripes are on the outside while the true intentions of a person are inside", the Dzongkhag administrations, the Census and Immigration Division and the Royal Bhutan Police have not been complacent about this possibility and have been working very conscientiously to safeguard the security of the country. The Home Minister pointed out that one of the most important factors for ensuring the security of the country is for the people, Gups and Chimis to work together closely with the concerned authorities to strengthen security in their Dzongkhags. Accordingly, any citizen who sees a suspicious person or ngolop who had left the country in the villages and towns should report the matter immediately to the Chipon, Gup or Chimi who in turn should report immediately to the Dzongkhag authorities and the police. If such prompt actions are taken, the security of the villages, gewogs and Dzongkhags will be strengthened. The Home Minister reminded the members that decisions had been passed on this matter during the 71st and 72nd sessions of the National Assembly also, and if everyone worked together accordingly, both the present well-being and the future security of the country will be safeguarded.

The people's representative of Chang and Kawang gewogs in Thimphu Dzongkhag said that it is the responsibility of every Bhutanese from the Ministers down to the villagers to ensure the security of the country. We must not leave everything to be done by our beloved King, he said. If all of us work together with one mind no problem can arise to threaten the security of the country. Regarding the present ngolop problem he noted that all the leaders of the ngolops are former government officials. This indicated that senior officials of the government had been quite lax in their vigilance and sense of responsibility. He said that from now onwards it is very important for government officials and the people to keep in mind the need to be alert enough to distinguish an enemy from a friend. We must all work together to ensure the security of the country, and if necessary, be prepared to place the interest of the country before our own lives, he said.

The National Assembly resolved that it is very important for the government and the people to work together to detect the presence of ngolops who may have infiltrated in the northern Dzongkhags. All concerned should work towards this end in keeping with the resolutions passed by the 71st and 72nd sessions of the National Assembly on this issue.

## **8. Militia training**

The people's representatives of 19 gewogs in Trashigang, Paro and Trongsa Dzongkhags called for militia training to be imparted to the people to strengthen the security of the country. When the ngolop problem arose in 1990, the people, recognising the importance of protecting the security of their country, volunteered for militia service and called for military training to be imparted to them. Although many volunteers received training and some have served in the south, there are volunteers who were too young to receive training in 1991. The representatives requested for militia training to be imparted to all the volunteers in the gewogs so that they can serve with the other trained militia volunteers to protect the security of the country in times of difficulties.

The Chief Operations Officer of the Royal Bhutan Army, Goongloen Gongma Lam Dorji, expressed his appreciation to the people for their concern and commitment to protect the security of the country which was reflected in their request for militia

training to be resumed. Ever since the ngolop problem in the south began, the people had come forward with tremendous feelings of loyalty and support to protect the security of the Tsa-Wa-Sum, and many volunteers came forward for militia training from all the Dzongkhags. This wholehearted support of the people was a source of pride and strength to all of us in the armed forces, said the Goongloen Gongma, as it reflected the unity, solidarity and loyalty we all share for our King and country.

The Goongloen Gongma informed the Assembly that 9,895 of the 38,230 volunteers who had come forward in May 1991 were imparted militia training. Out of those trained, 4,864 were deployed on a rotation basis in the disturbed areas in the south along with the regular soldiers. They all discharged their duty with loyalty and dedication. For our part, the Royal Bhutan Army also, in keeping with His Majesty the King's command, extended to the militia volunteers all the benefits admissible to soldiers including pay and allowances, rations, clothing and welfare benefits.

The Goongloen Gongma also informed the members that 48 graduates and young civil service officers who came forward to protect the security of their country and volunteered for militia service were given a six month officer training course at Haa Wangchucklhodzong. After completing their training in December 1991, and being commissioned as short service officers, they served with loyalty and dedication together with the regular army officers upto February 1995.

The Goongloen Gongma informed the Assembly that an additional expenditure of Nu. 280.39 million was incurred on account of mobilising, training and deployment of the militia volunteers. This expenditure was met from the assistance given by the Government of India and by utilizing the Army Welfare Fund of more than Nu. 300 million. The Goongloen Gongma said he was happy to report that not a single Ngultrum had to be diverted from the development budget or from the national exchequer to meet this additional expenditure for ensuring the security of the country.

The Goongloen Gongma informed the members that the induction and deployment of militia volunteers in the south had been discontinued for the time being since January 25, 1995 on the command of His Majesty the King. The 48 militia officers were also discharged on March 1, 1995 to rejoin their respective ministries and departments. They will, however, do a two weeks refresher course every year. The Goongloen Gongma

expressed his deep appreciation to the militia officers and the militia volunteers for the loyalty and dedication with which they had come forward and served their country at a crucial time. They discharged their duties with a deep sense of devotion and dedication and made a valuable contribution towards preserving the security of the country, he said.

The Goongloen Gongma pointed out that the request by the people to resume militia training is a reflection of their readiness and commitment to serve and protect the Tsa-Wa-Sum. This is a source of great confidence and encouragement to us in the armed forces and we pledge our determination to protect the security of the country at any cost, he said. While the army is fully prepared to resume militia training as and when the situation warrants, the immediate task before the RBA is to implement His Majesty the King's command to increase the strength of the armed forces by three additional wings before the end of the current financial year. As reported to the National Assembly during the 72nd Session, two wings have already been raised, one at Samtse in 1993 and the other at Gelephu in 1994. The third wing, to be located at Samdrupjongkhar, is expected to be raised by the end of this year, said the Goongloen. The RBA has been selecting the most fit and able-bodied young volunteers to meet this additional requirement for the new wing and recruits to replace those who are retired and sent on pension. To this end, we have been receiving the full cooperation of the Dzongkhags and henceforth also we would like to request the Dzongdas, Gups and Chimis to help us recruit young able-bodied volunteers for the army, said the Goongloen Gongma.

The Trashigang Dzongda noted that although 892 volunteers from his Dzongkhag were given militia training in 1991, out of these trained militia volunteers, the effective strength is somewhat reduced due to some of these volunteers having developed health problems or being downgraded in fitness by the RBA. In view of this, the Gewog Yargay Tshogchungs and the Dzongkhag Yargay Tshogchungs had decided to request for militia training to be resumed in order to maintain and strengthen the security of the country. Further, it has been observed that all those young volunteers who had received training and served with the security forces had developed a good sense of discipline and confidence, and have become capable persons who can contribute to the development of their gewogs. They had also developed smarter personalities and achieved an improved living standard due to the many benefits they received while in service. In view of all this, the people have requested for militia training to be resumed by the Royal Bhutan Army even though it may entail considerable expenditure, said the

Dzongda. Regarding any difficulties that may be faced by the RBA in recruiting additional manpower, so long as the RBA apprises the Dzongdas and does the recruiting in close touch with them, there would be no difficulties in mobilising able-bodied young volunteers.

The National Assembly resolved that in view of the importance of maintaining and strengthening the security of the country, the Royal Bhutan Army shall give priority to training militia volunteers, despite the additional expenditure it may entail, as and when it is warranted by the situation in the country.

## **9. Firearms for village volunteers**

The people's representatives of Deorali, Nichula, Kalikhola, Singey, Dovan and Leopani gewogs in Sarpang Dzongkhag submitted that terrorist activities have been increasing every year in their Dzongkhag. As the terrorists are now invariably armed with guns, the task of the village volunteers in safeguarding their villages has become very risky and difficult. The lack of firearms has rendered the village volunteers ineffective and helpless when faced with armed terrorists. The people of Sarpang, therefore, once again request the government to issue firearms to the village volunteers and to the Gups and Chimis.

The Home Minister pointed out that the request for issuing firearms to village volunteers had been discussed during the 72nd Session of the National Assembly. As reflected in Section V-9 and Section X of the resolutions, it was decided that while the issuing and use of firearms should be in keeping with the Firearms and Ammunition Act, there were serious problems and implications in issuing firearms to village volunteers and it was, therefore, not feasible to issue them firearms.

The Home Minister said that there are some outside organisations which are going out of their way to find faults and criticise the Royal Government. Even the village volunteers have been strongly condemned and their actions in protecting the lives and property of the people in their villages have been questioned. As many of our members are aware, Amnesty International in its 1995 report had criticised the village volunteers of Dungyegaon under Surey geowg for having killed three out of seven terrorists raiding their village, without making any attempt to capture them. They also criticised the Royal Government for not taking any action against the village volunteers. The Royal

Government had explained to Amnesty International that the three terrorists had been killed in self defence when the village volunteers attempted to apprehend them and their accomplices in the raid on the village. As per Section PHA 1-6 and BA 1-3 of the Thrimshung Chhenpo, there is no punishment liable for any death resulting from a person acting in self defence.

This incident was investigated by a team of police investigators. It was revealed that a group of terrorists from the Khadunabari refugee camp in Jhapa, Nepal had come to raid the villagers. These terrorists had tied up Mrs. Hari Maya, wife of Balaram Katel, poured kerosene on her and threatened to burn her if she did not reveal the family's money and jewellery. The terrorists robbed her of Nu. 72,060 and 3 tolas of gold. When the village volunteers, who had arrived on the scene as they were leaving, followed and attempted to capture the terrorists, three of the terrorists, Naresh Rai, Budhiman Rai and another were killed in the encounter while the others escaped.

The Home Minister said that under the present conditions, with such terrorist attacks continuing unabated, if firearms are issued to the village volunteers it would help them greatly in protecting the lives and property of the villagers.

Several people's representatives submitted that the request for firearms made during the 72nd Session was being made again because the Lhotshampa people were facing great difficulty in defending their lives and property against the terrorists. Recalling a saying "the death of one evil person may save the lives of a hundred innocents", the people's representatives said that if one or two terrorists are killed it would deter terrorist raids and greatly benefit the security of the general public. They said that if firearms could be issued after working out the criteria and regulations for their issue and use, it would greatly help in ensuring the security of the people.

Other people's representatives pointed out that when the security forces are under strict instructions from His Majesty the King not to use firearms unless under direct attack, it would not be a good idea to issue firearms to the village volunteers. The use of firearms by the village volunteers can result in incidents which may be used to criticise and embarrass the Royal Government. Moreover, these firearms could fall into the hands of the ngolops and be used against our own people. As such, it would be better not to issue firearms for the time being.

The representative of the Bhutan Chamber of Commerce and Industry submitted that it is not possible for most of the members to fully understand the great suffering and

difficulties inflicted on the Lhotshampa people by the terrorists. By not issuing firearms as requested by the people it will only further encourage the terrorists and will not contribute towards resolving the ngolop problem. Instead of hesitating on the issue, firearms should be given as requested by the people with a view to help remove the terrorist problem in southern Bhutan, he said.

Some people's representatives said that while it is true that the Lhotshampa people are facing constant threats, difficulties and problems, and since Bhutan is a country deeply steeped in Buddhist values, the distribution of firearms should not be encouraged.

One of the people's representatives from Tsirang Dzongkhag said that the Lhotshampa people were requesting for firearms not out of any desire to kill people. He said that as citizens of Bhutan, they too appreciated the deep religious values of the country. While some of the members may have read about the difficulties faced by the Lhotshampas from the constant terrorist raids and other members may have heard about it, none of the members have experienced what great sufferings we are going through, he said. Most of the members have not suffered the pain and shame of having to helplessly watch wives and daughters being raped, and old parents and relatives being beaten and humiliated. That is why some of the members have said it is not necessary to issue firearms. It is easy for international organisations and foreign governments to talk about human rights and the risks of issuing firearms, but this does not help to alleviate our sufferings, he said. We wonder how much anyone knows of the sufferings we are going through. If firearms are issued, the very knowledge that the villagers have guns will deter and reduce the number of terrorist attacks, said the people's representative from Tsirang.

The Royal Advisory Councillors and several people's representatives said that although they have not personally experienced and witnessed the terrorist attacks, they fully understood the suffering the Lhotshampa people were going through. While they agreed that the continued raids by the terrorists justified issuing firearms, they also pointed out that soldiers and police were posted in the disturbed areas to help protect the lives and property of the Lhotshampa people. Even the Forest Guards in the southern Dzongkhags were also there to help the people. At the same time, the risk of firearms falling into wrong hands must always be kept in mind. When black is still not fully distinguishable from white and parents cannot trust their children, it would be better not to issue firearms for some time. Instead, the security force and the police should be strengthened

and all concerned government organisations should carefully consider the best course of action on this issue.

The Dagana Dzongda informed the members that terrorists caught by the village volunteers have confirmed that they are from the refugee camps in Nepal. He pointed out that no matter how many times these terrorists kill, beat up, rob and terrorise innocent victims, no international organisation or non-governmental organisation had written or voiced one word of criticism. On the other hand, when village volunteers defending their lives and property happen to kill one or two terrorists raiding their villages, these organisations have voiced loud criticisms and distributed their critical reports extensively. He said that Amnesty International and the UNHCR are fully aware that most of the terrorist activities inside Bhutan are carried out by persons who are registered in the refugee camps in Nepal. Yet, it is these organisations that are extending full support and assistance to the people in these camps. In view of this, rather than we having to issue fire-arms to protect the lives of our people against the terrorists, it would be better for these organisations to ensure that the ngolop terrorists they are looking after are not allowed to come to Bhutan. Even if firearms are issued to the Lhotshampas it will help to protect only a limited number of people. Therefore, instead of issuing firearms, it would be better to give the full responsibility to the Nepalese government and the foreign organisations helping the terrorists to ensure that these terrorists do not come to Bhutan.

The people's representative of Nanong and Lumang in Trashigang Dzongkhag said that these organisations keep criticising whatever measures Bhutan takes to resolve the ngolop problem while they have nothing to say about any of the crimes and atrocities committed by the ngolops. These organisations act as if we have sold our human rights to them and that human rights is their private possession and monopoly, he said. They criticise us even when people who have committed crimes and violated our laws are imprisoned. He said that taking into consideration the security problems faced by the Lhotshampa people, firearms should be issued.

Another people's representative from Tsirang Dzongkhag said that while it is true that the security forces are extending all possible support to the people, they cannot cover all the villages and reach in time to help villagers in far flung areas who are attacked by the terrorists. With more and more terrorists armed with guns attacking our people, life has become even more difficult for the Lhotshampa villagers, he said. Recently 10 terrorists

armed with guns raided Gairigaon village, tied up the villagers and beat them up before robbing them of their money and valuables. Just the knowledge of having a firearm in the house would greatly help the villagers, he said. He requested that out of consideration for the security of the Lhotshampa people, even if firearms cannot be issued as requested it would be a great Kidu if firearms could be given to those living in remote villages and to the Gups and Chimis.

The Chief Operations Officer of the Royal Bhutan Army pointed out that this point had been discussed during the 72nd Session of the National Assembly. Also, during the 142nd meeting of the Lhengyel Shungtshog on 11 October, 1993 when the Home Ministry proposed giving firearms to the Gups and Chimis of the southern Dzongkhags, His Majesty the King had been pleased to direct the army to procure arms and ammunition for issue to the 108 Lhotshampa Gups and Chimis. However, after a long deliberation, the Lhengyel Shungtshog decided that it was not advisable to issue firearms because of the possibilities of the firearms falling into the wrong hands, being misused, mishandled or stolen. As such, it is not feasible to issue firearms for the time being, he said.

The Speaker said that although the request for issuing firearms to Lhotshampa Gups and Chimis had been discussed during the 72nd Session of the National Assembly, the issue had been raised once again because of the genuine difficulties faced by the people in the southern Dzongkhags. He noted that while some of the members recommended not to issue firearms, other members suggested firearms should be issued as requested in view of the difficult prevailing situation. However, going by the Firearms and Ammunition Act and taking into account the implications of issuing the firearms, it may be better to defer a decision on this issue for the time being, suggested the Speaker.

His Majesty the King acknowledged that the reasons given by the Lhotshampa people's representatives for firearms to be issued were very genuine. The various justifications given by the members for and against issuing firearms deserved to be carefully considered. The real issue, however, is the untold suffering that our innocent Lhotshampa villagers are going through, said His Majesty. The Sarpang Dzongda has already informed the members about the terrorist raids and attacks inflicted on the people in his Dzongkhag. Till date, 960 households had been attacked by the terrorists and 664 persons had been attacked and injured. Although the problems and risks

highlighted by the army in issuing firearms are genuine, in view of the great suffering and difficulties faced by our Lhotshampa people, it will be very beneficial if firearms are given to the Lhotshampa Gups and Chimis living in high risk areas, His Majesty said. His Majesty suggested that the Home Ministry and the Royal Bhutan Army draw up a comprehensive report on the modalities and rules governing the use of firearms, and recommended that the National Assembly decide on issuing non-military firearms to the Lhotshampa Gups and Chimis for their security.

The National Assembly decided that in consideration of the great difficulties faced by the Lhotshampa people and in keeping with His Majesty the King's suggestion, the Home Ministry and the Royal Bhutan Army should draw up a comprehensive report on the modalities and rules governing the use of firearms and submit it to the Lhengyel Shungtshog following which firearms should be issued to the Lhotshampa Gups and Chimis living in high risk areas.

#### **10. Role of Nepal government**

The people's representative of Surey Gewog in Sarpang Dzongkhag submitted that it is common knowledge that the people who left the country were attracted by the facilities and support given by the Nepal government. Ever since the ngolop problem in southern Bhutan began, Radio Nepal has been disseminating false propaganda on a continuous basis, he said. People who are registered in the camps and living under the care and control of the Nepal government have been coming in groups to Bhutan and constantly attacking our villagers year after year, of which we have abundant proof and evidence. If this situation is allowed to continue unabated by the Nepal government, it will harm the existing relationship between our two countries, he said.

His Majesty the King informed the members that he had always stressed the importance of strengthening the age-old ties of goodwill and friendship between Bhutan and Nepal. The members of the Bhutanese delegation to the Bhutan-Nepal talks had also repeatedly apprised His Majesty the King of Nepal and the Nepalese officials about the great importance we attach to strengthening the traditionally friendly ties between our two countries, said His Majesty. The Nepalese government in turn had also expressed their desire to improve and strengthen the close ties between Nepal and Bhutan.

The Home Minister said that the concerns of the people of Surey are shared by all Bhutanese. The false propaganda and baseless allegations spread by the ngolops are not only carried by Radio Nepal but also by the Nepalese press. It is a fact that most of the terrorists attacking and terrorising our villagers in the south have been coming from the camps in Jhapa, Nepal. Although a friendly country should not condone such activities launched from its soil against its neighbour, for our part the Royal Government has been constantly reminding the Nepalese government that we attach the greatest importance to further strengthening the age-old friendly ties between our two countries. Regardless of whether they are helping the ngolops or not, in view of the fact that 112 terrorists caught by the village volunteers in the south have come from the refugee camps in eastern Nepal and they have given details of their names, hut numbers and camp numbers in the refugee camps, there is a need for the Nepalese government to think more positively and investigate these activities by the ngolops in the refugee camps, said the Home Minister.

The people's representative of Surey gewog expressed his appreciation for the clarification given by the Home Minister about the Royal Government's efforts to improve and strengthen Bhutan-Nepal relations.

## **11. Identification of people**

The people's representative of Chapcha gewog in Chukha Dzongkhag submitted that the ngolop problem in the south has been continuing unabated because those ngolops who are apprehended and handed over to the police have been continually receiving amnesty from His Majesty the King. Such people may pass secret information and important documents to the ngolops. In September 1990, the ngolop uprising in the five southern Dzongkhags took place within hours of the same day at a time when communication facilities were not so good as today. Unlike the ngolop uprising of 1952 and 1990 by the Lhotshampas, there is a danger now of full-scale armed insurrection. As the saying, "take preventive measures before the calamity can strike", we should send out all the relatives of ngolops from the country, he said. A thorough screening of the many different types of people in Thimphu having no work and responsibility should also be carried out.

The Home Minister said that while efforts are being made to screen the people living in Thimphu, it is not an easy task. Apart from tourists, there are many expatriates working in Bhutan who live in Thimphu and whose relatives also come to visit them. The Home Minister said that out of 1,685 ngolops granted amnesty by His Majesty the King, some

are living in the country while others have gone to the refugee camps in Nepal, claiming to be refugees. Regarding the proposal to send out relatives of ngolops, we must keep in mind the immigration and citizenship laws of the country and the resolutions of the 71st and 72nd Sessions of the National Assembly and act accordingly, he said. The Home Minister assured the members that the Census and Immigration Division, and the Royal Bhutan Police, keeping in mind the security of the country, have been working very hard in checking the entry of outsiders into Bhutan.

The representative of the Bhutan Chamber of Commerce and Industry, and the people's representatives of Chukha Dzongkhag, Mewang, Gyene and Dakarla gewogs in Thimphu Dzongkhag pointed out that if the whereabouts and proper identification of relatives of ngolops are not carried out, there is every danger of these people passing on information to the ngolops and armed insurrection arising in the future as submitted by the people's representative of Chapcha gewog. They said that the responsibility of differentiating black from white should not be left to the government alone. All the people, through loyalty and dedication, must cooperate very closely with the Census and Immigration Division, the police and the Dzongkhag authorities to identify the persons who pose a security threat to the country. The Chimis emphasised that in order to achieve this objective, it is very important for the people to match their words with deeds.

The National Assembly decided that identification and screening of people should be carried out in accordance with the laws of the country and the past resolutions of the National Assembly. It was also decided that the people's representatives shall apprise the people of their constituencies about the importance of being vigilant and taking the responsibility of ensuring the security of the country.

## **12. Plan budget to be diverted for security purpose**

The people's representatives of Yurung gewog in Pemagatshel Dzongkhag and Wangchang, Luni and Humrel gewogs in Paro Dzongkhag submitted that due to the blessings of the Guardian Deities and the farsighted leadership of His Majesty the King, the people of Bhutan have enjoyed peace and tranquillity for many years, and even the ngolop problem has not been able to harm the Tsa-Wa-Sum. The people are deeply grateful to His Majesty the King and the Royal Government for allotting a huge budget for development activities in the Seventh Plan. However, in view of the ngolop problem

in the south, the people would like to propose that until the problem is removed, all development activities should be kept on hold and the budget for development programmes should be diverted towards strengthening the nation's security. It is adequate for the time being to release budgets for the Health and Education sectors only. Until the ngolop problem in the south is removed and the situation in every part of the country has returned to full normalcy, all budgets for other sectors should be used for security purposes.

The Finance Minister expressed his deep appreciation for the concern and commitment shown by the people of Pemagatshel and Paro Dzongkhags towards strengthening the security of the country. This concern and the priority they have given to the nation's security over development activities is clearly reflected in their proposal to divert development plan budgets for security purposes, he said. Recalling the report by the Chief Operations Officer of the Royal Bhutan Army on August 17, 1995 that all expenditure incurred for training almost 10,000 militia volunteers were met from the assistance extended by the Government of India and from the Army Welfare Project funds and not a single Ngultrum was spent by the Finance Ministry, it appeared that an impression may have been created that the Finance Ministry is only concerned with development and civil affairs, and gives no thought to the needs of the country's security. He reminded the members that as reported during the 72nd Session of the National Assembly in 1993, the Finance Ministry had kept aside Nu. 200 million as an emergency security fund, on the command of His Majesty the King, in view of the ngolop problem in southern Bhutan. However, due to the blessings of the Guardian Deities and the dynamic leadership of His Majesty the King, there was no major security problem and this security fund did not have to be utilized either in 1993 or in 1994. A part of this fund has now been diverted for development activities but the balance of Nu. 150 million is still deposited separately as a reserve fund to be used for security purposes whenever required. He clarified that the Finance Ministry has not been neglectful of the needs of the security forces.

