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JOINT SITTING

1. THE CHILD ADOPTION BILL OF BHUTAN 2012

Hon Speaker in his opening address to the Joint Sitting said that the Joint Sitting was convened in accordance with Article 13 (8) of the Constitution to discuss the disputed Bills. He said that the 1) Child Adoption Bill of Bhutan, 2) Sales Tax, Customs and Excise Duty (Amendment) Bill of Bhutan, 3) Public Finance (Amendment) Bill of Bhutan and Election (Amendment) Bill of Bhutan were discussed in both the Houses but during the deliberation the members could not reach to consensus on some sections of the Bill.

The Adoption Bill of Bhutan 2011 was first deliberated in National Council during the 6th session, dated 29/11/2010 and 02/12/2010. It was then transmitted to the National Assembly in accordance with Article 13(5) of the Constitution of the Kingdom of Bhutan along with 73 amendments including 8 new sections.

The Bill was thoroughly discussed by the National Assembly during the 7th session, dated 10/06/2011, 13/06/2011 and 14/06/2011. It has accepted 47 amendments proposed by National Council and re-transmitted the Bill to National Council in accordance with Article 13(7) of the Constitution of the Kingdom of Bhutan with 30 amendments including 1 new section.

The Bill was re-deliberated in the National Council on 21/06/2011 as per the Bill passage procedure and since the two Houses could not concur on 26 sections, the bill was submitted for the Royal Command for the joint sitting on 5th July, 2011 by

National Council and received the Royal Command on 1st December, 2011.

As per the Legislative Rules of Procedure 2011, a Joint Committee was constituted to resolve the differences between the two Houses and to ensure smooth passage of Bills in the joint sitting.

The Chairperson and the Members of the Joint Committee presented their recommendations to the Parliament and the Bill was adopted with the following amendments:

Section 1 (c)

Extend to whole of the Kingdom of Bhutan or otherwise within the jurisdiction of Bhutan.

New Section after section 1

Extent

~~1B. Extend to whole of the Kingdom of Bhutan or otherwise within the jurisdiction of Bhutan.~~

Section 6

An inter-country adoption may be considered **only** as an alternative means for a child for whom a suitable ~~adoptive~~ **adopting** parent cannot be found in the country.

Section 7

It shall be the State policy to safeguard and prevent the child from unnecessary separation from biological parents.

Section 25

It shall be the duty of the child welfare officer appointed under the Child Care and Protection Act to make every possible effort to locate the biological parent and guardian. In the event such effort fails, the child may be recommended for adoption.

Section 26

Subject to this Act, an application for adoption **of a child** may be made by a ~~married couple~~ **Bhutanese Citizen who:**

- a) ~~Is married;~~
- b) **Is of good moral character;**
- c) **Is financially secure;**
- d) **Is not convicted of a felony crime;**
- e) **Is capable of support and care for the child; and**
- f) **Is at least 30 years of age and the age difference between the adopting parent and the child to be adopted shall be at least 15 years.**

Section 27

~~Notwithstanding anything contained in Section 26, a single person may adopt a child, if the person is found suitable and agreeable to the conditions specified by the competent authority.~~

Section 29

~~The child may be adopted by the relative if there exists an established relationship between the child and the prospective adoptive relative, and the court is satisfied that the adoption order is in the best interest of the child.~~

Section 30

~~A step parent or a family member may adopt, if the person has an established relationship with the adoptee, and the court is satisfied that it is in the best interest of the child.~~

Section 31

Subject to this Act, the following ~~person~~ **Bhutanese citizen child** may be adopted:

- a) A child below eighteen years of age;

- b) A person of legal age if, prior to the adoption, the said person has been consistently considered and treated by the ~~adoptive~~ **adopting** parent as one's own child since minority;
- c) A child whose parent, guardian or ~~adoptive~~**adopting** parent have died; or
- d) Any other child that the competent authority has taken cognizance of being in difficult circumstances.

Section 32

Re-sequence as Section 25A (i)

Section 33

Re-sequence as Section 25A (ii)

Section 36

A foreign national may adopt a Bhutanese child if the person:

- a) Is at least ~~twenty-five~~ **thirty** years of age at the time of filing an application for adoption **and the age difference between the adopting parent and the child to be adopted shall be at least 15 years;**
- b) If married, ~~the couple shall jointly file for the adoption a~~ **written consent of the spouse is attached;**
- c) Has the capacity to act and assume all rights and responsibilities of a parent under one's national laws;
- d) Is not convicted of a crime involving moral turpitude or other offences;
- e) Is eligible to adopt under one's national laws;
- f) Pays adoption and other fees;
- g) Undertakes to provide inheritance to the adopted child;
- h) Is in a position to provide ~~the~~ proper care and support and to give necessary moral values to the adopted child; and

- i) Submit an undertaking that the ~~adoptive~~ **adoption** parents will submit status report of the child to the Bhutanese Embassy/Consulate/Mission/Designated representative.

Section 37

~~Notwithstanding anything contained in Section 36, a single foreign national may adopt a child, if the person is found suitable and agreeable to the conditions specified by the competent authority.~~

New Section as Section 37 (A)

37A. A Bhutanese National may adopt a foreign child only if the person, in addition to Section 36:

- a. **Has resided in the country from which the child is to be adopted for more than three years and is able to produce evidence that the primary reason for residing in that country was not for adoption;**
 - b. **Has not more than 1 child biological or otherwise.**
- And**

37B. The Ministry of Home and Cultural Affairs shall be the relevant Ministry to issue directives and set limits on the number of inter-country adoption.

Section 38

Subject to this Act, the person mentioned under Section 34 may be adopted. **However, in case of a Bhutanese citizen adopting a foreign child, that child shall be 9 years of age and below and a citizen of his/her country.**

New Section 51A

Jurisdiction and Authority

Section 34

Re-sequence this Section under Section 51A (iii)

Section 39

Re-sequence this Section under Section 51A (ii)

Section 48

Re-sequence this Section under Section 51A (i)

Section 49

Re-sequence this Section under Section 51A (iv)

Section 50

Application for inter-country adoption shall only be filed by the competent authority and such application shall be supported by the following documents:

- a) Birth Certificate of the applicant **and of the child;**
- b) Passport copies and passport size photographs of ~~adoptive parent~~ the applicant and recent postcard-size pictures of the ~~applicant~~ **child** and ones immediate family;
- c) Marriage contract, if married, and divorce decree, if applicable;
- ci) If married, written consent of the spouse should be attached;**
- d) Written consent of the parent or guardian **of the child;**
- e) Written agreement between a biological parent or guardian and ~~adoptive parent~~ **the applicant;**
- f) **Document on** home study by a recognized organization in home country;
- g) Medical fitness certificate of the ~~adoptee~~ **applicant;**
- h) Documents showing the financial capability of the applicant;
- i) Annual financial statements on income earned;

- j) Character reference from the local authority, the applicant's employer or from a ~~the~~ member of the immediate community who ~~has have~~ known the applicant for at least five years;
- k) Certification **by the competent authority that the adoption is within permissible limits;**
- l) Certification that once the adoption process is completed, the child as a member of the family **shall** be accorded same rights and privileges as a biological child including rights to inheritance;
- m) Certification that status reports on the child **shall be** carried out by a certified and recognized organization; and
- n) Any other necessary document that competent authority and the court may require.

Section 62

~~Notwithstanding anything contained in the Inheritance Act,~~ The adopted child shall have the right of inheritance **of property in all respect to any property** of the adopting parent **in accordance with the inheritance law.**

Section 63

The adopted child shall have a right to visit and reside in Bhutan or be granted citizenship in accordance with the relevant laws in force if the child has to return to the country of origin under unavoidable circumstances.

Section 65

A person shall be guilty of the offence for receipt of payment, if the person receives any payment, reward, favour or consideration in relation to adoption or proposed adoption of a child. The offence of receipt of payment shall be **an offence of bribery a felony of fourth degree.**

New Section after 73

Chapter 10: Miscellaneous

Power to make rules and regulations

The Competent Authority and implementing agencies may frame rules and regulations for the purpose of effective implementation of this act.

New definitions under section 74

- (i) “Domestic Adoption” means where a child of a Bhutanese is adopted by another Bhutanese.
- (j) “Inter country Adoption” means the adoption of a child between a Bhutanese national and a national of a foreign country.
- (k) “Applicant” means a person who applies for adoption of a child.

After extensive deliberation on the Child Adoption Bill of Bhutan 2012, Member In-Charge of the Bill, Hon Education Minister moved the motion that the Bill be passed. Hon Members at 2.40 pm on January 5, out of 68 Hon Members present 68 voted “YES” and one voted “NO”.

**2. SALES TAX, CUSTOMS AND EXCISE DUTY
(AMENDMENT) BILL OF BHUTAN, 2011**

The Sales Tax, Customs and Excise (Amendment) Bill 2011 was first deliberated in the National Assembly during the 6th session, dated 22/11/2010, 24/11/2010, 1/12/2010 and 06/12/2010. It was then transmitted to the National Council in accordance with Article 13(5) of the Constitution of the Kingdom of Bhutan along with 11 amendments and 3 new sections.

The Bill was thoroughly discussed by the National Council during the 7th session, dated 02/06/2011, 14/06/2011 and 16/06/2011. It endorsed 5 amendments proposed by National Assembly and re-transmitted the Bill to National Assembly in accordance with Article 13(7) of the Constitution of the Kingdom of Bhutan with 23 amendments and 10 new sections.

The Bill was re-deliberated in the National Assembly on 30/06/2011 and 07/07/2011 and as per the Bill passage procedure and since the two Houses could not concur on 21 sections, the bill was submitted for the Royal Command for the Joint Sitting on 8th July, 2011 by National Assembly.

