

**Bhutan's Gross National Happiness and the Rights of  
Minorities**

A Thesis Submitted

To

**Sikkim University**



In Partial Fulfillment of the Requirements for the  
**Degree of Doctor of Philosophy**

By

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October 2017

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# सिक्किम विश्वविद्यालय

(भारतके संसदके अधिनियमद्वारा स्थापित केन्द्रीय विश्वविद्यालय)

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Date: 27.10.2017

## DECLARATION

I declare that the thesis entitled "Bhutan's Gross National Happiness and the Rights of Minorities" submitted to Sikkim University in partial fulfillment of the requirement for the degree of **Doctor of Philosophy**, is my original work. This thesis has not been submitted for any other degree of this university or any other university.

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"Bhutan's Gross National Happiness and the Rights of Minorities"

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## **Acknowledgements**

*I take this opportunity to express my sincere gratitude to the following people for their immense support and contribution in the writings of this dissertation.*

*Firstly, I would like to acknowledge my heartfelt gratitude to my supervisor, Dr. Manish, Head of Department and Associate Professor of International Relations, Sikkim University for the useful comments, remarks and engagement throughout the writing process of this thesis. Without his guidance and persistent help, this dissertation would not have been possible.*

*I would like to convey my deepest gratitude to my co-supervisor, Dr. Teiborlang T. Kharsyntiew, Assistant Professor of International Relations, Sikkim University, for being a tremendous mentor. His critical remarks and comments have greatly contributed on my research.*

*I would also like to thank the faculty of the Department of International Relations, Dr. Sebastian N., Assistant Professor, and Mr. Newton Singh, Assistant Professor as well as Dr. Amit Kumar Gupta, Assistant Professor, Department of Political Science, Sikkim University and Dr. Rajesh Raj S.N., Associate Professor, Department of Economics, Sikkim University for their valuable feedbacks and suggestions during the pre-submission presentation of my PhD thesis.*

*I must express my very profound gratitude to Nishal, Romana di, Shikha, aie Tshering, Kavita, and Ivy for their constant support and encouragement, which made the completion of this work very efficient.*

*Of course, this acknowledgement would not be complete without thanking my parents and my siblings who supported me throughout my entire study and encouraged my activities. I will forever be grateful for your love.*

*Lastly, I place on record, my sense of gratitude to one and all who, directly and indirectly, have lent their helping hand in this venture.*

**Divya Rai**

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## **Abbreviations**

AHH	Attitudinal Hedonism about Happiness
AIDS	Acquired Immune Deficiency Syndrome
BHUs	Basic Health Units
CCPC	Civil and Criminal Procedure Code
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CGI	Corrugated Galvanized Iron
CIS	Commonwealth of Independent States
CRC	Convention on the Rights of the Child
CRO	Commission for religious Organizations
CSE	Child Sexual Exploitation
DCT	<i>Druk Chirwang Tshogpa</i>
DDC	<i>Dzongkha</i> Development Commission
DNC	<i>Druk</i> National Congress
DNT	<i>Druk Nyamrup Tshogpa</i>
DPT	<i>Druk Phensum Tshogpa</i>
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
FYP	Five-Year Plans
GDP	Gross Domestic Product
GHQ	General Health Questionnaire
GNH	Gross National Happiness
GNLF	<i>Gorkha</i> National Liberation Front
GNP	Gross National Product
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights

IMF	International Monetary Fund
IOM	International Organization for Migration
JICA	Japan International Cooperation Agency
NFE	Non-formal Education
NGOs	Non Governmental organizations
NOC	No Objection Certificate
OHCHR	United Nations Office of the High Commissioner for Human Rights
ORCs	Outreach Clinics
PDP	People's Democratic Party
PFHR	People's Forum for Human Rights
RENEW	Respect, Educate, Nurture, Empower Women
SNA	System of National Accounts
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children Fund

# Chapter I

## Introduction

### 1.1 Introduction

This study aims to examine the concept of Gross National Happiness (or GNH) against the backdrop of the minority situation in Bhutan. In one sense, the study is an attempt to test the happiness-oriented development paradigm of Bhutan. Bhutan measures prosperity on the basis of its citizens' happiness levels and not the Gross Domestic Product (or GDP). Therefore, this study seeks to answer if this happiness-oriented approach of development is responsive to the needs of its citizens. Bhutan is a small Himalayan kingdom in South Asia whose history is more unique than its neighbouring counterparts. Nestled high in the Himalayas between India and China, it is one of the only two countries in the South Asian region that was not a British colony, the other being Nepal. In fact, the country emerged from its isolation only on 1959, shifting its development emphasis on economic sphere.

The history of Bhutan's origin leads us back to the 17th century, when *Zhabdrung*<sup>1</sup> Ngawang Namgyal, a Buddhist military leader from Tibet, took over control of most of Bhutan and developed the country's dual religious/secular system of government<sup>2</sup>. Buddhism has long been a predominant element in Bhutan ever since its introduction in the eighth century by the Indian monk *Padmasambhava*<sup>3</sup> (*Guru Rinpoche* in Bhutan). With the ascension of the *Zhabdrung* into power, Buddhist monks continued to hold theocratic authority over the new Bhutanese state. Since 1907, through the formalization of secular government, one *Penlop* (regional fief) was chosen to be king over the entire state. This

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<sup>1</sup> In Tibetan, *Zhabdrung* literally means 'In front of the foot', but often translated as 'To whom one submits'.

<sup>2</sup> *Zhabdrung* Ngawang Namgyal bifurcated the duties of the ruler by creating two separate offices –one to look after the spiritual and religious affairs to be known as *Dharma Raja* (*Zhabdrung*), and the other to be called *Deb Raja* (*Desi*) to look after the general administration of the State revenue and expenditure and dealing with foreign powers. The *Zhabdrung* Ngawang Namgyal himself became the *Dharma Raja* and was vested with superior powers which included matters of both foreign and domestic affairs of the State and each of these matters required his signature. In few decades after the establishment of these two institutions, *Dharma Raja* wielded extensive powers and became the symbol of law and justice, while *Deb Raja* had then the functions of a mere Regent.

<sup>3</sup> *Padmasambhava* was the Tantric sage who is credited with founding the *Nyingma* school of Mahayana Buddhism. He entered Bhutan during the eighth century upon the invitation of a king of Bumthang to subdue demons and placate local deities. He is more commonly known as '*Guru Rinpoche*'.

marked the creation of Bhutan's hereditary monarchical system of governance, which now has extended across five generations of kings. In 2008, the king of Bhutan introduced democracy in the kingdom. Nonetheless, Buddhism still remains the "spiritual heritage" of this new constitutional monarchy, with the *Druk Gyalpo* (Dragon King) and *Je Khenpo* (leader of Central Monk Body) sharing authority over all matters of religion and state.

Bhutan is a multiethnic country with the *Ngalong* peoples (of Tibetan origin) concentrated in the western and northern districts; *Sharchops* (originally from northern Burma and northeast India) concentrated in eastern districts; and *Lhotshampas* (of Nepali origin) concentrated in the southern foothills. The *Ngalongs* have long been politically dominant, which can be reflected in the fact that Buddhists make up about 80 per cent of the population, and the *Ngalong* practice of Tibetan-style Mahayana Buddhism penetrating all facets of Bhutanese life, even though the southern region of Bhutan has majority of Hindu and Christian populations. Dzongkha, the *Ngalong* language, is the official language of the country, although many other Tibeto-Burman languages predominate in the central and eastern parts of the country and Nepali is spoken in the south. This dominance of *Ngalong*/Buddhist/*Dzongkha* populations has often continued to be detrimental to ethnic, religious, and linguistic minorities.

In 2006, King Jigme Singye Wangchuk stepped down from the throne and in his place his son, Jigme Khesar Namgyal Wangchuk was declared the new king of Bhutan. The young king administered the nation's first legislative elections in 2008, which marked Bhutan's transition to a democratic constitutional monarchy. While Bhutan has traditionally delegated authority to the local level, the country is now administratively divided into 20 *dzongkhags* (districts) and 205 *gewogs* (blocks), with district-level development committees administering local projects and articulating local needs. This decentralized governance structure has provided a basis to address Bhutan's policy focus on GNH, presenting a new paradigm based on human happiness and the wellbeing of all life forms as the ultimate goal, purpose and context of development.

GNH is a system of espousing holistic development by redefining development as the advancement of political, economic, social, and cultural goals. The root of the happiness policy can be traced back to Bhutan's 1729 legal code, which stated that "if the



Government cannot create happiness (*dekid*) for its people, there is no purpose for the Government to exist.” (Ura, et. al, 2012 a: 6; Ura, et. al, 2012 b: 6; Chauhan, 2012 :159) Immediately after his succession to the throne in 1972, the fourth king declared that he would reform Bhutanese policy to achieve economic self-reliance, prosperity and happiness. Coining the term ‘Gross National Happiness’ (and proclaiming it morally superior to Gross National Product), he formalized happiness as a national policy goal and a means to transform the Kingdom.

To reorient the nation toward GNH by making happiness the official goal of all policies, the Bhutanese government has sought to realize equitable and sustainable socio-economic development, environmental conservation, cultural preservation, and good governance. The constitution of Bhutan as codified this national commitment to GNH by stating that “The State shall strive to promote conditions that will enable the pursuit of Gross National Happiness” (The Royal Government of Bhutan, the Constitution of the Kingdom of Bhutan, 2008: 18). Surveying its citizens to assess happiness, the government of Bhutan now distributes GNH surveys to representative samples to assess nine domains: (a) psychological well-being, (b) health, (c) education, (d) culture, (e) time use, (f) good governance, (g) community vitality, (h) ecological diversity and resilience, and (i) living standards. There are multidimensional questions on each of the domains, which provide respondents an opportunity to rank their satisfaction on a scale from ‘deeply unsatisfied’ to ‘incredibly satisfied’. Based upon these rankings, individuals are classified as unhappy, narrowly happy, extensively happy, and deeply happy. Furthermore, the government examines the aggregate happiness levels in the national GNH Index, and then distributes resources to increase the proportion of happy people and decrease the insufficiencies of the not-yet-happy people. The promotion of GNH has drawn the attention of international bodies with UN General Assembly also coming up with a resolution on “Happiness: Towards a Holistic Approach to development” in 2011. There were 68 countries which endorsed this move by the UN General Assembly to adopt Bhutan’s holistic approach to development. These efforts to promote GNH have provided the Bhutanese government with an oversized voice in the UN agenda, allowing this small state to host a 2012 High-Level Meeting on “Happiness and Wellbeing: Defining a New Economic Paradigm.” The GNH model continues to reverberate in UN development debates, with Bhutan held up as a

model for translating happiness into policy under the Sustainable Development Goals. As a reflection of Bhutan's global efforts to advance happiness in development, the UN General Assembly has declared March 20th to be International Happiness Day.

However, the four measures that comprise GNH, while commendable, fail to include an important element that affects a nation's residents: the equal treatment of minority populations. A significant portion of the country's history reflects a disturbing side of the otherwise peaceful state; a part of country's history which continues to vex a significant portion of the population today. Bhutan's ethnic minorities have suffered profound mistreatment in the form of "ethnic cleansing" in the aftermath of the 1988 census. The Nepali-Bhutanese, or *Lhotshampas*, in particular, have been the victims of the country's practices and policies of racial intolerance.

One of the various aspects of the *Lhotshampa* issue is the differences in religion, language and ethnicity. The *Ngalong*<sup>4</sup>, the minority ruling class in Bhutan, are Buddhist and speak Dzongkha, while the Nepali-Bhutanese, who have traditionally resided in southern parts of Bhutan, are primarily Hindu and speak Nepali. Adding to these ethno-religious differences, growing fears of spill over of events near home (such as the *Gorkhaland* movement of 1986) led to the Bhutanese government to formulate policies of singling out 'the other' within the country. For instance, a centuries-old code of conduct called *Driglam Namzha*, originally meant to offer guidance on dress and etiquette, was reinterpreted in ways that restricted the language and customs of Nepali-Bhutanese.