The Finance Minister reminded the members that proposals to divert development funds for security purposes were discussed during the 71st and 72nd Sessions of the National Assembly. During the discussions, His Majesty the King had pointed out that the Seventh Plan programmes had been formulated together with the people of every Dzongkhag, and programmes beneficial to them had been finalised after close consultations with the people. His Majesty had emphasised the importance of timely

and successful implementation of all the development programmes so that the living standards of the people could be enhanced, sound infrastructure and service facilities established and balanced development ensured throughout the country. It is because of His Majesty's insistence on implementing the development programmes as planned that we have been able to meet the establishment cost from our internal resources over the past three years of the Seventh Plan, said the Finance Minister. Now that we are into the fourth year of the Plan, there will only be another year left for the Seventh Plan to be completed. We should abide by His Majesty the King's directive and successfully complete the 7th Plan programmes, thereby enhancing the living standard of the people and promoting economic progress and prosperity in the country, said the Finance Minister.

Regarding funds for security purposes, the Finance Minister assured the members that the armed forces not only had adequate resources but in case of any emergency needs, there was always the reserve fund of Nu. 150 million which could be utilized if necessary. If the country's security is threatened, as the people's representatives have repeatedly submitted, the government, private sector and the people will contribute all available resources and work together to protect the security of the country. He, therefore, recommended that in keeping with His Majesty the King's directive, instead of diverting development funds for security purposes, every effort should continue to be made to successfully complete the 7th Five-Year Plan.

The people's representatives expressed their appreciation to the Finance Minister for his clarification that there is no need to divert development funds for security purposes and for explaining the importance of successfully completing the development programmes in order to raise the living standard of the people and promote economic progress in the country.

The National Assembly decided that development funds will not be diverted for security purposes, but did not adopt a separate resolution on the issue since in the event of any serious emergency, the government, private sector and the people are all fully committed to protecting the security of the country.

### **13. Punishment of ngolops**

The people's representatives of Tewang gewog in Punakha and Zobel gewog in Pemagatshel Dzongkhag submitted that the ngolop problem in southern Bhutan arose at a time when the country was advancing rapidly on the path of economic progress and prosperity. The people had made repeated requests in the past sessions of the National Assembly that in order to remove the ngolop problem, all the ngolops should be punished without clemency in strict accordance with the laws of the country. However, His Majesty the King, with a view to resolve the problem through magnanimous measures, has been granting amnesty to the ngolops apprehended by the security forces. Out of more than 1,600 ngolops who were granted amnesty, not a single person has expressed gratitude and pledged to serve the nation with loyalty. Instead, most of them have left the country and gone to Nepal claiming to be Bhutanese refugees. The people, therefore, request that no amnesty be granted to any ngolops in future. Instead, they should all be punished in strict accordance with the Thrimshung Chhenpo.

The Home Minister said there was much truth in the submission made by the people's representatives. However, as all the members are aware, His Majesty the King has been granting amnesty to the ngolops, 1,658 of whom have been pardoned till date, in keeping with resolution VII of the 71st Session of the National Assembly held in 1992. He reminded the members that the National Assembly had entrusted His Majesty the King with the responsibility of removing the ngolop problem and it is His Majesty's sovereign prerogative to grant royal pardon.

The people's representative of Mewang gewog in Thimphu Dzongkhag said that Bhutan is a country that has always accorded importance to established auspicious customs or Tendrel. We have enjoyed peace and happiness in the country uptil now because the three pillars of the nation, His Majesty the King, government officials and the people have worked together in unity and harmony with one mind and the pure bonds of loyalty and dedication, he said. From now onwards also, that is how we must continue to work together to fulfil our duties and responsibilities to the nation. Therefore, whatever His Majesty the King decides about punishment of ngolops is acceptable to us, he said.

The National Assembly, recalling that the people had entrusted His Majesty the King with the responsibility of removing the ngolop problem along with the prerogative to take whatever decision and course of action he deemed best, decided that the resolution

of the 71st Session of the National Assembly on this issue regarding the punishment of ngolops shall stand in force.

#### **14. Discussion between India and Bhutan**

The people's representative of Tsirang submitted that the ngolops who left Bhutan have been coming back across the Indian border to terrorise and rob the villagers in the southern Dzongkhags. The people have been suffering greatly from these constant attacks by armed terrorists. Having already destroyed many development facilities established by the government for the benefit of the people, we are deeply concerned that the ngolops with their continued terrorist raids might leave no trace of the progress and development that had been brought to southern Bhutan, he said. The Government of India had been extending all possible help to Bhutan and he hoped that India would continue to assist in every field. In order to ensure the present well-being and future security of the country, the terrorists who come across the border to raid the villagers in the south must be stopped, he said. The people would, therefore, like to request the Royal Government to hold talks with the Government of India and make arrangements to prevent of mutual concern. The meetings were very beneficial. In the event of any serious problem arising, it had been agreed that the concerned officials and district authorities on both sides of the border would meet whenever necessary to discuss how to assist each other and resolve the problem. The Home Minister expressed his deep appreciation for the full cooperation and assistance extended to the Royal Government by the West Bengal and Assam governments and the police and concerned district authorities in the two states.

Regarding the request to talk with the Government of India to stop the ngolop terrorists from entering Bhutan, the Home Minister explained that it was not an easy task for the law enforcement agencies in India to identify the ngolop terrorists as most of the people in the area are ethnic Nepalese, there being about 10 lakhs of them settled contiguous to Bhutan's border. Also, it is very easy for the ngolops to cross the long and porous border between Bhutan and the states of West Bengal and Assam. He informed the members that the Indo-Bhutan border is about 720 Km. in length. In view of this and the fact that we cannot predict the raids by the ngolop terrorists, it is more important for us to maintain the utmost vigilance in our Dzongkhags and villages, said the Home Minister.

The Chukha Dzongda and Samdrupjongkhar Dzongda said that the Dzongkhag, police and forest officials and their counterparts in Assam and West Bengal have held meetings to discuss how to resolve the problems that are faced by the authorities on both sides of the border. The latest of these meetings was held in Gelephu. The concerned officials and authorities in Assam have been extending full cooperation and assistance to the Dzongkhag and police officials. The Dzongkhag and police officials in other southern districts have also been receiving full cooperation from their Indian counterparts because of the close interaction and contact that is being maintained.

The people's representatives and the representative of the Bhutan Chamber of Commerce and Industry noted that India is Bhutan's closest friend and neighbour, and has always extended unfailing support and assistance to the Bhutanese government and people. Today, also, when Bhutan is facing problems along its southern border, the Dzongkhag, police, security force and forest officials in the south have been receiving full cooperation and assistance from their counterparts in West Bengal and Assam. This has been very beneficial and has also contributed to the security of Bhutanese travelling in the border areas. On behalf of the people, the above members expressed their deep appreciation to the Government of India, and the state governments of West Bengal and Assam. They also expressed the hope for their continued cooperation and assistance in dealing with the security problems along the border.

The National Assembly registered a vote of appreciation to the Government of India, and the concerned authorities and officials of West Bengal and Assam for their cooperation and assistance to the Royal Government at a time when it is facing problems in the southern parts of the country, and expressed its confidence that such cooperation and assistance will continue in the future also. The National Assembly emphasised the importance of continuing the existing system of close consultation between the concerned authorities and officials of the Royal Government with their counterparts in West Bengal and Assam to resolve any security problems along the border.

## **15. Issue of new Citizenship Card**

The people's representative of Tsirang submitted that many of the citizenship cards issued earlier by the government are being used by the terrorists, who have absconded from the country, to facilitate their acts of terrorism. There is a possibility that fake cards are also being made to enable them to enter and travel in the country. It is very

difficult to identify or stop the movements of the ngolops at the check posts and in the rural areas when they can produce citizenship cards. The people would, therefore, like to request for new citizenship cards to be issued as soon as possible so that the identification of ngolops will be made easier.

The people's representative of Tshangkha gewog in Dagana Dzongkhag submitted that some of the emigrants have been coming back and are working in various private and government organisations. These people have free movement with the travel permits issued by the organisations which employ them. They can thus infiltrate the villages, collect information and carry out subversive activities. The people, therefore, request that a thorough screening of job applicants be carried out by the private and government organisations before giving them employment. Furthermore, only the travel permits issued by the Dzongkhag administrations and the Home Ministry should have any validity. He also reported that the existing citizenship identity cards are still in the possession of the ngolops who have left the country and, as such, they can easily use them to pass through the checkpoints. During the Dzongkhag Yargye Tshogchung meeting, the Gups of Emiray, Khibisa and Lajab gewogs and the Mangap of Tashiding had confirmed that those who had left the country with citizenship cards have even been coming to Thimphu. Such people can carry out terrorist activities in the capital. The people would, therefore, like to request for new citizenship identity cards to be issued as soon as possible to prevent illegal entry by those who have left the country.

Some of the people's representatives suggested that a separate clearance certificate should be made for all those seeking jobs in the government or in private organisations. Only the concerned Dzongdas and officials should be authorised to sign it, and it should be made mandatory to produce this for all job applications. This would greatly facilitate the identification of genuine citizens from outsiders.

The Tsirang Dzongda said that it is easy for those who have left the country to re-enter because many of them have taken citizenship identity cards with them. He cited the case of a person from Tsirang who had emigrated from the country but was later seen by the Tsirang Chimi in Thimphu undergoing treatment at the National Referral Hospital. He said that since the existing citizenship identity card does not have any security mark on it, it is easy for the ngolops to make fake citizenship ID cards. It is, therefore, necessary to make a new and more secure citizenship card, he said.

The Dagana Dzongda pointed out that although the concerned ministries, departments and employers should be consulting the concerned Dzongdas regarding the citizenship status of all applicants for jobs in the government or the private sector, there have been cases where applicants have been given employment without verification letters from the concerned Dzongdas. While issuing the Police Clearance Certificate required for employment in government service, the police only check to see if the applicant has any criminal record, and a check on whether the person is a genuine citizen or not is not carried out. Therefore, until a new and secure citizenship identity card is made and issued, it is very important for the dealing officers in the government and the private sector managements to confirm the identity of the applicants with the concerned Dzongkhags before employing them.

One of the people's representatives from Paro Dzongkhag said that although this issue can be dealt with as per the resolution of the 71st Session of the National Assembly and the Citizenship Act, it is very difficult for anyone to be sure whether a person producing the existing citizenship identity card is a genuine citizen or someone who had left the country. A new citizenship card would make it much easier to confirm the identity of the person carrying it. He suggested that the names and photographs of all those who had left the country should be given to the checkpoints to help identify these people if they try to enter Bhutan.

The representative of the Bhutan Chamber of Commerce and Industry suggested that applicants for jobs could be given employment on the basis of an identity certificate signed by the concerned gups and Dzongdas. As for issuing new citizenship cards, this could be done whenever it is convenient to the government.

The Home Minister informed the members that besides the Citizenship Laws and the immigration rules and regulations, the Home Ministry had printed and distributed a census handbook to all the concerned Dzongkhags officials, the Royal Bhutan Police, Gups and Chimis to enable easier implementation of the rules. While the Dzongkhag and Dungkhag administrations are authorised to issue route permits to people under their jurisdiction, the sole authority for issuing citizenship identity cards is the Ministry of Home Affairs.

The Home Minister agreed that as reported by the people's representatives, the problem regarding citizenship cards and route permits has arisen because many of the ngolops have taken their identity cards when they left the country. Besides stealing citizenship

cards during their raids on the villages they have also been making fake citizenship cards. Several foreign governments have sent us names and details of people claiming to be Bhutanese refugees and who sought asylum in their countries, said the Home Minister. After checking with the people in the villages given in the particulars, not a single one of these persons have been found to be Bhutanese. Neither were their pictures recognised nor were their names even known in the villages they claimed to have come from. The Home Minister also informed the members that a number of Bhutanese passports, both the old and new versions, had been stolen from the passport office and Bhutanese nationals had also sold their passports in Nepal quite recently for large sums.

The Home Minister pointed out that if any person who had left the country is seen in the village, all the villagers should be able to recognise him if he had left from their village. He reminded the members that it had already been decided during the previous National Assembly sessions that if any suspicious person is seen in the villages, the people should check and report to the Gup, Chimi, police or the Dzongkhag authority. If everyone kept in mind the citizenship rules and regulations and acted in accordance with the resolutions of the National Assembly on this matter, there should be no serious problem on account of route permits and the citizenship identity card, he said.

The Home Minister informed the members that His Majesty the King had commanded that new citizenship identity cards should not be issued until the Bhutan-Nepal talks are concluded. As reported to the members earlier, His Majesty the King has given his assurance that if any bonafide Bhutanese persons are found to have been forced to leave the country, they will be accepted as Bhutanese refugees and the Royal Government will take full responsibility for them. If new citizenship cards are issued at this stage, the Nepalese government and the foreign organisations involved in the camps would say that this is a move by the Royal Government to avoid taking responsibility for anyone in the refugee camps in eastern Nepal. It would also increase terrorist raids by the ngolops to steal the new citizenship cards from our people, he said. It would, therefore, be much better not to issue new citizenship cards for the time being, said the Home Minister.

The Deputy Minister, Royal Civil Service Commission highlighted some of the problems encountered on account of the existing citizenship cards while inducting applicants into the civil service. When such persons produce their citizenship cards and apply for jobs, it is very difficult for the RCSC to verify whether they are bonafide

Bhutanese. The RCSC has, therefore, been consulting and verifying such cases with the Home Ministry before giving employment to the applicants. The Deputy Minister also expressed his doubts and concern about people who have left the country producing identity cards and finding employment with the private companies and public sector corporations. He suggested that the National Assembly should decide on making it mandatory for all persons applying to join government service, the private sector or public sector corporations to produce an identification certificate confirming that he or she is registered as a citizen in the census list.

The Royal Advisory Councillors and the people's representatives suggested that new citizenship cards should not be issued until the Bhutan-Nepal talks are concluded. Expressing concern over the possibility of people who had left the country coming back and being employed in private companies and public sector corporations, the members said that the same rules and regulations in force for employment in government service must be made applicable to these organisations also.

The Home Minister pointed out that although strict rules and regulations exist, their effectiveness will be determined by how they are implemented and followed by the concerned departments, and organisations. Doubtful cases regarding route permits and citizenship identity cards can always be dealt with after consulting the immigration offices in the concerned Dzongkhags. If necessary, the Home Ministry can also be consulted anytime over telephone, said the Home Minister.

The National Assembly resolved that any issue or work related to citizenship identity cards shall be carried out in accordance with the citizenship laws, the immigration rules and regulations and the concerned resolutions of the past sessions of the National Assembly.

## **16. Pledge of loyalty and support**

The people's representatives of Merak, Sakteng, Shongphu, Nanong, Yangner, Radhi, Bartsham, Uzurong and Bidung gewogs in Trashigang Dzongkhag submitted that the people pledged their full faith, support, loyalty and dedication to His Majesty the King in resolving the southern Bhutan problem. Despite the outbreak of anti-national activities in the south since 1990, the wise leadership of His Majesty the King has ensured political stability and social harmony, making it possible for development

activities to be implemented. The representatives also expressed the deep gratitude of the business community of Trashigang to His Majesty the King for granting a relief fund for the damages caused to Trashigang town by the flood last year, and which had greatly benefited the affected residents of the town.

The people's representative of Tangsbi gewog in Trongsa Dzongkhag submitted that the rumours of people inside Bhutan providing assistance to a group of ngolops from eastern Bhutan based in Kathmandu with the Lhotshampa ngolops are all baseless propaganda spread by the ngolops. They are spreading these lies to try and harm the pure relationship between the people and the government, and also to affect the attitude of friendly countries giving assistance to Bhutan. We are proud that Trongsa is a Dzongkhag which has played a very important role in the establishment of hereditary monarchy in Bhutan and we, the people of Trongsa, remain deeply committed to maintaining and strengthening this cherished system, he said.

One of the people's representatives from Mongar Dzongkhag expressed his regret that about 20 individuals from the east are said to be involved in ngolop activities although only six names had been given in the brief distributed earlier by the Home Ministry to the members. He said that the claims made by these ngolops that they have the support of the people of eastern Bhutan are blatant lies. Leave alone any material or physical support, as everyone knows, not even a single word of support will these ngolops receive from the people. He reiterated the total loyalty and support of the people of Mongar for the Tsa-Wa-Sum.

One of the people's representatives of Thimphu Dzongkhag pointed out that the Royal Government has always been giving equal treatment and Kidu to all the people in the country. He said that the people had already come forward to safeguard the security of the country against the ngolop threat and they once again reiterated their full support and commitment to protect the Tsa-Wa-Sum. He said that the people are ready to fulfil any command from the government with utmost dedication and enduring loyalty.

Many people's representatives took the floor to say that ever since the ngolop problem began, the people had come forward to pledge their readiness to face any threat in order to safeguard the security and sovereignty of the country. They reiterated the total commitment of the people to carry out any task assigned by His Majesty the King and the Royal Government to ensure the security and well-being of the Tsa-Wa-Sum.

The National Assembly, noting the pure and strong loyalty and dedication of the people to the institution of hereditary monarchy and their deep commitment to ensure that this precious institution will continue to guide the destiny of the country, declared that such loyalty and commitment is indeed an auspicious Tendrel that the Palden Drukpa will flourish for many years to come.

## VII. REHABILITATION OF LANDLESS PEOPLE

The people's representatives of Lhunsi Dzongkhag, Dagapela Dungkhag, Nanong, Thrimshing and Lumang gewogs in Trashigang Dzongkhag, Luni gewog in Paro Dzongkhag, Kengkhar and Saling gewogs in Mongar Dzongkhag, Shingkar gewog in Zhemgang Dzongkhag, Samtse, Tsirang and Sarpang Dzongkhags, Gomdar and Norbugang gewogs in Sarndrupjongkhar Dzongkhag, and Khar gewog in Pemagatshel Dzongkhag made 12 submissions calling for an early implementation of the rehabilitation programme for landless people.

The representatives said that although it had been requested in the earlier sessions of the National Assembly that landless people and people with insufficient land should be rehabilitated on the land left behind by the Lhotshampas who had taken Kidu Soilra and emigrated, this has still not been done. As a result, while these vacant land were turning into jungle, the people with little or no land were facing great hardship. The representatives requested for an early allotment of land to the landless people as per the lists of names which had already been submitted. Expediting the rehabilitation of the landless on the vacant land in the south would also greatly benefit the Lhotshampa villagers who are facing tremendous hardship and difficulties from the constant raids by the ngolop terrorists.

The people's representatives of Tsirang and Samtse Dzongkhags, and Kalikhola, Singey, Sarpangtar, Leopani, Hilley, Gelephu, Bhur, Taklai, Surey and Sershong gewogs in Sarpang Dzongkhag also said that although this point had been submitted during the 72nd Session of the National Assembly, the people once again requested the government for an early implementation of the rehabilitation programme for the landless. They said that the emigrants who had left the country and joined the ngolops have been sending threats and warnings to the loyal Lhotshampa people not to touch the land left by them as they would be coming back soon.

With the terrorists taking advantage of the more scattered nature of habitation to carry out terrorist raids in the villages, in many places the fear of terrorist raids have made people move to the town areas leaving behind their cultivable land. With villages being spread out it has become very difficult for the village volunteers to protect their villages effectively as they have to spread out and cover wide areas while patrolling to prevent terrorist raids. Also, leaving these fertile agricultural land in the south untended year after year only increases the hopes of the ngolops in Nepal to return. The representatives said that the rehabilitation of landless people on these land and regrouping of villages will consolidate the scattered settlements into big clusters of villages, thereby enabling the people to resist and counter terrorist activities more effectively. This will enable development programmes to be implemented effectively and enhance economic growth and the well-being of the people.

The people's representative of Gomdar gewog in Samdrupjongkhar Dzongkhag informed the members that when Tseri (shifting cultivation) land was inspected as per the order of the government, the land of 32 households was found unfit for cultivation while seven households under the gewog were confirmed to be landless. Similar problems are being faced by the people of other gewogs also, he said.

The people's representative of Khar gewog in Pemagatshel Dzongkhag said that the people of Pemagatshel Dzongkhag are mainly dependent on Tseri cultivation for their livelihood. It would be very beneficial for the people who were facing great hardship due to insufficient land if they were given land in the south. Moreover, the rehabilitation of the landless and people dependent on Tseri cultivation will have a positive impact on reducing Tsericulture. As requested during the 71st Session of the National Assembly, the people would like to request for the landless to be rehabilitated as soon as possible.

The Secretary, Ministry of Agriculture supported the request for the landless and Tseri-dependent farmers to be rehabilitated as early as possible. He informed the members that in accordance with the decision of the 72nd Session of the National Assembly, the Ministry of Agriculture including the Forestry Division, the Home Ministry, the National Environment Commission and the concerned Dzongkhags conducted a joint survey of Tseri cultivation practices in the seven Dzongkhags with the largest area under Tseri to find out detailed information such as location, steepness of slopes and

potential for other use of the land. The field study has been completed and the final report is being prepared for submission to the government.

The Secretary said that according to the findings of the survey and other available information there is about 3,00,000 acres of registered Tseri land. However, as everyone knows the actual land under Tseri cultivation is many times larger. In some areas Tseri land occupy whole ranges of hills. Unless we rehabilitate farmers who are dependent on Tseri cultivation, as decided in the 72nd Session of the National Assembly, the negative impact of Tseri cultivation on the forests and the environment will be tremendous, said the Secretary. As everyone is aware, during the slash and burn practice of Tseri cultivation in the winter months, fires from the Tseri land spread to nearby forests, resulting in huge losses of forest resources and damage to the environment. Realising the importance of protecting and preserving forest resources and the environment for the interest of future Bhutanese generations, it is the policy of the Royal Government to maintain at least 60 percent of the country's land surface under forest cover. Hence, in order to promote this policy, it is very important for the Tseri-dependent farmers to be rehabilitated as soon as possible, said the Secretary.

One of the people's representatives from Haa Dzongkhag pointed out that although His Majesty the King has been granting land to the landless, most of the people with insufficient land have not approached His Majesty but have given their land applications to the Dzongkhag administration. Although three years have passed they have still not received any response. He requested the National Assembly to pass a decision that all people with little or no agricultural land should be given land after verifying their applications.

The Home Minister informed the members that the first rehabilitation programme for the landless people of southern Bhutan was carried out in Samrang under Samdrupjongkhar Dzongkhag in 1977. Along with agricultural land, all service facilities like school, health centre, forest office, irrigation canals, and agriculture and animal husbandry centres were established. Unfortunately, most of these facilities were blown up, burnt and destroyed by the ngolops, inflicting heavy loss on the government and the people.

The Home Minister said that all the members are fully aware that His Majesty the King has been granting land to people from all over Bhutan who have applied for Kidu

because they have large families and insufficient land to earn a livelihood. To this day, this Kidu has continued to be extended to everyone including Lhotshampas, civil servants and people from all the Dzongkhags who have approached His Majesty the King, and whose problems have been found to be genuine.

The Home Minister said that in keeping with the decision of the 52nd Session of the National Assembly in 1980 to start a rehabilitation programme for the landless, in 1988 His Majesty the King had also commanded that all necessary investigations and work should be started to rehabilitate the landless and people with insufficient land in suitable areas. Accordingly, the Home Ministry in close cooperation with the concerned government departments and Dzongkhags established a settlement in Bhangtar under Samdrupjongkhar Dzongkhag for the rehabilitation of landless families. This programme will provide useful experience and feedback to the concerned departments on the problems for the landless and those dependent on Tseri cultivation, said the Home Minister.