As per the Royal Command for the Joint Sitting on 01/12/2011, Joint Committee was constituted to resolve the differences between the two Houses and present their recommendations to the House for deliberation. The House deliberated on the recommendations and resolved as follows:

General Preliminary

Section 2 (19)

Excise duty-means a duty levied on goods **either** produced **or** ~~and~~ manufactured in the country **or** ~~and~~ imported into the country.

New Insertion

Section 2 (20 Kha)

Exempt Person- means a person eligible to avail exemption from the applicable duty or tax or both, as specified in this Act or Rules thereof.

PART I, SALES TAX

Chapter 2 (Section 2)

A person ~~Business entity, public body and~~ **or** government institution within the Kingdom of Bhutan.

Chapter 3 (Section 4.2)

The fixation of rates of Sales Tax and any revision thereof, and the range of commodities and services under the Sales Tax Schedule shall be approved by the **Parliament in accordance with the procedure outlined in the Public Finance (Amendment) Act.** ~~Royal Government of Bhutan~~

Chapter 5 (Section 7)

For the purpose of this Act, Import and Export clearance, Entry and Exit of conveyance and goods, Warehousing, Import, Sale and Transfer of ~~exempted vehicles and other~~ goods, Baggage, Import and Export of goods by Post, Inspection and Search and Import and Export Restrictions and Prohibitions thereof shall be in accordance with provisions under Chapter 4 (Section 10 and 11) 7, 8, 9, 10, 11, 12 and 13 of Part II of this Act.

PART II, CUSTOMS DUTY

Chapter 2 (Section 3)

Person, ~~entity~~ or his agent importing or exporting goods into ~~and~~ or out of Bhutan shall be liable to pay customs duty **as may be applicable from time to time.**

Chapter 4 (Section 6.1)

Customs Tariff and revision thereof shall be approved by the **Parliament in accordance with the procedure outlined in the Public Finance (Amendment) Act.** ~~Royal Government of Bhutan.~~

Chapter 7, Sub-title of Section 17

Import and disposal of goods by ~~privileged personnel~~ **exempt person.**

Chapter 7, Section 20.2

License/permits for clearing and forwarding agents may be issued by the **relevant Agency** on recommendation of the Ministry. ~~Ministry of Trade and Industry~~

Title of Chapter 10

Import, Sale and Transfer of ~~Vehicles~~ **Exempted Goods.**

Chapter 10, Sub-title of Section 33

Sale of duty/tax **exempted** ~~vehicles and~~ goods

Chapter 10, Section 33.1

~~Sale or transfer of vehicles and other goods imported or purchases under exempted basis by persons shall liable to pay customs duty, taxes, fees and charges.~~

As it is covered under section 33.3

Chapter 10, Section 33.3

The sale or transfer of duty/tax exempted ~~vehicles and other~~ goods **either** by an exempted person **or imported or purchased under on exempt basis, including those purchased whether** through public auction or tender, the buyer if not a ~~privileged~~ person **entitled to exemption**, shall pay the customs duty, taxes, fees and charges.

Chapter 10, Section 33.5

Notwithstanding Sub-sections ~~33.1~~, 33.2, 33.3 and 33.4 above, the Ministry shall prescribe rules for the import, sale and transfer of ~~vehicles~~ **exempted goods.**

Chapter 10, Section 34

Where a ~~vehicle of third country origin~~ **goods** is imported into Bhutan without an authorization, it shall be confiscated without notice pursuant to Section 10 in the General Provisions.

Chapter 11, Section 35 (Ga)

Provisions applicable to ~~diplomatic personnel and privileged~~ **exempt** persons under Sub- section 5.1 or any particular group of persons or professionals.

PART III, EXCISE DUTY

Chapter 3, Section 3

Excise duties shall apply to goods **either** manufactured or produced in Bhutan **or imported** as prescribed by the Ministry.

Chapter 3, Section 4.1

Rates of Excise duty on excisable goods shall be fixed and revised **with the approval from the Parliament in accordance with the procedure outlined in the Public Finance (Amendment) Act.**

Chapter 4, Section 6

Excise duty and other fees shall be levied and collected by the Department or the manufacturer or dealer as per rules framed by the Department

General.

New Section 25.2 (Cha)

Withholding the imports and exports of the ~~entity or person or~~ **its sister concerns;** and/or

Chapter 9, New Insertion Section 42

The amendment of this Act by way of addition, variation, or repeal shall be effected by a simple majority of the respective Houses or vote of no less than two-thirds of the total members of Parliament present and voting on a motion submitted by one-third of the members of either House, ~~provided that the amendment does not undermine the functions and effectiveness of the Ministry or Departments.~~

On January 6, 2012 corresponding to 13th Day of the 11th Month of the Iron Female Rabbit Year, the Member In-charge of the Bill, Hon. Finance Minister, moved the motion that the Bill be passed. In accordance with Article 13(5) of the Constitution, at 3:18pm, out of 69 Hon. Members present 68 voted “YES” and one voted “NO”.

Subsequent to the passing of the Sales Tax, Customs and Excise Duty (Amendment) Bill of Bhutan 2011, in her dissenting opinions, Hon. Sangay Zam, Thimphu Dzongkhag submitted that clause wherein duties are levied on the imported goods, causes immense trouble to people of Bhutan.

3. PUBLIC FINANCE (AMENDMENT) BILL OF BHUTAN, 2011

On January 6, 2012 corresponding to 13th Day of the 11th Month of the Iron Female Rabbit Year the Chairperson of the Joint Committee Hon Ugay Tshering informed the House that Sales Tax, Customs and Excise (Amendment) Bill 2011 was first deliberated in the National Assembly during the 6th session, dated 22/11/2010, 24/11/2010, 01/12/2010 and 06/12/2010. It was then transmitted to the National Council in accordance with Article 13(5) of the Constitution of the Kingdom of Bhutan along with 4 amendments including 1 new section.

The Bill was thoroughly discussed by the National Council during the 7th session, dated 02/06/2011, 13/06/2011 and 16/06/2011. The National Council did not endorse the amendments proposed by National Assembly and re-transmitted the Bill to National Assembly in accordance with Article 13(7) of the Constitution of the Kingdom of Bhutan with 34 amendments including 3 new sections.

The Bill was re-deliberated in the National Assembly on 6/7/2011 as per the Bill passage procedure and since the two Houses could not concur on 24 sections, the bill was submitted for the Royal Command for the Joint Sitting on 8th July, 2011 by National Assembly and received the Royal Command on 1st December, 2011. After that a Joint Committee was constituted to resolve the differences between the two Houses and to ensure smooth passage of Bills in the Joint Sitting.

The Chairperson of the Joint Committee presented their recommendations to the Parliament and the Bill was adopted with the following amendments:

Section 9

“Taxes, fees and other forms of levies shall not be imposed or altered except by law.”

Section 10

Money shall be appropriated for the requirement of the state through the annual Budget **Appropriation Bill** approved by the ~~National Assembly~~ **Parliament in accordance with Sections 46D to 46I of this Act.**

Section 13

The Minister of Finance shall table before the Parliament ~~in accordance with Section 46D to 46I of this Act.~~

- (a) The audited Annual Financial Statements of the financial year ended during each summer session;
- (b) The Budget Policy and Fiscal Framework Statement;
- (c) The **Budget Appropriation Bill** that is consistent with the fiscal sustainability and transparency principles in this Act.

Section 14(b)

Proposing taxation measures to the Parliament, and for raising other revenues and resources for the Government **including signing agreements for loans and grants.**

Section 41

The Royal Audit Authority shall audit the Government's ~~Consolidated Annual Financial Statements receipts and payments accounts.~~

Title of Chapter 4

~~Government~~ **Money and Financial Bill**, Budget and Reports

Section 46(c)

The Minister of Finance shall submit to the Parliament ~~in accordance with Sections 46D to 46I of this Act~~ a Budget Policy and Fiscal Framework Statement outlining the Government's framework for the new budget. The Framework Statement shall include:

- (c) the Government's planned fiscal ~~aggregates~~ **projections** for the medium term including taxation and other revenue measures

New Section after 46

Money Bills and Financial Bills

46A. A Money or Financial Bill is a Bill which contains only provisions dealing with all or any of the following matters:

- (a) **Imposition or increase of any tax or abolition, reduction or remission of any existing tax.**
- (b) **Government spending that is, appropriation or payment of moneys out of the Consolidated Fund;**

- ~~(c) Receipt of moneys on account of the Consolidated Fund or the custody or issue of such moneys or the audited financial statement of the State; and~~

If any question arise whether a bill is a money Bill or not, the decision of the Speaker thereon shall be final.

- 46B. The imposition or increase of any tax or abolition, reduction or remission of any existing tax once passed as law by Parliament, shall be applied retroactively from the date it was initially tabled in the National Assembly;
- 46C. A Bill shall not be deemed to be a Money or Financial Bill by reason only that it provides for:
- (a) Principles and procedures that relates to taxation or spending; or
 - (b) Imposition or alteration of any fine or other pecuniary penalty or for the payment or demand of any fee or charge for any service rendered.

Procedure for Money Bills and Financial Bills

- 46D. Money Bills and Financial Bills shall originate only in the National Assembly.
- 46E. A Money or Financial Bill, after being passed by the National Assembly, shall be presented to the National Council ~~within Five days from the date of passing~~ and that Bill shall be passed during the same session of Parliament.
- 46F. where the National Council passes the Money or Financial Bill it shall return the Bill to the National

Assembly within five days of its presentation. The National Assembly shall submit the Bill to the Druk Gyalpo for Assent within fifteen days from the date of receipt of such Bill.