By the late 1980s discrimination against the Nepali-Bhutanese took several forms. First, in addition to continuing cultural and linguistic discrimination, the jobs and land-holdings of many Nepali-Bhutanese were taken away. Second, in 1988, a first-of-its-kind census, applied strictly only in the south where Nepali-Bhutanese primarily lived, divided the population, including units of individual families, into different categories of genuine citizens and non-citizens. Finally, beginning in 1989 and continuing through the early 1990s, tens of thousands of Nepali-Bhutanese had their documentation (land certificates,

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<sup>4</sup>The *Ngalongs* are the dominant ethnic group of Bhutan; they primarily follow Buddhism and are spread all across the country, especially the western Bhutan. For more details, refer to Chapter III: Bhutan and its Minorities on page no. 76

voting records and the like) taken away and left the country. They crossed through India and into Nepal, where between 80,000 and 100,000 lived for more than two decades in refugee camps. Bhutanese refugee camps were established at five different sites: Timai, Goldhap, Beldangi and Khudunabari in Jhapa district, and Sanishchare (Pathri) in Morang (Hutt, 2005: 48). Started from the late 1990 with a few hundred asylum seekers, the Bhutanese refugees in Nepal had reached over 70,000 by the end of 1992 (Khanal, 1998: 152). Since September 1991, the UNHCR undertook the work of assistance to the refugees on the request of the government of Nepal. The year 1992 witnessed the largest influx of refugees averaging 300-600 new arrivals a day. In 2006, some 108,000 Bhutanese asylum seekers resided in the camps of Jhapa and Morang Districts of eastern Nepal. The UN refugee agency and the International Organization for Migration (IOM) launched a resettlement programme of over 100,000 Bhutanese refugees from Nepal to third countries in 2007. These refugees are resettled in countries like Australia (5,554), Canada (6,500), Denmark (874), New Zealand (1002), the Netherlands (327), Norway (566), the United Kingdom (358) and the United States of America (84,819) (Deepesh Das Shrestha, 2015). At present, there were only two camps in Nepal and the refugee population stands at less than 18,000 people (Deepesh Das Shrestha, 2015).

Today, Bhutan estimates that 25 per cent of its population is Nepali-Bhutanese. Many live in southern Bhutan still with fears of losing their jobs, fearful to advance their rights, distrustful of their leaders, and ever cautious of having their status revoked. Access to information about this population and the situation they live in is a difficult endeavour. Bhutanese government and media are not vocal about the issue of these minorities, while visits of people from outside are highly constrained. Any information on the Nepali Bhutanese and the refugee issue comes from those who were exiled and those who left.

So, are there any hopes for the Nepali-Bhutanese who remain as refugees in the camps of Nepal, and those who have desire to return home? Are there any opportunities for those living in the country to enjoy political representation, freedom of speech and security of status? This thesis will, therefore, enquire some of these aforementioned issues. It will look into whether the “Gross” in Bhutan’s Gross National Happiness framework includes all its citizens? When one speaks of happiness in Bhutan, whose happiness does

one speak of? Do preservation of culture and socio-economic development, as two important pillars of GNH, restricted to the majority populace or include other minorities as well? It is along these issues that this study will explore in detail Bhutan's GNH in the context of its minority policy, citizenship and human rights.

## **1.2 Bhutan's Gross National Happiness Framework**

Initiated in the 1970s as a part of Bhutan's developmental policies, Gross National Happiness development philosophy was built upon the 1792 legal code<sup>5</sup> which stated that "if the government cannot create happiness (*dekidk*) for its people, there is no purpose for the government to exist" (Ura, et. al, 2010: 4; The Centre for Bhutan Studies, 2012: 1 a; The Centre for Bhutan Studies, 2012: 9 b). Bhutan officially became a constitutional monarchy in 2008. With the establishment of new democracy in the country, King Jigme Khesar Namgyal Wangchuk, the Fifth King of Bhutan, sought to create development policies and programmes in line with the objective of promoting happiness. The Constitution of Bhutan states that the State shall 'promote those conditions that will enable the pursuit of Gross National Happiness' (Article 9). GNH has identified four significant areas that are elements in the overall direction of the developmental process as the pillars of the GNH concept. They are: (a) preservation of culture, (b) good governance, (c) environment conservation and (d) socio-economic development (The Centre for Bhutan Studies, 2012). These four pillars are discussed in brief in the following paragraphs.

### **1.2.a Preservation of Culture**

Bhutan has always given high significance to Bhutanese culture and its preservation. A distinctive culture of Bhutan promotes the country's sovereignty as well as provides Bhutanese people an identity (Ura et. al, 2012: 144). The government has stressed on the importance of happiness in achieving the goal of preservation of Bhutanese culture, thereby integrating happiness in its development policies. Cultural resilience can be understood as the capacity to maintain and develop cultural identity, knowledge and practices, and able to overcome challenges and difficulties from other norms and ideals.

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<sup>5</sup>The Legal Code date 1729 is attributed to the 10<sup>th</sup> *Desi* Mipham Wangpo while he was serving on the Golden Throne of Bhutan, as representative of the *Zhabdrung* Rimpoche, and based on the *Zhabdrung*'s earlier work.

Culture is a dynamic concept, as it keeps evolving due to various factors involving external forces as well as internal cultural and social change (Ura et. al, 2012: 144). As such there is a need to develop cultural resilience in order for the Bhutanese culture to sustain. Preservation of culture is carried out in formal ways through the obligation to wear the traditional clothing on any official occasion; for all buildings to adhere to the national architecture standards; and mandatory mindfulness training in schools. Bhutan has incorporated the age old tradition of *Driglam Namzha* into the GNH policy for the purpose of retaining the *Drukpa* culture. Another approach of upholding culture is by celebrating festivals or '*Tsechu*' as they display the rich Bhutanese culture and heritage through dance, song and performance.

### **1.2.b Good Governance**

Another pillar of GNH according to the Bhutanese government is good governance. The key elements of good governance are participation, rule of law, transparency, accountability, efficiency, effectiveness, responsiveness, equity empowerment and inclusiveness (Ura et. al, 2012: 155). Bhutan has employed various policies, programs and processes in order to ensure that these elements are embedded in social policy. The Constitution of Bhutan directs the State 'to promote those conditions that will enable the pursuit of Gross National Happiness' (The Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, 2008). To uphold these conditions, Bhutan transformed from a monarchy to a parliamentary democracy. With a democratic government in power in Bhutan, greater efficiency, transparency and accountability are expected to improve overall governance and that of GNH.

### **1.2.c Environmental Conservation**

Being a Buddhist society, Bhutan has accorded environment with a significant role in human development. As the third pillar of GNH, environmental conservation not only provides critical services such as water and energy but it is also believed to contribute to aesthetic and other stimulus that can be directly healing to people who enjoy vivid colours and light, untainted breeze and silence in nature's sound. More than 80 per cent of Bhutan

is covered with natural forest and more than 60 per cent is protected by law (The Royal Government of Bhutan, the Constitution of the Kingdom of Bhutan, 2008: 12).

#### **1.2.d Socio-economic Development**

Another pillar of GNH is socio-economic contributions of households and families, free time and leisure given the roles of these factors in Happiness. Since Bhutan is a developing nation it has a small growing business economy. While traditional industries are strong, Bhutan is faced by much competition from outside market forces. There are public policies in Bhutan which aims at protecting local industries from cheaper imports outside Bhutan. Local partnerships and community service programs help strengthen the local industry in Bhutan.

### **1.3 Domains and Indicators of Bhutan's GNH**

These four pillars of GNH were further classified into nine domains to reflect the totality of its range. These include living standards, education, health, environment, community vitality, time-use, psychological well-being, good governance, and cultural resilience and promotion. A GNH index was developed from 33 indicators, categorized under these domains based upon a robust multi-dimensional methodology known as the Alkire-Foster method (The Centre for Bhutan Studies: 2012: 4 a).

Table 1. Domains and Indicators of the GNH Index

<b>D O M A I N S</b>		<b>I N D I C A T O R S</b>							
<b>Psychological Wellbeing</b>	Life Satisfaction	Health	Time Use	Education	Cultural Diversity and resilience	Good Governance	Community Vitality	Ecological Diversity and Resilience	Living Standard
		Mental Health	Work	Literacy	Speak Native Language	Government's Performance	Donations (Time and Money)	Ecological Issues	Assets
	Positive Emotions	Self-reported Health Status	Sleep	Schooling	Cultural Participation	Fundamental Rights	Community Relationship	Responsibility towards environment	Housing
	Negative Emotions	Healthy Days		Knowledge	Artistic Skills	Services	Family	Wildlife damage (rural)	Household Per capita income
	Spirituality	Disability		Value	<i>Driglam Namzha</i>	Political Participation	Safety	Urbanization	

#### **1.4 Buddhist Philosophy of Happiness and GNH**

Happiness, according to Bhutan's Gross National Happiness paradigm, results from conditions where people are able to pursue wellbeing in sustainable ways. Bhutan's GNH holds that happiness should be pursued as a common public good. Therefore, progress should be viewed not only through the lens of economics but also from spiritual, social, cultural and ecological perspectives. The concept of GNH has become a guiding principle in the minds of Bhutanese and an overarching objective in almost all official documents of the country.

The concept of happiness in Bhutan's GNH is inspired by Mahayana Buddhism, which was the state religion of Bhutan in the early 1970s and still has a substantial influence today, has been intricately intertwined with culture and politics, including Gross National Happiness, in Bhutan (Givel, 2015: 14). A deep understanding of Mahayana Buddhism is necessary to understand why and how GNH operates as a primary policy influence in modern Bhutan. The primary purpose of Mahayana Buddhism is to spread happiness and compassion to everyone in the world. This includes that by awakening to the Ultimate Truth, one obtains greater clarity and insight about the true nature of the universe, leading to internal peace and happiness. This happiness results in joy in human relations. Through obtainment of the Ultimate Truth, greater and positive potentialities of the enlightened beings are unlocked. All common folk have the inner Buddha nature, and thus can obtain this happiness.

As the concept of Gross National Happiness is deeply rooted in Buddhist philosophy and culture, it envisions a people-centric holistic development which is an effective way to arrest the growth of material poverty and spiritual decline, both of which have undermined human dignity and the value of human life. The traditional way of measuring human progress by using the instrument of Gross National Product was found inadequate in addressing the concept of happiness. The GNP measurement falls short because it addresses only superficial or conditional phenomena in the world (Tashi, 2004: 484). Buddha explained that looking outward or relying on external support for the achievement of happiness is incorrect and erroneous. True bliss or happiness does not depend on external conditions. For achieving happiness, one has to cultivate inner



contentment. Buddhist philosophy states that relying on such external factors as the source of happiness will only lead to unhappiness. As such, in order to give birth to a GNH state, Bhutan tried to develop both economic and spiritual spheres together; the spiritual aspect as the base from which they would start (Tashi, 2004: 484). Buddhist philosophy also teaches about the importance of positive moral attitudes, especially non-violence, the significance of right livelihood, positive human communication skills, the essential equality of all human beings, respect for others, honoring their right to make up their own mind and live in the way they want (Lokamitra, 2004: 478). It shall be noted that the above statements will be imperative in the chapters to follow where the rights of minorities of Bhutan is discussed.