The Home Minister informed the members that the Home Ministry has been compiling a list of the landless people and people with insufficient land. Surveys are being conducted through the Dzongkhags to find suitable land to rehabilitate the landless and a report is being prepared for submission to the government, he said. The Ministry of Agriculture also has been commanded by His Majesty the King to carry out a survey of all Tseri land and its related problems. This survey has just been concluded and the Agriculture Ministry is in the process of preparing its report. When all these reports are completed and considered by the government, it would be possible to start a rehabilitation scheme for the landless, said the Home Minister.

The Home Minister pointed out that a rehabilitation scheme for the landless cannot be implemented everywhere as the selection of a suitable site is of great importance. Apart from good fertile land and water, factors such as access by motor road, service facilities like power, health centres, schools, agriculture and animal husbandry centres should be available or possible to be established cost effectively. The Home Minister informed the members that His Majesty the King has been pleased to command the Home Ministry to coordinate the implementation of the rehabilitation of the landless people and those dependent on Tseri cultivation as soon as possible. He assured the members that the Ministry of Home Affairs would do everything possible to start the implementation of the programme within the 7th Five-Year Plan.

Some of the people's representatives suggested that if it is not possible to start the rehabilitation scheme in the near future, the landless and those dependent on Tseri cultivation should be allowed to cultivate the available land near their homes which are not registered in their names. Other people's representatives expressed their deep appreciation for the government's policy of rehabilitating people dependent on Tseri cultivation in order to protect the environment and the future interests of the country. They said that since the majority of the people depend on agriculture for their livelihood, agricultural development is of the utmost importance for increasing the income of the people and raising their standard of living. It is, therefore, very important that the landless and people with insufficient land are given suitable land.

The National Assembly, keeping in mind the importance of raising the living standard of the people while at the same time preserving Bhutan's pristine environment, resolved that the Home Ministry and the concerned departments shall give priority to implementing rehabilitation schemes for Tseri-cultivators, the landless and people with insufficient land in suitable areas where all necessary service infrastructure can be established.

#### VIII. BHUTAN-CHINA BOUNDARY TALK

The people's representatives of Wangchang, Luni and Humrel gewogs in Paro Dzongkhag and Bey gewog in Haa Dzongkhag, noting that several rounds of boundary talks had been held between the Royal Government and the Chinese government, requested for a briefing on the outcome of the talks held so far.

The Foreign Minister informed the members that the first round of boundary talks between Bhutan and China was held in 1984. Till date 10 rounds of talks had been completed. During the first five rounds of talks, the two delegations had worked out the guiding principles under which the negotiations would be conducted. In the next five rounds, the two delegations had been able to make steady progress in harmonising the issues related to the demarcation of the boundary. Although China is a very large and powerful country and Bhutan is small, I am optimistic about the final outcome of the boundary talks, said the Foreign Minister. He informed the Assembly that the Chinese government had been very cooperative and was keen to maintain good relations with Bhutan.

With the help of maps, the Surveyor General explained to the members the claim lines of both countries which are in the process of negotiation.

The Surveyor General also informed the members that on the instructions of the Royal Government, he and the Haa Dzongda went to inspect the northern border in 1993. They found that although there was no dispute over Bhutanese herders grazing their yaks in Jamana-Shakhartoe, the Chinese herders did not allow them to graze their yaks beyond Jiu-Chhu. The Chinese herders were demanding grazing fees from the Bhutanese despite being told that Bhutanese herders had been grazing their yaks in Jiu for generations and there was, therefore, no question of paying any fees. In the course of their inspection, the Surveyor General and the Haa Dzongda were stopped by the Chinese yak herders from crossing the Jiu-Chhu and proceeding to Lunkala.

The people's representatives of Haa and Paro Dzongkhags and the representative of the Bhutan Chamber of Commerce and Industry expressed concern that if the boundary is demarcated as per the Chinese position, it will cause great problems and hardships for those people of Haa whose livelihood is dependent on yaks. In particular, the people of Kartso and Bey gewogs would face an acute shortage of grazing land for their yaks. They asked the government to negotiate amicably with the Chinese government and ensure that the traditional grazing land of the Haaps are not affected and the boundary is demarcated according to the traditional lines. While it is true that China is a big and powerful country and Bhutan is very small, it would be better for Bhutan to proceed with the negotiations slowly. As the saying goes, "Big objectives take time to fulfil", the representatives said that the boundary talks should not be rushed through but conducted at a steady pace in an atmosphere of friendship and cooperation.

The people's representative of Lhuntsi Dzongkhag said that the government should not take up the Chinese offer to demarcate the boundary in the east in the Passalum area down to Rinchenbunpa which is deep inside Kurtoe Dzongkhag.

The Chairman of the Royal Advisory Council, Royal Advisory Councillors, a representative of the Dratshang and the people's representatives all expressed their views on the issue. Several members pointed out that the boundary between Bhutan and Tibet, both historically and traditionally, had always been well defined and, therefore, they saw no reason for any dispute to arise during the negotiations with the Chinese government. When it entails time and effort for a person to even change the fencing of his land, important negotiations between sovereign countries over boundary demarcations will require far more time and thought. The members expressed their

confidence in the government to work out a successful demarcation of the northern border.

Other members, noting there were only few areas of dispute, said they do not expect the Chinese government to maintain an intractable position over these differences. Steady progress has been made upto now through friendly and cordial negotiations. Henceforth also, the differences in positions must be removed through negotiations conducted in a spirit of goodwill and cooperation.

On the request of the Dagana Dzongda, the Surveyor General presented a summary of the four guiding principles of the boundary talks as follows:

- Observing the five principles of peaceful co-existence: mutual respect for sovereignty and territorial integrity; mutual non-aggression; non-interference in each others internal affairs; equality; and mutual benefit and peaceful co-existence.
- Treating each other on equal footing and entering into friendly consultations on the basis of mutual understanding and mutual accommodation with a view to reaching a just and reasonable settlement.
- Taking account of the relevant historical background based on traditions, custom, usage and administrative jurisdiction while accommodating the national sentiments of the people and the national interest of the two countries.
- Pending final settlement of the boundary question, maintaining tranquility on the border and status quo of the boundary as before March, 1959, and refraining from unilateral action or use of force, to change the status quo of the boundary.

The Minister for Trade and Industry stressed the importance of conducting the talks on the demarcation of the northern boundary successfully. He pointed out that a small country like Bhutan cannot afford to lose even a single square kilometre of land.

The Deputy Minister, Royal Civil Service Commission said that the next generation of leaders in China may not be as powerful as the present leadership. Also, the possibility that future Chinese leaders may decide to give independence to Tibet cannot be ruled out. Only recently, a powerful country like the USSR has evolved into a Commonwealth of 15 independent states. It will be better to conclude the boundary

talks without undue delay with the present government in China which is well disposed to us, said the Deputy Minister.

The Lhuntsi Dzongda informed the members that he was told by a very old yak herder in Singye Dzong, who had come from Tibet many years ago, that Menchumo was considered Bhutanese territory for as long as he could remember.

Some of the people's representatives noted that the government has kept the National Assembly informed about the progress of the boundary talks. They requested that the members continue to be apprised about the progress and outcome of the negotiations.

His Majesty the King informed the members that during the 10 rounds of negotiations that had taken place since the boundary talks began in 1984, both sides had explained their claims to each other in a spirit of goodwill and cooperation. The differences in claims have to be negotiated in four areas only, said His Majesty. These are 89 square kilometres in Doklam, 42 square kilometres in Sinchulumpa and 138 square kilometres in Jamana-Shakhartoe, a total of 269 square kilometres in the western sector, and Menchumo in the eastern sector. Regarding Menchumo, His Majesty said that the Royal Government would apprise the Chinese government about the points raised by the Assembly members during the next round of talks. His Majesty told the members that apart from explaining each others claims, no agreement has yet been worked out on the actual demarcation of the border.

His Majesty informed the members that the next round of boundary talks will be held in 1996 in Thimphu. The talks have made steady progress thus far, and there are now only the above four areas that need to be negotiated. His Majesty expressed his confidence that the northern boundary will be successfully demarcated through the process of friendly dialogue. The Bhutan-China boundary is an important issue because it affects Bhutan's national interest and the well-being of the Bhutanese people. His Majesty assured the National Assembly members that the Royal Government will not take any decision without consulting the National Assembly members and seeking their consent.

The National Assembly resolved that the Royal Government, taking into consideration the concerns of the people and the interests of the country, should continue to conduct the boundary negotiations with China in a spirit of goodwill and cooperation and accord the greatest importance to a successful conclusion of the talks.

## IX. MISCELLANEOUS ISSUES

### 1. Maintenance and Renovations of Lhakhangs

The Tshennyi Lupon of the Central Monk Body, while noting that under the patronage of His Majesty the King, the Royal Government had been maintaining the Dzongs and important Lhakhangs in the country with true devotion to the Dharma, said that many old Lhakhangs and Monasteries under the charge of the Dratshang and Rabdeys and which contained valuable religious artifacts and sacred relics were gradually falling into disrepair. If timely repairs and renovation are not carried out, the conditions of these Lhakhangs and monasteries, which are several centuries old, will further deteriorate. He said that the Dratshang would like to request the government to keep budgetary provisions in future Plans for the renovation of old Lhakhangs and monasteries. Although it may seem that the Monk Body is asking the government to make additional expenditure instead of coming forward to assist it at a time when the country is going through a difficult period, the renovation of these old Lhakhangs and monasteries will contribute to the well-being of the country, said the Tshennyi Lupon. As the saying goes, “the recovery of a patient is more complete when prayers and medicine act together to heal him”. The Tshennyi Lupon also expressed the appreciation of the Dratshang and Rabdeys to the government for the renovation works being carried out in Punakha Dzong, Tango Monastery and several other Lhakhangs and monasteries.

The Home Minister, in his capacity as the Chairman of the Special Commission for Cultural Affairs, responded by stating that our illustrious forefathers and successive monarchs have been engaged in the renovation and restoration of several monasteries and temples. Since our country is in a developing stage, it is difficult on the part of the government to set aside large sums for the renovation and restoration of Lhakhangs and Goendeys. There are also difficulties in getting external assistance for such schemes. Despite various constraints, excluding the expenditure incurred on Lhakhang renovation during the 3rd, 4th and 5th Five Year Plans, the total expenditure incurred during the Sixth Five Year Plan and the first 3 years of the Seventh Plan, i.e. during the last eight years, is Nu. 34.431 million, spent for renovating and restoring 87 monasteries and temples throughout the Kingdom.

Since His Majesty, our present King ascended the throne, tremendous contributions, surpassing that of his predecessors, have been made in the construction of new Lhakhangs as well as in the restoration and maintenance of old temples. The restoration

of Punakha and Tashiyangtse Dzongs, and the new Kurje Lhakhang built by Her Majesty the Queen Mother have not been included in the list of expenditures for temples and monasteries renovated.

The Home Minister informed the house that His Majesty the King had been pleased to command the renovations of Paro Taktsang, Dechenphug, Pangri Zampa, Gangtoe Goempa, Kurtse Jangchupling, Drametse and Radhi Lhakhangs. He said that plans for their restoration are being made and expressed the hope that the renovations will be successfully carried out with the support of external assistance.

The Home Minister said that His Majesty had graciously reconstituted the members of the Special Commission for Cultural Affairs and, therefore, all matters relating to renovation, restoration and expansion of the monasteries and temples could be considered by the Commission during its meetings.

The Tshennyi Lupon thanked the Home Minister for his clarification on the works undertaken by the government, on His Majesty the King's command, to renovate Lhakhangs and Chortens.

The National Assembly decided that budgetary provisions for the renovation of old Lhakhangs and monasteries should be finalised after the Special Commission submits a feasibility report to the Royal Government.

## **2. Renovation/maintenance of Chortens**

The people's representative of Lhunsi Dzongkhag submitted that there have been increasing incidents of miscreants desecrating and robbing the Zhungs (sacred objects imparting religious vigour) and other important religious artifacts from the Chortens built by the venerable lamas and great leaders of past generations for the peace and well-being of the country. He felt that the flash floods, damage to crops by wild animals and poor harvest in the Dzongkhag may be a negative impact of the desecration and robberies of these sacred Chortens. The people, would, therefore, like to request the National Assembly to accord greater priority to the renovation and maintenance of Chortens than to the Seventh Plan development programmes, and to pass a resolution calling for all such renovation and maintenance works to be completed

within two years. In the course of these works, the Zhungs required for the Chortens should be supplied by the Dratshang, and the financial expenses should be met from contributions made by businessmen and government servants. All manpower requirements will be contributed by the people of the respective areas where the Chortens are located. The renovation works should be looked after jointly by the concerned Dratshang/ Rabdeys, Dzongdas, Gomchens, Gups and Chimis.

On this, the Home Minister pointed out that since the renovation works have been increasing each year due to rise in the number of miscreants desecrating the Chortens, in the year 1993, His Majesty the King had issued a Kasho outlining the responsibility of the Dzongkhags, DYT, GYT and the concerned Gups and Chimis in safeguarding and protecting the Lhakhangs and Chortens. He reminded the house of the detailed discussion and the resolution that had been passed on the subject during the 72nd Session of the National Assembly. He said that if all those concerned with safe guarding and protecting the Lhakhangs and Chortens followed the National Assembly guidelines and upheld their responsibility, the burden on the government and public from the care of Lhakhangs and Chortens and their maintenance would be greatly reduced.

The Home Minister informed the members that upto the time His Majesty's Kasho was issued, 230 Chortens and 74 Lhakhangs had been desecrated and robbed. By July 1995, 480 Chortens and 97 Lhakhangs had been robbed, bringing the number of desecrated Chortens and Lhakhangs to 577.

Under Lhunsi Dzongkhag, 46 Chortens and 3 Lhakhangs had been robbed while in Mongar Dzongkhag, 88 Chortens and 41 Lhakhangs had been robbed. Mongar Dzongkhag had the maximum cases of Kusung Thugten thefts. In view of this fact, His Majesty the King had commanded that concerned villages, GYT and DYT should bear the responsibility of safeguarding all Chortens and Lhakhangs which are repositories of highly valuable antiques and artifacts in their respective regions. The caretakers of Chortens and Lhakhangs are exempted from Woola (labour contributions for development work).

A notification was issued to all the GYT in all the Dzongkhags to explain to the people in great detail, His Majesty's Kasho and the National Assembly resolution concerning the safeguarding of Lhakhangs and Chortens. The Home Ministry has already sent two reminders to all the GYT to send feedback on the benefits derived from the implementation of the above directives. While renovating the Lhakhangs and Chortens,

the possibility of employing the Goonda Woola overdues was also discussed with the Dzongdas. Further, it was resolved during the 72nd Session of the National Assembly that the Zhungs for the renovated Chortens are to be provided by the Central Monastic Body and the Rabdeys, while the labour is to be contributed by the public.

The Home Minister informed the house that the Home Ministry has received reports on the completion of renovation of all Chortens in Trashigang, Paro and Thimphu. Similarly, the Minister proposed that a deadline of six months for the submission of reports by the remaining Dzongkhags on the renovations being undertaken in their areas should be passed by the National Assembly.

The Tshennyi Lupon informed the members that in keeping with the resolution passed during the 72nd Session of the National Assembly on this issue, the Central Monk Body is renovating 143 Chortens in the country. The Chortens requiring renovation in Wangdiphodrang Dzongkhag is being looked after by the Wangdiphodrang Rabdey while the Rabdeys in other Dzongkhags will look after the renovation of Chortens in their Dzongkhags.

The people's representatives from other Dzongkhags said that as a result of the efforts by everyone concerned in the Dzongkhags to protect the Lhakhangs and Chortens in the country as per His Majesty the King's Kasho and the resolution passed by the 72nd Session of the National Assembly, the number of Chorten thefts had reduced considerably. They also expressed their appreciation to the Dratshang for undertaking to provide the Zhungs required for renovating Chortens.

The National Assembly decided that, as submitted by the Home Minister, all concerned must look after and maintain the Chortens in their respective areas in keeping with His Majesty the King's Kasho and the resolution of the 72nd Session of the National Assembly. The Dzongkhag Yargay Tshogchungs shall send a report every six months to the Home Ministry on the conditions, progress in maintenance work, incidents of theft or any problems faced in looking after the Chortens in their respective Dzongkhags.

### **3. Voluntary contributions to renovate old Lhakhangs**

The Tshennyi Lupon of the Central Monk Body expressed the Dratshang's appreciation that with the progress and development of the country leading to an increase in the people's incomes, devout civil servants, businessmen and the public have been

contributing to the construction of new Lhakhangs and Chortens according to their individual faith and financial resources. At the same time, he said, it is equally important to renovate the old Lhakhangs which were built by the venerable lamas of the past and our forefathers for the benefit and well-being of the country and future generations. Seeing the gradual dilapidation of some of these Lhakhangs, it is possible that the new Lhakhangs constructed by devotees today may face the same problem in the future. All the patrons should understand that while it is beneficial to build new Lhakhangs in areas which do not have any, it will be equally beneficial to renovate the old Lhakhangs that have become dilapidated with the passage of time, said the Tshennyi Lupon. He requested all devotees and patrons of the Dharma to give the same importance to renovating old Lhakhangs as to constructing new ones. There is no greater merit to the patrons or a better Kurim ( performance of prayers ) for the well-being of the nation than to renovate the sacred Lhakhangs built many centuries ago by our forefathers, said the Tshennyi Lupon.

The Paro Dzongda reported that as suggested by the Tshennyi Lupon, the people of his Dzongkhag with whom he had discussed the same point were also in favour of renovating the existing sacred Lhakhangs rather than building new ones. The venerable lamas and past Bhutanese generations had built many sacred Lhakhangs all over the country, and it is the responsibility of the government and the people to jointly look after this precious national heritage. He said that this was being done in his Dzongkhag with the people providing manpower and the government providing material assistance. In his experience, he had observed that while there was no problem in maintaining and renovating the public Lhakhangs, there were serious difficulties in looking after and maintaining privately owned Lhakhangs. Since, such problems would be faced in the future also, he expressed the view that it would be better to discourage the construction of new Lhakhangs when there are so many existing sacred Lhakhangs in the country that require proper maintenance.

The Home Minister said that there are three types of Lhakhangs in terms of ownership, viz, the government owned Lhakhangs and Goendeys, community Lhakhangs and private Lhakhangs. Since a number of government owned Lhakhangs and Goendeys are in need of restoration and renovation in the near future, certain priorities need to be set down, such as the historical and religious significance; the presence of valuable antique artifacts; the benefits which people derive from such temples, Goendeys and Shaydras; the availability of Yoejays (monastic land holdings) and other support, and the capacity of the people to carry out such renovation.

Although it is more important to maintain the old temples rather than build new ones, however, the choice will largely be determined by a person's desire, faith and ability to take up such activity, and hence the Assembly need not pass a decision on this issue, said the Home Minister.

One of the people's representatives from Chukha Dzongkhag stated that renovating old Lhakhangs is as important as building new ones. He expressed his appreciation for the assistance that the government has been providing for the renovation of important Lhakhangs and Goendeys. He also observed that when many Kusung-Thuktens ( sacred religious artifacts ) were being stolen, about 40 percent of the Lhakhangs in the country were left unattended most of the time. In the majority of the Lhakhangs, there were at most a Lam, a caretaker and one or two Gomchens and monks. When they go to the nearby villages to perform pujas on the request of the people, the Lhakhangs and monasteries are locked up and left unattended. He suggested that the Dratshang should, therefore, take monthly situation reports from all the Lhakhangs and monasteries.

His Majesty the King observed that none of the members differed with the Dratshang Representative's point that while building new Lhakhangs is important it is equally important to renovate and look after the old Lhakhangs and monasteries in the country. His Majesty informed the members that there were over 2,000 Lhakhangs and Goendeys in Bhutan. Some of these were looked after by the Dratshang and Rabdeys while others were looked after by the people of the respective areas in the different Dzongkhags. Agreeing that it is indeed as important to look after old Lhakhangs as it is to build new ones, His Majesty felt that there was no need to adopt a specific resolution on the issue.

The National Assembly, noting that looking after old Lhakhangs is as important as building new ones and that the Royal Government had been giving assistance for the renovation of as many important public and private Lhakhangs as possible, besides the ones looked after by the Dratshang and Rabdeys, resolved that henceforth also all possible assistance should be extended through the Special Commission for Cultural Affairs for the maintenance and renovation of Lhakhangs and Goendeys.

#### **4. Establishment of Dratshang**

The people's representative of Yangtse and Bumdeling gewogs in Trashiyangtse Dzongkhag submitted that the Dzongkhag did not have a Dratshang to fulfill the religious needs of the people. The people requested for a new Dratshang with about 25 monks to be established in the old Yangtse Dzong which is a three storeyed construction and contains many sacred religious artifacts and relics. The living expenses for the monks can be met from the income generated by the land belonging to Rigsum Gonpa. In addition, there is also land belonging to Gomphu Kora. Only a minimal subsidy may be required from the government to cover any shortfall from the above resources, said the representative.

The Home Minister responded by stating that not only is the Trashiyangtse Dzong a very old one but it has several sacred Kusung Thugtens. A decision in line with the request made by the people of Trashiyangtse needs to be taken by the Dratshang and the Royal Government. Right now, there are only about three monks in Trashiyangtse Dzong including the Konyer. When one or two of them go out to perform prayers for the people, there is every possibility of the Dzong being robbed of its Kusung Thugtens. Hence, it is important to raise the number of monks in the Dzong.

Instead of deciding to institute a Dratshang immediately at Trashiyangtse, it is important to put up the matter to the DYT for further discussions. Some of the issues which need to be considered are if the Dzong needs to be renovated, if so, to what extent? Whether additional quarters need to be constructed for the monks? and how to arrange required funds?

After considering all these aspects, the matter can then be put up to the Special Commission for Cultural Affairs. The Commission, after careful study of the proposal can then decide on the number of monks and the appropriate time during which the Rabdey can be formally instituted, said the Home Minister.

The Samdrupjongkhar Dzongda submitted that although the 71st Session of the National Assembly had approved the establishment of a Dratshang at Samdrupjongkhar, it had not yet been established due to the present problems in the country and budgetary constraints.

The representative of the Trashigang Rabdey informed the members that the seven monks from Trashigang Dzong who are kept in Trashiyangtse at present is the maximum that they can spare. Therefore, if the government could establish a Dratshang

at Trashiyangtshi it would be very beneficial for promoting the Dharma. He, however, clarified that the Gomphu Kora Lhakhang had always been controlled and looked after by the Trashigang Rabdey. In fact, the Rabdey was presently renovating the monastery at a cost of about Nu. 100,000. The land in Gomphu Kora also has always belonged to it. He, therefore, requested that the land belonging to Gomphu Kora should continue to be left for the use of the Lhakhang.

One of the people's representatives of Thimphu Dzongkhag and the representative of the Bhutan Chamber of Commerce and Industry pointed out that His Majesty the King had established Trashiyangtshi as a new Dzongkhag and many development programmes were also being implemented. However, if it did not have a Dratshang, Trashiyangtshi would look like a Dzongkhag where the Dharma had not reached. The performance of annual pujas will also be affected due to unavailability of monks. Even though the government may have budgetary constraints, a Dratshang should be established at Trashiyangtshi for the spiritual well-being of the people and the promotion of the Dharma. As Jetsun Milarepa said, "May the hermit meditating in the cave and the patron seeing to his needs attain enlightenment at the same time", it will benefit both the people and the government if a Dratshang is established at Trashiyangtshi through joint effort and cooperation.

The Trashiyangtshi Dzongda submitted that during His Majesty the King's visit to Trashiyangtshi to discuss the 7th Plan programmes with the people, he had been pleased to command that a Dratshang may be established with 21 Gelongs initially. Accordingly, the Dzongkhag administration wrote and informed the Dratshang Lhentshog three times in 1993. However, no reply was received. Hence, the Dzongkhag Yargay Tshogchung decided to put up a request to the National Assembly to approve the establishment of a Dratshang in Trashiyangtshi with 25 Gelongs.