- 46G. where the National Council passes the money or financial bill with recommendations it shall return the bill to the National Assembly for re-deliberation within five days from the date of presentation.**
- 46H. The National Assembly may thereupon either accept or reject all or any of the recommendations of the National Council and present the Money or Financial Bill to the Druk Gyalpo for Assent within fifteen days from the date of passing of such Bill.**
- 46I. Where the National Council neither passes nor returns the Money or Financial Bill within five days of its presentation, the Bill shall be deemed to have been passed and the National Assembly shall submit the Bill to the Druk Gyalpo for Assent within fifteen days from the date of its presentation to the National Council.**

Section 47

The Minister of Finance shall present to the Parliament ~~in accordance with Sections 46D to 46I of this Act~~ the Government's Budget Appropriation Bill no later than 5 days preceding the budget year.

Section 49

~~The Budget and Appropriation Bill shall specify the number of years each appropriation is sought for.~~

Section 50

The Ministry of Finance shall publish the Budget Appropriation Bill passed by the Parliament.

Section 51

Where the Budget **and the Appropriations Bill** has not been approved by the **Parliament in accordance with section 46D to 46I of this Act** ~~National Assembly~~ before the beginning of the fiscal year, the respective budgets **appropriations** of the preceding fiscal year shall be applied for the following until the new ones are sanctioned.

- a) Meeting the recurrent expenditures necessary to maintain the continuity of Government;
- b) Meeting expenditures for ongoing donor financed projects that have all the required Government approvals; and
- c) Meeting the requirements for the repayment of loans.

If one or more parts of the new budget have been approved, they shall be put into effect.

Section 52

~~The Minister of Finance shall not authorize an amount under Sub-section 51 that exceeds twenty five percent of the total of all Budget and Appropriation Act in the previous financial year.~~

Section 56

Revision of budget and the appropriations

The Minister of Finance may present to the Parliament ~~in accordance with section 46D to 46I of this Act,~~ revised Budget Appropriation Bills, outlining changes in appropriations and resource estimates, with full justifications for the revisions. Such Bill shall be introduced to the Parliament at the earliest sitting of Parliament after the last sitting.

Section 57

Revisions of the budget appropriations ~~shall~~ may be considered only when circumstances have changed significantly such as in the case of

- (a) shortfalls in revenues and other resources threatening macrofiscal sustainability, or
- (b) ~~significant~~ substantial ~~changes~~ increase in costs of ~~approved~~—programmes as approved by Lhengye Zhungtshog
- (c) incorporation of expenditures financed or co-financed by donors and the Government's contribution there for as provided for under section 60
- (d) emergency expenditures as provided for under section 66 in this Act
- (e) any other expenditure on an activity which is of national importance as approved by Lhengye Zhungtshog

Such revision to the budget under section 57 (b) and (e) may be approved by the Lhengye Zhungtshog only on the recommendation of the Ministry of Finance where additional budget does not exceed the total approved budget. The Ministry of Finance may authorize additional budget through technical adjustments but remaining within the total approved budget. Any supplementary budgets beyond the total approved amount shall only be approved by the ~~National Assembly~~ **Parliament in accordance with section 46D to 46I of this Act.** ~~except for provisions under sections 60 and 66.~~

The Minister of Finance shall submit these to the ~~National Assembly~~ **Parliament** as the **supplementary Budget Appropriation Bill.** ~~Revised Budget.~~

Section 59

Except for the provisions under Section 66, no budgetary body shall make commitments or shall incur expenditure against supplementary budget proposals in anticipation of the approval of the proposal until the revised Budget Appropriations Bill has been passed by the Parliament **in accordance with Sections 46D to 46I of this Act.**

Section 60

The Minister of Finance may authorize a supplementary appropriation without recourse to the Parliament and on the authority of this Section alone for expenditures that are financed by donors or co-financed jointly with the government for a development project that has all the required Government approvals. Such finance shall be based on agreement between the donors and the government. Such appropriations shall be recorded in the revised Budget Appropriation Bill.

Section 64

The authority of budgetary bodies to consume resources under the Budget Appropriation Act shall lapse at the end of the financial year to which that Act relates. ~~except for multiyear appropriations under Section 49.~~

Section 66

If, due to an emergency or disaster, an urgent need has arisen for expenditure, for which no budget appropriation has been made and which cannot be postponed without detriment to the public interest, the Minister of Finance may authorize the use of public funds to defray expenditure of such exceptional nature without further authority than this Section provided that:

- (a) a full report of such expenditure and its impact on the Budget Policy and Fiscal Framework Statement is made to the **Parliament** for ratification through the ~~revised~~

Supplementary Budget Appropriation Bill referred to in Section 57; and

Sub-title before Section 106

~~Government's main funds~~ **Consolidated Fund** and related bank accounts

Section 107

There shall be a ~~principal account of the Government known as the "Consolidated Fund"~~ **Consolidated Fund into which shall be deposited all public money not allocated to specific purposes by law and from which expenditure of the state shall be met.** ~~All fund release shall be made from this Account.~~

Public money shall not be drawn from the Consolidated Fund except through appropriations in accordance with the law.

New Section after 112

The Ministry of Finance shall release funds to budgetary bodies after the budget had been approved by ~~National Assembly~~ **Parliament in accordance with section 46D to 46I of this Act.** Such funds shall be drawn from the Consolidated Fund and released through bank accounts authorized by **the** Ministry of Finance in accordance with the financial rules and regulations.

Section 113

The Ministry of Finance shall not release moneys for the purpose of meeting expenditures unless:-

- (a) such expenditure has been authorized for the financial year during which the withdrawal is to take place by: -
 - (i) a Budget Appropriation Act; or
 - (ii) a Supplementary Budget Appropriation Act; or
 - (iii) any other provision of this Act. ~~that authorizes the issuance of warrants.~~

Section 122

All Budgetary Bodies shall base the accounting records on the accounting standards prescribed by the **relevant Agency. Ministry of Finance.**

On January 6, 2012 corresponding to 13th Day of the 11th Month of the Iron Female Rabbit Year, the Member In-charge of the Bill, Hon. Finance Minister, moved the motion that the Bill be passed and total of 69 Hon. Members voted YES and Bill was passed unanimously at 3:18 pm.

4. ELECTION (AMENDMENT) BILL OF BHUTAN 2012

The Election (Amendment) Bill of Bhutan 2011 was deliberated in the Joint Sitting of the 8th Session of the First Parliament on 12th Day of the 11th Month of Iron Female Rabbit Year corresponding to January 6, 2012. The Chairperson of the Joint Committee, reported that the amendments pertaining to the matters of cooling period, annual report of the Election Commission and state funding of the political parties in the Election Act were proposed and adopted by the National Assembly during its 6th Session and was transmitted to the National Council.

He reported that the National Council tabled the amendments adopted by the National Assembly in its 7th Session but did not agree to the amendments. Thereafter the Bill was referred to the Joint Committee in which even after the two rounds of meeting the Committee could not come to an agreement.

After the report by the Chairperson of the Joint Committee, the House engaged in extensive deliberation on the issue of constitutionality of the State Funding. During the deliberation,

the Prime Minister and several other Members submitted that receiving state funding for the maintaining the party machineries of the ruling and the opposition party is not unconstitutional. They reasoned that the Fourth Druk Gyalpo through his farsighted vision, instituted democracy for the welfare of the people. The Members also opined that state funding of the political parties is crucial for building strong foundation of democracy and the absence of it would weaken the party machineries which is one of the integral dimension of the democratic system and ultimately undermine democracy.

The Members also submitted that if the state does not fund the political parties, it may resort to accepting funds from the wealthy people and the parties would be in the hands of few wealthy people which in turn would thwart common people from participating in politics thus paving way for corruption.

In response to the above submissions, the Members especially from the National Council submitted that providing state funding for maintaining the party machineries of the ruling and the opposition party is unconstitutional citing Article 15(4) (d) of the Constitution. The Good Governance Committee of National Council also informed that a study was carried out to understand the legality of state funding and the financial situation of the two existing parties and it was found to be in contradiction with the Constitution.

Since the Joint Sitting could not draw consensus on the proposed amendments even after the extensive deliberation and no recommendations were presented by the Joint Committee, the Speaker directed to review the disputed clauses as submitted by the Chairperson of the National Council and report the same in the Joint Sitting which shall be convened on 19th January, 2012.

5. ELECTION (AMENDMENT) BILL OF BHUTAN 2012

The Joint Sitting of the Parliament on 6th January, 2012 deliberated on Election (Amendment) Bill of Bhutan 2012. The Chairperson of the Joint Committee reported that, although they had two rounds of meetings they could not come up with the recommendations because of the differences in opinion. It was therefore resolved that the Joint Committee should come up with recommendation to the Joint Sitting of Parliament to be held on 19th January, 2012.

During the Joint Sitting of the Parliament on 19th January, 2012, the Chairman of the Joint Committee again reported that they could not come up with the recommendation.

The Hon Speaker said that the lack of recommendation from the Joint Committee is not acceptable under the Legislative Rules of Procedures and directed to suggest an alternative measure. To this, Chairman moved the motion to withdraw the Election (Amendment) Bill, 2012 as per Section 106 of the National Assembly Act 2008.

The Chairperson of the National Council pointed out that there is no recommendation from the Joint Committee because of the differences between the Houses on the principle and objective of the Election (Amendment) Bill. He said that he is uncertain about the constitutionality of the Bill. Therefore, even if we endorse the Bill, it would not be satisfying and convincing amendment, which in turn would entail lots of problems in future. He submitted that while it would be acceptable to withdraw the Amendment Bill as submitted by the Chairperson

of the Joint Committee, the Bill could also be declared as a Dead Bill for the future convenience.