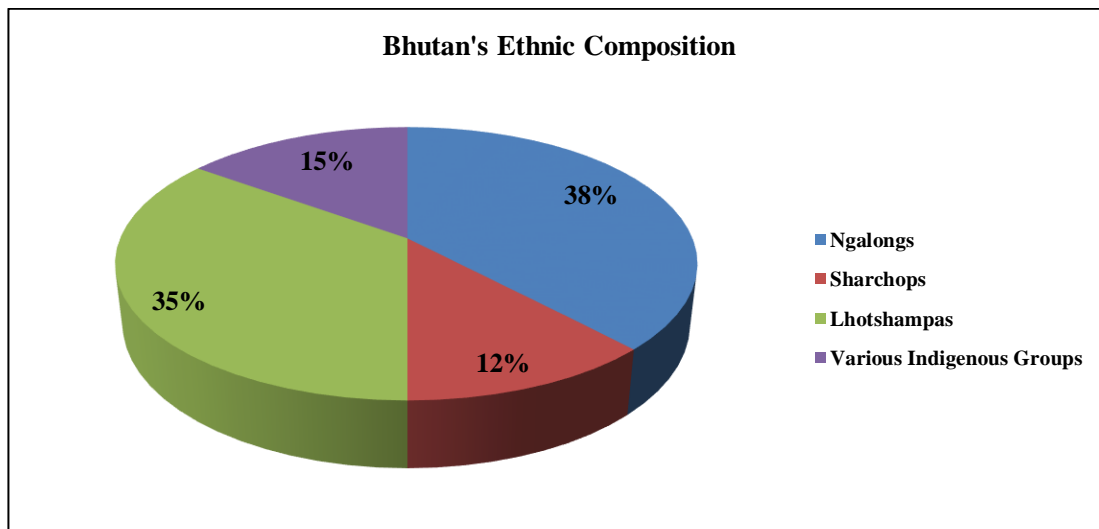
The goal of GNH is based on Mahayana Buddhist principles to increase happiness for everyone. This occurs through governmental policies and programs that promote material needs balanced with becoming enlightened. As such, Bhutan uses the Gross National Happiness index and a series of instruments of policy to construct policies that promote happiness. The shift from GNP to GNH was made due to a number of shortcomings in the usage of GNP index. According to GNP indicator, even if most people in a country are worse off from one year to the next, GNP may reflect an increase if a few people are doing well. As such, GNP fails to capture the distribution of wealth and income. Also, GNP is derived from prices. So when prices are not based on reality, when they are distorted, then the measures derived from them are also distorted. Further, GNP does not reflect what money is spent on in society. The indicator grows as long as more money is spent, no matter what the money is used for in society. GNP also fails to capture the environmental and social externalities of economic growth. Another issue that GNP fails to capture, especially in developing nations, is when a lot is produced in a country but most of the profits go abroad.

For these reasons, as well as the lack of people-centric approach to development in the neoliberal free market capitalism, Bhutan has chosen to take a more holistic and sustainable approach to development and progress. With the development of Gross National Happiness (GNH) index, institutions and policies in Bhutan revolve around maximizing GNH rather than GNP.

## 1.5 Bhutan and its Minorities

Bhutan is a small, land-locked South Asian country that is situated in the eastern Himalayas. It is spread across an area of 38,394 sq. km. and is bordered by the Tibet region of China and the Indian states of Sikkim, West Bengal, Assam and Arunachal Pradesh (National Statistics Bureau, 2016). According to the 2005 census, the total population of Bhutan is 634,982 persons out of which 333,595 persons are male and 301,387 are females (National Statistics Bureau, 2016). Based on the exponential growth rate of 1.8 per cent derived from population projections (2005-2030), the population for 2014 and 2015 were projected at 745,153 and 757,042 respectively (National Statistics Bureau, 2016). Like its neighbouring countries in South Asia, Bhutan is ethnically diverse as its population is made up of various ethnic groups. The population of Bhutan can be classified into four broad categories: the *Ngalongs*, the *Sharchops*, the *Lhotshampas*, and several small, indigenous groups.

**Figure 1. Bhutan's Ethnic Composition**



Source: Central Intelligence Agency, The World Factbook.  
<https://www.cia.gov/library/publications/the-world-factbook/geos/bt.html>

The *Ngalongs*, which means ‘first risen’, are the people of Tibetan origin who inhabit western Bhutan (Hutt, 2003: 4). The *Ngalongs* are politically dominant community of Bhutan and their language Dzongkha has been Bhutan’s National language since 1961

(Hutt, 2003: 4-5). They are mainly the followers of Buddhism. The *Sharchops* are the people of Indo-Mongoloid origin, and like the *Ngalongs*, they also follow the Tibetan style of Mahayana Buddhism (Hutt, 2003: 5). The language they speak is known as *Tsangla*, however, they also speak several other local dialects (Upreti, 2004: 38). They are mainly spread across eastern Bhutan and the term '*Sharchop*' also means 'easterner' (Hutt, 2003: 4). The *Lhotshampas* are the ethnic Nepali community, spread across southern Bhutan. They primarily follow Hinduism. Lastly, among the minor communities of indigenous tribes include Dayas, Lepchas, Birmis, and so on. These tribes comprise approximately fifteen per cent of the entire population (Country Watch, 2017). In the case of Bhutan, the minorities are the *Lhotshampas*/Nepalese and several aboriginal people including *Brokpas*, *Mons*, *Birmis*, *Dayas*, *Lepchas*, *Bodos*, *Kochs*, *Khens* and *Tephoos*. The *Lhotshmapas* make up to 35 per cent and the indigenous tribes make up to 15 per cent of the total population (Country Watch, 2015).

The first population census in Bhutan was taken in the year 1969 and after that in 1980 (The Royal Government of Bhutan, National Statistical Bureau, 2005: 1). The population figures for those early years stood large at 1,731,074 persons due to the influx of large number of migrants from the neighbouring countries as labour force as Bhutan was under a large-scale infrastructural development and expansion (The Royal Government of Bhutan, Statistics Division Planning Commission, 1985: 1). Most of these migrants were the Nepalis, who later settled in southern Bhutan.

Before 1969, estimates of the total population of Bhutan ranged from 300,000 to 800,000 persons.<sup>6</sup> In 1969, a national census was said to have revealed the presence of a population of Bhutan just over one million (1,034,774 persons), subsequently revised to a total of 930,614 persons (Rose, 1977: 41) All literatures on Bhutan from this time onward, including that published by the Bhutanese government itself, assumed the presence of a population of over one million, a figure which was adjusted upwards on an annual basis to allow for population growth. The emphasis on development soon changed to human resource development, as such large number of migrants "moved out" which resulted in the population to stand at around 600,000 in 1996 (The Royal Government of Bhutan,

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<sup>6</sup>See <http://www.globalsecurity.org/military/world/bhutan/people.htm> accessed on 23/4/2014

National Statistical Bureau, 2005: 1). This figure has since become the baseline from which the official census figure is calculated. However, the fact that the exact size of the portion of population that can be labeled 'Bhutanese' remains contested and in doubt.

Estimates for the proportion of the total population of Bhutan that may be claimed for each ethnic category have varied widely. In July 1947, the Bhutan Agent in Kalimpong asserted in a memorandum to the Viceroy of India that the people of Bhutan were 'all Mongolian in race' and divided them into two categories: the 'Natives of the country known as *Drukpas*' and 'the Nepalese immigrants from Nepal and Sikkim' who accounted 'for little under 25 per cent of Bhutan's whole population which is about five hundred thousand'. Recent estimates show 38 per cent for the *Ngalongs*, 12 per cent for the *Sharchops*, 35 per cent for the *Lhotshampas*, and the remaining 15 per cent for various indigenous and migrant tribes (Central Intelligence Agency, The World Factbook).

## **1.6 Ethnic Problem in Bhutan**

The ethnic conflict between the *Drukpas* and the *Lhotshampas* started after the promulgation of *Driglam Namzha* or 'Bhutanization' by the King in April 1988 and the Census conducted in the same year to identify the 'illegal' migrants who are mainly of Nepali origin. The census was based on the Citizenship Act passed in 1985. The cut-off year selected for the census was 1958. As per the official version, the 1988 Census and the implementation of *Driglam Namzha* were taken to project the 'unique national identity' of Bhutan and to make it 'one nation, one people' (Joseph, 1998: 116). The promulgation of '*Driglam Namzha*' in 1988 and the census conducted in the same year were not overnight developments. They were the natural culmination of the political-economic developments in the country created by the modernization process. To understand political dynamics of the ethnic conflict between the *Drukpas* and the *Lhotshampas* and to locate the main reasons behind the ethnic cleavage between the *Drukpas* and the Bhutanese of Nepali origin, the socio-political as well as economic developments in the country must be examined, which will be examined in the next chapter, Bhutan and its Ethnic Minorities.

While the government saw a strong national identity as a necessary condition for cultural survival of the *Drukpas* (*Ngalongs*) against external demographic pressure, which

is evident in the importance given to the cultural preservation as one of the pillars of their development policy in the form of acts like *Driglam Namzha*, the ethnic Nepalese saw it as a sign of cultural imperialism. Ethnic Nepalese have often alleged that a policy of discrimination is being pursued against them by the Bhutan's ruling elite. The citizenship acts of 1977 and 1985 have laid down more stringent clauses for anyone to qualify for Bhutanese citizenship. In 1988, Bhutan conducted a census to address illegal immigration in southern Bhutan. A number of *Lhotshmapas* had to forfeit their status of citizenship and they eventually faced eviction from the country. All these were seen as an initiative designed to reduce the size of the ethnic Nepali population of Bhutan. The Nepali community took these measures as a serious threat and began to protest for civil and cultural rights. Various organizations like the *People's Forum for Human Rights* (PFHR) were formed to protest the government policies. However, as protests swept across Bhutan, the government alleged them as a 'terrorist movement' (Hutt, 2005: 47). The protesters were labeled 'anti-national terrorists' and were considered threats to national security. Many of them were arrested and jailed, some claim they were tortured during their imprisonment. Prisoners and their families were forced to sign voluntary emigration forms in order to secure the prisoner's release. Most of them fled the country due to fear of witnessing what was happening to the members of their community.

The overall position of minorities within Bhutan remains uncertain. The primary minority, ethnic Nepalese continue to claim that they have suffered from forced expulsions and non-rehabilitation in their native lands, and discrimination in civil service and public sector employment. However, these claims were rejected by the government. The Bhutanese refugee crisis began from 1990 with a few hundred asylum seekers and soon by the end of 1992 the figure increased to around 70,000. Until 2007, there were over 100,000 Bhutanese who have been forced to become refugees in Nepal. Almost all of these are ethnic Nepalese, who were stripped off of their nationality by the new Bhutanese Citizenship law. However, with the initiative of the UN refugee agency and the International Organization for Migration, a resettlement programme was launched in 2007 and eventually around 100,000 refugees were resettled in countries including Australia, Canada, Denmark, New Zealand, the Netherlands, Norway, the United Kingdom and the United States of America (United Nations High Commissioner for Refugees, 2015).

Today, the number of refugees in Nepal is found to be around 18,000 (United Nations High Commissioner for Refugees, 2015). Among the grievances faced by the Bhutanese refugees include denial of the rights to freedom of expression, association and assembly, discriminatory treatment by the police in matters of identification, the imposition of a dress code on the entire population, and lack of access to justice. However, Bhutan has chosen to deny any responsibility, instead choosing to focus on promoting the country on its Gross National Happiness index.

A deeper examination of Bhutan's GNH shows that the policy framework for Bhutan's GNH imposes values which do not promote diversity or individual rights. Within this view, all citizens of Bhutan must adhere to one particular identity. An example of this attempt of homogenization is how the government has strategically glorified the festivals of *Tshechu*, *Kharam*, *Lha*, *Roop*, *Kharphu*, *Chodpa*, *Zhundra* and *Boedra*, *Sangmo*, *Lozey*, the blended culture of the followers of Mahayana Buddhism and Bonism, which are all festivals that the *Drukpas* celebrate. At the same time, it has systematically ignored the rich cultural aspects of other ethnic minority groups, like those of the ethnic Nepali community, who have been in the country for generations. This brings us to the question: Is GNH inclusive in this sense? It begs for the answer to who actually is the happiness for. It also arises skepticism on the positive values of GNH if it is simply a mechanism for the government to dictate over the general public. It is in this context that this study will address the issue of "Bhutanization" campaign as a significant matter in Bhutan's GNH and its policy towards the minorities. The 'Bhutanization' campaign resulted in the expulsion of thousands of ethnic Nepalis from Bhutan beginning from the 1980s, an event which coincided with the framework of GNH being conceptualized in Bhutan.