Fully aware of the difficult times in the country, the people have proposed that the system of collecting Nu. 10 per household as contribution for religious purposes can be increased to Nu. 15. This combined with the returns from 22 acres of paddy land belonging to Rigsum Gonpa and Gomphu Kora could help in meeting the expenses for the new Dratshang. The Dzongda expressed his hope that the 73rd Session of the National Assembly will fulfil the expectations of the people and approve the establishment of a Dratshang at Trashiyangtshi.

The people's representatives of Haa and Bumthang Dzongkhags, noting that the monks can be accommodated in the old Dzong and the budget required from the government would be minimal as the people would also be contributing to the material expenses, supported the request for a Dratshang to be established at Trashiyangtshi for the spiritual well-being of the people.

One of the Royal Advisory Councillors said that since there was a Rabdey in most of the Dzongkhags, it is important that a Dratshang is established at the old Trashiyangtshi Dzong which contained many sacred religious artifacts and relics. He suggested that while a decision could be taken to establish a Dratshang at Trashiyangtshi, the implementation could begin whenever it is convenient to the government.

Intervening in the discussion, His Majesty the King was pleased to approve the people's request for a Dratshang to be established at Trashiyangtshi with about 25 monks. His Majesty informed the Assembly that the main reason for the recent strengthening of the Special Commission for Cultural Affairs with new members who included senior ministers and officials, representatives of the Dratshang and the lay clergy including a nun and a Hindu Pandit was to formulate programmes and resolve problems in the promotion of religion and culture in the country. As such, there was no need to have an extended discussion on the establishment of a Dratshang in Trashiyangtshi.

The National Assembly decided that the time frame, budget and other requirements for the establishment of a new Dratshang at Trashiyangtshi, as approved by His Majesty the King, shall be worked out by the Dzongkhag Administration and the Special Commission for Cultural Affairs.

## **5. Environmental damage by tourists**

The people's representative of Tang gewog in Bumthang Dzongkhag submitted that under the guidance of the Dzongda, the people of Bumthang have been carrying out a programme to promote health, hygiene and sanitation in all the villages. These efforts were being undermined by tourists on the Tokzam-Nanglakhang route in Chokhor Gewog and on the Trashigang-Kizom-Mesithang route in Tang gewog. The sites of the tourist camps in these locations were littered with beer cans, paper and other waste material, and pit latrines have also been dug up everywhere. The people have requested for strict laws to be enacted to ensure that tour operators and tourists do not damage the

environment through littering and other bad habits but instead provide a good example of environmentally friendly behaviour, he said.

The people's representative of Chokhor gewog in Bumthang said that it is the tour operators and their staff who are to be held responsible for the littering and other bad habits of the tour groups, which is affecting the programme to keep Bumthang clean. If strict rules are not passed now, such harmful behaviour by tour groups will occur in other Dzongkhags also. The representative also clarified that there was an error in the point submitted earlier, through the DYT, regarding the work done by the Integrated Forest Management Project (IFMP) which is funded by the Austrian government. While the Austrian experts of the IFMP are doing an excellent job, it is the local contractors who have been damaging the environment through their obsession for quick profits and total lack of concern for possible damages to the environment while extracting stones and timber for their work. As everyone knows, Bhutan has one of the best records in the world for environmental conservation. To ensure the preservation of our pristine environment while implementing development programmes, it is imperative that concerned agencies like the National Environmental Commission and the local people are consulted both at the planning and implementation stages of any development programme, he said.

On this point, the Minister for Trade and Industry said that as in the case of Bumthang, if problems arise due to tourists in other Dzongkhags, he would be grateful if reports were henceforth sent to the concerned Dzongkhag administration, the Ministry of Trade and Industry and the Tourism Authority of Bhutan. From 1991, in keeping with His Majesty the King's directives, tourism being a commercial activity, this business was privatised as the National Assembly members are fully aware. In accordance with the policies and regulations of the government, a separate division known as the Tourism Authority of Bhutan (TAB) was established to keep a check and provide required assistance to private sector tourist agencies, said the Minister for Trade and Industry. The TAB not only provides training to personnel of these private agencies, but starting from this year, special emphasis is being made to provide necessary training for tourist guides. In this context, guides are also being trained on how they should fulfill their responsibilities for protecting the environment.

Though regulations have been promulgated to oversee tourism activities in Bhutan, additional provisions are still being made as we gain experience, said the Minister. In

order to safeguard the environment, for example, instead of using firewood, use of gas is being encouraged, and non-biodegradable waste is required to be brought back and accounted for on return of tourists to town. However, it is not possible to post inspectors appointed by TAB in each of the different Dzongkhags. Hence, if the concerned, Gups, Chimis and the people extend their cooperation and report either through the Dzongkhag or directly to the TAB, then the type of problem raised by the Bumthang people's representative can be resolved.

The Minister informed the Assembly members that Bhutan's tourism policy is in keeping with the hopes and aspirations of the people, which primarily is to safeguard the country's customs and traditions and to protect the environment. Towards achieving these objectives, the tourist rates have been kept high. Unless a tourist agrees to pay US\$ 200 per day for cultural tours and US\$ 120 per day for trekking, the tourist is not allowed entry into the country. This makes Bhutan the most expensive tourist destination in the region. Again, tourists cannot visit any part of the country that they want to, but only places approved by the Ministry of Home Affairs, he said. In 1994, the number of tourists to Bhutan was 3,971. Despite this small number, from the gross foreign exchange earnings of about US\$ 4 million, the government received US\$ 1.4 million in the form of royalty that year. Hence, the policy that we have been pursuing has resulted in good revenue to the country, he said.

The Minister requested the members to study the brief report distributed by the Ministry of Trade and Industry on the TAB's policy and regulations, and to explain it to the people in their respective Dzongkhags.

The Secretary, Ministry of Agriculture submitted that as already reported by the Bumthang Chimi, the forestry project at Ura which is being implemented under Austrian assistance has done no damage to the environment but is in fact doing an excellent job of promoting environmental protection. He had confirmed that himself during his recent visit to the project site. Also, the National Environment Commission had issued a letter commending the IFMP after some of its officials visited the project to assess the environmental impact of the project activities.

The Secretary also informed the Assembly that the IFMP at Ura, Bumthang is one of the major projects of the 7th Plan. This project will address forest management and rural development issues such as pasture development and fuel wood efficiency, he said. Its important objectives include fir forest regeneration study as there is very limited work

done on this elsewhere in the world, forest management and utilisation, grazing management and pasture development, social forestry, and environmental and biodiversity conservation.

The construction of a forest road under this project is supposed to establish a model for construction of other roads in the country in terms of environmental prescriptions for road alignment, construction and maintenance. Though the project's operable forest area could have been reached by constructing a 5 kilometre road by the most direct route, taking into consideration the socio-economic benefit for the local population, it was decided to construct the road through Sumthrang and Shingkhari villages. Although, by having to avoid environmentally sensitive areas and local holy places, the length of the road became 12.5 kilometres, it has greatly benefited the people.

The Secretary informed the Assembly that all the project related contract works such as collection and supply of stones for the road construction, construction of office and residential buildings and other works had been given to the local people so as to ensure that local concerns such as the need to avoid disturbance of holy places are taken into account. As already reported, the project has greatly benefited the local population, said the Agriculture Secretary. On behalf of the government and people of Bhutan, the Secretary thanked the government and people of Austria for their generous assistance and valuable contribution to the socio-economic development of the country.

The Bumthang Dzongda submitted that as the Bumthang Chimi had already clarified, the Austrian experts of the IFMP had never caused any problems in the course of their work. The IFMP have used high cost environment friendly machines to avoid environmental damage, he said. The contractors, on the other hand, had created problems in the beginning because of their desire for quick profits while implementing their work, which brought about certain damage to the environment. However, these problems have since been resolved, he said.

His Majesty the King informed the members that Austria had given a grant of Nu. 132 million for the Integrated Forestry Management Project in Ura, Bumthang. As the government has to only pay the Bhutanese staff working on the project, the government's contribution to the project is just Nu. 1.655 million. Since the contract for building the forest road and other works on developing the forest is being undertaken by the people of Ura, the project has been very beneficial in enhancing the income of the local people. His Majesty informed the members that due to the close and friendly relations between Austria and Bhutan, the Austrian government has committed a

development assistance of Nu. 1,130 million which does not include the funding for the Basochhu Power Project in Wangdiphodrang. Austria is not only one of the major donors for our Seventh Plan Programmes but Austrian assistance to Bhutan has been increasing every year, said His Majesty. On behalf of the government and people of Bhutan, His Majesty expressed his deep appreciation to the government and people of Austria for the generous assistance extended to Bhutan.

The National Assembly decided that all responsible members of the public and the concerned Dzongkhag administrations should work closely with the Tourism Authority of Bhutan and the Ministry of Trade and Industry to prevent any damage being caused to the environment by tourists. All contractors undertaking various development programme works shall ensure that no damage is caused to the environment while executing their works. The National Environment Commission shall coordinate with all concerned agencies, departments and people before any projects are started. The National Environment Commission shall also carry out periodic inspections in the course of project implementations to ensure that these works will cause no harm to the environment.

## **6. Need for talk between India and Bhutan**

The people of Thimphu Dzongkhag submitted that there have been frequent reports in the newspapers and the radio of subversive activities by the Bodos along the Assam-Bhutan border. Since India and Bhutan have always enjoyed close and friendly relations, the people of Thimphu submit that it would be beneficial for talks to be held between the two governments before any serious situation arises.

The Samdrupjongkhar Dzongda expressed his appreciation for the Thimphu Chimi's concern over the security of the nation. He said that the Bodo militants have not been coming openly into Bhutanese territory and towns as they would be violating Bhutanese law. Although the border between Bhutan and Assam is open and thickly forested, and we do not have adequate number of security personnel along the border, no major problem has been caused by the Bodo militants thus far, and the security forces are also doing their best to safeguard our territory, he said.

Similarly, the Sarpang Dzongda informed the members that the Dzongdas of the southern Dzongkhags and the Deputy Commissioners of the respective districts in

Assam meet on regular basis to discuss the problems confronted by each other. Besides, the Government of Assam and the Royal Government of Bhutan also hold meetings from time to time on issues of mutual concern. There is also close cooperation between the police forces on both sides of the border, he said.

The representative of the Bhutan Chamber of Commerce and Industry, noting that it is mostly the business sector people who have to travel along the Indo-Bhutan border, said that the Indian police have been extending their full cooperation and assistance. Since Indo-Bhutan friendship and cooperation is very close, he said, there is no need to have a separate discussion on this issue.

One of the people's representative from Pemagatshel Dzongkhag informed the Assembly that during the winter months the people of the five gewogs of Pemagatshel have traditionally conducted trade with the people of Assam, mainly at a place called Chowki at the border. Of late the Bodo militants have been causing serious problems in the area. They have been fishing and poaching wild animals about four kilometres inside Bhutanese territory. They also came to one of the villages in Khar gewog called Shomshem which is about 15 kilometres inside the border. Since they were armed with guns, the people could do nothing against them. We also met the Bodo militants face to face when we went to measure Tseri land in our gewog on the instruction of the Agriculture Ministry, he said.

The representative also pointed out that the Forest Department personnel who were armed with guns and posted at Chowki earlier were withdrawn to Samdrupjongkhar last year in the wake of the Bodo problem in the area. They were now able to come on patrol to Chowki only once a week. He said that the people were being terrorised by the Bodo militants when they come to Chowki to do cash crop business between the 9th and 2nd months of the Bhutanese calendar. He requested the government to post a permanent detail of Forest Guards at Chowki for the security of the Bhutanese citizens and the protection of forest resources in the area.

In response, the Home Minister informed the members that as per the wishes of the people and in keeping with the directives of His Majesty the King, the main objective of the Government is to alleviate the problems faced by the people and to ensure safety and security in the border areas. To achieve these objectives regular meetings are held between the district administrators and police personnel from both sides of the border

areas. Besides, in order to solve problems of mutual concern and to promote closer co-operation, senior officials from the RGOB, Assam and West Bengal have frequent coordination meetings. With the opportunity of holding co-ordination meetings whenever required, we do not have any major difficulties in the border areas, he said. However, since the Bodo militants were carrying out insurgencey against the Indian government, and in consideration of the possibility of the Bodos straying into border areas, the Immigration offices, Revenue and Custom offices and the police strength along the border had been reinforced in keeping with government policy. The Home Minister added that should any serious problem arise, the matter could be discussed between Bhutan and India at any point of time as there exists close ties of friendship and co-operation between the two countries.

The Speaker reminded the members that a discussion on holding talks with India to request that ngolop terrorists be prevented from crossing into Bhutan has already been concluded. He suggested that a prolonged discussion on holding talks with India regarding the problems caused to Bhutanese citizens by Bodo militants was not necessary as talks with the Government of India can always be held if it is really necessary.

Speaking on the issue, His Majesty the King said that the request made by the people to hold talks with the government of India in order to resolve the problems caused by the Bodo militants deserved due consideration. He suggested that in view of the concerns of the people and the difficulties and Kidu faced by them, it will be beneficial to hold a dialogue with the Government of India on the problems regarding the Bodo militants and discuss how to ensure that such problems along the border do not escalate into serious problems in the future.

The National Assembly, taking into consideration the difficulties and Kidu faced by the people due to the Bodo problem in the Indo-Bhutan border areas, resolved that it is very important for the Royal Government of Bhutan and the Government of India to hold a dialogue and find a way to remove the problems related to the Bodo militants.

## **7. Capital Punishment**

Before opening the discussion on this issue, the Speaker informed the members that since enacting and amending laws is one of the most important responsibilities of the

National Assembly, a judge of the High Court had been a sitting member of the Assembly until the 72nd Session of the National Assembly. However, since the judiciary is an independent body from the executive and the legislature, His Majesty the King had been pleased to command that from henceforth, a member of the judiciary shall no longer be a sitting member in the National Assembly. If any issue related to the law and requiring clarification from the judiciary is to be discussed, either the Chief Justice or a High Court Judge nominated by him shall attend that particular session to clarify any doubt or question pertaining to the issue under discussion. He informed the members that the Chief Justice was attending this particular session to clarify and answer any doubt and question the Assembly members may have on the issue to be discussed.

The people's representatives of Talo, Zomey, Karbi, Gooma and Goenshari gewogs in Punakha Dzongkhag, and Jamkhar and Tongshong gewogs in Trashiyangtse Dzongkhag submitted that sacred religious artifacts and Ku-Sung-Thuktens continue to be stolen from the Lhakhangs and Goendeys built by the great leaders and venerable lamas of the past. The proliferation of such crimes is due to the punishment awarded for such crimes not being severe enough. They said that the people requested for capital punishment instead of life imprisonment to be awarded to all persons responsible for desecration and theft of Ku-Sung-Thuktens. They also called for capital punishment to be made mandatory for all ngolops and terrorists in strict accordance with the laws of the country. They said that international opinion on enforcing capital punishment should not influence the judgements of the Thrimkhang Gongma at the cost of the country's well-being and security.

The Chief Justice thanked the Speaker and the members for the opportunity to attend the National Assembly as a special guest. The Chief Justice informed the house that the law regarding theft of Ku-Sung-Thuktens was amended in 1988. According to Tha 1-9 and Tha 1-11 of this law, persons convicted for theft of Ku-Sung-Thuktens for the first time shall be given life imprisonment while a person convicted for this crime a second time shall be given capital punishment in accordance with Tha 1-12. Likewise, persons convicted for premeditated murder for the first time shall be given life imprisonment in accordance with B 1-10 of the Thrimshung Chhenpo, while a person convicted of murder a second time shall be given capital punishment under Ba 1-14.

As for treason (ngolops), there is a provision for capital punishment but it is not mandatory, he said. Therefore, the Court inquires and looks into the merits of the case very meticulously and judges the gravity of the crime committed before awarding any judgement. The cases are heard by the Full Bench of the High Court in an open trial.

Regarding the concerns of some of the members that the judiciary may be affected by international opinion when awarding sentences to ngolops and criminals, the Chief Justice assured the house that the Judiciary of Bhutan implements the laws of Bhutan only. None of the judgments rendered by the Courts are affected by international opinion, he said.

The Royal Advisory Councillors, pointing out that the law is meant to protect the innocent and punish the wrongdoers, said that capital punishment should be imposed on the desecrators and robbers of Ku-Sung-Thuktens who are committing these sacrilegious crimes. They pointed out that thefts from Chortens and Lhakhangs continued to take place because the punishment for these crimes was not severe enough.

The representative of the Bhutan Chamber of Commerce and Industry and some of the people's representatives said that thefts from Lhakhangs and Chortens continue to take place because the perpetrators do not fear the sentence of life imprisonment for such crimes. One of the members also pointed out that there have been cases of persons who have stolen sacred Jatongpa scriptures not even being sentenced to life imprisonment even after they were caught by the police. Other members pointed out that even the person responsible for the vile murders and desecration in Chimi Lhakhang has not been awarded capital punishment, and there were murder trials that have continued indefinitely, with the relatives of the victims having received no compensation till date. Other representatives pointed out that the sale of Ku-Sung-Thuktens and Zees have contributed to the increasing number of thefts from Lhakhangs and Chortens. If capital punishment is given to all those involved in such crimes, it would help to reduce the theft and loss of our national heritage, said one of the members.

The Lhuntsi Dzongda expressed the view that the increase in Ku-Sung-Thukten theft cases may be due to an erosion of the traditionally strong faith and belief of the people in religion and culture. He said that just as a river can be stopped more easily at its source than when it has become a swollen torrent downstream, so should we strive to prevent Ku-Sung-Thukten thefts through a long term strategy of creating more

awareness among the people about the spiritual values of our religious heritage, the concept of Tha-Damtsi (mutual loyalty and obligation) and Ley-Jumdey (inevitable retribution for sins according to Karmic cause and effect) rather than impose capital punishment, he said.

On this point, the Home Minister informed the members that, imposition of capital punishment for those involved in the desecration of monasteries and temples, and theft of precious religious artifacts are clearly mentioned under Resolution No. 2 of the 72nd Session of the National Assembly.

He said that the issue regarding imposition of capital punishment was also clearly defined in the “Thrimshung Chenpo” under Chapter “Tha” and therefore required no further debate. However, the Tshogdu may like to resolve it as deemed appropriate keeping in mind the overall national interest. He also recalled that according to the resolution adopted during the 72nd Session of the National Assembly, the Dzongkhags were required to submit information on problems and difficulties faced while implementing the regulations under this resolution and the directives in His Majesty’s Kasho.

The Home Minister also said that the responsibility of ensuring the safety of monasteries, temples and religious artifacts was entrusted to the Dzongdas, Thrimpons, Police, Dzongkhag Yargye Tshogchungs and Gewog Yargye Tshogchungs of the respective Dzongkhags.

The Dratshang member of the Royal Advisory Council, while agreeing that the actions of persons stealing Ku-Sung-Thuktens will indeed do great harm to the Dharma, said that a country like Bhutan which is steeped in the Buddhist values of compassion should not enact a law that makes the taking of a human life mandatory in the administration of justice. He recommended that some other appropriate punishment along with life imprisonment may instead be considered.

Many people’s representatives from the eastern Dzongkhags called for capital punishment to be imposed on persons stealing Ku-Sung-Thuktens. They said that this was the only way to curb the increasing incidents of Lhakhang and Chorten robberies.

The people’s representative of Chang gewog in Thimphu Dzongkhag said that the law did have provisions for capital punishment which would be applicable for second offenders as explained by the Chief Justice. In view of this and as pointed out by the

Home Minister it would be adequate if everyone concerned implemented the resolutions of the 72nd Session of the National Assembly regarding the protection of Lhakhangs and Chortens.

The Dagana Dzongda pointed out that the various Dzongkhags had all started implementing the directives in His Majesty the King's Kasho and the decision of the 72nd Session of the National Assembly on the protection of Ku-Sung-Thuktens. The effectiveness of these measures should be observed for some time. If they fail to curb the theft of Ku-Sung-Thuktens, the issue of awarding capital punishment for such crimes should again be raised for discussion in the National Assembly.

The Speaker, noting that without adequate time being given to study the effectiveness of the measures adopted to protect Lhakhangs and Chortens in keeping with His Majesty the King's Kasho and the resolution of the 72nd Session of the National Assembly there was no point in proposing additional measures, suggested that the Assembly should consider the recommendations made by the Home Minister and the Dagana Dzongda on this issue.

The National Assembly decided that the effectiveness of the measures adopted in the Dzongkhags to protect Lhakhangs and Chortens in keeping with His Majesty the King's Kasho and the resolution of the 72nd Session of the National Assembly should be studied for a few years. If the robbery of Ku-Sung-Thuktens are not brought under control by these measures, the issue of mandatory capital punishment for robbing Ku-Sung-Thuktens, murder and treason could be raised again for discussion by the National Assembly.

## **8. Entry and employment of outside people**

The people's representative of Mongar, Gongdu, Tsamang and Tsakaling gewogs in Mongar Dzongkhag submitted that there were many Nepalese from outside staying in the country as labourers and drivers. The people have requested for a strong ban to be imposed on the entry of Nepalese into the country, he said. The people have also heard that many non-national Nepalese are still being employed in government offices. Such people should not be employed in government service. A detailed investigation should be carried out by the Department of Immigration and Census and all Nepalese should be sent out of the country. It would be better for the government and the people if Nepalese are not allowed to come to Bhutan to look for employment, he said.

The Home Minister informed the Assembly that since the inception of developmental activities in the country, both government and private organisations had been recruiting non-national labourers from the neighbouring countries to overcome the labour shortages in the country.

The Home Minister pointed out that as per the 72nd Session of the National assembly, the labour recruiting agencies are free to import Indian labourers. While recruiting, the agencies had brought many non-nationals to serve their own convenience without paying heed to the qualification, skill and their place of origin. The non-nationals employed in government service on contract basis will have to remain in the job till their contract services expire. Regarding drivers, we need to keep the non-national drivers as the number of national drivers still falls short of the actual requirements in the country, he said.

The Home Minister informed the members that there are approximately 30,000 non-national workers in the country, of which about 10,000 are ethnic Nepalese. He also informed the members that His Majesty the King had commanded that these Nepalese workers should be allowed to continue working in Bhutan for the time being. His Majesty had pointed out that it would be better to allow them to continue working in Bhutan as they would otherwise go straight to the refugee camps in eastern Nepal claiming to be Bhutanese refugees. Most of the ethnic Nepalese workers who had left Bhutan earlier after completing their contract periods had gone to the camps in Jhapa, Nepal claiming to be Bhutanese refugees while some had returned to Bhutan and applied for jobs by producing affidavit documents certifying they are Indian nationals.

The Home Minister informed the members that as per the directives of His Majesty the King, the recruitment of non-national workers shall be carried out according to the Chatrim for Recruitment of Non-National Work Force as resolved at the 72nd Session of the National Assembly, and the decision of 144th Session of the Lhengyel Zhungtshog which had been distributed to all concerned.

Some of the people's representatives said that while it was all right to import outside labour in keeping with the rules and regulations for employing non-national labourers, any non-national employed by the government should not be given sensitive posts, and jobs dealing with financial transactions.

Other people's representatives said that since the manpower requirements for development projects, road construction, factory work and shortage of drivers could not be met internally, it was necessary to employ outsiders. However, there should be no problem if everyone concerned acted in strict accordance with the existing rules and regulations for employing non-nationals.