The Hon Member from Geonkhatoe-Laya said that the submission made by the Chairperson of the Joint Committee to withdraw the Bill would not be appropriate. He expressed that if a Bill has to be withdrawn, it has to be properly deliberated in the respective Houses before it is tabled in the Parliament. He added that he has no idea if the ruling party has consulted amongst themselves to withdraw the Bill but the Opposition Party has not been consulted.

To this, the Hon Member from Drakteng-Langthel expressed that the Election (Amendment) Bill was not tabled by the Government but it was initiated by a Member to which the two Houses have differences on the constitutionality of the Bill. Therefore, he expressed his support to withdraw the Bill in a bid to seek better methods of amendment in future.

The Hon Speaker informed that as per Section 58 of the Legislative Rules of Procedures the Joint Committee had to provide a recommendation. Since the Joint Committee could not submit the recommendations, it could neither be voted for endorsement nor be declared as a Dead Bill as per the Section 63 of the Legislative Rules of Procedures.

Therefore, based on the provision of Section 67 of the Legislative Rules of Procedures, 2011, the Speaker decided to retain the Election Act of Bhutan 2008 without subjecting the Bill to voting and the deliberation concluded at 3PM.

6. TOBACCO CONTROL (AMENDMENT) BILL 2012

While re-deliberating the Tobacco Control (Amendment) Bill 2012 on 24th Day of 11th Month of Iron Female Rabbit Year corresponding to 17th January 2012, the Member In-Charge, and Hon. Health Minister submitted the background of the Bill. He said that ours is a religious country and therefore the use of tobacco products was contradictory to our religious beliefs. Further, he added that the Health Ministry discouraged use of tobacco products as it is harmful to ones physical health and bore no positive benefits whatsoever.

Hence in 1984, the Health Ministry initiated numerous activities with the general public on the harmful effects of tobacco to ones physical health. During which Bumthang Dzongkhag was identified as a tobacco free Dzongkhag after the submission for the same was made by the people of the Dzongkhag.

Subsequent to which all Dzongkhags also declared themselves tobacco free Dzongkhags. To further strengthen the ban on tobacco, it was appealed by the people that the tobacco related issues has to be deliberated and resolutions should be taken out by the National Assembly. Accordingly the 82nd Sessions of the National Assembly resolved that tobacco should be restricted and to strengthen the effort to control tobacco and to make it practical, an act has to be enacted.

In 2007, tobacco control bill was drafted and submitted to the National Assembly and National Council in 2009 for enactment. The two Houses elaborately deliberated the Bill and passed it in the joint sitting in 2010.

However since there were few ambiguities in the Act that caused aggravation to the people. To redress this issue, the

seeming ambiguities have been clarified and the amended provisions were submitted to the National Assembly along with its background. Hon. Health Minister also expressed his grief towards National Council's proposal which is contradictory to the principle of the Tobacco Control (Amendment) Bill 2012.

Hon. Labour Minister highlighted that after the Tobacco Control Act 2010 was elaborately deliberated and endorsed in the joint sitting of Parliament. In the course of enforcing it, few people faced inconveniences due to the penal provisions, which led to some people expressing their opinion in favour or against the Act in the Media and Internet. The Government proposes to amend the Act keeping in view the inconveniences and the opinions shared by the people. The proposal of the National Council is in contradiction to the principle of the Act.

Hon. Members of *Drakteng-Langthek, Bardo-Trong, Athang-Thedtsho, Mongar, Thrimshing* constituencies submitted that following the enactment of the Tobacco Control Act 2010, the people from their constituencies have acknowledged and appreciated that the Act is good and none have raised any issues against the Act.

Yet they second the amendment proposed by the government with clear intentions and in no way will deliberate on the provisions as proposed by the National Council.

Hon. Speaker stated that the proposal of the National Council on the Amendment Bill, there by changing the principle of the Bill is not supported by the majority of the National Assembly members. Thus, it is resolved that the Tobacco Control (Amendment) Bill 2012 shall be deliberated in the joint sitting of Parliament. Furthermore, since the Bill is identified as an

Urgent Bill, it has to be decided whether the Royal command should be sought for it or not.

Responding to which the Hon. Member, *Dremetise-Ngatshang* constituency submitted that in line with the Bill passage procedure, it should be submitted for the Royal command. Hence, the Hon. Speaker resolved that the Bill shall be submitted for the Royal command to deliberate it in the joint sitting.

As per the Royal command to deliberate the Tobacco Control (Amendment) Bill 2012, in the joint sitting of Parliament awarded on 25th Day of 11th Month of Iron Female Rabbit Year corresponding to 18th January 2012, the Chairman of the Joint Committee presented their recommendations and the Bill was adopted with the following amendments on 19th January 2012:

Section 11 (b)

Sell or distribute tobacco or tobacco products;

Section 11(c)

Buy tobacco or tobacco products.

New section after 11 (c) as 11 (d)

Possess tobacco or tobacco products without proof of tax and duty payments or beyond the permissible quantity and type determined by Parliament.

New section after 11 (d) as 11 (e)

Knowingly transport tobacco or tobacco products without proof of tax and duty payments or beyond the permissible quantity and type determined by Parliament.

Section 12

A person may import tobacco or tobacco products for personal consumption as per the quantity and type determined by Parliament in Annexure 1.

Section 51

Any person who contravenes section 11(c) of this Act shall be punished with misdemeanor as per the Penal Code of Bhutan. However if tobacco and tobacco products bought is more than four times the permissible quantity, he or she shall be punished with felony of fourth degree as per the Penal Code of Bhutan.

New section 51A after section 51

Any person who contravenes section 11(d) of this Act shall be:

- a. Fined as prescribed by the Board, if he or she possesses tobacco or tobacco products within the permissible quantity without proof of tax and duty payments;
- b. Punished with petty misdemeanor as per the Penal Code of Bhutan if he or she possesses tobacco or tobacco products beyond the permissible quantity but less than three times the permissible quantity;
- c. Punished with misdemeanor as per the Penal Code of Bhutan if he or she possesses tobacco or tobacco products more than three times but less or equal to four times the permissible quantity; or
- d. Punished with felony of fourth degree as per the Penal Code of Bhutan if he or she possesses tobacco or tobacco products more than four times the permissible quantity;

New section as 51B

Any person who contravenes section 11(e) of this Act shall be:

- a) Fined as prescribed by the Board, if he or she transports the tobacco or tobacco product within the permissible quantity without proof of tax and duty payments;
- b) Punished with petty misdemeanor as per the Penal Code of Bhutan, if he or she transports tobacco or tobacco products beyond the permissible quantity but less than three times the permissible quantity;
- c) Punished with misdemeanor as per the Penal Code of Bhutan, if he or she transports tobacco or tobacco products more than three times but less or equal to four times the permissible quantity; or
- d) Punished with felony of fourth degree as per the Penal Code of Bhutan, if he or she transports tobacco or tobacco products more than four times the permissible quantity.

New section after 54 as 54 A

A person who violates any provision of this Act shall have his or her tobacco or tobacco products confiscated.

New section as 54 B

A person who is in possession of tobacco or tobacco product at authorized port of entry shall not be liable to be punished under this Act, if he or she has not crossed the authorized port of entry.

Annexure

1. 300 sticks of cigarettes; or
2. 400 sticks of Bidis; or
3. 50 pieces of cigar; or
4. 250 grams of other tobacco or tobacco products.

Thereafter, the Hon Members on the 26th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar corresponding to 19th January 2012, at 10.45 am deliberated and voted on the Bill. All 61 Members present unanimously voted “YES”.

NATIONAL ASSEMBLY

1. CONSUMER PROTECTION BILL OF BHUTAN, 2011

The Hon. Economic Affairs Minister, Member In-charge of the Bill, moved the motion for leave to introduce and adopt the Consumer Protection Bill of Bhutan, 2011 for discussion, on January 9, 2012 corresponding to the 15th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar. The Bill was adopted for discussion with support from majority of the Hon. Members.

Member In-charge moved the motion for the Second reading of the Bill on January 9, 2012 corresponding to the 15th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar. He submitted that the objective of the Bill is to protect the economic interest and safety of consumers and to ensure better consumer products and services, to facilitate quicker redressal mechanisms, to avoid economic harm and adverse consequences on the course of acquiring and using goods and services made available in the market. The Bhutanese economy is also increasingly being integrated into the global economy, thus the protection of consumer interest becomes imperative. While policies to ensure safety to health and lives of the citizens are in place, a policy framework on consumer protection does not exist. A Consumer protection Act

is necessary to protect the consumer rights and interests from unfair and unscrupulous practices.

Since the Hon. Members did not submit any objections against the Bill, the Hon. Speaker directed that the Bill be reviewed by the Poverty committee and report the same clause by clause during the Third Reading of the Bill and thereby concluding the second reading of the Bill.