These ethno-religious differences, in existence for decades, were highlighted by the Bhutanese government's growing fears in the 1970s and 1980s that the separatist movements in nearby regions would manifest in Bhutan. The 'annexation' of neighbouring Sikkim in 1975 by India, in which Nepalese played a significant role, fuelled suspicions and existing prejudices against further immigration of ethnic Nepalese. The number of immigrants across open and porous borders increased in the early 1960s at a time when the Bhutanese government was attempting to initiate a process of economic modernization.

Gradually the government portrayed Nepali immigrants as a threat to national stability and sovereignty. Thereupon, during the 1980s, the royal administration of Bhutan, supported by the monastic authorities and the conservative *Drukpa* middle class, implemented a restrictive migration policy and an integration policy to draw the *Lhotshampa* into the national mainstream. The *Lhotshampa*, in turn, feeling marginalized and discriminated against, began to perceive this integration as harmful to its own identity and felt the need to resist this process of assimilation into a dominating and exclusive *Drukpa* culture. Major steps towards the 'Bhutanization' of the population of Nepali origin includes the promulgation of Dzongkha as the national language and the only official languages at school, the Bhutan Marriage Act 1980, and the implementation of *Driglam Namzha*, Bhutan's cultural policy. In addition to continuing cultural linguistic discrimination, the jobs and land-holdings of many Nepali-Bhutanese were taken away.

Discrimination against the Nepali-Bhutanese took several forms, however, most significant were the passing of citizenship acts passed in 1958, 1977 and 1988. The latter act 'defined the requirements for citizenship, introducing seven categories of residents and non-residents from 'F1' (full citizen) to 'F7' (non-national)". *Lhotshampas* had to provide documentary evidence that they – or both parents – had resided in Bhutan since 1958. Ethnic Nepalese who had migrated to the country after 1958 were labeled as illegal or non-national, raising tensions particularly as large numbers were expelled and forced to live as refugees in camps across the borders in Nepal and India. The crisis reached its flashpoint when the Bhutanese census of 1988 identified a significant number of illegal immigrants and landholdings, portrayed by the government as a planned and systematic infiltration of southern Bhutanese districts by the Nepalese. Using the Bhutanese Armed Forces, these people were forced to leave the country, many refugees reporting violations of human rights and the eviction of people who possessed correct citizenship certificates. Especially the 1988 census aroused much criticism regarding the remarkable violent and coercive approach by the security forces in conducting it. The aim was to detect illegal immigrants and to expel them.

Beginning in 1989 and continuing through the early 1990s, tens of thousands of Nepali-Bhutanese left the country. They crossed through India and into Nepal, where

between 80,000 and 100,000 lived for more than two decades in refugee camps. Bhutan's position is that the Nepali-Bhutanese left willingly, while those who lived in the refugee camps in Nepal speak of a damning expulsion of up to one-sixth of the country's population. Today, 35 percent of the total Bhutanese population belongs to the Nepali-Bhutanese. Many live in southern Bhutan, fearful of losing their jobs, afraid to promote their rights, suspicious of local leaders, and ever wary of having their status revoked (Banki, 2014). There is little triangulated information about this remaining population because media do not cover the issue and international visitors to the region are highly restricted. Most information that does exist comes from those who have left. And those Nepali-Bhutanese who now live abroad say that relatives who remain within Bhutan will not discuss these issues by email or telephone for fear of retribution.

So far, no change in Bhutan has been forthcoming. Neither national nor local elections have produced candidates willing to take up the Nepali-Bhutanese issue (despite the election of some Nepali-Bhutanese), and it is a taboo topic in the public domain. While the Nepali-Bhutanese diaspora in resettlement countries has increased exponentially in recent years, its members are too young to maintain a sole focus on reforms in Bhutan. Websites intended to reach out to Nepali-Bhutanese worldwide currently emphasize resettlement issues, rather than Bhutanese politics. Till date, not one Nepali-Bhutanese has been permitted to return to Bhutan.

It is worth noting that pressing domestic issues like unemployment and corruption has come under the radar but the issue of ethnic minority treatment is not even on the horizon.

## **1.7 Literature Survey**

This section discusses the arguments of some of the existing publications pertaining to the theory of happiness, the Gross National Happiness framework and the issue of minorities in Bhutan. They have been thematically reviewed and presented in the following paragraphs.

On the concept and theory of happiness, the basic books are *The Oxford Handbook of Happiness* edited by Susan A. David, et.al. (2013), *The Human Pursuit of Wellbeing: A*



*Cultural Approach* by Ingrid Brdar (2011), *The Pursuit of Happiness: An Economy of Wellbeing* by Carol Graham (2011), *What is this thing called Happiness?* by Fred Feldman (2010), *Social Happiness: Theory into Policy and Practice* by Neil Thin (2012), and lastly, *Measuring Happiness: The Economics of Well-Being* by Joachim Weimann, Andreas Knabe, and Ronnie Schob (2015). These works give a detailed and in-depth account of ‘new science’ of happiness and wellbeing, the history of happiness theory, how it is measured, and so on.

There are different definitions and conceptions of happiness that these works, among many others, review; however, the two basic approaches to the understanding of happiness are the hedonic approach and the *eudaimonism* approach. Research within the hedonic tradition defines happiness as “the pursuit of positive emotion, seeking maximum pleasure and a pleasant life overall with instant gratification”, whereas “the *eudaimonic* approach looks beyond this, and is concerned with change, growth and breaking homeostatis.” (Susan A. David, et. al., 2013) *The Oxford Handbook of Happiness* consists of contributions from various authors with training in psychology as the common ground. This volume features ten sections that focus on psychological, philosophical, evolutionary, economic and spiritual approaches to happiness; happiness in society, education, organizations and relationships; and the assessment and development of happiness. There are information on psychological constructs such as resilience, flow, and emotional intelligence; theories including broaden-and-build and self-determination; and explorations of topics including collective virtuousness, psychological capital, coaching, environmental sustainability and economic growth.

In *The Pursuit of Happiness: An Economy of Wellbeing*, Carol Graham (2011) explores what we know about the determinants of happiness, across and within countries at different stages of development. The book looks into both the promise and the potential pitfalls of injecting the “economics of happiness” into public policymaking. Graham spends a considerable amount of the book talking about the meaning of inequality, the signal which inequality sends. Does inequality send a positive signal that inequality represents an opportunity or a reward for hard work when everyone has an opportunity to advance economically, or does it send a negative signal that a relatively small group has

advantages due to family income and the majority is virtually prevented from advancing? These signals not only differ in different societies but they change over time.

*What is this thing called Happiness?* by Fred Feldman (2010) deals with the nature and value of happiness. This book is divided into three parts, wherein Feldman has criticized some leading accounts of the nature of happiness, then he goes on to defend his own account of both the nature and the value of happiness. Lastly, he discusses the relevance of his findings of empirical research. Having rejected other views on the nature of happiness, Feldman proposes his own view, which he calls Attitudinal Hedonism about Happiness (AHH). This view invokes the concept of attitudinal, as opposed to sensory, pleasure. Sensory pleasure is a feeling or sensation; its "opposite" is pain. Attitudinal pleasure is a propositional attitude directed toward some state of affairs; its opposite is displeasure. Roughly, according to AHH, someone is happy to the extent that he is more pleased than displeased about things.

*Measuring Happiness: The Economics of Well-Being* by Joachim Weimann, Andreas Knabe, and Ronnie Schob (2015) examines the evolution of happiness research, considering the famous "Easterlin Paradox", which found that people's average life satisfaction didn't seem to depend on their income. They question whether happiness research can measure what need to be measured. One of the major strengths of the book is its interrogation of the definition of happiness, rightly separating evaluations from experiences, and hedonic or 'pleasure'-based happiness from eudemonic or 'purpose'-based happiness. Weimann, Knabe and Schob have made a very important contribution to this field with original empirical work revealing that although people who are unemployed are less satisfied with their lives overall, they are not unhappy according to their experiences because they use their free time quite well.

Besides the aforementioned books, there are a plenty of work done, both books and articles, on the concept of happiness. To name some, Stephen G. Salvever's (1978) article "Rousseau and the Concept of Happiness"; Wayne Davis's (1981) article "Theory of Happiness"; Alan S. Waterman's (1993) article "Two Conceptions of Happiness: Contrasts of Personal Expressiveness (Eudaimonia) and Hedonic Enjoyment"; Ruut Veenhoven's (2012) article "Happiness: Also known as 'life satisfaction' and 'subjective well-being'";

Richard Kraut's (1979) article "Two conceptions of Happiness"; Douglas Den Uyl and Tibor R. Michan's (1983) article "Recent Work on the Concept of Happiness"; Robert W. Hoag's (1986) article "Happiness and Freedom: Recent Work on John Stuart Mill"; Richard D. Mohr's (1987) article "A Platonic Happiness"; Daniel M. Haybron's (2001) article "Happiness and Pleasure" are the ones used for an in-depth understanding of the concept of happiness for the study.

The second set of literature relates to the concept of Gross National Happiness. The books are as follows: Sonam Gyamtsho's (2011) *Gross National Happiness and Social Progress: A Development Paradigm of Bhutan*, Karma Ura and Karma Galay's (2004), *Gross National Happiness and Development: Proceedings of the First International Conference on Operationalization of Gross National Happiness*, and "Gross National Happiness" by Karma Ura (2005) were reviewed. Sonam Gyamtsho (2011) reflects on Bhutan's development philosophy of 'Gross National Happiness' which has received overwhelmingly global attention, as the concept opposes the measure of 'Gross Domestic Product' which is one sided in dimension to measure the actual societal progress. Gross National Happiness, on the other hand is a multidimensional development concept taking care of all aspects of development, such as culture, environment, social, economic, etc. If happiness is the ultimate goal of every human being, then there is no better development paradigm than 'GNH' which can possibly save the planet earth from its destruction due to human greed.

*Gross National Happiness and Development* consists of an amalgam of both formal papers and discussions written by various authors. They subscribed to the great principle of Gross National Happiness unanimously; however the concept meant different things to different authors. One group emphasized happiness itself as the objective of GNH. Another emphasized GNH as leading to the context in which happiness may develop but not explicitly to happiness itself. Some discussed happiness as a personal matter and defined it as such; some described happiness as a social condition that maybe conducive to personal happiness but does not guarantee it. Finally, there were those who emphasized Buddhism as the underlying foundation of Gross National Happiness and those who considered Gross

National Happiness to be consonant with Buddhism and inspired by, but not necessarily synonymous with, it.

Meanwhile, Karma Ura (2005) in his article “Gross National Happiness” argues that happiness or subjective well-being must be established and incorporated as the core value within the institutional structures and processes of governance. Contemporary measures of progress do not usually specify happiness as a dominant end; it is assumed to be the collateral result of social and economic policies. The article discusses five reasons that show the desirability of happiness as a dominant value and Ura comes to a conclusion that social and welfare policy must be concerned with happiness, and happiness has to be a criterion of welfare and public policy. Towards this end, techniques and methods, however imperfect, must be developed to measure and monitor the conditions and causes leading to happiness.