On the issue of the difficulties related to the employment of expatriate workers as per the existing rules and regulations, the Planning Minister and the Kalyon, Royal Advisory Council, informed the Assembly that it has been little more than three decades since Bhutan embarked on the path of planned socio-economic development. While less than ten years ago, the number of expatriate workers in the country was more than 1,00,000, today the number has been reduced to about 30,000. This has been the result of strict adherence to the rules and regulations by both the people and the government. They emphasized that if the people and the government continue to abide by the rules and regulations, the dependence on expatriates will be gradually reduced.

The National Assembly decided that regarding the entry and employment of outsiders, everyone concerned shall abide by Resolution XV of the 72nd Session of the National Assembly and the Home Ministry's rules and regulations for employment of non-nationals.

## **9. Registration of housing plots in the Sathram**

The people's representatives of Chang and Kawang gewogs in Thimphu Dzongkhag submitted that since the house plots in the villages are not registered in the Thram, it has been causing much inconvenience to the people. Therefore, the people requested for house plots to be registered in the Thram. Likewise, the premises of the houses of the old inhabitants in the vicinity of the Thimphu Dzong and town should also be registered in the Thram in accordance with the Land Act and the relevant resolution of the 58th Session of the National Assembly.

To further clarify the above issue, the Thimphu Dzongda stated that while going through the Sathram (land record), it was observed that although the registration of different types of land are specifically shown, some problems are encountered while allotting the new house numbers due to the absence of specific registration of housing plots. While requesting for the housing plots to be registered in the Thram in accordance with KA-4-7 of the Land Act, the people have raised the following issues also, he said.

The registered land of Chang and Kawang which are situated in the periphery of the town area and measures 312.10 acres, have been handed over to the City Corporation since 17th May, 1994, while collection of taxes and mobilization of Woola continued to remain with the Dzongkhag. Also, the problems became more apparent with the 51 residents (Khepnym) from five villages who still do not possess separate Thrams for their house plots although they have been living there for many generations. This has made it necessary for them to request the National Assembly for permission to register their house plots in the Thram like other types of land.

The Royal Advisory Councillors, the representative of the Bhutan Chamber of Commerce and Industry and the people's representatives of Haa, Paro and Chukha Dzongkhags, all expressed their views on this point. They pointed out that the Land Act did not require house plots to be registered separately and Section 4-7 exempted tax for half acre of a person's land holding. This could create problems in areas near towns and Dzongs where house plots may have to be registered, but the issue is not covered by the Land Act. Since there is no guarantee that the problems faced by the 51 residents of Thimphu will not arise in other Dzongkhags also, and since this problem is not covered by any of the clauses in the Land Act, they recommended that a provision to register house plots in the Thram should be considered. Taking into account the Kidu of the 51 residents of Thimphu, the members also recommended that these residents should be allowed to register their house plots.

Regarding the rural land of Thimphu people falling within the new urban boundary, the Deputy Minister for Communications explained that clause No. Ka 4.7 of the Land Act is not applicable to areas falling within Dzong areas and town areas. He also stated that Clause No. 3.2 of the Land Act covers cases omitted during transfer from old Thram to new Thram and further provides that such omission should be corrected within five years, failing which it will be considered as government land. He clarified that the town had taken over rural land alongwith records from the Home Ministry. He pointed out that if the National Assembly agrees with the request of the Thimphu people to consider their case as Kidu, it will have wider implications. Therefore, he submitted that the municipality should be allowed to follow its rules and regulations to facilitate better planning of the towns.

The Bumthang people's representative pointed out that although house plots were also measured along with other land during the 1987 cadastral survey in Bumthang, house plots have not been registered separately as such plots were not listed in the old Thram. This was causing problems in settling disputes over house plots as ownership cannot be verified by checking the Thram.

In response, the Secretary, Survey Division explained that the land registration and cadastral surveys are being carried out in line with the Land Act. If we are to accede to the request of the 51 households of Kawang and Chang gewog under Thimphu Dzongkhag, it will mean amending the Land Act and relevant government rules, he said. Therefore, this case should be dealt with in line with the Land Act.

As of now, out of the 20 Dzongkhags, Sathrams for 4 Dzongkhags only have been prepared on the basis of cadastral survey. Therefore, in the Dzongkhags where cadastral survey has not been done, requisition of land for development activities such as construction of schools, hospital etc are carried out as per the existing Sathram. He conceded that if the problem represented by the 51 households of Chang and Kawang gewogs are really genuine, then this might need to be examined. This can be done in consultation with the concerned Dzongkhag and the case forwarded to the Home Ministry for further detailed examination and a decision. Hence, he was of the opinion that there was no need to change the Land Act and frame new rules just to resolve this particular case.

Responding to this, the people's representative of Chang gewog in Thimphu pointed out that according to the resolution of the 58th Session of the National Assembly, the issue shall be governed by the relevant resolutions of the 58th Session and such cases are not required to be governed by the Land Act until the Cadastral survey is completed. Once the cadastral survey is completed, the matter shall be dealt in accordance with the relevant clauses of the Thrimshung Chhenpo. Although the people of Chang and Kawang are living in the rural areas, they have to follow the urban rules and regulation as their land are already included in the town area, he said. When it is all right for the people of other Dzongkhags to abide by the resolutions of the 58th Session of the National Assembly, regarding this issue, the people of Chang and Kawang alone should not have to follow the Land Act. Because of this reason, difficulties have arisen. He requested that the people of Chang and Kawang should also be allowed to follow the earlier system, that is the resolution of the 58th Session, regarding this matter.

In response, the Home Minister explained that as stated by the Secretary, Survey Division, the problem faced by the public of Chang and Kawang could be taken care of if it is dealt in accordance with Land Act. Ka4(7). Besides, the house plot tax for 0.50 acres is exempted. As per Ka4(8) even if a person has no registered land but the house tax is being paid, full right is being endowed to the registered house. For the purposes of house tax and Goongda Woola (labour contribution for development work) for such households, all houses are listed every year. Since matters regarding Khimsa in rural areas is clearly outlined in the Land Act there should be no problem

Similarly, compensation for areas falling within the municipal boundary had already been paid and settled, and the rural areas are being taken care of by the Survey Division. Thus there should be no problem. With regard to the 51 households of Thimphu, the land was surveyed in consultation with the Dzongkhag, and all plots falling within the municipal area were transferred to the municipality. However, payment of taxes and Goongda Woola are still governed by rural area standard. After transferring these areas to the municipality, all benefits are now as admissible for municipal areas and consequently they now benefit from municipal services.

The people's representatives of Chang and Kawang gewogs agreed that if the 51 residents in the two gewogs had any problem about their house plots, they should approach the Home Ministry to resolve the problem in accordance with the clarifications given by the Home Minister.

The National Assembly decided that the Home Ministry and the Survey Division together with the Dzongda and the Dzongkhag Yargay Tshogchung members of Thimphu Dzongkhag shall investigate the problems faced by 51 residents of Chang and Kawang gewogs on the basis of the Land Act. The Home Ministry and the Survey Division, together with the concerned Dzongdas and Dzongkhag Yargay Tshogchung members shall also frame a clear solution to prevent similar problems for people in other Dzongkhags whose ancestral homes may fall under urban areas.

#### **10. Transfer of Tseri Thram holding**

The people's representative of Decheling and Norbugang gewogs in Samdrupjongkhar Dzongkhag submitted that in accordance with the policy of the government, the Tseri land holdings of the people were being inspected by the Agriculture Investigation Team

in close consultation with the people to determine whether such land are arable or not. In accordance with their own wishes, the land fit for cultivation were converted into paddy and dry land while those land not suitable for crop cultivation were earmarked for planting oranges, cardamom and bamboo or private pasture land, for which forms duly filled have been submitted to the government. The people requested the government to kindly transfer these land in their Thram.

In response, the Secretary, Survey Division explained that as per Government policy, the Ministry of Agriculture is carrying out a detailed Tseri study. After the study, on the recommendation of the Agriculture Ministry, if the concerned Dzongkhags process the cases in line with the Land Act, there should not be any problem in registering land which have been converted from Tseri to regular cultivable fields.

The people's representatives of Pemagatshel Dzongkhag informed the Assembly that out of 3,500 acres of Tseri in Pemagatshel, 380 acres had been converted to regular cultivable land. However, since this land is still registered as Tseri there were anomalies in paying land tax. He said that the people are trying their best to reduce their dependence on Tseri cultivation in keeping with His Majesty the King's command during the 72nd Session of the National Assembly. Expressing his appreciation, he requested the Agriculture Ministry to continue its efforts to develop agriculture while taking into consideration the problems faced by the people.

One of the people's representative from Zhemgang Dzongkhag pointed out that although most of the people had earlier been dependant on Tseri cultivation, with the government introducing many development schemes and building irrigation canals, Tseri land were being converted to paddy land and other cultivable land. Expressing his deep appreciation to His Majesty the King for making this possible, he said that it could now be seen clearly that reducing Tseri cultivation is very beneficial for increasing the income of the farmers and preserving the environment. Pointing out that if the Tseri converted to regular cultivable land is registered in the Thram it would benefit the people and also help to fulfil the government's policy of reducing Tseri cultivation, he requested that the land reclaimed from Tseri may be registered in the Thram as soon as possible.

In response to this, the Home Minister explained that there should be no problem if the conversion of Tseri to Chhuzhing (wet land), Kamzhing (dry land) and cash crop fields is processed in line with Land Act Ka3(10) and Ka3(11) through the concerned

Dzongkhags. Registration of converted land should be processed by the concerned Dzongkhags and the cases could be looked into in conformity with the existing government policies and regulations.

The people's representative of Decheling and Norbugang who raised the point agreed with the Home Minister's reply and thanked him for the clarification.

## **11. Kapney for Chimi**

The people's representative of Merak and Sakteng gewogs in Trashigang Dzongkhag expressed his appreciation for the increase in the Daily Allowances for Chimis (people's representatives). Since the responsibility of the Chimis is to be the bridge between the government and the people, they play an active role in meetings and gatherings in the villages, gewogs and the Dzongkhag. He requested for a different Kapney to be given for the Chimis as it would enable them to be more distinctive and effective during such meetings. A distinctive Kapney would also instill a sense of pride in the Chimis for their special responsibility, he said.

The people's representatives of all the Dzongkhags supported this request and explained their reasons for wanting a distinctive Kapney. With the rapid progress and development taking place in the country, the Chimis not only attended many development related meetings but they also participated in many important functions. As responsible citizens, they also attended the traditional festivals and celebrations in their Dzongkhags. During such occasions, it was found that while the Gups are easily recognizable by their Kapneys, the Chimis cannot be distinguished from the rest of the public since they wear the same Kapneys. They recalled that the issue was discussed during the 69th Session of the National Assembly when the same point had been raised by the Chengmari Chimi, and a resolution had also been adopted. They requested that the 73rd Session should sanction a distinctive Kapney for the Chimis.

The Speaker asked the members not to be disheartened by the delay in implementing the resolution of the 69th Session of the National Assembly wherein it had been decided that several samples of Kapneys should be made and submitted for approval during the following session. He informed the members that the government had committed to distributing a suitable Kapney for Chimis within the year itself. The Speaker also told the members that Chimis are authorised to wear this Kapney only during their tenures as people's representatives.

## **12. Ban on tobacco**

The people's representative of Lamgong and Tsentok gewogs in Paro Dzongkhag submitted that the people of Paro were very impressed to learn that tobacco had been effectively banned in Trashiyangtse Dzongkhag and that the Dzongkhag had been awarded a commendation. In their experience, despite many efforts to restrict the sale of this addictive substance, many people continued to consume tobacco products, making it very difficult to implement a complete ban on tobacco. The people of Paro, therefore, requested the National Assembly to pass a resolution either banning tobacco completely or increasing tax by 50 percent on all tobacco products imported into the country.

On this point, one of the Royal Advisory Councillors pointed out that since the wishes of the people should be taken into account, it would be better if they first attempted to ban tobacco in the respective Dzongkhags. It would, of course, be best if people stopped consuming tobacco because they understand it is not good for their health. The Assembly should, therefore, consider whether it is better to ban tobacco by decree of law or by making people understand its ill effects.

The Paro Chimi and the Dratshang member of the Royal Advisory Council, while agreeing that it is adequate if the people, Dzongda, Gups and Chimis worked out various means to ban tobacco in their respective Dzongkhags, certain problems were faced in enforcing a No Smoking policy in Paro International Airport as some of the travellers demanded to know by what law they were forbidden to smoke. Accordingly, it was felt that enacting a law banning tobacco would be very beneficial. Or, the tax on tobacco could be increased to 100 percent, which has the added benefit of bringing more revenue to the government.

The Dratshang representative noted that consumption of tobacco could not be stopped despite the efforts made by the Health Department and the religious bodies in explaining to the people of all the Dzongkhags, the ill effects that an addictive substance like tobacco has on the physical and spiritual well-being of a person. He pointed out that if the National Assembly enacted a law banning tobacco it could only benefit the country and would cause no harm to other countries.

In response, the Home Minister recalled that during the 70th Session of the National Assembly, the adverse effects of tobacco had been discussed at length. During the same session the difficulties that would be involved in implementing a law banning tobacco, if such a legislation was to be adopted, had also been discussed. In view of this, the house had unanimously agreed on the difficulties likely to be faced while implementing such a ban. Besides, the Home Minister also recalled that His Majesty the King had been pleased to observe that a stop to the sale and consumption of tobacco would be a commendable achievement, and as tobacco is harmful both in the context of religion and good health, all Dzongkhags, educational establishments and health institutions should make concerted efforts to promote awareness among the people about the adverse effects of smoking with a view to minimise tobacco consumption.

In appreciation of the wisdom of His Majesty the King, every year, 31st May is observed as “No Smoking Day” in all the Dzongkhags in the Kingdom, said the Home Minister.

In keeping with the above, the public of Trashiyangtse, have declared Trashiyangtse a Tobacco Free Dzongkhag. In recognition of this achievement, the World Health Organisation awarded a commendation to Trashiyangtse Dzongkhag.

The Home Minister said that the Public Health Division was making every effort to disseminate awareness oriented information on the adverse effects of tobacco, through every possible means including the media. Through these campaigns, the efforts to minimise the use of tobacco had been making commendable progress. The Home Minister also informed the members that the Lhengyel Shungtshog had raised the sales tax on tobacco by fifty percent. As such, he pointed out that it would be pointless to enact a law banning tobacco, especially if its enforcement could not be implemented. Hence, he suggested that the house should instead reaffirm Resolution No.8 of the 70th Session of the National Assembly regarding this issue.

One of the Royal Advisory Councillors and the representative of the Bhutan Chamber of Commerce and Industry, while agreeing that it would be good if tobacco could be banned in Bhutan, pointed out that people consume tobacco with full knowledge of its ill effects because they have become addicted to it and have the prerogative to exercise their individual choice. For their part, the Health Department and the Dratshang had made great efforts to discourage smoking. They felt that rather than the National Assembly banning tobacco, efforts to reduce the consumption of tobacco should continue to be made by constantly educating the consumers of its ill effects through the

radio, Kuensel and other means. They pointed out that no useful purpose would be served by the National Assembly passing a decision to ban tobacco.

The Speaker, reminding the members that the issue of banning tobacco was discussed during the 70th Session of the National Assembly in 1991, said that while a law could be passed to ban tobacco as requested by some of the members, the house should also consider the possibility that due to the obvious difficulties in implementing it, the law could be rendered a mere formality existing on paper only. As submitted earlier by the Dratshang representative and the Home Minister, concerted efforts have been made to educate the people on the ill effect of tobacco on their physical and spiritual well-being, he said. As reported by the Home Minister, these efforts have helped to reduce the consumption of tobacco.

The National Assembly resolved that in continuation with the resolution of the 70th Session of the National Assembly, the Dratshang and the religious bodies shall continue their efforts to make the people understand the ill effects that tobacco addiction will have on their spiritual well-being and advancement, while the Health Department will also continue to educate the people on the harmful effects of tobacco on their physical health. Every effort shall be made to spread this message and educate the people in all parts of the country through the radio, Kuensel and all other possible means.

### **13. Increase in land compensation**

The people's representative of Chang gewog in Thimphu Dzongkhag submitted that when private land is acquired by the government for development works, compensation is being given as per the rate fixed by the 77th Session of the Lhengyel Shungtshog held in 1989. He said that some parts of Chang gewog had already been taken over under the town area and more parts were likely to fall under the municipal area in the future. The cost of agricultural products had also increased because the cost of labour had escalated. He pointed out that the government will continue to need land as and when it would be required for development works. Today, much of the public land had fallen under the Thimphu sewerage project. He said that the people of Chang requested that land compensation be given after an adequate revision of the rates.

In response to this, the Secretary, Survey Division explained that as per Ka6(8) of the Land Act, public registered land can be acquired from any location. The acquisition of

registered public land by the government and payment of compensation are outlined in Land Act Ka6(9). Keeping in view the welfare of the public, in 1992, the government had revised and streamlined the acquisition rules approved in the 77th Session of the Lhengyel Zhungtsog held in 1986. With passage of time, the qualitative grades for Chhuzhing such as “RUB”, “DRING” and “THA” corresponding to the rates Nu. 30,000.00, Nu. 20,000.00 and Nu. 15,000.00 per acre respectively had been revised to Nu. 30,000.00 without the grade system. Similarly, for Kamzhing the earlier qualitative grade such as “RUB”, “DRING” and “THA” corresponding to the rates Nu. 15,000.00, Nu. 10,000.00 and Nu. 8,000.00 respectively were revised to Nu. 15,000.00 without the qualitative grades.

While making the payment for the acquisition of a little over 10 acres of land required for the construction of the Thimphu Sewerage Project from the 29 households under Chang Gewog, the public had requested for an increase in the compensation rate. Although the rates admissible were Nu. 30,000.00 per acre for Chhuzhing, Nu. 15,000.00 per acre for Kamzhing, Nu. 3,000.00 per acre for Pangzhing, and Tseri, Nu. 200.00 per acre for Tsamdro, His Majesty the King was pleased to approve that the compensation be increased to Nu. 43,500.00 per acre which is applicable as per Lhengyel Zhungtshog’s decision to areas beyond “A Class” towns although the land acquired in this case is rural area.

Until now, out of the 20 Dzongkhags, cadastrally surveyed Sathrams have been prepared for only 4 Dzongkhags. Any increase in the rate of compensation now can have an impact for payment on excess land in the Thram when the cadastral survey is completed in all the Dzongkhags.

The Chang Chimi who raised the issue pointed out that the land of the people of Chang fell under the sewerage project although they are outside the urban area. Still, he agreed that the compensation of Nu. 43,500 per acre given to the people of Chang whose land fell under the sewerage project was adequate. However, regarding the land which had fallen under Thimphu town, he inquired by how much it would be possible to increase the rate of compensation from the existing rate of Nu. 65,300 per acre for Class 1 land.

In response, the Home Minister stated that land compensation rates for private lands by the Royal Government shall be in line with the presentation made by the Secretary, Survey Division and, therefore, needed no further explanation. Similarly, it was pointed out the lands falling under municipal area would follow the municipal rules and

regulations and the resolution of the Lhengyel Zhungtsho. The Home Ministry and Survey of Bhutan is responsible for the Sathram in the rural areas.

As regards compensation for acquisition of land, whether the government acquires or sells land, the rate of sale or purchase ought to remain the same except for land under municipal areas. However, the members of the Assembly will have to consider whether such rates will be equitable and to the advantage of the general public at large or there is a need to consider an amendment for adopting a separate rate for sale of land and acquisition by the government, he said.

The Thimphu Chimi accepted that it would be all right if a decision is taken that the rate of compensation for land which has fallen under the town area should be discussed between the people and the Town Committee, Thimphu City Corporation.

On this point, the Deputy Minister of Communication, in his capacity as the Chairman of the Town Committee, Thimphu City Corporation, clarified that regarding the land which had fallen under the Thimphu township, although it may be registered as land which has already been taken over by the government, a compensation of Nu. 65,300 per acre for Class 1 land will be given. For similar land already taken over by the government and which falls one kilometre or more outside the urban area, the rate of compensation is Nu. 43,500 per acre.

In response to this, the people's representative of Chang and Mewang gewogs said that ultimately the purpose of taking over land for a township or the work done by a government department is for the benefit of the people. They pointed out that there was a big difference between the compensation given to the people for land acquired by the government and the price charged for these land redistributed as urban plots. The people of Chang and Kawang, therefore, requested the government to consider awarding a suitable compensation for the land which had fallen under the Thimphu township.

They also submitted that in all the 20 Dzongkhags there were differences in compensation for land acquired by the government. The people place their hopes in the government to solve their problems like the child goes crying to its parents for comfort. They requested that land taken over for commercial purposes under townships should be treated differently from land acquired by the government for service facilities benefiting the people, and land required for foreign assisted projects. They asked for clear distinctions to be made between land acquired for these different purposes.

The Planning Minister explained that regarding the issue of increasing the land compensation for different categories of land acquired for development works, land acquisition is not done for commercial purposes but for the establishment of essential service facilities for the people. He informed the Assembly that in the course of the royal tour to the 20 Dzongkhags, His Majesty the King commanded the establishment of many towns and satellite towns. In this regard, land compensation is being paid in accordance to the existing law, and all the numerous general service facilities are being provided free of cost by the government. The provision of service facilities such as land development, construction of roads, water supply, electricity etc. to these towns constitute a huge financial burden on the government. It was, therefore, emphasized that the National Assembly should take into consideration the welfare of the nation as a whole rather than the concerns of a few households while deliberating on this issue.

The National Assembly decided that the request of the people of Chang gewog in Thimphu Dzongkhag for increase in land compensation needed to be studied carefully, keeping in mind the possible benefits and problems for both the government and the people. Since a revised rate can only be finalised after some of the clauses in the Land Act are amended by the National Assembly, until then the request of the people of Chang should be governed by the Land Act and the rules and regulations of the Thimphu City Corporation.

#### **14. Substitute for stolen religious artifacts**

The Dratshang representative, on behalf of the Central Monk Body, submitted that fines are being accepted in lieu of imprisonment against the value of stolen items from the culprits stealing important religious artifacts from Dzongs, monasteries and Lhakhangs, following their trial and conviction after being apprehended and handed over to the Courts by the police. He said that the Dratshang does not receive any information about any of the decisions taken on such cases and has no idea whether the original artifacts stolen have been replaced or not. Henceforth, any thieves robbing Lhakhangs and Goendeys who are apprehended must be made to replace the stolen artifacts. If necessary, the property in their names should be sold to buy suitable replacements of the items stolen by them. If this is not done, he said, there will come a time when the Lhakhangs and Goendeys will be totally devoid of any valuable religious artifacts. Pointing out that the responsibility for looking after Lhakhangs and Goendeys does not

lie with the Dratshang alone, he requested the National Assembly to consider the matter carefully and pass a suitable decision.

The people's representative of Mewang gewog in Thimphu Dzongkhag and the representative of the Bhutan Chamber of Commerce and Industry expressed their concern that if the sacred religious artifacts are all stolen and lost it would not be good for the Dharma and the country's spiritual well-being. It is, therefore, important that the original stolen artifacts are recovered if possible. Otherwise, every effort should be made to return suitable substitutes to the Lhakhangs and Goendeys which have been robbed. In view of the importance of protecting important religious artifacts, the 72nd Session of the National Assembly had decided that retired soldiers should be kept as guards in Lhakhangs that are located very far away from the villages. However, since it is difficult for one man to effectively guard a remotely located Lhakhang, the security of a Lhakhang would be greatly strengthened if the Dratshang could arrange for Drupdeys of three to five monks to be established in the remote Lhakhangs and Goendeys.