Consumer Protection Bill was elaborately deliberated by the National Assembly on January 11, 2012 and adopted the Bill as follows:

Title

Consumer Protection Bill of Bhutan **2012**

Preamble

An act to provide for the protection of economic interest and safety of consumers and ensure better consumer products and services, to facilitate quicker redressal mechanisms, to avoid economic harm and adverse consequences in the course of acquiring and using goods and services made available in the market;

Parliament of the Kingdom of Bhutan do hereby enact the Consumer Protection Act of Bhutan **20... 2010** on the Day of the month of~~Male-Tiger~~ Year of the Bhutanese **Calendar** ~~Calendar~~ corresponding to the day of ..., **20.... 2010** at its ... Session of the First Parliament as follows:

Section 1

This Act shall:

- (a) Be called the CONSUMER PROTECTION ACT OF BHUTAN **2012 2010**;

- (b) Come into force on the ... Day of the ... Month of....
Year of the Bhutanese **Calendar** ~~Calendar~~
corresponding to the ... Day of ..., **2012** ~~2010~~; and

Section 2 (a)

Amended in Dzongkha text

Section 5

The Consumer shall **endeavour to** promote:

Section 5 (a), (b), (d)

Amended in Dzongkha text

Section 6

No person shall make a false or misleading representation,
among others, that:

Section 7

A person shall not mislead the consumers on the price of the
goods **and services**.

Section 9

Goods displayed for sale **and, where applicable, services** shall
have the price affixed conspicuously.

Section 10

Amended in Dzongkha text

Section 11

Amended in Dzongkha text

Section 15 (a)

Amended in Dzongkha text

Section 16 (b)

Amended in Dzongkha text

Section 17 (c)

Amended in Dzongkha text

Section 18

The supplier and manufacturer shall not discriminate consumers ~~on the basis of one's status~~ in the supply of goods and services.

Section 20

Amended in Dzongkha text

Section 23 (d)

Amended in Dzongkha text

Section 24

Amended in Dzongkha text

Section 25 (c)

Amended in Dzongkha text

Section 27 (a)

Amended in Dzongkha text

Section 27 (d)

Amended in Dzongkha text

Section 36 (c) and (d)

Amended in Dzongkha text

Section 47 (a)

Amended in Dzongkha text

Section 51

Amended in Dzongkha text

Section 54 (b)

Amended in Dzongkha text

Section 58 (b)

Amended in Dzongkha text

Section 59 (a)

Where services are provided to a consumer, there shall be implied a guarantee that the services will be completed within a reasonable time where the time for the services to be carried out is ~~not~~:

Not determined by the contract;

Section 60 (a)

Where services are provided to a consumer, there shall be implied a guarantee that the consumer shall not be liable to pay to the supplier more than the reasonable price for the services where the price for the services is ~~not~~:

Not determined by the contract;

Section 60 (d)

For non-compliance with the implied guarantee under **this** section ~~60~~, the consumer may refuse to pay more than the reasonable price.

Section 62 (b)

Amended in Dzongkha text

Section 63 (a)

Where the failure is one that can be remedied, the consumer may require the supplier to remedy the failure within a reasonable time; ~~and~~ **or**

Section 66 (b)

Amended in Dzongkha text

Section 71 (c)

Amended in Dzongkha text

Section 79 (a)

The fine equivalent of the value of the goods **or services** shall be imposed; and

Section 84 (b)

One member each ~~subject to a maximum of two~~ from different relevant ministries **subject to a maximum of two**;

Section 84 (d)

Amended in Dzongkha text

Section 84 (e)

Head of the Office of Consumer Protection **who shall be the** ex-Officio Secretary to the Board.

Section 86

Decision of the board

All the decisions at any meeting of the Consumer Board shall be through consensus, and where no consensus is reached by a majority of the Members present and voting, the Chairperson shall have a **deciding** ~~eastig~~ vote.

Section 87 (h)

Recommend to the Government for approval the ~~Approve~~ remuneration of Board members, dispute settlement committee members, any other committees and functionaries of the institutions under this Act; and

Section 89 (k)

~~Fixation of adequate remuneration for members of Dispute Settlement Committees and any functionaries or committees constituted for enforcement of this Act.~~

New Sub-section under Section 89

k) Make ~~public~~ all information **available to public** pertaining to complaints filed and actions taken.

Section 94

The members shall elect a Chairperson **from** ~~from~~ among them upon their appointment. The Chairperson shall:

- (a) Receive complaints referred to it by the Consumer Advocate or the Gup;
- (b) Convene the hearing on the complaints referred to it;

Section 94 (a) and (d)

Retain as in the draft

Section 95

Retain as in the draft

Section 96

Retain as in the draft

Section 97

Amended in Dzongkha text

Section 98

Retain as in the draft

Section 99

Retain as in the draft

Section 101

If the supplier of goods denies the allegations, the Committee shall:

- (a) Obtain samples of the goods from the complainant;
- (b) Refer the sample to the appropriate laboratory to make an analysis on whether such goods suffer from any of the

defects alleged in the complaint, or suffer from any other defects, and report its findings within a reasonable period; and

- (c) On receipt of the report from the laboratory, the Committee shall accordingly make an award.

The defaulting party shall be liable for costs under this section.

Section 105 (h)

Amended in dzongkhag text

Section 109

Any person aggrieved by an order made by the Committee may appeal against such order to the ~~Dzongkhag~~ **Court of Competent jurisdiction** within a period of ten days from the date of the order.

Section 112

No action or suit shall be instituted or maintained in any court against:

- (a) The Committee;
- (b) A member of the Committee; or
- (c) A person authorized to act for or on behalf of the Committee; ~~for any act or omission done in good faith in the performance of the functions of the Committee or the person and the exercise of such powers under this Act.~~ **for any act or omission done in good faith in the performance of the functions of the Committee or the person and the exercise of such powers under this Act.**

Section 115

A person who supplies or offers to supply any goods or services shall provide the consumer with a receipt for any purchase of

goods or services exceeding the prescribed value **as fixed by the Consumer Protection Office. Notwithstanding this provision, a receipt shall be issued on the demand of the consumer.**

Section 117

Any person who contravenes this section shall be imposed a fine ten percent of the value of goods and services subject to a **maximum of six months' minimum wage** ~~Ngultrum 20,000.~~

Section 119

If any person fails to comply with the decisions of the Committee or Orders of the Board, the person shall be guilty of the offence **of** obstruction of lawful authority.

Section 121

The amendment of this Act by way of addition, variation or repeal shall be effected by a simple majority of the respective Houses or vote of no less **than then** two thirds of the total members of Parliament present and voting on a motion submitted by one third of the members of either House, ~~provided that the amendment does not undermine the functions of the Office of the Consumer Protection~~

Section 123 (a)

Amended in Dzongkha text

Section 123 (g)

“goods” refers to anything that is movable or immovable at the time of contract for sale, including technology, animal, minerals, oil and gas, **agricultural products** ~~growing crops~~, land, buildings and other things to be served from real property,

Section 123 (m)

Amended in Dzongkha text

Section 123 (p)

Retain as in the draft

After extensive deliberation on the Consumer Protection Bill of Bhutan 2012, Member In-Charge of the Bill, Hon Minister for Economic Affairs moved the motion that the Bill be passed. All the 39 members present voted “Yes” and thus adopted the Bill on January 12, 2012 at 12:35 pm.

2. TOBACCO CONTROL (AMENDMENT) BILL 2011

The Hon. Health Minister, Member In-charge of the Bill, moved the motion for leave to introduce and adopt the Tobacco Control (Amendment) Bill 2011 for discussion, on January 9, 2012 corresponding to the 15th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar. The Bill was adopted for discussion being seconded by majority of the Hon. Members.

Member In-charge moved the motion for the Second reading of the Bill on January 9, 2012 corresponding to the 15th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar. He submitted that the Tobacco Control Act 2010 needs to be amended for the purpose sorting out and elucidating on the ambiguities in the offence and the penalty clauses and therefore the amendment bill is declared as a “Urgent Bill” and the Hon. Speaker directed that the Bill be reviewed by the Legislative Committee and report the same, clause by clause during the Third Reading of the Bill and thereby concluding the second reading of the Bill.

The Hon. Members of National Assembly deliberated the Tobacco Amendment (Bill) of Bhutan 2012 for the Third

Reading on 10th January 2012 and adopted it with the following amendments.

Section 41

Any Civil Society Organization may conduct awareness programs on the ill effects of tobacco consumption ~~in its locality and community.~~

New section 51A after section 51

“Any person who contravenes section 11(d) of this Act shall be liable to:

- a. Pay fine as prescribed by the Board, if he or she possesses tobacco or tobacco products within the permissible quantity without proof of tax and duty payments;
- b. Be punished with misdemeanor if he or she possesses tobacco or tobacco products beyond the permissible quantity but less than three times the permissible quantity; or
- c. Be punished with felony of fourth degree if he or she possesses tobacco or tobacco products three times or more than ~~three times~~ the permissible quantity.”

New section as 51B

“Any person who contravenes section 11(e) of this Act shall be liable to:

- a) Pay fine as prescribed by the Board, if he or she transports the tobacco or tobacco product within the permissible quantity without proof of tax and duty payments;
- b) Be punished with misdemeanor if he or she transports tobacco or tobacco products beyond the permissible

quantity but less than three times the permissible quantity;
or

- c) Be punished with felony of fourth degree if he or she transports tobacco or tobacco products three times or more than ~~three times~~ the permissible quantity.”

New section as 60 (n)

“Transport” means to convey tobacco or tobacco product using any mode of transportation ~~including on foot.~~

The Member In charge of the Bill, Hon. Health Minister moved the motion that the Bill be passed. Out of the 41 Members present, 39 voted “YES”, 1 Member voted “NO” and 1 Member abstained from voting. The Bill was adopted on 10th January, 2012 corresponding to the 16th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar at 5:05 pm.

Hon. Member of *Chapcha-Bongo*, in his dissenting opinion submitted that he does not second the provisions wherein tobacco or tobacco products that are within the prescribed limit are confiscated after the payment of fine and tax and also because the permissible quantity in the Annexure is not increased.