Since the study examines how Bhutan reconciles the concept of happiness between the Buddhist philosophy and Liberal paradigm, literature on the Buddhist development paradigm is important. Similarly, literature on religion and happiness was also studied, focusing on the role of Buddhism in GNH. Literary works of Apichai Puntasen (2007), “Buddhist Economics as a New Paradigm Towards Happiness”, and Khenpo Phuntsok Tashi, “The Role of Buddhism in Achieving Gross National Happiness” discuss what makes Buddhist economics the most efficient economics as opposed to the liberal market economics. Unlike mainstream economics, Buddhist economics advocates sustainable development. While the mainstream economics also known as capitalism considers capital as the mode of production, Buddhist economics suggests that *paa*, or the ability to understand everything in its own nature be the mode of production. The economy under this mode of production is known as *paa-ism*. Buddhist economics, argues that *sukha* happiness, defined here as the opposite state to pain, which implies peace and tranquility, rather than the usual meaning of prosperity, pleasure and gratification is the result of the emergence of *paa*. Therefore, Buddhist economics is the most efficient economics in term of resources used. It is the kind of economics that advocates sustainable development, especially in the world, which is now close to the blink of catastrophe from global warming due to inefficiency in consumption, the concept that cannot be clearly understood

in the mainstream economics. The most difficult part in Buddhist economics is how to cultivate *paa* for as many people as possible.

Phuntsok Tashi in his article 'The Role of Buddhism in Achieving Gross National Happiness' explores the relation between Buddhist philosophy and happiness, and explains how Buddhism can foster the implementation of GNH in Bhutan. Meanwhile, Tashi Wangmo and John Valk in their article, "Under the Influence of Buddhism: The Psychological Well-being Indicators of GNH", discusses the role played by religion in the political, economic, and social lives of Bhutanese, and to what extent has Buddhism influenced the GNH index and its domains and indicators. The authors seek to know if the indicators reflect Buddhist principles. As such the article looks briefly at some key foundational doctrines of Buddhism which might lie behind the GNH index and indicators. Colin Ash (2007) on the other hand, discusses the issue of a Buddhist perspective on happiness and economics and how Buddhist practices provide skilful means for the mind to control the mood, in his article "Happiness and Economics: A Buddhist Perspective". However, he also throws a caution to the wind by asking: in what sense, if any, is the "greatest happiness" the Buddhist goal? The article goes along to discuss the progress of the neuroscience of happiness that made it possible to measure happiness, in principle at least. Economic analysis of the relationship between economic progress, as measured by GNP, and happiness, measured by average population scores from surveys, show that income or any change in income does not matter much when it comes to an individual's happiness. This occurs because of adaptation and social comparison. Ash returns to Layard's identification of seven factors which research shows do have a significant impact on our well-being: family relationships, financial situation, work, community and friends, health, personal freedom and personal values or philosophy of life. Happiness research consistently reveals that, once a fairly basic level of real income has been achieved, extra income or consumption gives very little additional happiness, compared with enjoying such relatively time-intensive relationships as family, friends and within the community. It is argued that social relationships have a greater impact on happiness than income. This is because adaptation to them is basically incomplete as people never fully adjust back to their baseline level of happiness after getting married or losing their job. The psychological impact of changes in social relationships which impinge upon our very identity are more

profound than transitory hedonic stimuli. Also, the quality of government matters: administrative efficiency and effectiveness, stability, accountability, and democracy, including democracy at local level, all enhance the well-being of citizens. As such, appropriate policies, different from the current, orthodox thinking is required. And the answer lies in the Buddhist paradigm. Religious behavior is positively correlated with individual life satisfaction, when controlling for other possible influences. Besides the utility from expected afterlife rewards that individuals derive from religious practice, religion may act as a buffer against stressful life events for example unemployment and divorce, and religious affiliation can be an important source of social support. Unhappiness, according to Buddhism is mainly due ignorance in the sense of not understanding through experience and insight what from the Buddhist perspective are, the three fundamental characteristics of existence – impermanence, unsatisfactoriness and selflessness or emptiness – and dependent origination. In a nutshell, suffering arises through attempting to sustain a mistaken identity built on attachment to transitory mental and physical phenomena. The process by which this comes about is dependent origination.

The article “Mahayana Buddhism and Gross National Happiness in Bhutan” by Michael Givel (2015) discusses the basic conceptual features of Mahayana Buddhism as Bhutan’s Gross National Happiness paradigm relate to the Mahayana Buddhist view of happiness. The primary purpose of Mahayana Buddhism is to spread happiness and compassion to everyone in the world. This includes that by awakening to the Ultimate Truth, one obtains greater clarity and insight about the true nature of the universe, leading to internal peace and happiness. As the article shows, the goal of modern Gross National Happiness is also based on Mahayana Buddhist principles to increase happiness for everyone. This occurs through governmental policies and programs that promote material need balanced with becoming enlightened.

There are various critiques of the GNH framework which were important for the study. One of the major arguments comes from Dr. David (2012), whose major concern is not in the philosophy of GNH itself but in the area of operationalization, i.e., Bhutan taking the “lead” in advocating GNH when so much basic work is needed to be done home and for the people of Bhutan, and the deleterious effect the pursuit of this model, particularly

“happiness” component is and will continue to have on the people of Bhutan. Similarly, Public (2012) in his work “Beyond Gross National Happiness: a Critic of GNH” is concerned with the same issue of Bhutan being the advocator of GNH while being faced with a challenge regarding sustainability. Since 1980s, Bhutan’s political activities have been absorbed by economics, particularly economic growth. Certainly, electricity, sewage systems, health, education and transport infrastructures are beneficial to enhance the well-being of people but such a growing economic activity is a means, not an end. The end is the good quality of life of people. Economic growth allows certainly for development and progress, but its autonomous and abiding proliferation gives rise to fatalities. Even though moderated through GNH, economic growth is both unsustainable for already developed countries, and inappropriate for developing ones. Alan Beattie (2014) in his article “Gross National Happiness: a bad idea whose time has gone” critiques the GNH concept for two reasons. First, Bhutan’s GNH, defined from the top by an autocratic monarch, was deeply illiberal means of legitimizing undemocratic rule and failed utterly to prevent grotesque abuses of human rights. Second, it has distracted from much more constructive and democratic ideas of running countries in the interests of their citizens’ wider wellbeing. The autocratic monarchy that ruled Bhutan until the first elections in 2008 substantially failed to deliver better lives for most of its duration. Moreover, GNH has proved no guarantee of individual human rights, argues Beattie, taking into account the ethnic cleansing policy against the country’s Nepali-speaking minority.

On the issue of minority rights, the books that have been studied are *Minorities: A Question of Human Rights?* edited by Ben Whitaker (1984), *Equal Recognition: The Moral Foundations of Minority Rights* by Alan Patten (2014), *Minority Identities and the Nation-State* edited by D. L. Sheth and Gurpreet Mahajan (1999), and *Protection of Ethnic Minorities: Comparative Perspectives* edited by Robert G. Wirsing (1981) reflect upon the concept of minorities and examine the claims of minority communities (within the nation-state). D. L. Sheth places the discourse of minorities in the context of the nation-state and argues that the nation has operated as a ‘culturally majoritarian and politically hegemonic entity’. Gurpreet Mahajan emphasizes the need to locate contemporary western discourse on minority rights in its specific historical context. None of the above mentioned scholars represent a particular viewpoint in regard to minority rights. Some view minority

protection in its regional (multistate) context, others deal with it within the context of a single state, and yet other opt for case studies of one or more minorities through which to explore issues of protection. There is no uniform definition of minority rights or, for that matter, agreement that minorities should have rights distinguishable from everyone else's. There are, moreover, many ways to try to protect minorities, at both the national and international level, and each has its defenders. The protection of minorities is a many-sided phenomenon, shaped by a large array of factors internal and external to the minority group and the state that houses it. It can be defined in many ways; but it can neither be well understood nor effectively promoted if dealt with simply as the prescription of uniform legal remedies for afflicted ethnic minorities. Their afflictions are as diverse in origin and impact as they are numerous. Protecting against them should begin with understanding of that diversity.

The book *Equal Recognition* focuses on the moral foundations of minority rights, a debate situated in contemporary normative political philosophy and multiculturalism. It seeks to answer the following question: to what extent and on which moral basis might minorities legitimately formulate their demands for cultural, religious and linguistic rights in a liberal democratic society? Alan Patten proposes a clear answer that is sensitive to the scarcity of the resources available for competing interests that public policies must take into account in a context of diversified societies. The book argues in favour of 'equal recognition' of national majority and minority cultures as a necessity of liberal neutrality. This is because 'in certain domains, the only way for the state to discharge its responsibility of neutrality is by extending and protecting specific minority cultural rights'.

The present study deals specifically with the minorities of Bhutan. As such, the books and articles that were reviewed in this area were Michael Hutt's (2003) *Unbecoming Citizens: Culture, Nationhood, and the Flight of Refugees from Bhutan*, D. N. S. Dhakal and Christopher Strawn's *Bhutan: A Movement in Exile*, John Bray's (1993) article "Bhutan: The Dilemma of a Small State", and "Finding a future for minorities in Bhutan's emerging democracy" by Susan Banki. Michael Hutt gives a detailed and in-depth account of the *Lhotshampas*, Nepalese migration to Bhutan, their culture, their history and finally their flight to Nepal and India (adjoining states of West Bengal and Assam). It introduces



several prominent and non-prominent figures, their history and their struggles for justice and rights. It also discusses on how the *Lhotshampas* had been wrongfully evacuated from their native homelands by various policies (Acts/Laws) created by the Bhutanese government for the purpose of ethnic cleansing. Michael Hutt (2003) gives a micro detail analysis of the *Lhotshampas* until the mass evacuation. Meanwhile, Banki argues that the four measures that comprise GNH, while laudable, fail to capture one important element that affects a nation's residents, and one that is quite relevant for Bhutan: the equal treatment of minority populations. The article discusses the 'dark chapter of Bhutan's history' involving the profound mistreatment of the ethnic minorities, especially that of the *Lhotshampas*. Although Bhutan has adopted democracy, Banki is doubtful that the issue of ethnic minorities will be resolved anytime soon in the near future, and argues that there is still a long way to go. D. N. S. Dhakal and Christopher Strawn (1993) give a detailed and in-depth account of the *Lhotshampas*, Nepalese migration to Bhutan, their culture, history and the account of how they fled to Nepal and India. The book mainly discusses how the *Lhotshampas* were wrongfully evacuated from their native homelands due to various policies created by the Bhutanese Government for the purpose of "ethnic cleansing". Finally, John Bray (1993) discusses the problems faced by the country in its development process. Common to most developing countries, Bhutan's dilemmas include the trouble of balancing tradition with modernity, how to stimulate popular participation without creating instability, and how to promote economic growth without damaging the environment. In addition, Bhutan also faces the problems of a small, land-locked state which depends heavily on India and at the same time wishes to preserve the independence and integrity of its decision-making. Addressing the issue of Nepalis, the article examines the choices that Bhutan will have to make –and the contradictions that it faces –as it struggles to sustain its culture and independence into the next century. Both the *Drukpa* and *Lhotshampa* communities believe that they are fighting for their survival. The article concludes by stating that unless they recognize their common interest in creating a modern state which genuinely recognizes unity in diversity, both sides will lose out.

Similarly, books on the history of Bhutan with a special focus on its ethnic problem were also taken for the study. A.C. Sinha's (1988) *Bhutan: Ethnic Identity and National Dilemmas* is a comprehensive study of the political developments in Bhutan. It throws light

on the processes that are at work when a traditional society begins to take the trail of political modernization. He traces how a society which is characterized as “frontier feudalism” struggles to evolve to a modern nation-state, through a transitional period of theocratic system. It focuses on the obstacles to Bhutan’s political modernization. First, there is a strong political culture, oriented away from modernization, backed up by vested interests with a stake in continuing the status-quo. Secondly, there is an absence of the material prerequisites for political modernization—modern communication culture, technology, and infrastructures. Sinha suggests that the *Drukpa* national identity draws its support on two phenomena: the traditionalization of modern functional roles and paternalistic populism. The entrenched political culture, centered round the absolute and dynastic policy, runs counter to the participatory political culture presupposed by political modernization. As for the other problem of building a Bhutanese national identity, the elite confront four critical challenges—the challenge of ethnic diversity, the monarchy, elitism, and frontier particularism. On the author’s showing, the political modernization of Bhutan seems to be an immensely formidable task. But then he believes that Bhutan cannot escape for long the global fate of modernization.