Some of the people's representatives said that every effort should be made to recover the stolen artifacts from the culprits when they are caught. If the items have already been sold, then whatever property is owned by the culprits should be sold under the supervision of the Court and suitable replacements for the stolen artifacts procured for the Lhakhangs and Goendeys that were robbed. This would greatly benefit the country.

The Dratshang representative in the Royal Advisory Council informed the Assembly that with the help of the government, the sacred religious artifacts stolen from Goen Tsephu and Talo Goenpa were recovered, for which he thanked the government. He also informed the members that the Dratshang had on their own efforts recovered three Rhino horns stolen from Siula monastery and two stolen from Dangkala. The person who stole the Rhino horns from Dangkala had done so after breaking the seal under which the horns had been kept and then fixed a false seal over it. After solving the case together with the Paro Rabday, the culprit was handed over to the police. The Dratshang representative called for priority to be given to recovering the original stolen artifacts to the extent possible, and if the items have already been disposed off, the cost should be recovered and a replacement procured.

Some of the people's representatives pointed out that Bhutan had been enjoying peace, stability and happiness because of the merits and blessings from its religious heritage

and the many sacred and precious Ku-Sung-Thuktens in the Lhakhangs and Goendeys all over the country. They suggested that an effective measure to ensure that the stolen Ku-Sung-Thuktens and sacred artifacts are either recovered or suitable substitutes procured is to confiscate all the property of the perpetrators of serious crimes, and that of their family members. They felt that this would greatly reduce the thefts of Ku-Sung-Thuktens.

The Speaker noted that all the members shared the Dratshang representative's concern that if stolen sacred religious artifacts were not recovered or replaced there would come a time when all these treasures would be lost, and also agreed with his proposal that every effort should be made to recover the stolen items or procure suitable replacements. He suggested that the National Assembly could resolve that while the original items recovered should be returned to the concerned Lhakhangs and Goendeys, regarding suitable replacements a decision could be taken by the Special Commission for Cultural Affairs.

Responding to the proposal, the Home Minister pointed out that in addition to the existing government policy and rules and regulations concerning the safeguarding of the invaluable antiques and religious artifacts in the Lakhangs and Chortens, several resolutions had been adopted during the various sessions of the National Assembly on this subject. If guidelines for the care and protection of valuable antiques are followed very strictly, the risk of antique thefts should not rise to the current magnitude.

The Home Minister informed the house that the Court and the police are trying their level best to recover the stolen antiques, and those that are recovered are returned to the temples and monasteries of their origin. Although some of the lost items may not be recovered immediately, there are cases where the stolen antiques were recovered after a period of time.

One of the people's representatives from Paro Dzongkhag, while agreeing that a decision on the replacement of stolen religious artifacts could be arrived at by the Special Commission for Cultural Affairs as suggested by the Speaker, requested for a clarification from the Chief Justice on the actions taken by the Courts thus far regarding the thefts and loss of Ku-Sung-Thuktens.

The Chief Justice clarified that Bhutan being a religious country where all the judges understand and appreciate religious principles and values, the judiciary has endeavoured

to expedite cases pertaining to Ku-Sung-Thukten theft cases so that the stolen items can be speedily recovered and restored. Where this is not possible, the Court issues order for the loss to be made good by the culprit.

The Chief Justice informed the National Assembly members that in keeping with His Majesty's command in 1991 that cases should not be delayed at the cost of the people's time and expense, the Judiciary had cleared all pending cases and backlog of the past years by the end of 1991. Unlike in other countries of the world where cases go on for a long time, Bhutan is one country where judgements are awarded within a reasonably short period of time after following the necessary procedures of the Courts.

However, awarding judgement within too short a period of time after submitting the complaint, as requested by the members, would affect the procedures in the Courts and the resulting hasty procedures would not meet with the satisfaction of litigants, he said. Following the normal procedures and detailed inquiry into the facts of the case is an essential feature of fair trials in the Courts. While rendering judgement, the Court hands down the copies of the judgement and the recovered articles only to the parties and persons involved in the case as per Kadyon Ka 1. The Court does not write or publicise the jugements.

As the Home Ministry looks after the recovered artifacts, the judiciary hands over such articles with proper accounts and records to the said Ministry. Recently, such stolen religious artifacts which were recovered have been returned to the respective Lhakhangs and Goendeys or to the concerned owners. In case the articles are recovered, the money received earlier against the value of the items are deposited with the Revenue Division under the Finance Ministry. The copies of such letters are sent to the Antique and Preservation Department as well as to the concerned Dratshang and Goendeys.

Regarding the query about the money to be recovered for buying new articles to replace the stolen ones, the Chief Justice said that if there is no source from where the Court can recover the cost of the stolen articles, it endeavours to recover the same from any other property that the offender owns, as per the provisions of Pha 1-4 of the Thrimshung Chhenpo. In case, the criminal has no source or ability to pay in terms of money, he is sentenced to imprisonment for a term calculated on the basis of daily wage rate as per Ba 1-6 of the Thrimshung Chhenpo.

Regarding the confiscation and sale of landed property, under the provisions of the Thrimshung Chhenpo, Loan and Land Acts, the Court has no authority to sell any property that is not in the name of the offender. Hence, the Court is prohibited from confiscating and selling the land and other property belonging to the criminal's family. Therefore, in accordance with the law, the practice is to auction whatever property there is in the name of the offender himself, and recover the cost.

The Dratshang representative thanked the Chief Justice for his clarification on the actions taken by the Courts regarding thefts of religious artifacts. Although these precious artifacts are the treasures of the whole country, it is the responsibility of the Dratshang to see that they are protected, he said. He, therefore, requested the judiciary to expedite the religious artifact theft cases even though trials of other cases are also important. If it is possible for the Court to give speedy trials for such cases, it would help to reduce further thefts of religious treasures, he said. It would also be very beneficial if the Court could also give the Dratshang copies of its judgments on all religious artifact theft cases.

The National Assembly decided that the Court should expedite religious artifact theft cases as requested by the Dratshang while the Dratshang should also keep in close touch with the Court regarding the matter. The Dratshang should also, after informing the Special Commission for Cultural Affairs, see to the return of the stolen religious artifacts that have been recovered, or their substitutes, to the Lhakhangs and Goendeys from where they were stolen.

## **15. Traditional bows and arrows**

The representative of Mewang, Gyene and Dagala gewogs in Thimphu Dzongkhag submitted that with the exposure to the outside world, many games and sports are being played according to international norms which is a welcome sign. However, in the case of archery, the trend to use imported bows and arrows is not good. The use of traditional bows and arrows will help to maintain the traditional spirit of our national sport. It would also give income to our own people who make the bows and arrows rather than sending money outside the country for imported bows and arrows. The use of imported compound bows is also a risk to the lives of players and spectators due to the high velocity with which they launch the arrows. Also, the art of making and using traditional bows and arrows will be lost if the trend continues. Bhutanese people in all walks of life are resorting to selling their land and other property and even taking loans

to buy imported bows and arrows to avoid the embarrassment of not owning foreign archery equipment like their friends or neighbours. We must, therefore, promote the use of our own bows and arrows.

Supporting the issue, some of the people's representatives said that it was important for Bhutanese people to take interest in their own culture, traditions and customs. Hence, it was important to take keen interest in the use of our traditional bows and arrows. Using our own traditional bows and arrows would not only help to preserve our traditional style of archery but the expenditure incurred for archery will also be affordable.

The Home Minister informed the members that archery being an extra-curricular activity, how it is played depends upon individual interest. Therefore, it is not even necessary to discuss the matter in the National Assembly. The Minister further informed the members that the Archery Federation is taking care to promote traditional archery. To improve and encourage traditional archery, His Majesty was pleased to command in 1993 that the Ministries and Departments should participate in traditional archery tournaments and subsidise the expenditure for participating in the tournaments from the department budgets, he said.

To uphold the traditional culture of archery, the entry fees for traditional archery tournaments has been reduced to Nu. 1,500 while an entry fee of Nu. 3,000 for each team is charged for tournaments with compound bows and arrows. To make the game more interesting both the spectators and the players, the old standard distance between the two targets had been established for traditional archery tournaments. Archery being a sport practiced on the individual's own interest and depending on one's income, it would not be appropriate for the Assembly to deliberate on controlling import of compound bows and arrows, said the Home Minister.

Regarding the high risk from playing archery with compound bows, the Home Minister pointed out that each game has its own risk. Therefore, he said that it is the responsibility of the concerned players and the organisers to take precautionary measures to keep such risks to the minimum.

On this point, one of the Royal Advisory Councillors informed the Assembly that whatever the Home Minister had said were valid. Traditional archery was practiced long ago when our country was not as developed as it is today. We should continue to

promote our traditional bows and arrows while at the same time using imported archery equipment since it all depended on one's income. In order not to lose the values of our traditional archery, we can use traditional bows and arrows for competitions, he said. This would not only maintain the spirit and style of traditional archery but it would also allow archery with imported equipment to be played as per the wishes and financial means of the people. He felt that it was not necessary to prolong the discussion on this issue.

The Chimi who submitted this point agreed that whatever the Home Minister and the Royal Advisory Councillor had said were valid.

The National Assembly resolved that with the progress and development taking place in the country, people who can afford to and wish to import archery equipment should not be restricted from doing so. At the same time, it is important to promote the spirit and traditions of Bhutanese archery.

#### **16. Payment in lieu of imprisonment**

The representative of the Bhutan Chamber of Commerce and Industry submitted the following points regarding payment in lieu of imprisonment and divorce compensation.

- a) Respect for the law and strict abidance by the law is very important if we are to build our country into a strong nation. To avoid partial judgments that may be affected by how a person argues his case and special consideration of status, it should be laid down clearly in the law as to whether payment can be made or not in lieu of imprisonment.
- b) Similarly, since the Thrimpons are authorised to decide on the issue of quarrels and fights, some people who have been severely beaten and injured are awarded damages of Nu. 1,000 only while in other cases where a person may have inflicted only one blow, damages of more than Nu. 10,000 have been awarded.

In order to facilitate awarding of proper judgments without giving consideration to a person's personality or status, the rate of fines and compensation should be clearly fixed under the law. Fines and compensation which can be made in lieu of imprisonment or other punishment should also be increased.

- c) The compensations for divorce cases under the Marriage Act are very low. As a result many cases related to marriage are brought to Court. The compensation for divorce under the Marriage Act should be revised.

Supporting the point raised by the BCCI member, the people's representative from Pemagatshel Dzongkhag said that as per the existing law, the mother of an illegitimate child does not receive adequate compensation from the father to bring up the child. He also said that the compensation awarded at the time of divorce for raising children should be increased in keeping with the changing times.

In response, on the question of facilitating award of proper judgements without giving consideration to a person's personality or status, the Chief Justice reminded the Assembly members that as per the provisions of the Thrimshung Chhenpo enacted in 1957, offences under Sections Hp 1-1, and Hp 1-2 regarding robbery of property and animals and highway robbery, Sections DA 3-1, DA 3-2 and DA 2-10 regarding breach of Government Prohibited Notices, theft, robbery and dacoity, and murder, etc. are non-compoundable offences. Further, Article Cha 2 of the Police Act of 1980 clearly defines and distinguishes between a civil case and a criminal case, and therefore, in cases of non-compoundable offences, the offender cannot pay fines in lieu of imprisonment. We have been implementing these provisions so far, and we have invited some international legal experts to observe how our laws compare with the other legal systems of the world, he said. The experts have expressed their appreciation with our general laws, which was a source of satisfaction for the Thrimpons.

The Chief Justice also informed the National Assembly that the courts in Bhutan have always strived to dispense justice impartially irrespective of the social status or rank of the persons standing before the Bench, in accordance with OM, AA and HUM of the Thrimshung Chhenpo. However, if any person is aggrieved with the judgements of any court, he can always appeal to the High Court. The appeals are heard by the Full Bench. If the appellant is still dissatisfied, he has the right to go and appeal to His Majesty the King. The legal system of Bhutan is "not like amountain track but a road in the plains". Therefore, there is no scope for partial judgements by the Thrimpons.

Regarding the submission by some of the honourable members about the delay in dispensing justice, the Chief Justice said that in other countries, court cases are both time consuming and expensive. In Bhutan, His Majesty the King through his magnanimous concern for the welfare of the people has decreed that the Courts dispense

justice without undue delay. The Judiciary has sought every available means to fulfil the provisions of this royal decree. A notable solution to this problem, now in practice, is the hearing of at least five cases a day. Hearing schedules have been timed in such a manner that the litigants do not have to wait for the whole day for a single hearing. Instead, they can report before the Court only on the time scheduled for the day. On an average, the government has been spending almost Nu. 27,000 for each case tried by the Courts, he said.

The Chief Justice informed the members that in order to hear the grievances of the public and satisfy them, the Courts have allotted Miscellaneous Hearings every morning from 9.30 a.m. to 10.30 a.m. During this period, any aggrieved party may submit an application to any Thrimpon in accordance with Sections Da 2-1 and Da 2-2 of the Thrimshung Chhenpo. The Chief Justice submitted that the main purpose of this procedure was to promote justice and strengthen the legal system of Bhutan, for the benefit of the general public.

On the question of a clear cut provision for imposition of fines and penalty, the Chief Justice submitted that the problem arose out of the “difference between the severity and magnitude of the injury”. Therefore, whenever a case is decided, the intentions, circumstances of the case, etc. are examined and punishment awarded in accordance with the 1988 Supplementary Provisions Na 1-3 and Na 1-4 to the Thrimshung Chhenpo. Hence, the submission by some members that punishments for “a single blow and grievous injury are the same”, lacks truth.

The Chief Justice informed the Assembly that throughout the world judges have been accorded the discretion to award fines and penalty as they deem fit after properly considering the circumstances. Therefore, it will be better if we adhere to the traditional system of judicial discretion enunciated in our existing laws, he said. For, if we are to make a system of fixed fines and penalty for every offence, it may result in a lot of inconveniences both to the government and to the people. Moreover, the National Assembly will face difficulty in making lists and records of specific fines and penalty for every conceivable offence. Further, if the Assembly engages itself in such tasks, and punishments are awarded without investigating the case, it will result in injustice for both parties of the case.

Regarding the question of increasing child support for illegitimate and legitimate children and compensation to divorced spouses in keeping with the changing times, the Chief Justice submitted that since the High Court has time and again received royal command from His Majesty the King that the Marriage Act of 1980 enacted for the welfare of the people is not adequate, the High Court has amended the provisions relating to divorce compensations and damages, and legitimate and illegitimate child support. Presently the amendment has been submitted to the Lhengyel Shungtshog and is under review. It will later be submitted to the National Assembly for enactment, and distributed thereafter.

The people's representatives of Mewang gewog in Thimphu Dzongkhag, Sakten gewog in Trashigang Dzongkhag and Haa Dzongkhag stated that as clarified by the Chief Justice, if the power and the authority to impose fines and compensations are left with the Thrimpons, it would be more convenient for both the Courts and the people. They said that they were satisfied to hear and learn that in keeping with His Majesty's command, the amendments of the Marriage Act had already been submitted to the Cabinet and was under discussion. They said that the points regarding possible unfair judgement due to favouritism and a person's status, had been raised only to clarify the doubts of unclear minds. It did not reflect any concrete belief that such cases have happened before or will take place in the future. They said that the existing rules on fines and compensation for criminal cases were acceptable. The members, however, sought clarification on increasing the compensations for raising illegitimate children and for divorce cases.

The Royal Advisory Councillors and some of the people's representatives pointed out that it is the purpose of the law to protect the innocent and punish the wrongdoer. They pointed out that if the compensations for divorce, raising of legitimate and illegitimate children etc. are increased, it will cause difficulties for the poor, although the well to do will not be affected. It is, therefore, necessary to carefully consider all implications when laws are framed. However, the most important point to keep in mind is that the Thrimshung Chhenpo should be upheld and respected by everyone in Bhutan.

The people's representative from Punakha agreed that increasing fines and compensation would indeed cause difficulties for the poor and humble citizens. However, although the law itself is constant and unchanging, it always seems to be interpreted differently by different people. Dis-satisfied litigants who have fought their

cases all the way from a hearing by the village headman to the various Courts, and who finally appeal to His Majesty the King and have their cases reviewed by the Royal Advisory Council, find there are variations in the judgements at various stages of their appeal, he said. He wondered why there were so much variations on the same cases.

One of the Royal Advisory Councillors replied that the difference in the verdict pronounced by the High Court and the findings of the Royal Advisory Council is mainly due to the difference in the applications submitted to the District Courts and High Courts and the petition submitted to His Majesty the King by the petitioners.

It is due to this that there is often difference in the findings on the cases, he said.

The National Assembly decided that there was no need to debate any further on the issue of increasing the compensation and allowances pertaining to legitimate and illegitimate children and divorce cases in view of the clarification given by the Chief Justice that an amendment of the Marriage Act was already under review by the Lhengyel Shungtshog and would be tabled in the National Assembly for enactment.

#### **17. People from other Dzongkhags who have settled in Thimphu**

The people's representative of Chang and Kawang gewogs in Thimphu Dzongkhag submitted the following points regarding people from other Dzongkhags coming and settling in Thimphu.

- a) The people of Chang and Kawang gewogs are facing serious problems due to people from other Dzongkhags coming to Thimphu. There is a problem in stopping people who are illegally constructing new houses and huts on government land without approval.
- b) It is difficult to carry out a proper census of our gewogs because of the large influx of people from other Dzongkhags.
- c) After coming to Thimphu, most of these people loiter around and do not return to their own villages. This trend might seriously affect the successful completion of development programmes in the Dzongkhags, particularly agricultural and other related programmes.

- d) As the children of the people from other Dzongkhags who have been coming to Thimphu cannot all be admitted in schools, there is a possibility that the children could then become misguided. Moreover, due to the excessive number of children as a result of this influx, there is a big problem for the local children to get school admission. It is requested that a suitable solution to this problem to be worked out.

The people's representatives of Punakha Dzongkhag and Mewang gewog in Thimphu Dzongkhag said that while they had no comments to make on the first two points, they fully supported the third and fourth points raised by the Chang Chimi. They pointed out that the national objective of self-reliance is being undermined by these people who do not stay in their respective villages but migrate to Thimphu leaving their agricultural land unattended. Their absence from their villages also affects the implementation of development activities in their gewogs and the maintenance of service facilities established by the government such as schools and health centres. Also, an impression is being created that there is a difference in the quality of education between rural and urban schools. While they have nothing to say about the civil servants living in Thimphu, the members pointed out that the presence of many people who have migrated to the capital and who are unemployed would lead to an increase in crime rates.

The representative of the BCCI and the Samdrupjongkhar Dzongda pointed out that apart from Thimphu, other Dzongkhags also were facing problems from people migrating to urban areas and not finding employment. They suggested that a limit should be set for the number of people that will be allowed to settle in Thimphu after carrying out a survey of the present population and an estimate of how many people can be accommodated in the capital city.

Speaking on this point, the Home Minister stated that the people constructing houses illegally on government land should be dealt with in accordance with KA 6-20 of the Land Act to avoid problems. Therefore, in the case of government land, there should not be any cause of concern. Similarly, in the case of private land, the title of ownership is legalised by registration and, therefore, complications should not arise.

The Home Minister informed the members that the Lhengyel Shungtshog in its 136th Session, 1992 adopted a Chathrim on the construction of permanent/semi-permanent houses on either side of the highway, at any location, irrespective of whether it is government or private land. Therefore, he stated that there would be no problem if the

Dzongkhag/Municipal Committee effectively carried out its responsibilities in accordance with Section 2-5 and 3-1 of the Chathrim. Further, Section 3-2 makes it mandatory for both government and private establishments to submit their land registration numbers to the Dzongkhag/Municipal Committee for clearance before starting the construction.

The Home Minister pointed out that census related difficulties could not be isolated to Thimphu alone as it may be a common phenomenon in all other Dzongkhags too. In order to resolve these difficulties the Home Ministry had issued a Census Handbook which provides clear guidelines on conducting census. As a result, no serious difficulty was envisaged if the matter was pursued in accordance with the guidelines. In view of all this, the matter should not pose any insurmountable difficulty to the public of Chang and Kawang gewogs, he said.

Regarding farmers leaving their agricultural land in other Dzongkhags and coming to Thimphu, the Home Minister agreed that there was a cause for concern. However, in accordance with the Citizenship Act and government policy, a Bhutanese citizen enjoys the freedom to live and reside in any part of the Kingdom, whether he or she is holding landed properties or not.

The Home Minister informed the members that as a result of migration from other Dzongkhags, Thimphu people claim to be facing shortage of teachers and seats for the children of local residents. To resolve any such problems, the matter should be taken up by the Dzongkhag Administration and the Education Division. In keeping with RGOB's policy of "Education for All", children from other Dzongkhags cannot be denied the opportunity of receiving their education in Thimphu and as such, there was no other alternative but to resolve the matter by taking the matter up with the Dzongkhag Administration and the Education Division, he said.

On this issue, the Education Secretary said that the concerns of the representative of Chang and Kawang gewogs pertaining to the admission of children from other Dzongkhags into schools in Thimphu and various related problems resulting therefrom were quite valid. The 20 government schools and five private schools in Thimphu had the highest concentration of student population. In 1995 alone, 13,627 or 18% of the country's total student strength of 77,276 were studying in schools in the capital.

However, the influx of rural/urban migration of both students and adults is not confined to Thimphu only but is also common to all the urban towns and Dzongkhag Headquarters throughout the Kingdom. Although the influx may be the largest in Thimphu due to its position as the country's capital, at least Thimphu is fortunate to have as many as 25 schools which makes it possible for admission pressure to be adjusted amongst the different schools. The problem is greater in other urban areas and Dzongkhag Headquarters which normally have only a few schools each.

The Secretary said that the large rural/urban migration of students and youth along with their parents are direct results of the modernisation process in the Kingdom and creates several problems to our education system. It creates shortage of classrooms and teachers, which greatly affects the quality of education in the urban schools, while on the other hand classes in many rural schools are under strength with classrooms and teachers left under-utilized, resulting in wastage of the investments made by the government. Further, as many as 20 urban schools in the country, many of them in Thimphu, have enrollments over or touching 1,000 students. Large sized schools are not only difficult to be properly managed but also greatly limit the relationship between teachers and students which is essential for proper education and upbringing of the children. Finally, students who study in the urban schools pick up urban habits and vices, and usually do not return to their villages after completing their schooling, thus creating various social and economic problems.

The Secretary pointed out that due to the development policies of the government there has been rapid expansion of educational facilities in different parts of the Kingdom over the past 25 years. Almost every gewog in the Kingdom now has at least one or more schools. There is no need for the children to come to urban areas seeking school admission. Nevertheless, in keeping with the principle of one nation and one people under the benevolent guidance of one King, the education policy in general does not restrict any Bhutanese children from seeking admission as per the convenience of their parents in any school in the Kingdom so long as seats are available.

However, several policy measures have been already introduced in order to encourage as many children as possible to be educated in the rural areas of their own births and thus discourage rural/urban migration. To this extent, measures so far introduced by the Education Division include :

- a) WFP meals twice a day have been phased out from the urban schools while they are continued in the rural schools;
- b) Hostel and residential facilities of all types have been discontinued from all the schools in Thimphu and most of the other urban schools. They are, however, continued to be provided in the rural schools;
- c) Students studying in Thimphu and other urban schools are required to purchase the necessary stationery such as exercise books, pencils, instrument box etc. which continue to be provided by the Government free of cost in all the rural schools;
- d) School uniforms, as long as they are the national dress, are optional in the rural schools but compulsory in all the urban schools;

The Education Secretary refuted the claim made by the Punakha Chimi on the likely differences in the quality of education between the rural and urban schools. The Secretary said that great efforts are being made through new construction of schools, posting of better national teachers, supervision and counselling etc. in order to ensure that the quality of education in the rural schools are at least equal to those of the urban schools. Due to this policy, as everyone knows, the best results in the All Bhutan Common Examinations in Classes VI, VIII and X are produced by schools in the rural areas.