3. EDUCATION CITY BILL OF BHUTAN, 2011

The Hon. Works and Human Settlement Minister, Member In-charge of the Bill, moved the motion for leave to introduce and adopt the Education City Bill of Bhutan, 2011 for discussion, on January 9, 2012 corresponding to the 15th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar. The Bill was adopted for discussion with support from majority of the Hon. Members.

Member In-charge moved the motion for the Second reading of the Bill on January 9, 2012 corresponding to the 15th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar. He submitted that in line with the objective and policy of the Government to create Bhutan a hub for quality education, land measuring 1000 acres opposite to *Wangsisina*, in *Jawalog* in Thimphu would be acquired with investments amounting to Nu. 5,000 million to establish the education city to provide the Bhutanese and foreign students with quality education. He further submitted that education city is designated in the above mentioned area since the area has all amenities and moreover the most important aspect for the international students and teachers is of its proximity to the airport.

Hon. Speaker called the attention of the House to decide whether there is a dire need for a separate legislation for the project or would umbrella legislation suffice. He further mentioned that establishment of the education city would contradict the FDI Policy.

Member In-charge of the Bill recalled that since the Bhutanese businessmen cannot afford to invest in such projects, an act becomes necessary when working in collaboration with foreigners to win their confidence.

Hon. Member of *Lamgong Wangcha* constituency in his submission during the deliberation of the adoption of the Bill for discussion, emphasized that it is of utmost importance to draft the Act in line with the Government policy aiming for the universal welfare. The Education City Bill is reportedly drafted to provide a legal frame work and confidence to the foreign investors. Furthermore, if the act could be enacted, the economic status of the country would be boosted. The

submission was seconded by the Hon. Members of *Dorokho Tading*, *Panbang*, *Drametise*- *Ngatshang*, *Athang* -*Theedtsho*, *Nyisho*- *Sephu*, *Drakteng*-*Langthel*, *Menbhi*-*Tshenkhar* and *Wamrong* constituencies.

Hon.Member of *Sombaykha* constituency submitted that he cannot second the motion to adopt the Bill for discussion. He insisted that instead of enacting separate legislations for each project, it is important that an umbrella legislation is enacted. The authority to establish the Education city could be drawn from the Government policy and provisions of the relevant laws by the Government. In case the foreigners cannot rely on the existing laws and policies, such provisions should be amended instead of gaining their confidence by enacting new legislations which would also hurt the confidence of the Bhutanese people.

Hon. Member of *Goenkhator*- *Laya* , also submitted that there is no need for a separate legislation if the act is solely for foreign investments which could be transacted in accordance with the prevailing FDI policy and agreements. And if so ever, the education city is located opposite to *Wangsisina*, in *Jawalog* in Thimphu merely because of its proximity to the airport, such institution could be established in Bumthang, Tashigang and Gelephu which also has airports and this would also mitigate the rural urban migration issue.

Hon.Member of *Bardo*-*Trong*, highlighted the importance of research for the establishment of education city in a small country like Bhutan that would require lands measuring thousands of acreage. Submission of legislation for enactment in the Parliament subsequent to the execution of such huge project, would lead to further confusion.

Hon. Speaker directed that the Bill be reviewed by the Legislative committee and report the same clause by clause during the Third Reading of the Bill and then concluded the second reading of the Bill.

Bhutan Education City Bill 2012 was deliberated by the National Assembly on January 13 – 16, 2012 and adopted the Bill as follows:

Title

Amended in Dzongkha

Section 2

Amended in Dzongkha text

Section 4

To replace the subtitle “repeal” by “Amendment” and moved under the “Miscellaneous” chapter

Section 6

Moved under the “Miscellaneous” chapter

Section 7

Establishment of the Board

There shall be an Education City Board established under this Act.

Section 15

The presence of ~~one-third~~ **two third** of the members constitutes a quorum for a meeting of the Board.

Section 16

The Board shall adopt its rules of procedure by a simple majority of its members **present and voting** provided that the rules are in accordance with this Act.

Section 20

Amended in Dzongkha text

Section 21

Amended in Dzongkha text

Section 23 (2)

Recommend to the Government to ensure that the Policies and Laws applicable to the City are suited to efficiently meet the goals of the City;

Section 24 (3)

Promote the City consistent with the Laws, Policies, environmental issues, ~~Buddhist~~ **national** heritage and gross national happiness;

Section 24(5)

Ensure ~~encourage a minimum level of~~ employment for Bhutanese nationals in accordance with national laws and policies;

Section 25 (4)

~~Grant~~ **Provide** support to the ~~Developer~~ Concessionaire, Educational Institutions, Knowledge Centres, Service Providers, Students and any other Person associated with the City;

Section 25 (5)

Moved as section 24 (1)

Section 28

In case any Competent Authority fails to process or dispose of any application within the prescribed time frame, the Board may place the application before the Cabinet for consideration and the Cabinet ~~shall~~, after due consideration, may reject the

application or ~~may~~ direct the Competent Authority to grant or issue the Permission on such terms and condition as the Cabinet may direct.

Section 43

The ~~Developer~~ **Concessionaire** shall be selected through a transparent and fair process in accordance with Laws and Policies.

Section 44

The ~~Developer~~ **Concessionaire** shall be incorporated under the Laws as a limited liability company solely to establish, develop, promote, operate, maintain and manage the City, ~~which is to be called the Concessionaire.~~

Heading of section 56

Knowledge Centres ~~affiliated~~ **with affiliation** to religion

Section 65

To retain as in the draft

Any dispute, difference or controversy of whatever nature between the Board and the Concessionaire shall in the first instance be attempted to be resolved amicably by conciliation in accordance with the Agreement.

Section 69 (1)

To retain as in the draft

Granting of Permissions to Knowledge Centers;

New sub clauses under section 69

- **Rules of procedures for conduct of its meetings;**
- **Salary, tenure, discipline and other conditions of service of the staff of the Secretariat; or**

- **Any other matters in relation to which rules are required to be made.**

Section 70

The Board is liable to compensate the Concessionaire in accordance with the Agreement in the event of breach of the Agreement by the Government.

Section 75 (11)

“Concessionaire” means ~~the special purpose vehicle incorporated under the Laws who is a party to the Agreement~~ **a company with whom the Agreement is entered into by the Board and to whom a concession has been granted for establishment, development, promotion, operation, management and maintenance of the City.**

Section 75 (12)

Merged with section 75 (11)

After extensive deliberation on the Bhutan Education City Bill 2012, Member In-Charge of the Bill, Hon Minister for Works and Human Settlement moved the motion that the Bill be passed. Hon Members at 12.45 pm on January 17, 2012, out of 40 Hon Members present 37 voted “YES” with 3 Hon Member voting “NO”.

Hon. Member, Bardo-Trong constituency in his dissenting opinion submitted that it is not pragmatic to establish the education city project in the country and moreover there is very less benefit and employment opportunities consequential to the project.

Hon. Member, Goenkhatoe-Laya constituency in his dissenting opinion submitted that though the aim and objective of the education city project is good, he is apprehensive about

how far the education city project would succeed since all the investors are from abroad. He also expressed his doubt as to how far the government and the private institutions in the country would be able to compete with the education city.

Hon. Member, *Sombaykha* constituency in his dissenting opinion highlighted the importance of enacting legislation with broad application instead of enacting separate legislation for each specific project, since in future there are going to be establishment of such mega projects in Bhutan. He also expressed his doubt about the benefits that could be derived of the education city Bill in future since the Bill is confined to a specific purpose.

4. DISASTER MANAGEMENT BILL OF BHUTAN, 2011

The Hon. Home Minister, Member In-charge of the Bill, moved the motion for leave to introduce and adopt the Disaster Management Bill of Bhutan, 2011 for discussion, on January 9, 2012 corresponding to the 15th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar. The Bill was adopted for discussion being seconded by the majority of the Hon. Members.

Member In-charge moved the motion for the Second reading of the Bill on January 9, 2012 corresponding to the 15th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar. He submitted that global warming and climatic change are resulting in the occurrence of numerous natural disasters such as earthquake, floods, windstorms, fire etc. In the wake of such occurrences, an act becomes necessary to protect the lives and properties of the people and to reduce such risks.

Since the Hon. Members did not voice any objections against the Bill, the Hon. Speaker directed that the Bill be reviewed by the Environment/Land Urban Development Committee and report the same, clause by clause during the Third Reading of the Bill, thereby bringing the second reading of the Bill to a close.

Disaster Management Bill of Bhutan 2012 was deliberated by the National Assembly on January 16 -18, 2012 and adopted the Bill as follows:

Preamble

Amended in Dzongkha text

Under Preamble (New insertion)

Whereas, it is important to adopt holistic approach to disaster management involving agencies and the private sectors.

Whereas, it is expedient to promote a systematic disaster risk management approach to deal with disasters.

Parliament of the Kingdom of Bhutan do hereby enact the Disaster Management Act of Kingdom of Bhutan~~2011~~ **2012** on the...Day of...Month of theYear of the Bhutanese Calendar corresponding to the...Day during its Session as follows:

Section 1.1

Amended in Dzongkha text

Section 3

Amended in Dzongkha text

Section 4

Amended in Dzongkha text

Section 5

Amended in Dzongkha text

Section 6

Rules of Construction.

Section 9

The National Disaster Management Authority shall comprise **of**;

Section 10

On the expiry of the term of the National Assembly or in the event of its dissolution, the Chief Advisor of the Interim Government shall assume the duties of the Chairperson of the Authority until the reconstitution of the ~~new~~ National Assembly.