On the concept of citizenship, the main articles were Gerrard Khan’s “Citizenship and statelessness in South Asia”, Matthew F. Ferraro’s “Stateless in *Shagri-La*: Minority Rights, Citizenship, and Belonging in Bhutan”, Jelena Dzankic’s paper entitled “Montenegro’s Minorities in the Tangles of Citizenship, Participation, and Access to Rights”, Leighton McDonald’s “Regrouping in Defence of Minority Rights: Kymlicka’s Multicultural Citizenship”, and Annelies Verstichel’s “Understanding Participation and Representation of Minorities and the Issue of Citizenship”. Gerrard Khan purports to examine the state of statelessness in South Asia, one of the regions in which the phenomenon thrives and is much underrated. It will look at three rejected peoples of the subcontinent: The Estate Tamils in Sri Lanka; the Bhutanese in Nepal; and the Biharis in Bangladesh. Questions that is addressed include: what are the conditions giving rise to statelessness in the three cases; how the various parties involved interact with each other including the states, affected peoples and international bodies; what measures have been undertaken to address the phenomenon and with what success are these met. The author argues that the phenomenon of statelessness needs to be seen as part of the larger post-

colonial nation building framework still under construction in the subcontinent. In particular, statelessness emerges out of narrow and exclusionary citizenship and membership policies perpetuated by the region's central authorities which fail to match the complex contours of multiple identities experienced by the polity. The tragedy that has resulted has been the disincorporation of large segments of the region's population whose identities and aspirations seep through the confines of the monolithic, nationalist, 'official' ideologies pursued by the state.

Matthew F. Ferraro adds to the existing literature by examining the citizenship rights (or lack thereof) of those minorities who remain within the country but are not considered national under the constitution. It shows that while "ethnic nationalism" is not unique to Bhutan, the government's actions are hypocritical given its full-throated embrace of international human rights norms. These policies are also likely inconsistent with international law – specifically the Convention on the Rights of the Child, which Bhutan has ratified – and under customary international law, more generally. Finally, this article shows how the constitution contains sufficient ambiguity to allow for dynamic interpretation.

Jelena Dzankic examines the relationship between citizenship, participation, cultural and socio-economic rights of minorities in Montenegro by focusing on the divergence between policies and their implementation. Taking an interdisciplinary approach, it combines insights from law with ones from social and political studies. The paper is divided into three sequential analytical sections. The first section focuses on the definition of minorities of Montenegro, examining the relation between the status of minority and citizenship. The second section related the previously analyzed concepts of citizenship and minority to representation and participation. It seeks to examine electoral legislation within the framework of 'authentic representation' of minorities, enshrined in the 2007 Constitution of Montenegro. The final section assesses minority access to cultural (group) and socio-economic (individual) rights. The section brings forward the argument that, despite the existing legal guarantees, many of these rights are too complex to realize in practice, particularly those related to language and education in one's own language.

Leighton McDonald outlines and critically examines Will Kymlicka's reconstructed defence of minority rights. Although various doubts are cast on Kymlicka's own thesis, it is argued that there are alternative strategies –strategies that Kymlicka too hastily dismisses –available to defenders of (collective) minority rights. Further, any vindication of minority rights makes urgent the separate question of what (if any) institutional expression they should receive. One important question overlooked by Kymlicka is whether, contrary to widespread assumptions, minority rights are in fact appropriate candidates for constitutional entrenchment.

Annelies Verstichel has investigated the right of persons belonging to minorities to effective participation in public affairs in the light of the implementation and monitoring practice and in all its aspects: content, justification and aims, and possible limits. Ethnic, religious and linguistic identity constitutes a reality, which needs to be taken into account. However, there are limits. This article tried to describe the problematic aspects of minority participation and representation, which need to be taken into account when devising special minority participation and representation mechanisms. To paraphrase Joseph Marko, the civic versus ethnic dichotomy should be superseded and a good mixture of both elements should be aimed at.

On the issue of human rights, the study reflects on 'Bhutan 2013 Human Rights Report, country Reports on Human Rights Practices for 2013, United States Department of State, Bureau of Democracy, Human Rights and Labor', "Human Rights and Justice in Bhutan" by Raju Thapa and I. P. Adhikari, and "Bhutan: Between Happiness and Horror" by Lorenzo Pellegrini and Luca Tasciotti. Bhutan 2013 Human Rights Report is a report on the human rights abuses being carried out in Bhutan against its Nepali speaking ethnic minorities. According to the report, principal human rights problems included the regulation of religious institutions, limitations on activities the government viewed as undermining national identity and stability, and continued government delays in implementing a process to identify and repatriate refugees in Nepal with legitimate Bhutanese citizenship claims. Other human rights problems included continued incarceration of political prisoners, restrictions on freedom of assembly and association, social stigma against persons with disabilities, laws prohibiting consensual same-sex

sexual activities, and human trafficking. Organizations representing exiled Nepali-speaking Bhutanese claimed that Nepali-speaking Bhutanese were subjected to discrimination and prejudice in employment, but the government stated they were proportionally represented in civil service and government jobs. The UN committee on the Rights of the Child expressed concern about the rights of minority children, specifically the Nepali-speaking minority, to take part in their culture, practice their religion, or use their language. Bhutan's constitutional law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Implementation of a nationwide census in 1985 resulted in the denaturalization of many Nepali-speaking individuals within the country because they lacked land ownership documents dated before 1958, which were required to retain citizenship. The census was repeated in 1988-89 in the southern districts, and those who lost citizenship in 1985 were at that time permitted to reapply for citizenship provided they met certain conditions. The government then labeled as illegal immigrants those who could not meet the new, more stringent citizenship requirement and expelled them to refugee camps in Nepal. According to NGOs, stateless persons remained in Bhutan, mainly in the south, but their number was unknown. Stateless persons cannot obtain no objection certificated and security clearance certificates, which limited their access to employment, business ownership, and school attendance at higher-level institutions. In case of the political participation, The *Druk* National Congress (DNC), established in 1994 by Bhutanese refugees in exile, continued to claim the government denied independent parties the ability to operate effectively. The DNC was unable to conduct activities inside the country. Also, the government reportedly did not permit human rights groups established by the exiled Nepali-speaking minority to operated since it categorized them as political organization that do not promote national unity.

Similarly, Raju Thapa and I. P. Adhikari, in their report, have showcased failure of the elected government of Bhutan to adhere with the very essence of the democratic values and human rights. It claims that under the veil of Gross National Happiness, Bhutan continues inhuman practices even after accepting democracy and open politics. The report begins with a brief background of the country, intended to provide the reader with the general understanding on Bhutan and the challenges it has been facing as a landlocked and

least developed country. The report concludes by suggesting that if the government of Bhutan is sincere to its commitments, it should eliminate all discriminations against Nepali-speaking population with guarantee that no more will be evicted in future. The government must abolish the system to ensure that all Bhutanese citizens receive new citizenship cards without discrimination, and allow all adult Bhutanese citizens to register as voters and entertain all children in schools scrapping NOC provisions. It also recommends the international community to work towards repatriation of Bhutanese refugees who are not willing to resettle in third countries ensuring their right to housing, land and property restitution. The report calls for the Bhutanese government to invite the UN High Commissioner for Refugees (UNHCR) to establish its office in Bhutan in order to facilitate the return and reintegration of refugees who wish to return. The report also expresses the need for establishment of the United Nations Office of the High Commissioner for Human Rights (OHCHR) in order to monitor and protect the human rights.

Lorenzo Pellegrini and Luca Tasciotti's contend that we should look at the Bhutanese experience not only from the perspective of the happiness project but there also must be a mention of the human rights abuses in the country. Assessments of the Bhutanese experience with happiness are often oblivious of the blatant violations of human rights perpetrated by the Bhutanese state. In fact, this blindness serves –knowingly or unknowingly –the purpose of identifying a “paradise on earth”, a symbol of oriental otherness and a direction to overcome the social, spiritual and environmental failings of modern Western culture. This utopian society is incidentally increasingly integrated in the global capitalist economy without corrupting its Orientalist charm and demonstrates that a Shangri-La can adopt the best of two worlds: ruled by a benevolent dictatorship caring for the happiness of citizens and powered by a modern, growing and internationally integrated economy.

On the issue of refugee problem in Bhutan, the following articles were reviewed. Myron Weiner's article “Rejected Peoples and Unwanted Migrants in South Asia”, Dhurba Rizal's article “The Unknown Refugee Crisis: Expulsion of the Ethnic *Lhotshampas* from Bhutan”, Krishna P. Khanal's “Human Rights and Refugee Problems in South Asia: The

Case of Bhutanese Refugees”, lastly Micheal Hutt’s article “The Bhutanese Refugees: Between Verification, Repatriation and Royal Real Politik”.

Myron Weiner discusses a wide range of refugee problems in South Asia. Particularly on the Bhutanese refugees, Weiner argues that the external socio-political developments like the annexation of Sikkim and agitation in Darjeeling and the growing and largest ethnic Nepalese in Southern Bhutan proved a threat to the internal security of Bhutan. He also explains, apart from India’s legal commitment of non-interference in the 1949 Friendship Treaty, one reason for India’s non-involvement is the concern in New Delhi over a ‘Greater Nepal’ movement which might attract support from the substantial Nepali population in the adjoining states of Bhutan.

Krishna P. Khanal, discusses the refugee crisis with a larger background and focuses mainly on the Bhutanese refugees. The author primarily highlights how human rights violation and refugee crisis are intertwined. This nexus is visible in the case of Bhutanese refugees where the state was directly and indirectly involved in such violations.

Michael Hutt brings out the plight of about one hundred thousand Nepali refugees from Bhutan who were forced to flee the country by the Monarchical state in late 1980s and early 1990s. The refugees are, by and large, ignored by the world that is otherwise quite supportive of democratic movements like the one the refugees had launched in Bhutan in response to highly constrictive legislations relating to marriage and dress passed by the state since 1980s, including the census of the southern Bhutan with a clear view to de-nationalizing the so-called ‘*Lhotshampas*’. The paper further shows how the negotiation between Bhutan and Nepal, the identification of the bonafide nationals of Bhutan in the refugee camps of southern Nepal, the terms and conditions for such identification and repatriation, etc. were all dictated by Bhutan ignoring the UNHCR, acquiesced by Nepal, and tacitly supported by India. Finally, the author examines the circumstance forcing Nepal to ‘kowtow’ before Bhutan and questions the stand taken by India, which supported anti-establishment in Nepal and opposed anti-establishment in Bhutan.

## 1.8 Research Gaps and Scope of the Study

On the concept of happiness, a lot of academic work has been done, in addition to non-academic ones too. Similarly, on the concept of Gross National Happiness, a plenty of scholarly literature is available. On Bhutan's Gross National Happiness, there are a good number of works by academics, journalists, travel-writers and so on. However, when it comes to the question of Bhutan's GNH vis-a-vis its minorities, the challenge is here since there are a limited number of works being done in this subject which belong to unreliable sources which cannot be validated. There is a scarcity of authentic sources regarding the issue of Bhutan's GNH and the rights of minorities. In this way, the study is important to bring forth the issue of minorities in Bhutan's GNH debate.

The issue of minorities has taken a backseat when it comes to the subject of Gross National Happiness in Bhutan. The rhetoric on Gross National Happiness conceals the fundamental problems in the Bhutanese development model. The idea of Bhutan as a 'Shangri La' is indeed an inspiration for the world to adopt the philosophy of GNH in their own countries. However, the subject that needs attention now, among many others, is to bring in certain changes in the GNH policies which give the same amount of priority to the minorities as well for the objective of GNH to be realized in its full potential.