Further, during the admissions against the available seats in the urban schools, apart from the age criteria, preference is always given to the children of original inhabitants, government servants and valid business license holders. Other children are admitted only if the seats are available. Instructions to this effect are circulated to all the Dzongdas and the Heads of Schools.

Finally, it is difficult to restrict rural/urban migration of children through other measures besides the above which have already been introduced. Children migrate, live and study wherever their parents reside. To this extent, any effort to control the influx of rural/urban migration of adults and parents would automatically limit the migration of the children and thus the students.

The National Assembly, declaring that all Bhutanese citizens have the right to reside in any part of the country as recognised both under the Citizenship Act and by government policy, decided that no restriction shall be imposed on the choice by people to live wherever they wish to in the country. Regarding any problem for admission in schools in the capital city of Thimphu, the matter should be resolved on the basis of the clarification given on this issue by the Secretary, Education Division.

**18. Need for an office and an Assistant to the Gups.**

The people's representative of Chapcha gewog in Chukha Dzongkhag submitted that His Majesty the King had established the Gewog Yargay Tshogchungs for the benefit of the people, for which they expressed their deep gratitude and appreciation. Since the Gups and Chimis are the bridge between the government and the people, and they have an important role to play in ensuring that the development activities for the welfare of the people in their gewogs are completed in time, the Gups and Chimis are now required to do the work carried out earlier by Dungkhags. Therefore, in view of the problems and hardships faced by the Gups and the people, in the absence of an office and a capable assistant, the people have requested for an office and an assistant to be sanctioned for the Gups.

Supporting this request, the people's representatives of Trongsa Dzongkhag and Mewang gewog in Thimphu Dzongkhag said that the responsibilities of the Gups had increased in keeping with the rapid progress and development taking place in the country. They are now required to look after the implementation of development programmes in their gewogs and ensure the success of these programmes sanctioned by the government for the benefit of the people. They have to communicate and coordinate closely with officials and project personnel who visit the gewogs. They also have to carry out a lot of correspondences with the Dzongkhag Headquarters regarding development works and the welfare of the people. The Gups also have to explain to the people various circulars and announcements from government ministries and departments and the Dzongkhag. All this has made it very necessary for the Gups to have an office and an assistant.

Similarly, one of the Royal Advisory Councillors and the Dzongdags of Dagana, Lhunsi and Chukha Dzongkhags explained that with the setting up of the Gewog Yargye Tshogchungs, the responsibility of looking after and explaining the plan documents at the gewog level is shouldered by the Gups. Although the secretaryship of the GYT is carried out by the headmasters of the primary schools, they have no time to look after the present work load of correspondence, submission of information to the

government and looking after copies of the government documents and policies which have been communicated to the people. Therefore, an assistant to the Gup and an office is a necessity and the Assembly should consider the request favourably.

They also recommended that since the Chimis too are very closely involved in the rural developmental activities like the Gups, their office should be constructed together with that of the Gups. They pointed out that the Gups and Chimis have the important role of motivating the people to think as one and work together closely to complete the development activities and programmes in the gewogs in keeping with the overall objectives of the Royal Government. Providing an assistant to the Gups would help them to discharge their responsibilities more effectively. With the increased responsibilities of the Gups, sometimes people who come to see the Gup have to wait several days for his return because the Gup is on tour in other parts of the gewog. If an assistant was provided, he could meet the people and dispose of their problems on behalf of the Gup. Although the country is presently facing a difficult situation, in view of the above reasons, a joint request is being made to the Home Ministry, Planning Commission and the Ministry of Finance to sanction an office and assistant for the Gups in all the 196 gewogs in the country.

In response, the Home Minister acknowledged the requirement of a Gup's office and an assistant in view of the ever increasing responsibilities of the Gups and many gewog development activities during the 7th Five Year Plan. An assistant to the Gup is required to keep the gewog administrative functions in continuity, specially during the absence of a Gup, and to maintain correspondences in writing. Further, the Ministry of Home Affairs expects gewog activities to substantially increase during the 8th

Five Year Plan. While the need is well considered and appreciated, at present it may not be feasible to appoint an assistant to the Gup as capable and reliable persons may not be found, and there is a possibility of causing misunderstanding between the government and the public if an irresponsible assistant happens to be appointed.

The Home Minister said that His Majesty the King had established the Gewog Yargye Tshogchungs to further decentralise the decision making process and to encourage the people to share the responsibilities in implementing various development and other activities at the gewog level. The main reason for nominating head teachers as Secretary to the GYT's was to facilitate GYT meetings and its related activities. In case the head

teachers do not know Dzongkha well, then Dzongkha language teachers can function as Secretary to the GYT, he said.

In the past when there was a separate pay provision for both Gups and clerks, some of the Gups did not appoint clerks but held the dual responsibilities taking the pay of the clerk, while some Gups complained that the performance of the clerks were not satisfactory. Thus the salary for both had been merged in the Gup's pay, and now it is upto the Gups whether or not to continue to employ clerks. During His Majesty the King's visits to the various Dzongkhags in 1992, the pay of the Gups had been raised to Nu. 1,300 per month and the Royal Government is looking into ways and means to further increase the pay.

The Home Minister said that there was a problem in facilitating an immediate appointment of an assistant to Gups. A careful study on the requirement of an assistant will be carried out within the 7th Five Year Plan and if required this can be implemented in the 8th Five Year Plan. Regarding the construction of Gup's office it is necessary to identify suitable sites and also keep in mind additional requirements such as night-watchmen to look after the security of the offices. In light of the above problems, for the time being all the GYT meetings can be held wherever convenient to the people such as Lhakhangs, Naktshangs, Veterinary Centres, BHUs and multipurpose halls of the Primary Schools. The Home Minister requested the Assembly members not to call for a decision on the construction of Gup's office and the assistant for Gups as the Ministry of Home Affairs needed to study the feasibility and make an appropriate plan accordingly.

The people's representatives of Chentok and Lamgong gewogs in Paro Dzongkhag, Shelngana gewog in Punakha Dzongkhag and Samar gewog in Haa Dzongkhag pointed out that although the Gups were earlier entitled for Nu. 500 as stationary allowance, this payment was discontinued when their salary was revised. Since most of the headmasters who are also serving as Secretary to the Gewog Yargay Tshogchungs can only write in English and cannot communicate in Dzongkha, the Gups are confronted with big problems in carrying out the correspondence work with the people. The Gups are also required to carry out judicial related works on petty local issues. They also pointed out that it is difficult to elect capable persons as Gups which may perhaps be due to their low salary. While the establishment of offices and provision of assistants may be decided by the Royal Government during the 8th Plan, the people would be grateful if the 73rd Session of the National Assembly could pass a decision that for the remainder

of the 7th Plan period, all correspondences related to the Gewog Yargay Tshogchung should be the responsibility of the Primary School headmasters while the clerical works for collection of rural taxes should be carried out by the clerks in the revenue section under the Dzongkhag Headquarters.

The National Assembly, noting that a proper study had to be carried out as submitted by the Home Minister regarding the proposal for establishing an office for the Gups and providing them with assistants, decided that all the Gups and Chimis should discuss the matter and submit their proposals through their respective Dzongkhags for deliberation and decision by the National Assembly during its next session. Meanwhile, the Gups should carry out their responsibilities as they have been doing till now.

#### **19. Strengthening the Business Act and Census and Immigration Act.**

The people's representatives of Karbi, Zomey, Shelngana, Bemey, Talo and Goenshari gewogs in Punakha Dzongkhag said that the influential and resourceful persons in the country acquire business licenses and instead of working themselves, take a commission from non-nationals and allow them to do business with their licenses. They pointed out that such a trend would have a negative impact on the nation's economic development. Although the number of business licenses would increase, Bhutanese entrepreneurs would not be benefitting from the development of trade and business activities and, therefore, the people feel that unnecessary problems may arise in the future. Also much of the earnings from the growth of business activities would flow out of the country.

Expressing strong reservation over non-nationals possessing business licenses in the name of Bhutanese nationals, the members said that the licenses of such persons should all be revoked and re-issued to applicants according to their capability. Regarding the non-nationals doing business and residing in the country, the Census and Immigration Division should take measures in accordance with the Business Act and the Census and Immigration Act.

The representative of the Bhutan Chamber of Commerce and Industry said that the points raised by the Punakha Chimi were very important for the country's future economic development. Before our country reached its present stage of development, it was necessary to employ outsiders to work for the government and in the private sector.

Today, with many of our people having acquired the necessary experience, it is also the policy of the government to reduce our dependence on outside manpower, he said. He felt that the measures being taken by the Ministry of Trade and Industry, to reduce this need for outside manpower and the investigations carried out regarding misuse of licenses, took care of the point under discussion.

The Minister for Trade and Industry explained that there was no need to add to, or amend the existing rules in this context. What was important for all concerned, both in the government and the private sector, was to abide by these rules. As already clarified by the representative of the Bhutan Chamber of Commerce and Industry, the Ministry for Trade and Industry was carrying out a full investigation on illegal fronting cases. However, though outsiders were allowed entry into the country in keeping with the government's regulations, they had not been given trade licenses. If Bhutanese businessmen leased out their licenses for commissions, then our own people would have to discourage such leasing of licenses, and act in accordance with the trade and industry rules and regulations.

The Punakha Chimi expressed his satisfaction on the measures taken by the government on this issue.

The National Assembly declared that, as submitted by the Minister for Trade and Industry, it is strictly prohibited, as per the trade and industry rules and regulations, for Bhutanese citizens who have acquired trade or business licenses to sell or lease them to non-nationals. All concerned should, therefore, abide strictly by the trade and industry rules and regulations.

**20. Use of roads across the border.**

The people's representative of Decheling and Norbugang gewogs in Samdrupjongkhar Dzongkhag submitted that while traveling from Nganglam Dungkhag through the Assam side in Rangapani and Patsala and other nearby places, the main problem faced by the people was the transportation of cashcrops such as oranges, pipla, ginger, etc. This problem was also faced by the people of Pemagatshel, Mongar, Zhemgang and Samdrupjongkhar who travel through Nganglam towards the Indian side in Rangapani, Patsala and Gauhati, and from Phuentsholing. On several occasions, complaints have

been raised when our people were traveling through the forest reserve areas but no problem has cropped up till date since the Dzongda and the Dungpa keep in close touch with their Indian counterparts. However, it cannot be guaranteed that problems will not come up in the future. The people, therefore, request the government to talk to the Government of India and reach an understanding on this matter in keeping with the spirit of the existing close cooperation.

Supporting the point, the Pemagatshel Chimi said that since Rangapani and Patsala were close to Bhutan, it was easy for the people in the two lower gewogs of Pemagatshel Dzongkhag to travel to these places. While transporting cashcrops to Assam during winter through the forest reserve areas, complaints were raised by the Indian security personnel in the area and all the income received from such business had to be given as payment for permission to travel on the road. We are fortunate that due to the farsighted leadership of His Majesty the King, the friendship between Bhutan and India is very close. When the first agreement was drawn up regarding the Samdrupjongkhar road, the Nganglam road was not included in the agreement. Therefore, it would be very beneficial for the Kidu of the people if a discussion was held with the Indian government regarding the Nganglam road and permission sought to use this road.

The representative of the Bhutan Chamber of Commerce and Industry noted that although it is difficult having to transport the cashcrops grown in Bhutan through the forested areas across the border, no big problems had come up so far because the Dzongdas and other concerned officials have been maintaining constant contacts with their counterparts in India. While acknowledging that the request for discussions with India to ensure that problems do not arise regarding the use of the Rangapani road, he pointed out that the matter will be taken care of by the resolution adopted earlier under Agenda VI on 21st August emphasising the importance of continuing the existing system of close consultations between the concerned authorities and officials of Bhutan and the state governments of Assam and West Bengal to resolve any problems along the border.

In response, the Home Minister said that the government was also concerned about the Rangapani road in Assam. In view of this, the Home Minister visited the state of Assam and discussed the issues of mutual concern with the Chief Minister of Assam. The matter regarding Rangapani road was also discussed during a meeting held between officials from Assam and Bhutan in November 1994 at Gelephu. When this issue was

raised, the officials from Assam assured the Bhutanese officials that there would be no problem. Although the Rangapani road is a forest route and movement of passenger carriers is restricted, they have not imposed any restriction on movement of Bhutanese vehicles in consideration of the fact that Bhutan and India have very good relations. No taxes are imposed on government vehicles. However, toll tax is levied on private vehicles. So far no restrictions have been imposed on movement of vehicles as assured by them.

The Home Minister said that prior to the above discussion, only 6,000 tonnes of oranges were exported by the public of Nganglam, but after resolving the issue, a total of 16,000 tonnes of oranges were exported through this route in 1994, which greatly benefitted the people. However, if such problems emerge in the future, the RGOB will resolve it by taking up the matter with the Government of India.

The National Assembly decided that, as submitted by the Home Minister, if any problems arise regarding the use of the Rangapani road, the matter will be resolved through discussions with the Government of India.

## **21. Expression of appreciation**

The representative of the Bhutan Chamber of Commerce and Industry expressed the deep gratitude of the business community to His Majesty the King for his selfless and farsighted leadership. Despite the ngolop activities in southern Bhutan since 1990, His Majesty the King had been shouldering the responsibility of finding a lasting solution to the ngolop problem. Peace had been restored in most parts of the country. The business community would not only like to express their deep gratitude to His Majesty the King but they would also like to reiterate their pledge of total support to the Tsa-Wa-Sum in terms of material and manpower. They would also like to extend their deep gratitude and appreciation for the command issued by His Majesty to form a Loan Committee to look into the problem of people who could not repay their loans. We are also grateful for the reduction of the interest rates by 1 to 2 percent as this will help in the repayment schedule, he said.

The people's representative of Tewang and Goenshari gewogs in Punakha Dzongkhag expressed the deep gratitude of the people of Punakha Dzongkhag to His Majesty the King for the flood control measures like the river embankment to protect the Dzong and

surrounding areas from future floods. They also expressed their gratitude for the reconstruction of the historic Dzongchung next to Punakha Dzong.

The Trongsa Chimi expressed the deep appreciation of the people of Trongsa Dzongkhag to His Majesty the King. He said that as finalised in the 7th Five Year Plan, Trongsa town had been electrified with power supplied from the hydel power station in Bumthang Dzongkhag. A telephone exchange had also been installed making it possible for the people to communicate both within and outside the country at any time of the day or night, making everything far more convenient than before. The people of Trongsa expressed their deep gratitude to His Majesty the King for making all this possible.

The Chimi of Drujeygang gewog in Dagana Dzongkhag expressed the gratitude of the people of Dagana to His Majesty the King for granting the Throngdrel and Sertog for the Daga Tashiyangtsi Dzong. The installment of the Throngdrel and Sertog had greatly enhanced the aura and importance of this historical Dzong.

The people's representatives of Zomey, Karbi and Talo gewogs of Punakha Dzongkhag and Mewang, Geyne and Dagala gewogs of Thimphu Dzongkhag expressed the deep gratitude and loyalty of the people to His Majesty the King. They pointed out that the Bhutanese people were going through a very difficult period of internal strife and hardship before the establishment of the institution of hereditary monarchy with Gongsar Ugyen Wangchuck as the first King of Bhutan. Since then, our country has enjoyed peace, happiness and prosperity due to the blessings of the Guardian Deities, the wise leadership of our Kings and the good fortune of the people, he said. In particular, under the farsighted leadership of His Majesty the King, our country has been progressing rapidly on the path of socio-economic development like the light of the waxing moon approaching the power and glory of the full moon. The people of Punakha expressed their heartfelt gratitude to His Majesty the King for his farsighted and benevolent leadership and their sincere prayers for his long life and glorious reign. May the institution of hereditary monarchy endure until the end of time so that the sun of peace and happiness will forever shine on the people of Bhutan, he said.

The National Assembly, recognizing the tremendous social, economic and political progress and development that had taken place over the past 34 years, as a result of which the people are able to live in happiness and growing prosperity, expressed deep

and sincere gratitude to His Majesty the King for these achievements which were made possible through his dynamic and farsighted leadership.

The National Assembly also expressed deep appreciation for the farsighted wisdom of His Majesty the King and His Majesty the third King of Bhutan for their farsighted wisdom in developing and strengthening the close ties of friendship and cooperation with India. The National Assembly recorded a vote of thanks to the government and people of India for their generous assistance to Bhutan in various fields of development such as roads, power and education, and expressed the hope and confidence that such friendship and assistance will continue to be extended in future.

## **22. Expression of appreciation to the Indian government**

The Punakha Chimi expressed the deep appreciation of the people of Punakha Dzongkhag to the Government of India for providing the budget for the new township at Khuru and the renovation of the Punakha Dzong. Similarly, the representative of the Bhutan Chamber of Commerce and Industry, expressing his happiness with the very close and friendly relations between Bhutan and India, thanked the Government of India for the generous assistance and cooperation extended to Bhutan in various fields of development.

## **X. ENACTMENT/RATIFICATION OF ACTS/RULES AND REGULATIONS AND CONVENTIONS**

### **1. Conventions on Climate Change and Biological Diversity.**

The Speaker reminded the National Assembly members that the background paper on the framework Convention on Climate Change, 1992 and Convention on Biological Diversity, 1992 had been circulated to the National Assembly members on August 11, 1995. He informed them that the conventions had been adopted during the United Nations Conference on Environment and Development at Rio de Janeiro in June 1992 and Bhutan is a signatory to both these conventions which had over 150 signatories. Both the conventions are already in force and the National Assembly is, therefore, not required to discuss any point for amendment other than clarification of any doubts the members may have.

The National Assembly was, therefore, requested to ratify both the conventions to enable the Royal Government to become a full party to the conventions by depositing the instrument of accession to the UN through the appropriate channel.

The National Assembly ratified and accorded approval to the Royal Government to accede to :

- (i) United Nations Framework Convention on Climate Change, 1992.
- (ii) Convention on Biological Diversity, 1992.

## **2. Mines and Minerals Management Act, 1995**

The draft Mines and Mineral Management Act, 1995, copies of which had been distributed to the members of the National Assembly on August 11, 1995 was discussed in the Assembly on August 28, 1995.

Addressing the Assembly the Minister for Trade and Industry said that he hoped the members had the opportunity to examine the draft of the Mines and Minerals Act submitted earlier by his Ministry to the National Assembly. Till now, in the absence of an Act in this context, the Ministry faced a lot of difficulties in carrying out its responsibilities in this area.

Although the Ministry had brought out a set of mining rules and regulations, since these had not received the government's approval, there were a lot of problems in effectively implementing the major tasks required to fulfil national objectives. It was for this reason that a Draft Act was now being submitted to the National Assembly for approval and enactment.

The reasons for promulgating the proposed Act was, firstly, towards enhancing national revenues. Secondly, minerals being one of the main natural resources of the Kingdom, there was the need to look after its sustainability to the maximum extent possible; and, thirdly, the Act was important for protecting the country's environment. Hence, in order to fulfil these objectives the Act was absolutely necessary. To begin with, the Division of Geology and Mines took the assistance of foreign experts to make the initial draft. Then the Ministry of Trade and Industry, after carefully examining the draft to see whether it was in keeping with the policies of the Royal Government and provisions of the Thrimshung Chhenpo, submitted it to the Lhengyel Shungtshog.

After having thoroughly looked at the draft, the Lhengyel Shungtshog gave directives to submit it to the National Assembly. Therefore, in the country's interest, I would like to request the hon'ble members to enact this legislation, said the Minister for Trade and Industry.

Followed by the Minister's explanations, the Speaker requested the Assembly members to express their views and proposals for amendment to any clause if there were any as the Assembly examined the draft Act page by page.

Except for a few clarifications sought by the Chimis on some of the clauses, there was no proposal for addition or deletion or modifications of any part of the Act.

The National Assembly approved the draft Mines and Mineral Act, 1995 and enacted it as the Mines and Minerals Act, 1995.

### **3. Forest and Nature Conservation Act of Bhutan, 1995**

At the start of the discussion on the draft Forest and Nature Conservation Act of Bhutan, 1995 on August 28 and 29, 1995, a copy of which had been distributed to the individual members on August 11, 1995, the Secretary, Ministry of Agriculture submitted a brief introduction of the draft Act including the justification and basis for drafting the Act.

He informed the Assembly that the draft Forest and Nature Conservation Act of Bhutan, 1995 had been prepared based on the existing Bhutan Forest Act, 1969, Thrimshung Chhenpo and the Land Act, 1979 which were enacted by the National Assembly, and a large number of resolutions on forestry related issues arrived at, in various sessions of the National Assembly.

The Agriculture Secretary said that one of the main reasons for having to amend the Bhutan Forest Act, 1969 was because of the fact that mining and management of minerals so far covered by the Bhutan Forest Act had to be removed from the Act with the enactment of the Mines and Minerals Management Act, 1995.

He said that forests are one of the most important resources of our country. Today, because of the wise and far-sighted policies of His Majesty the King and the concerted efforts of the government and the people to protect and preserve our forests, the country is endowed with a large forest cover. But with changing times and increasing requirements of forest produce for various purposes, the pressure on the forests is increasing. Therefore, we have to ensure sustainable management and proper utilisation of our forests for the benefit of not only the present but also the future generations.

Environmental protection, he said, is important not only in Bhutan but all over the world as the members were already aware. Mainly because 72 percent of the Bhutan's geographical area is under forest cover, Bhutan is an example to the international community in terms of environmental protection and conservation. However, because of its location and rugged and fragile terrain, environmental conservation assumes all the more importance for Bhutan. Hence the need for strengthening the law in terms of environmental conservation.

The Secretary informed the Assembly that the Bhutan Forest Act, 1969 was approved some 26 years ago. But today, in keeping with changing times, certain forestry related activities which were not foreseen when the law was enacted, have to be undertaken. As a result, numerous problems are being faced in the process of implementation. Hence, the need for amendment of the existing Act to accommodate these new elements.

He said that in the old Act, barring utilisation of forest produce for rural consumption, the requirement of forest management plans in case of having to extract forest produce for commercial or industrial purpose is not prescribed. Forest management plans will ensure sustainable management and utilisation of forests. As the members of the Assembly are aware, social forestry was introduced in 1979 on the command of His Majesty the King to encourage tree planting on private registered land. Since then, 2nd June is being observed as Social Forestry Day, every year, and tree planting is done all over the country. Besides, the issue of social forestry has been discussed in many past sessions of the National Assembly, based on which a Social Forestry Rules was issued by the Ministry in 1993. At present, social forestry programmes in the Dzongkhags are being implemented under this rule. In so far as community forestry is concerned it is being implemented in the Dzongkhags on a pilot scale. Since social forestry was not covered in the old Act, this has been incorporated in the new draft Act.

The Agriculture Secretary also informed the Assembly that the transport and trade of forest produce which was also not covered in the old Act, which has now been included in the amended draft. Certain areas of forests required to be declared as protected areas for conservation of biological diversity and other important purposes have also been clearly spelt out in the new Act. In addition, provision for total protection of rare and endangered species of wildlife and plants have been provided for, which was not there in the old Act.

The Secretary also informed the members that provisions for soil and water conservation, and fire protection of forests which were not clearly spelt out in the old Act have been specifically included in the draft Act mainly based on the decisions of the various National Assembly sessions.

He said that the implementation procedures have been made clearer and easier, and penalties and fines revised in keeping with changed times as compared to the old Act.