Section 12(1)

~~lay down~~ **approve** the Disaster Management Strategic Policy Framework;

Section 13(3)

Amended in Dzongkha text

Section 13(4)

Amended in Dzongkha text

Section 18

Amended in Dzongkha text

Section 19

Subject to agreements entered between the **Royal** Government and the Governments of other countries or legitimate international organizations, the National Disaster Management Authority may frame rules and regulations under this Act to regulate:

Section 23

Amended in Dzongkha text

Section 26

The Dzongkhag Disaster Management Committee shall comprise of:

Section 26(3)

Retain as in the bill.

Section 26(5)

Thrompons/ **Thromde Thuemi**

Section 26(7)

Retain as in the bill.

Section 26(9)

Amended in Dzongkha text

Section 27

Amended in Dzongkha text

Section 30(1)

Amended in Dzongkha text

Section 30(12)

Amended in Dzongkha text

Section 30(13)

Amended in Dzongkha text

New insertion between section 31 and 32

The Dzongkhag Disaster Management Committee shall meet at least twice a year.

Section 33

Amended in Dzongkha text

Section 34

Amended in Dzongkha text

Section 36(2)

Amended in Dzongkha text

Title of section 37

Function of Gup and Thrompon/**Thromde Thuemi**

Section 37

Gup and Thrompon/**Thromde Thuemi** shall:

Section 38

The Chairperson of the Dzongkhag Disaster Management Committee ~~may~~ **shall**, by ~~an order in writing~~, for the purpose of response and relief operation:

Section 40

The Chairperson of the Dzongkhag Disaster Management Committee may, by ~~an order in writing~~, direct the owner of a property to put the property under the control or at the disposal of a person stated in the notice.

Section 43

Amended in Dzongkha text

Section 44

Amended in Dzongkha text

Section 44(1)

It is an offence to obstruct or refuse to comply with any directives given by the chairperson ~~unless the person has a reasonable excuse~~; and

Section 45

The provisions under sections 38 to 44 shall apply mutatis mutandis to Operation Coordinator, Thrompon/**Thromde Thuemi** or Gup.

Section 50

Amended in Dzongkha text

Section 51

Amended in Dzongkha text

Section 53(3)

Amended in Dzongkha text

Section 55

Amended in Dzongkha text

New insertion under section 57 as Function number 1.

Lay down the disaster management strategic policy framework.

Section 57(1)

Retain as in the bill.

Section 57(3)

Amended in Dzongkha text

Section 57(12)

Amended in Dzongkha text

Section 57(15)

Amended in Dzongkha text

New section after section 58

The operation coordinator shall designate and direct the concerned agency to operationalise effective response and relief operations.

Section 70 and 71

Change the sequence.

Section 71

Retain as in the bill.

Section 72

The Department of Disaster Management shall ensure that the National Plan is available for inspection by ~~members~~ of the public.

Section 73

Amended in Dzongkha text

Section 78

The National Disaster Management Authority shall recommend to the Minister of Finance to authorize the use of public funds to defray expenditure incurred for response and relief operation in accordance with the Public Finance Act of Bhutan, ~~2007~~.

Section 79

There shall be a separate budget head to be called budget for National Disaster Management Activities and it shall receive adequate budgetary allocation **from the Government and other Donors.**

Section 80

Amended in Dzongkha text

Section 81

The budget specified in section 79 of this Act shall be managed and operated by the Department of ~~National Disaster Management Authority~~/Secretariat of **National Disaster Management Authority**

Title before Section 82

Budget for Department of Disaster Management Budget

Section 83

Retain as in the bill

Section 84

The Dzongkhag Disaster Management Committee shall, for the purpose of recovery and reconstruction, undertake damage assessment of public assets and infrastructure within its area of responsibility **at the earliest** and submit the assessment along with the work programme and cost estimate to the Department of Disaster Management for review and onward submission to National Disaster Management Authority.

Section 85

Amended in Dzongkha text

Section 89

A disaster shall be classified as Type I, if it:

- 1) affects a single Thromde or Gewog or any part thereof;**or**
- 2) causes casualties of less than 50 people or affects less than 10 households or both; **or**
- 3) causes loss to property and damage to the environment; ~~and~~ **or**
- 4) can be managed with available resources and is within the coping capacity of the Gewog concerned.

Section 90

A disaster shall be classified as Type II, if it:

- 1) affects a Dzongkhag or more than one Dzongkhag; **or**
- 2) causes casualties of more than 50 and less than 500 people or affects more than 10 and less than 100 households or both; **or**

- 3) causes substantial loss to property and damage to the environment; ~~and~~ **or**
- 4) can be managed with available resources and is within the coping capacity of the Dzongkhag concerned.

Section 91

A disaster shall be classified as Type III, if:

- 1) it affects the nation as a whole or in part; **or**
- 2) it causes casualties of more than 500 people or affects more than 100 households or both; **or**
- 3) causes major loss to property and damage to the environment; **or**
- 4) severity and magnitude is so great that it is beyond available resources and the coping capacity of the Dzongkhag concerned; ~~and~~ **or**
- 5) other special circumstances warrant such classification.

Section 92

Amended in Dzongkha text

Section 95

Amended in Dzongkha text

Section 96

Amended in Dzongkha text

Section 97

Amended in Dzongkha text

Section 98

Amended in Dzongkha text

Section 99

Amended in Dzongkha text

Section 100

Amended in Dzongkha text

Section 101

~~There shall be a National Emergency Operation Centre in the Department of Disaster Management and Dzongkhag Emergency Operation Centre in every Dzongkhag.~~

For the emergency, the Department of Disaster Management shall act as National Emergency Operation Centre and the Dzongkhag Disaster Management Committee shall act as Dzongkhag Emergency Operation Centre.

Section 104

~~An Emergency Operation Centre shall be manned by personnel appointed by the Royal Civil Service Commission as requisitioned by the National Disaster Management Authority.~~

Section 108

Amended in Dzongkha text

Section 111

~~The National Disaster Management Authority~~ **Department of Disaster Management** shall ensure that the Search & Rescue Team is well equipped and trained.

Section 112

~~The National Disaster Management Authority~~ **Department of Disaster Management** shall frame rules and regulations to determine the composition, operation and coordination of the Critical Disaster Management Facility constituted under this Act or such other Critical Disaster Management Facility as may be constituted by an order on the Authority.

Title of Section 113

Amended in Dzongkha text

Section 113

The ~~National Disaster Management Authority~~ **Department of Disaster Management** shall formulate the minimum standards and procedures for relief assistance.

Title before section 115

Compensation for use, loss and damage of property **during relief operation.**

Section 116

Amended in Dzongkha text

Section 117

Amended in Dzongkha text

Title before section 118

Insurance ~~Compensation~~ **Claims**

Section 118

The Dzongkhag Disaster Management Committee concerned shall liaise with the insurance company in expediting ~~payment of insurance compensation,~~ **insurance claims**, where applicable.

Section 121

A person who impersonates any authorized person under this Act shall, be ~~offence of~~ **liable** for misdemeanor.

Section 122

A person who obstructs any authorized person in the discharge of functions under this Act shall, on conviction, be ~~guilty of the offence~~ **liable for** petty misdemeanor unless the person has a reasonable excuse.

Section 123

A person who fails to comply with the directives given under

this Act shall, on conviction, be ~~guilty of the offence~~ **liable for** petty misdemeanor unless the person has a reasonable excuse.

Section 124

A person who makes false claims to obtain any relief assistance or other benefits from a Dzongkhag Disaster Management Committee shall, on conviction, be ~~guilty of the offence~~ **liable for** petty misdemeanor.

Section 125

If a person entrusted with or having custody over any resources under this Act, misappropriates such resources, or any part thereof, or willfully compels any other person to do so shall, on conviction, be guilty of the offence of embezzlement under the ~~Penal Code of Bhutan 2004~~ **Anti-Corruption Act.**

Section 126

A person who makes or circulates a false alarm or warning as to a disaster or its severity or magnitude leading to panic shall, on conviction, be ~~guilty of the offence~~ **liable for** petty misdemeanor.

Section 127

An officer, on whom a responsibility has been entrusted under this Act, ceases or refuses to perform or withdraws from duty or office without a written permission of the supervisor or does not have lawful reason to do so shall, on conviction, be ~~guilty of the offence of~~ **liable for** petty misdemeanor.

Section 130

Amended in Dzongkha text

Section 132

~~The National Disaster Management Authority~~ **Department of Disaster Management** shall encourage the participation of civil

society organization, religious organization and volunteer to support the Government in its disaster risk reduction and disaster management activities.

Section 133

~~The National Disaster Management Authority~~ **Department of Disaster Management** shall formulate guideline for the participation of civil society organization, religious organization and volunteer in disaster risk reduction and disaster management activities.

Section 134

The Chairpersons of the National Disaster Management Authority and Dzongkhag Disaster Management Committee, Operation Coordinator, Gup and Thrompon/**Thromde Thuemi** may in writing delegate any of their function to any other person, subject to such condition and limitation if any, as they consider fit.

Section 135

Amended in Dzongkha text

Section 136

Amended in Dzongkha text

Section 137

~~The National Disaster Management Authority~~ **Department of Disaster Management** may frame rules and regulations from time to time to carry out the provisions of this Act.

Section 138

~~The amendment of this Act by way of addition, variation or repeal may be effected only by Parliament.~~

The amendment of this Act by way of addition, variation or repeal shall be effected by a simple majority of the

respective Houses or vote of no less than two third of the total members of Parliament present and voting on a motion submitted by one third of the members of either House.