The present study is as such important considering the rise in the importance of Gross National Happiness as a contemporary debate. Bhutan's development philosophy of GNH emerged as an opposition to the measure of Gross Domestic Product to cater to the need for a multidimensional development concept involving not only the economic aspect but also other aspects of development such as cultural, environmental, social etc. However, as the country's Prime Minister Jigme Y. Thinley has expressed, Bhutan has not attained GNH completely; it is still struggling to provide the basic needs to its people. Therefore, the scope of the study is to understand the exclusion of the ethnic minorities (*Lhotshampas*) from the purview of Bhutan's GNH. The ethnic-Nepali minorities or *Lhotshampas* are mainly concentrated in the southern region of Bhutan. However, since the 1980's when Bhutan adopted the "One Nation, One People" policy, many Nepali-Bhutanese were expelled from Bhutan and rendered refugee in Nepal, India and elsewhere.



With the rights of the *Lhotshampas* and other ethnic minorities vis-à-vis Bhutan's GNH as a background, this study is important to generate answers to the research problem.

The study also paves way for future research on the operationalisation of GNH in other countries as well. One could explore the challenges and prospects of adopting the Bhutanese model of development considering the unique characteristics of the target country. Like Bhutan, the majority-minority dichotomy is characteristic to every country in the world. As such, the future agenda of this study could be answering the question of minority rights in the whole scheme of GNH model.

The proposed study will, therefore, focus on critically examining the Bhutan's GNH policy vis-à-vis its minority policies. It will explore the existing loopholes within the framework which hinders the realization of GNH in Bhutan. With these objectives in mind, the study has two fundamental questions as to how does Bhutan reconcile the concept of happiness between the Buddhist philosophy and Neo-liberal paradigm, and what are the impacts of the Bhutanese GNH framework on the minorities?

### **1.9 Objectives of the Study**

The study is based on three main objectives:

1. To examine the concept of 'happiness' in Bhutan's Gross National Happiness framework.
2. To examine the concept of 'happiness' in relation to the concept of rights and citizenship in Bhutan.
3. To explore the impact of Bhutan's GNH policy on the minorities.

### **1.10 Research Methodology**

The research methodology applied is descriptive as well as analytical. The study adopts qualitative method. The study is primarily based on available primary sources which include government documents, reports of UNHCR, UNDP, Amnesty International, and other agencies. In addition, the research is supplemented by the use of secondary sources such as books, journals, articles and research papers on Gross National Happiness and also the plight of minorities in and those expelled from Bhutan. The information and

data is retrieved from selected websites from the internet by following standard practice. The work is mainly carried out in the libraries of Sikkim and Delhi.

### **1.11 Research Questions**

The study employs the following three research questions:

1. How does Bhutan reconcile the concept of happiness between the Buddhist philosophy and neo-liberal paradigm?
2. Is GNH an inclusive concept when it comes to the question of Bhutan's minority rights and citizenship?
3. What are the impacts of the Bhutanese GNH framework on the minorities?

### **1.12 Organization of the Study**

The study is structured into six major parts including the introduction and conclusion.

#### **Chapter I: Introduction**

The introduction discusses the nature of the study, the framework of the study while introducing the main objectives, the research questions around which the study revolves. The methodology and organizational structure of the study is also discussed.

#### **Chapter II: Conceptualizing Happiness in the Framework of GNH**

The second chapter "Conceptualizing Happiness in the Framework of GNH" deals with the theory of happiness and also examines Bhutan's Gross National Happiness paradigm. It is mainly an overview of the concept of happiness as used in Bhutan's GNH, which is mainly inspired by the Buddhist philosophy. Doing so, it lays a theoretical foundation for the analysis of Gross National Happiness.

#### **Chapter III: Bhutan and its Minorities**

The third chapter "Bhutan and its Minorities" is exclusively on the subject of minorities in Bhutan. Along with a brief history of Bhutan, this chapter discusses the various minority groups in Bhutan. Although the dominant group in Bhutan are also small in number, the term 'minorities' is mostly used to distinguish other ethnic, linguistic and religious groups

from the ruling class, namely the *Ngalongs*. This chapter basically draws attention to the plight of the minorities and forms the background of critique of Bhutan's GNH policy of the study.

#### **Chapter IV: Citizenship and the Rights of Minorities in Bhutan**

The fourth chapter "Citizenship and the Rights of Minorities in Bhutan" deals with the various laws and acts imposed by the government of Bhutan regarding citizenship, along with those relating to marriage and customs which had both direct and indirect impact on the citizens of Bhutan. By addressing to these acts and laws, the chapter tries to explore the socio-economic consequences they had on the citizens of Bhutan, especially to its minorities. The chapter attempts to make detailed analysis of these acts and laws, and it is done so in a chronological order starting from the first citizenship act of 1958.

#### **Chapter V: Bhutan's Gross National Happiness and Rights of Minorities**

The fifth chapter "Bhutan's Gross National Happiness and Minority Rights" examines Bhutan's GNH vis-à-vis its minority policy. It extensively deals with the marginalization of the minorities in Bhutan and critically examines the GNH policy.

#### **Chapter V: Conclusion**

The conclusion is a critical assessment of Bhutan's GNH and an attempt towards addressing the main research questions the study seeks to find answers to.

## Chapter II

### Conceptualizing Happiness in the Framework of Gross National Happiness

#### 2.1 Introduction

This chapter deals with the theory of happiness and examines how Bhutan conceptualizes the concept of happiness in its Gross National Happiness (or GNH) paradigm. The first part of the chapter explores the meaning or the idea of happiness as construed by various scholars and also examines the two schools of happiness philosophy. There are basically two schools of thought when it comes to the concept of happiness, namely, hedonism and *eudaimonia*. The chapter then discusses the Buddhist philosophy which the idea of GNH flows from. The second part of the chapter deals with the debate between Gross National Happiness and Gross National Product and tries to see if GNH is a better alternative to development than GDP. The third part of chapter discusses the implementation of GNH in Bhutan. Here, the various pillars of GNH, the domains as well as the indicators are briefly discussed to understand how Bhutan has developed a well-rounded, holistic development approach that caters to the wellbeing of its people in the most effective way, which is followed by the examination of how GNH is calculated.

#### 2.2 Gross National Happiness

Gross National Happiness (GNH) is an ideology, just as neo-liberal capitalism is, as well as now defunct Communism (Mancall, 2004: 11) Countries all over the world have come to acknowledge and understand that there is a serious need for an alternative ideology or model of governance due to the various destructive and ill effects that global capitalism bears. As mentioned in the introductory chapter, in 2011, the UN General Assembly adopted a resolution calling the pursuit of happiness ‘a fundamental goal’ and asking the United Nation member states to exercise initiatives which endow more importance to well-being in determining how to measure and achieve social and economic development. The move was endorsed by 68 countries then. In 2012, the United Nations Sustainable Development Solutions Network published a World Happiness Report which states that

efforts should be made to achieve a new course “that ensures poor countries have the right to develop, and all countries have the right to happiness, while simultaneously curbing the human-induced destruction of the environment” (Helliwell, John, Richard Layard and Jeffrey Sachs, 2012: 7). Although the neo-liberal development approach is designed to procure well-being of people, its focus on economic aspects is not enough to tell if people are actually happy. The indicators that neo-liberalism employs do not necessarily show if people are truly satisfied with the life they live. Additionally, there are many ill-effects that the approach using GDP as a measure of development carry. Environmental effects like global warming, brought on by the free market capitalism, are a serious threat to the planet and the entire life-forms living in it. Governments, International Organizations and policy makers around the world have addressed these issues and are together or independently trying to find ways for a change from the current pattern.

Bhutan is the first country to take a detour from the popular Gross Domestic Product (or GDP) approach and take a new, multi-dimensional approach to development, namely, Gross National Happiness. As one of the last countries to be affected by globalization, Bhutan’s development process is indeed quite unique. With a population of about 784,103 and sandwiched between India and China, Bhutan has been relatively isolated until recently. What contributed to its isolation were the complex geopolitical factors which kept influence of the British India or any other colonial power at bay. Until the late 1950s, Bhutan practiced a closed-door policy refusing any foreign cultural influence keeping it far off from under the radar of the outside world (Priesner, 1999: 31). As a result of this active policy of isolation, Bhutan remained medieval in character until the end of 1950s (Ura, 1994: 25). The process of unification, expansion and consolidation of the state of Bhutan was religiously-inspired and carried out in the name of a religious order in the 17<sup>th</sup> century, by the *Zhabdrung* Ngawang Namgyal<sup>1</sup>, a hierarch of the *Druk Kagyu* sect. As such, Bhutan was founded on a Mahayana Buddhist ideology which has made a profound effect on the nature of the state, society and the individual in Bhutan.

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<sup>1</sup>The *Zhabdrung* is the title for the unifier of Bhutan and his reincarnations. It means “at whose feet one prostrates.” Ngawang Namgyal (1594-1651) fled Tibet in 1616 following a dispute over his recognition as a reincarnate lama.

As increasing concerns of national security cropped up as a result of the occupation of Tibet by Chinese forces in 1950 and the suppression of the Tibetan revolt by the Chinese in 1959, Bhutan ended its isolation policy (Priesner, 1999: 32). Bhutan did not have diplomatic relations with other countries, except India. As such, India almost entirely financed the first three development plans (1961-1976) of Bhutan (Ura, 1994: 35). Consequently, Bhutan started developing its basic infrastructure under the initiative of the third king, Jigme Dorji Wangchuck, who reigned from 1952 to 1972. Until then, Bhutan was linked only by footpaths and mule tracks as they had no proper road connectivity.

The third king, Jigme Dorji Wangchuk, recognized that in a changing international setting, Bhutan faced an enormous challenge. One of the main issues was the need to train elites capable of governing the transformation (Bhattacharya, 1997: 137-165). At the end of the 1950s, Bhutan had less than 500 students enrolled in primary schools, while the only form of education widely available was those offered in the monastic centers, following the precepts of Mahayana Buddhism (Priesner, 1999: 25). At that time, no possibility for further lay education existed within Bhutan as the country was posed with topographical barriers to modernization.

There are very little written sources available which indicate that Bhutan's development philosophy was inspired by the objective of happiness within the first two decades of Bhutan's development (Priesner, 1999: 28). There were no conceptual issues or broad guidelines in relation to happiness objective introduced by the National Assembly (Rose, 1977: 162). Bhutan's Planning Commission, as one of the main bodies responsible for the implementation of development projects, had not yet incorporated well-being as an explicit goal (Rose, 1977: 25). It is believed that the idea of Gross National Happiness was invented in 1972 by the fourth King of Bhutan, Jigme Singye Wangchuck.<sup>2</sup> However, this claim has no evidence or proof of its authenticity. The earliest written reference to GNH

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2M.S. Givel in his article "Gross National Happiness in Bhutan: Political Institutions and Implementation" states that "GNH has been Bhutan's guiding directive for development since the 1907s". Elizabeth Allison of California Institute of Integral Studies also writes in her article "Gross National Happiness" that "In 1972, the fourth king of the Himalayan nation of Bhutan, King Jigme Singye Wangchuk, proclaimed, 'Gross National Happiness is more important than Gross National Product'". The President of the Centre for Bhutan Studies and GNH Research, Dasho Karma Ura has also supported the claim on many occasions, one of them being during a Lecture at Schumacher College, UK, on November 11, 2009.

can be found in two articles by Michael Kaufman in the New York Times in 1980 (Munro, 2016: 74). However, the concept of GNH is not presented as the central theme in both the articles (Munro, 2016: 72). As such, there was nothing about the concept of GNH that was mentioned in writing anywhere during the 1960s and 1970s, which makes the popular claim of the concept being coined by the fourth King in 1972 uncertain. The concept of GNH was first mentioned in the country's *National Budget for Financial Year 1996-1997 and Report on the 1995-96 Budget* (Royal Government of Bhutan, Ministry of Finance, 1996: 16). As such, it was in 1996 that the tradition of GNH as Bhutan's national development policy was first officially mentioned. Furthermore, while the idea of happiness and wellbeing as the goal of development has been a part of Bhutan's development endeavours, it did not take a central theme as a deliberate policy objective until very recently.