In so far as the rights and concessions available to the rural population is concerned, there is no change. The draft Act had been endorsed by the Lhengyel Shungtshog during its 164th meeting, and it is now being put up to the National Assembly for enactment, said the Secretary.

The Speaker, thereafter, took the Assembly through the draft Act page by page. During the course of the discussion on the draft Act for additions, deletions and changes to be made to the provisions of the draft Act, justifications were provided and also views and doubts of the members were clarified by the Agriculture Secretary. Some of the amendments made by the Assembly were :

Under Chapter I, section 3 (q), the word “chhuzhing” has been deleted from the definition of social forestry; under chapter 7, section 22 (a) (ii), animal parts required to be handed over to the Forest Officer if in case any animal has to be killed to defend against an attack or imminent threat of attack on human life has been specified in the Act.

Similarly, section 29 (c) of chapter VIII, regarding the ownership of trees, timber and other forest produce on registered private lands, has been deleted under His Majesty the

King's command, since during implementation, practical difficulties were foreseen as expressed in the Assembly.

Under chapter VIII, section 30 (c), since the clause only says that cattle trespassing in a Reserved Forest which has been lawfully closed to grazing may be seized and impounded by any Forest Officer and does not specify the penalty, it was decided by the Assembly to incorporate an additional phrase as "a suitable fine will be levied as per Rules framed by the Ministry".

Regarding fire protection under chapter VIII, section (a), there was a long discussion on the issue of penalisation of the village community if they fail to put out the fire and also apprehend the culprit. Some members felt that due to forest fires every year there is a huge loss to the government and the people. Other members felt that it was not fair to penalise the whole community when the offense was committed by one individual. The people's representatives and some of the government representatives also felt that this has caused tremendous difficulties to the people. Even after a long discussion, no definite decision could be taken.

His Majesty the King intervened and informed the members that due to forest fires occurring every year in many Dzongkhags, there is huge economic loss to the Government as well as the people and a major negative impact on the environment. His Majesty also felt that, in case of a forest fire in the locality, the local community should make all efforts to put out the fire. In case the culprit cannot be apprehended and the local community does not make efforts to put out the forest fire, the local community would not have to pay fines but they should be made responsible for planting the affected area with seedlings and looking after it, under the supervision of the Forestry Division. In case, the culprit is apprehended, he will be penalised as per the Rules.

The Assembly felt that His Majesty's views would take care of the difficulties being faced by the people as well as the involvement of the local community in forest protection on a long term basis, and, therefore, amended section 31 (a) accordingly.

His Majesty the King also pointed out that there would be practical difficulties for the government as well as the people in the implementation of section 37 of chapter IX under which provision has been made for penalisation of any person found planning or attempting to commit any forest offense. His Majesty also pointed out that the basis of our justice system is to establish beyond any doubt that a person is guilty, and that

anything that goes against this principle will not be acceptable. Hence, section 37 of the draft Act was deleted.

The Bumthang Chimi suggested that ginseng should be included in the schedule of totally protected plants, to which the Agriculture Secretary expressed the view that there was no need to include it for the time being. However, His Majesty the King felt that there was no harm in the inclusion of ginseng in the list as it existed in the higher altitudes of our country. Accordingly, ginseng was included in the scheduled list of totally protected plants.

In the course of the discussion of the draft Forest and Nature Conservation Act, besides incorporating the above additions and changes to the draft Act, some members pointed out that under a number of sections of the Act, it is said that Rules will be framed and fines fixed by the Ministry at a later date, which could pose problems to the government as well as the people during the implementation.

To this, the Agriculture Secretary replied that though the rules and fines will be framed by the Agriculture Ministry based on the relevant sections of the Act, past rules and relevant decisions of the National Assembly, these will be put up to the Royal Government for final approval and thereafter only it will be put into practice. In addition, the Agriculture Secretary also explained the basis and rationale of various sections of the Act wherever doubts were expressed and clarifications sought by the members.

The National Assembly, after carefully considering the Forest and Nature Conservation Act of Bhutan, 1995 page by page and incorporating the additions and changes as proposed by the members, approved the Act for implementation.

#### **4. Rules and Regulations for Election of National Assembly Members, 1995**

The draft Chathrim for Election of National Assembly Members was distributed to the members on August 11, 1995. When the discussion on it was taken-up on August 29, 1995, the Speaker informed the members that he had received a Kasho from His Majesty the King on the 21st day of the 5th month of Wood Hog Year to include the draft Chathrim in the agenda of the 73rd Session of the National Assembly. The Kasho stated that, since the National Assembly has the important responsibility to discuss and decide issues of national importance and concern, it was imperative for the people to

elect members who have deep loyalty and commitment towards the country and who will sincerely work towards the well-being of the people and the country.

Accordingly, the existing Rules and Regulations for Election of the National Assembly Members which were revised in 1968 and 1981 was further revised in accordance with the command of His Majesty the King with the view to enhance people's participation in the decision making process and to develop the responsibilities of the National Assembly members in keeping with the changing needs of the times. The Speaker reminded all the members to give due thought to the contents of His Majesty's Kasho and asked them to keep in mind the present and future well-being of the country while enacting the Chathrim for Election of the National Assembly Members.

The draft Chathrim was read out, page by page, and the members were asked to give their views and suggestions. During the discussion on Eligibility of Candidates for Election under draft Clause 3, some members suggested that since a minimum age requirement of 25 years on the date of nomination as a candidate was prescribed, a maximum age limit should also be prescribed.

However, the majority of the members expressed the view that, since the members elected had the confidence of the people, it was not important to prescribe the maximum age limit. Accordingly, it was decided not to prescribe the maximum age limit.

To the proposal that handicapped persons should not be eligible to stand for election, the Home Minister, Kalyon, Royal Advisory Councillors and some people's representatives stated that the people have full freedom to elect and nominate their Assembly members. In their opinion, as long as the candidate is a Bhutanese citizen, who enjoys the confidence of the people and is loyal to the country, it should suffice and there was no need to specifically mention in the Chathrim whether a handicapped person is eligible for election, as all citizens enjoy equal rights in the country. Therefore, such provisions had not been included in the draft Chathrim.

On Clause 3.4, one of the people's representative requested that a distinction be clearly made between government servants who have retired voluntarily and those who have been compulsorily retired for misconduct, as government servants who have retired honourably should be eligible to stand for election as National Assembly Members.

In this connection, the Secretary of the Royal Civil Service Commission informed the Assembly that civil servants are retired on reaching the age of superannuation, on health grounds, on voluntary resignation submitted before the age of retirement and compulsorily on disciplinary grounds. The Secretary further clarified the difference between those terminated and those sent on compulsory retirement for misconduct. He stated that those sent on compulsory retirement before reaching the age of superannuation were given the retirement benefits and those terminated were not entitled to receive the retirement benefits.

Many people's representatives submitted that, like in the case of government servants who are terminated, those government servants who are sent on compulsory retirement on disciplinary grounds before superannuation should not be eligible to stand for election as National Assembly members, irrespective of whether they were given the retirement benefits or not.

It was resolved that the particular Clause would be modified to take care of the concerns of the people.

On Clause 4 Election Procedures, the draft provision 4.3 which states that in respect of the general public the concerned Dzongkhag Yargay Tshogchung and Gewog Yargay Tshogchung shall meet and nominate the candidate(s) adhering to the eligibility criteria 3.1 to 3.11 specified in draft Clause 3, some Dzongdas and people's representatives said that since the election dates differ, the term of office of the members is also different in different constituencies. Moreover, if the Dzongkhag Yargay Tshogchung and the Gewog Yargay Tshogchung had to be called whenever there is an election, it would create inconvenience to the government and the people especially in the Dzongkhags with many gewogs. They suggested that the ongoing practice of the Dzongda, Thrimpon and a Police Officer witnessing the election proceedings should be continued without having to summon the Dzongkhag Yargay Tshogchung and the Gewog Yargay Tshogchung. When this was being discussed, the government representatives and some Chimis clarified that there was no problem and inconvenience involved in adhering to draft provision 4.3. Intervening in the discussion, His Majesty the King said that the Chathrim for election of National Assembly members is very important to the people and the government, and it would make no difference if the point is retained or deleted. His Majesty suggested that to ensure free and fair election of candidate(s), the Dzongkhag Yargay Tshogchung could ensure that the provisions 4.3 and 4.4 are

adhered to. His Majesty the King further added that it would be all right if one of the above provisions is retained or deleted from the Chathrim. Since many Chimis and some Dzongdas proposed for the deletion of provision 4.3 from the Chathrim, the National Assembly accepted the proposal.

On the draft provision 8, privileges of National Assembly member, some of the members suggested that it would be appropriate to include Kapney for Chimis which was approved during the 73rd Session of the National Assembly as a separate provision in the Chathrim. Since there was no objection to this suggestion, it was decided to include the Kapney for Chimis as provision 8.6.

After an extensive discussion on the draft Chathrim, the National Assembly, after incorporating some changes, approved the Chathrim for Election of National Assembly Members, 1995.

#### XI. SPECIAL SESSION ON THE UNITED NATIONS ON THE OCCASION OF ITS 50TH ANNIVERSARY

Prior to its conclusion, the 73rd Session of the National Assembly held a special session on the morning of August 31, 1995 to commemorate the 50th anniversary of the founding of the United Nations. On the occasion, the Speaker of the National Assembly conveyed the felicitations of the Assembly members to the United Nations Organisation. This was followed by a brief presentation on the UN by the Foreign Minister.

The Foreign Minister said that a few days ago he had circulated a report of the Foreign Ministry on the 50th Anniversary celebration of the United Nations, giving a brief account of the activities of the United Nations.

He explained that when the British colonial power was in India for about two hundred years, they brought most of South Asia under their domination. Fortunately, due to the blessings of the Guardian Deities and the wise leadership provided by our hereditary monarchy, Bhutan did not come under British rule, and we have always remained a sovereign, independent kingdom, preserving our rich spiritual and cultural heritage.

The Foreign Minister reported that the greatest achievement of our late King, His Majesty Jigme Dorji Wangchuck, was in making Bhutan a member of the United Nations. This was important for gaining international recognition of Bhutan's status as a sovereign, independent nation and enabled it to play an active role in the international community. He said that as most of the 185 members of the United Nations are developing countries like Bhutan, it is important for us to join hands with them in order to promote peace, security and development in the world.

He said that big powers can look after their own security interests, but small and weak countries need the support of the United Nations and friendly countries to safeguard their national security. It is, therefore, important for us to strengthen the United Nations in order to safeguard our national security and to promote our social and economic development. The United Nations was set-up in the aftermath of the Second World War which killed 55 million people worldwide, and the primary cause of this war was the attempt by a few powerful countries to subjugate other countries. We must, therefore, give full support to the United Nations in our national interest.

He said that Bhutan today is going through a difficult period because the aim of the anti-nationals is to destabilise the government and to destroy our religion and culture. It is, therefore, important for the government and people at present to think alike and be more united than before.

He said that Bhutan, like other developing countries, has also been benefiting from the activities of numerous agencies of the United Nations in fields, such as, health services, education, agriculture, communications, women and children's welfare, and human resource development. The representatives in Bhutan of the UNDP, WFP, UNFPA, UNICEF, FAO, WHO, and UNV are here with us this morning. I would like to express our appreciation for their valuable contributions to our country's development process, he said.

The Foreign Minister informed the members that in keeping with the command of our beloved King, Bhutan is celebrating the 50th Anniversary of the United Nations in a big way. So far, a Fun Run was organised in Thimphu in which more than 5,000 students and officials participated. An essay competition was held and 100,000 trees were planted in the Dzongkhags. In addition, on the 26th of June this year, to commemorate the signing of the United Nations Charter 50 years ago in San Francisco, a big

celebration was held in the UNDP office premises in Thimphu with His Royal Highness Namgyal Wangchuck as the Chief Guest. A set of commemorative stamps was released and a new cultivar of rhododendron was named as 'Zhiday' (peace) in honour of the United Nations. Also, this year, many other functions will be held in the Dzongkhags and schools, but the major event will be the offering of prayers and butter lamps in all the Dzongkhags on 24 October, the day when the United Nations was founded, fifty years ago. There will also be a photo exhibition in Thimphu on that day. Similarly, the day when Bhutan joined the United Nations, 24 years ago on 21 September 1971, will be celebrated in schools throughout the country by staging mock UN sessions.

He said that as a proud member of the United Nations, and being interested in promoting peace and development through the United Nations, he hoped that the members of the National Assembly would participate fully in all the UN functions in their Dzongkhags.

Speaking on the occasion, His Majesty the King said that the session was being devoted to the United Nations in view of Bhutan's close relations with the UN and as a mark of deep appreciation of the government and people of Bhutan for the generous assistance received through its specialised agencies.

His Majesty informed the members that Bhutan joined the UN in 1971 as its 128th member and began receiving assistance through the UN agencies from 1973. Since then, cooperation with UN agencies has expanded and grown closer over the years. Bhutan, today, is a member of 12 of the 17 specialised agencies of the UN. Besides the UNDP Resident Office which was established in 1979, the WHO, WFP, FAO, UNICEF also have offices in Thimphu, His Majesty said. These agencies have been giving very generous assistance in all fields of development, greatly benefiting the Bhutanese people. His Majesty said that the success of UN-assisted programmes in Bhutan and the excellent working relations between the UN agencies and the Royal Government provided a good example to the rest of the world.

On behalf of the government, people, and the National Assembly members, His Majesty expressed his deep appreciation to the Head of UNDP, Mr. James Gustav Speth, and to the UN Coordinator in Thimphu, Ms Akiko Naito-Yuge, and other officials and staff of the UN agencies in Thimphu. He wished them all Tashi Delek.

His Majesty also briefed the National Assembly on the role and responsibilities of the UN Security Council. He said that many changes had taken place in the world since 1945 when the UN was established. Fifteen states of the former Soviet Union had become sovereign, independent countries and US relations with Russia and China had greatly improved. The Cold War had come to an end and the threat of nuclear weapons had reduced. Against the backdrop of the changed global situation, His Majesty felt that it may now be an appropriate time to review the role and responsibilities of the UN Security Council.

In His Majesty's view, the suggestion to extend the permanent membership of the Security Council may result in undermining the role and functions of the other members of the UN.

Many people's representatives expressed their greetings and Tashi Delek and their best wishes for the future of the United Nations on the occasion of its 50th Anniversary. They also asked questions, and sought clarifications on the aims and objectives, programmes, and responsibilities of the United Nations, and the benefits it brings for the member nations.

The representative of the BCCI, noting that internal conflicts and wars continued to take place in this world, asked what role the UN plays if a powerful country attacks a smaller nation. This was followed by questions from the people's representatives of Bumthang, Haa and Paro Dzongkhags who pointed out that one of the important objectives of UN assistance is to develop human resources and by now they expected that this assistance had helped to build up capable and qualified local experts. They asked whether it is still necessary for the donor agencies to bring in foreign experts and consultants.

Some of the Chimis sought clarification on whether the objectives, activities of the projects and the need for particular projects are determined by the donor agencies or by the recipients. Many Chimis expressed their concern that the UN and the international community did not understand the nature of the ngolop problem which Bhutan currently faced. Some of them wanted to know why the UNHCR, which is a UN agency, was supporting the ngolops. The Paro Chimi asked whether Bhutan paid an annual contribution to the UN which was, in any way, being used by the UNHCR, which was helping the ngolops in the camps in eastern Nepal with substantial funds. Some of us are wondering whether we are contributing towards those who are conducting anti-national activities against us, he said.

Similarly, the people's representative from Dagana Dzongkhag said that, by international definition, refugees were those who were forced to flee for political, ethnic, or religious and other reasons. Most of the people at the camps, he said, had taken their time to sell all their property, collect the money, pack all their belongings, and leave of their own free will. "On what grounds does the UNHCR consider them genuine refugees?" he asked.

Replying to these queries, the Foreign Minister explained that Bhutan made a yearly contribution of US\$ 102,000 towards the UN's annual budget. The activities of the UNHCR and other agencies working in the camps such as the WFP were not funded through the United Nations' annual budget but by special contributions from some of the developed countries.

The fault for the problem of the people in the camps in eastern Nepal also lay with the Nepalese government, said the Foreign Minister. The Nepalese government had convinced the international community that all the people were genuine Bhutanese refugees. It had also made the initial request to UNHCR, which had then established the camps without screening the people.

The Foreign Minister said that Bhutan had repeatedly pointed out that a majority of the people in the camps are not Bhutanese refugees. If the bilateral talks between Bhutan and Nepal are successfully concluded, it will be possible to identify all the people in the camps, he said.

The Foreign Minister added that the Royal Government was in constant touch with the United Nations Commission for Human Rights and had repeatedly presented the true facts to the international community.

His Majesty the King told the Assembly that the UNHCR, which was funded by special contributions from individual countries, was a noble organisation which was responsible for numerous humanitarian deeds around the world. As a Buddhist nation, Bhutan deeply appreciated the activities of the UNHCR which is taking care of about five million refugees. His Majesty said that there were about 25 million people migrating or seeking asylum in countries all over the world because of wars and conflicts or for political and economic reasons.

His Majesty told the members that the refugee situation in Nepal was different, because the Nepalese government, the politicians, officials, and the people gave their full sympathy and support to the people, who were claiming to be Bhutanese refugees. On the invitation of the Nepalese government, the UNHCR had started an assistance programme when there were less than 400 people claiming to be Bhutanese refugees. Now, after extending assistance for more than four years, it was difficult for the UNHCR to withdraw the assistance, His Majesty said.

The representative of the Bhutan Chamber of Commerce and Industry and the Chukha Chimi asked for clarification on the Nepalese government's announcement that it would take the issue to the United Nations.

In response, the Home Minister, Lyonpo Dago Tshering, said that the Government of Nepal was trying to intimidate Bhutan by threatening to internationalise the problem. While Bhutan was willing to discuss the problem at any international forum, the Home Minister pointed out that taking the issue to the United Nations would not solve the problem. He said he was familiar with the UN procedures because of his 10 years experience in the UN. Many contentious bilateral issues have been raised in the UN, but in his experience, he had seen very few issues being resolved through internationalisation.

The people's representative of Bumthang Choekhor observed that although treaties for nuclear arms reduction existed, some countries still do not pay any heed to these treaties.

In reply, the Foreign Minister explained that the Nuclear Non-proliferation Treaty lapsed this year and that it has been extended indefinitely. The United Nations have agreed that it would work towards complete nuclear disarmament. He explained that the nuclear weapons issue is one of the biggest problems facing the world today. He said that the five main nuclear powers and others who have the technology and potential to produce nuclear arms have enough nuclear weapons to destroy the entire human race many times over.

In the course of the discussion on the UN, some of the people's representatives inquired about the type of assistance so far received from the United Nations.

The Minister for Planning informed the members that Bhutan received substantial assistance through the specialised UN agencies, especially in fields like human resources development and renewable nature resources. He also informed the Assembly that the UNDP, which had coordinated the Round Table Meeting on Bhutan five times so far, had played an important role in mobilising funds from donor countries.

During the session, representatives of the government, the Dratshang (Central Monk Body), and the people also conveyed their felicitations to the United Nations and their hope that the close cooperation between Bhutan and the UN agencies would continue to grow.

The Tshennyi Lupon of the Central Monk Body expressed his appreciation that the constant efforts of the United Nations to resolve conflicts, promote peace, and extend assistance wherever there is hunger and disease without any distinction over race, caste, or creed is in perfect harmony with the cherished Buddhist values of non-violence and universal brotherhood. The Dratshang will pray that the close relationship between our country and the United Nations grows stronger over the years, he said.

The Speaker of the National Assembly said that the special session had given a better understanding of the UN to the members, and he asked them to also inform the people about the UN system. He felicitated the Secretary General of the UN and all the representatives of the UN agencies in Thimphu, and expressed his appreciation for the assistance and cooperation extended to Bhutan.

His Majesty, on behalf of the government, people, and the National Assembly of Bhutan, expressed his warmest Tashi Delek to the UN Secretary General, Mr. Boutros Boutros-Ghali, and all the members of the UN on the auspicious occasion of its 50th anniversary. His Majesty also expressed his hope and prayer that the ideals of the UN will be realised and the world will be free of wars, conflicts, disasters and famine and the people of all nations will live together like brothers and sisters of one family.

With the remarks of His Majesty the King, the discussion on the special session commemorating the 50th Anniversary of the United Nations was concluded.

## XII. VOTE OF THANKS

Before the concluding address of the Speaker, a vote of thanks was offered by Councillor Karma Geyleg, on behalf of the six outgoing Royal Advisory Councillors, to His Majesty the King and all the members of the National Assembly.

After being elected by the people of Bhutan three years ago in 1992 as Royal Advisory Councillors, and receiving the scarf of office from His Majesty the King, we had the opportunity to serve in the Royal Advisory Council, he said.

We are very happy and impressed by the calibre of the six new Councillors elected by the members of the National Assembly. They are all capable and experienced persons, knowledgeable about national policies and interests. We offer our best wishes and prayers that they will fulfil the trust and expectations reposed in them by His Majesty the King and the government and people of Bhutan. With the honour and opportunity they will have over the next three years to serve the nation so closely with His Majesty the King, we urge them to take to heart their important role and responsibility and strive to fulfil them for the benefit of everyone in the country, he said.

If we have sometimes fallen short of the trust and expectations reposed in us by the National Assembly and failed in any way due to our limitations, we seek the indulgence of the august Assembly and request that our shortcomings be forgiven and overlooked.

We pray to the Triple Gem for the long life and glorious reign of His Majesty the King. May the precious institution of hereditary monarchy flourish like the sun and moon, and the pure bond between the people and their King remain forever strong. May our wishes for good fortune, peace and happiness for the people of Bhutan be fulfilled like the river growing bigger as it flows downstream and the mountain becoming higher towards the peak. May all obstacles to the Tsa-Wa-Sum be overcome and the sunshine of good fortune forever shine over our country.

## XIII. CONCLUDING CEREMONY

In his concluding address, the Speaker thanked all the members for participating actively in the deliberations and expressing their frank and sincere views on the many issues which had been raised in the agenda for the present well-being and future interest

of the country. With the wisdom and guidance provided by His Majesty the King and the sincere views expressed by all the members, the deliberations were fruitful and the Assembly was able to adopt sound resolutions on all the issues.

In keeping with the progress and development that has been taking place in our country under the wise leadership of His Majesty the King, we were able to hold the 73rd Session of the National Assembly in the new Assembly Hall at the Convention Centre. The success of this first session in this new Assembly Hall is an auspicious Tendrel, he said.

The Speaker expressed his appreciation to all the outgoing people's representatives for sincerely discharging their responsibilities as the bridge between the people and the government. He expressed his hope and confidence that they will continue to work towards strengthening the harmony and cooperation between the government and the people.

He told the members that the important decisions adopted by the Assembly must not be left on paper only but must be clearly explained to the people. It is very important that all the Chimis strive to further strengthen the close bond of loyalty, unity and cooperation between the people and government, and thereby ensure the peace, security and sovereignty of the country.

The Speaker offered his prayers that the people of Bhutan will continue to enjoy peace and happiness under the farsighted and dynamic leadership of His Majesty the King who is the central pillar of the country. May the future of the country be forever secure and the glory of the Palden Drukpa endure till the end of time, he said.

The 73rd Session of the National Assembly concluded with all the representatives of the clergy, the government and the people taking part in the Tashi Menlom ceremony to offer their prayers for the long life of His Majesty the King, the well-being of the nation, and the peace and prosperity of the people.

Date : 2nd September, 1995

Sd/-  
(Passang Dorji)

Speaker  
National Assembly of Bhutan