Section 139

~~The Dzongkha text shall be the authoritative text in case of any difference in meaning between the Dzongkha and the English text.~~

The Dzongkha text shall be the authoritative text, if there exists any difference in meaning between the Dzongkha and the English text.

Section 140

Definition

~~“Act” means the National Disaster Management Act of the Kingdom of Bhutan, ...~~

~~“Budget” means a plan of intended expenditures along with a plan of how to meet them;~~

~~“Constitution” means the Constitution of the Kingdom of Bhutan, 2008;~~

12) Amended in Dzongkha text.

~~“Dratshang” means the monastic body;~~

~~“Dzongdag” means District Administrator;~~

~~“Dzongkhag” means a district;~~

~~“Dzongkhag Administration” means the executive arm of the Royal Government in the Dzongkhag headed by the Dzongdag;~~

~~“Gewog” means a County;~~

~~“Gup” means the Chairperson of the Gewog Tshogde;~~

~~“Government” means the Royal Government of Bhutan;~~

~~“Local Government” means Dzongkhag Tshogdu, Gewog Tshogde and Thromde~~

~~Tshogde;~~

~~“Rabdeys” means monastic bodies in Dzongs other than Punakha and Thimphu;~~

~~“Thromde” means a municipality;~~

~~“Thrompon” means a Mayor;~~

After extensive deliberation on the Disaster Management Bill of Bhutan 2012, the Member In-charge of the bill, Minister for Home and Cultural Affairs moved the motion that the Bill be passed. All the 44 members present voted “Yes” and thus adopted the Bill on January 19, 2012 at 10:35 am.

5. DRUK GYALPO’S RELIEF FUND BILL, 2011

The Hon. Finance Minister, Member In-charge of the Bill, moved the motion for leave to introduce and adopt the Druk Gyalpo’s Relief Fund Bill 2011 for discussion, on January 9, 2012 corresponding to the 15th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar. The Bill was adopted for discussion with support from majority of the Hon. Members.

Member In-charge moved the motion for the Second reading of the Bill on January 9, 2012 corresponding to the 15th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar. He submitted that the Bill is drafted in line with Article 14 (12) of the Constitution which states that, **“Parliament shall establish a relief fund and the Druk Gyalpo shall have the prerogative to use this fund for urgent and unforeseen humanitarian relief”**. During the 6th Session

of the National Assembly, few points were submitted on the operation of the relief fund which was passed by all the members present during the vote.

During its 6th Session, the National Council duly acknowledged the proposal and expressed its appreciation. However, considering its importance and for sustainability of the Fund, it was submitted that the Fund be established by an Act of Parliament. Accordingly the Bill which is submitted for enactment during the current session was supported by the Hon. Members. The Hon. Speaker directed that the Bill be reviewed by the Public Accounts Committee and report the same, clause by clause, during the Third Reading of the Bill and thereby concluding the second reading of the Bill.

The Hon. Members of National Assembly deliberated the Druk Gyalpo Relief Fund Bill 2012 for the Third Reading on 10th and 11th January 2012 and adopted it with the following amendments.

Title of the Bill

Druk Gyalpo 's- Relief Fund Bill 2012

Preamble

~~Now therefore, the Parliament of Bhutan, in its 7th session of the First Parliament held onDay of theMonth of the Iron Female rabbit Year of the Bhutanese calendar corresponding to2011 enacted the Druk Gyalpo's Relief Fund Act, 2011 as follows:~~

Parliament of the Kingdom of Bhutan do hereby enact the Druk Gyalpo Relief Fund Bill 2012, on theDay of the....th Month of Water Male Dragon Year of the Bhutanese Calendar corresponding to the....th Day of

.....Month, 2012 at its 8th Session of the First Parliament as follows:

Section 1

Title and Commencement

- a. ~~— The Act is called the Druk Gyalpo's Relief Fund Act, 2011~~
- b. ~~— It comes into force on theday of themonth of the ...year, corresponding to the ...day of the ...month of theyear.~~

Short Title, Commencement and Extent

This Act shall :

- (a) Be called **DRUK GYALPO RELIEF FUND ACT 2012;**
- (b) Come into force on the ... Day of the ... Month of Water Male Dragon Year of the Bhutanese Calendar corresponding to the ... Day of ..., 2012; and
- (c) Extend to the whole of Bhutan.

Section 2

~~The application of this Act is exclusively for the Druk Gyalpo's Relief Fund and shall not apply to any other relief funds.~~

Section 4

The Office of the Gyalpoi Zimpon shall open an account with a bank in the country titled "~~The Druk Gyalpo's Relief Fund~~".

Section 6

The **Ministry of Finance shall increase the Fund shall be increased** annually by Nu. 20 million until the balance reaches the ceiling of Nu. 100 million.

Section 7

If needs arises to further increase in the required maximum ceiling of Nu. 100 million, ~~to be maintained in the fund,~~ it shall be **done** on approval of the Parliament.

New Section after Section 7

Donations made to the Fund from individual persons, private entities and non-governmental organizations within and outside country will not be considered when determining the maximum ceiling of the fund, Nu. 100 million.

Section 8

The ceiling of the amount to be replenished for the any expenditure incurred from the Fund shall be by an equal amount subject to the maximum ceiling of the fund, Nu. 100 million required to be maintained, which shall be done in the following financial year immediately upon the approval of the national budget.

Section 10

If the need arises for higher amounts than the balance in the Fund **Account** at any particular time during the financial year, the additional amount shall be made available immediately and included in the ~~revised~~ **supplementary budget appropriation bill**.

Section 16

The **audited annual** accounts of the Fund shall be prepared **and submitted to His Majesty the Druk Gyalpo and the Ministry of Finance.** ~~at the end of each financial year.~~

Section 18

The Office of the Gyalpoi Zimpon **shall** ~~may~~ make rules for effective implementation of this Act.

Section 19

~~The amendment of this Act may be made by the Parliament.~~
The amendment of this Act by way of addition, variation or repeal shall be effected by a simple majority of the respective Houses or vote of no less than two-thirds of the

total members of Parliament present and voting on a motion submitted by one-third of the members of either House.

Section 20

~~In any instance of a difference in meaning between the Dzongkha and the English text, each text shall be regarded as equally authoritative and courts shall reconcile the two texts.~~
The Dzongkha text shall be the authoritative text, if there exists any difference in the meaning between the Dzongkha and the English text.

The Member In charge of the Bill, Hon. Finance Minister moved the motion that the Bill be passed. Out of the 40 Members present, all unanimously voted “YES” and the Bill was adopted on 12th January, 2012 corresponding to the 18th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar at 10:25 am.

6. RAMSAR CONVENTION ON WETLANDS

Hon. Agriculture Minister while presenting the convention on January 18th, 2012 corresponding to the 25th Day of the 11th Month of Iron Female Rabbit Year of the Bhutanese Calendar submitted that it was ratified by the National Council during the 8th Session. He further informed that apart from amending 8 provisions relating to the inconsistency in the Dzongkha and English text, no major amendments were made.

During his submission, he sought the support of the National Assembly for its ratification and also presented a brief background of the Convention to the House. The member countries shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List. He highlighted that since our country is branded for its rich

natural resources, he further assured that being a member of the Convention will result in Bhutan benefitting in its fame and in its international relations. This would also enhance the inflow of aids from other countries and would also ensure socio economic development resulting from the tourism. Furthermore, it was also submitted the proposal to identify *Phobjikha*, *Bumdeling* and *Khotokha* as Ramsar sites.

The opinion of the Hon. Member, *Rahdi-Sakteng* constituency which conveyed by the Hon. Deputy Speaker suggested to become an observer for few years to realize the pro and cons of the convention. To this the Hon. Agriculture Minister submitted that till date Bhutan has been participating as an observer and acceding to the convention would benefit in safeguarding the natural environment in the form of financial aid and expertise from other countries.

Hon. Member, *Sombaykha* constituency, seconding the convention, emphasized the importance of consulting the people and the local government of the places identified as wetlands under the convention. Further also submitted the importance of research to be undertaken in such areas for the benefit of the people, country and the world at large. And also to submit the identified areas to the National Land Commission. He also pointed out that the procedure of the ratification of the Ramsar Convention on wetlands is in contradiction to Article 5 (5) of the Constitution. Responding to this, the Hon. Agriculture Minister submitted that it is in line with the Forest Act and thus not in contradiction to the Constitution.

Hon. Member, *Nyishog-Sephu* constituency submitted that the area identified under the Ramsar Convention on wetlands is in *Phobjikha* which is a habitat of the black necked cranes and which has in turn immensely benefitted the people. Thus it is of

utmost importance that the government should take note of the positive and negative impacts on the people living in such areas.

Hon. Member, *Athang-Thedtsho* constituency submitted his appreciation for identifying *Phobjikha* and *Khotokha* as black necked crane habitat. Considering the importance of safeguarding such areas, it is necessary to prohibit the felling of big trees for timber in *Khotokha* area by the Ministry of Forests and Agriculture. Hon. Agriculture Minister acknowledged the submission.

Hon. Member, *Kabji-Talo* constituency, submitted that if wet lands also fall under the Ramsar sites, it is necessary device means to convert the dry lands into wet lands to make the lives of the people self sufficient. Hon. Agriculture Minister submitted that the Ministry of Forests and Agriculture will focus on the wet lands and that there are plans for the irrigation channels and to distribute farm machineries at concessional prices with taxes also reduced.

Since the amendment made to the RAMSAR Convention on wetlands by the National Council pertains only to the inconsistency in the translation of the Dzongkha and the English text, the National Assembly duly endorsed the convention.



18th January 2012

(Jigme Tshultrim)
SPEAKER