There were instances beginning from the late 1960s when happiness began to be loosely mentioned and a vague notion of an alternative path to development began to emerge. Just as an article in *Kuensel*<sup>3</sup> on 1967 states that the third King Jigme Dorji Wangchuck expressed that the goal of development was to make “the people happy and prosperous” (Priesner, 2004: 28). Similar views were expressed by the king on the occasion of Bhutan's admission to the UN in 1971, one of the most important events in the country's recent history (Priesner, 2004: 28). In 1997, the Bhutanese government published its Eighth Five Year Plan 1997-2002 in which there was a fleeting mention of GNH, although the concept was framed in terms of human development and capabilities paradigm and not born of Bhutanese cultural referents (Munro, 2016: 79). In 1999, the Royal Government of Bhutan Planning Commission along with the support of the United Nations Development Programme (or UNDP) published a long-term strategic planning document entitled *Bhutan 2020: A Vision for Peace, Prosperity and Happiness*, in which the concept of GNH was the

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<sup>3</sup>*Kuensel* is the national newspaper of Bhutan, which was found in 1967 as an internal government bulletin. Today, the government owns 51 per cent of the newspaper.

central development theme but was subordinated by the overarching goal of the “future independence, sovereignty and security” of Bhutan.<sup>4</sup>

The concept of GNH based on four pillars, namely, sustainable socio-economic development, environmental preservation, cultural resilience and good governance, serves as a guiding philosophy for Bhutan. These four pillars were used as a standard to construct and implement policies in Bhutan. These four pillars are discussed in detail in the latter half of the chapter. As an alternative to Gross Domestic Product, GNH adopts a less materialistic national goal, where non-economic aspects of well-being are given equal priority. As such, GNH philosophy is a contrast from traditional western ideologies, as they continue to believe the system of well-being, self-reliance and paternalism were the main features of their traditional society (Gupta, 2014: 33). Instead of economic development, GNH values and prioritizes non-economic development at higher extent.

Thus, the proper system of measuring the GNH was developed, as it exists today. Today, as per the latest 2010 GNH survey, Bhutan has defined this index into nine domains, which have sub-indicators under them, making the measurement an extensive process. The nine broad domains are psychological well-being, health, time use, education, cultural diversity and resilience, good governance, community vitality, ecological divergence and resilience, and living standards. These are further classified into 33 indicators, which are used to determine the GNH Index of the country. They are explained in detail in the latter paragraphs to come.

It is noted by now that the GNH of Bhutan is inspired by the Buddhist philosophy. Mahayana Buddhism, as the state religion of Bhutan, has played and still plays a substantial influence today, and has been intricately linked with culture and politics in Bhutan. Therefore, a deeper exploration of Mahayana Buddhism needs to be done to understand why and how GNH operates as a primary policy influence in modern Bhutan. However, before exploring the link between Gross National Happiness and Buddhism, the

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<sup>4</sup>For more details, see Lauchlan T. Munro’s “Where did Bhutan’s Gross National Happiness come from? The Origins of an Invented Tradition” available at <http://dx.doi.org/10.1080/03068374.2015.1128681> accessed on 21/07/2016



following section attempts to examine the term happiness and what it means in Buddhist philosophy, which forms the basis for the formation of the concept of GNH.

**Figure 2. Gross National Happiness: Domains and Indicators**



Source: <http://www.bhutaneverydaytours.com/gallery/bhutan-photos.html>

### 2.3 The Idea of Happiness

The word ‘happiness’ is used in various ways. It carries diverse meanings which vary between individuals, over time and situations and cultural tradition. However, as Neil Thin puts it, it is not a “definable entity” but it can be understood as “an evaluative kind of ‘conversation’ concerning how well our lives go” (Thin, 2012: 33). As such, it is a process which is both dynamic and interactive and which includes “good feelings, satisfactions, and more ambitious themes such as the fabrication of meaning and purpose or coherence”

(Thin, 2012: 33). On the other hand, Ruut Veenhoven defines happiness as the “subjective enjoyment of life” (Veenhoven, 2001: 3). For him, happiness is the degree of positive assessment of the overall quality of a person’s life in its entirety. Simply put, it is how much a person likes the life he/she leads. The term happiness is often used interchangeably with terms like ‘life-satisfaction’, ‘well-being’, ‘subjective well-being’, ‘psychological well-being’, ‘hedonism’, ‘*eudaimonia*’, ‘health’, ‘flourishing’ and so on.

In the study of happiness, the various conceptions of happiness are placed within one of two well-known traditions, namely, the hedonic and the *eudaimonic* (David et. al, 2013: 3). The major historical figures who propounded these two types of theories are J. S. Mill and Aristotle, respectively (Uyl, et.al, 1983: 116). Research within the hedonic school of thought defines happiness as “the pursuit of positive emotion, seeking maximum pleasure and a pleasant life overall with instant gratification” (David et.al, 2013: 4). As such, it is a constructive process of turning various pleasures and sorrows into a meaningful and evaluative story about life as a whole. On the other hand, the *eudaimonic* school “looks beyond this, and is concerned with change, growth and breaking homeostasis” (David et.al, 2013: 4). It calls for people to recognize their true and fullest potential and live in accordance with that (Waterman, 1993: 678). It is the result of the connection between personal expressiveness and self-realization (Waterman, 1993: 679). For a clearer understanding of the concept of happiness, the following sections will discuss the works of J. S. Mill and Aristotle on the question of happiness.

### **2.3.a Hedonism**

According to hedonism, an individual’s overall level of well-being is determined by the balance of pleasure and pain they experience (Fletcher, 2016). As such, happiness for hedonists is a balance of pleasure over pain (Parducci, 1995: 9). In his work, Utilitarianism, John Stuart Mill tries to equate happiness with pleasure (Mill, 1862). However, unlike most hedonists, the notion of pleasure for him is something more than mere enjoyable feelings or any type of sensation. Mill’s conception of happiness has been visited by many thinkers. Traditionally, he is seen equating happiness with pleasure, and pleasure is thought of as a state of mind. As such, the value of various actions or states of affairs is determined by their contribution to a pleasurable state of mind. The actions which

are taken for a particular end further acts as a means to an ultimate end which is the pleasurable state of mind. This traditional view of Mill's idea of happiness sees him advocating a dominant end theory of happiness (Uyl et. al, 1983: 121). However, there are other interpretations of his work which argue that Mill's theory of happiness is characteristically more inclusive. These works reject the dominant end theory of happiness as it is seen in Mill's words that, "the principle of utility does not mean that any given pleasure, as music for instance, or any given exemption from pain, as for example, health, is to be looked upon as means to a collective something termed happiness, and to be desired on that account. They are desired and desirable in and for themselves; besides being means, they are part of the end" (Mill, 1863). According to Pamela Clark, Mill conceives happiness as "the good for man", and not simply a psychological state of mind (Clark, 1954: 247). D. H. Munro has made further exploration of the inclusive/dominant end controversy of Mill's texts. He suggests that an individual's pleasure or happiness can be regarded as the sum of those things one does for their own sake: the sum of one's ends. On the other hand, to do something as a means to happiness is to do it not for its own sake but because it leads to something that is a part of one's happiness" (Munro, 1969: 192). He further adds that the means of happiness can also be a part of happiness. He points out that Mill followed the psychological theories of Hartley that claimed that some pleasures could become associated with other, such that they take on the status of ends in themselves.

### **2.3.b *Eudaimonia***

The concept of *eudaimonia* has had different conceptions offered by different thinkers. Prichard takes Aristotle's reading of *eudaimonia* and states that *eudaimonia* is some state or feeling of pleasure, and as such what is pleasurable is the good (agathon). Meanwhile, Austin rejects this view by stating that *eudaimonia* cannot be pleasure, because "pleasure is a feeling" and *eudaimonia* in Aristotle is a "life of a certain kind" or "an achievement" (of which pleasure may be apart) (Austin, 1968: 280). This view is supported by many other thinkers who see *eudaimonia* as something more than a feeling of pleasure.

Regardless of the various interpretations of Aristotle's concept of *eudaimonia*, there are three well-known features of Aristotle's account given in the *Nicomachean Ethics* which provide the basic principles that must be explained in any interpretation: (1)

*eudaimonia* is tied to man's function (*ergon*), (2) *eudaimonia* is an end in itself, and (3) *eudaimonia* is said to be found in both the life of contemplation and the life of moral virtue, with the latter being given apparently secondary status (Uyl et. al, 1983: 117).

There are scholars and philosophers who claim that Aristotle has no conception of happiness at all, in the general sense of the word. His translation of the word *eudaimonia* into happiness is said to be loose and dubious (Kraut, 1979: 167). For instance, he is made to say that everything should be sought for the sake of happiness, and that children and evil adults are never happy because they have not developed such traits as justice, courage, and self-control. Furthermore, *eudaimonia* does not name a feeling or emotion, whereas happiness involves a certain state of mind (Kraut, 1979: 167). As such, Henry Sidgwick warns that the word "happiness" that we find in translations of Aristotle does not have its contemporary meaning in English (Sidgwick, 1907: 92-93). *Eudaimonia* does not mean happiness in its usual sense due to the possibility that some children are definitely happy and some evil people might as well be happy.

For Aristotle, the most *eudaimon* individual is someone who has fully developed and regularly exercises the various virtues of the soul, both intellectual and moral (Kraut, 1979: 170). Such a person engages in philosophical activity (since this is the full flowering of his capacity to reason theoretically) and also in moral activities, which display his justice, generosity, temperance, etc. Aristotle thinks that a virtuous person will make the best of any situation, but that in extreme circumstances *eudaimonia* is lost. It may be regained, but only after a long period of time during which many fine things have been achieved. He thinks that exercising one's intellectual and moral capacities is the greatest good available to human beings, and he knows he possesses this good.

Aristotle also says that one who is virtuous and *eudaimon* particularly desires life, he cannot mean that he will struggle to stay alive at any cost (Kraut, 1979: 172). Rather, he must mean that such individuals are more glad to be alive than others; the kind of existence they enjoy gives them a heightened love of life. As such, the *eudaimon* person is one who is fully satisfied with his life. He is, in other words, a happy person.

### **2.3.c Buddhist philosophy of happiness**

The Buddhist philosophy of happiness fits in the *eudaimonia* school of thought. According to Buddhist philosophy, happiness is a quality of the mind that arises from positive mental attitudes including the intention never to harm others, the desire to provide help and support to those around us, and to remain contented with one's life. According to the Buddhist philosophy there are Four Noble Truths, namely, (a) that existence is suffering, (b) that the cause of suffering is having wrong desire or craving, (c) that there is a possible end to suffering, which comes from the attainment of *nirvana*<sup>5</sup> through enlightenment, and (d) that *nirvana* may be achieved by pursuing the Noble Eightfold Path which consists of (i) right comprehension, (ii) right aspiration, (iii) right speech, (iv) right conduct, (v) right mode of livelihood, (vi) right endeavour, (vii) right self-discipline, and (viii) right rapture (McGovern, 1919: 239).

Buddhism rejects the notion of happiness in terms of sense and ego gratification, which is resulted from favourable external factors and conditions. This form of happiness as illustrated in the *Bhava Chakra* or the Tibetan Wheel of Life relates to the never progressing aspect of *samsara*. Happiness in its truer sense in fact comes from living an increasingly skilful and pure life, having a clear conscience, from generosity and helping others, from friendship, and from creative endeavour (Lokamitra, 2004: 475). Happiness which is brought from external stimuli or external conditions is not satisfactory and one which does not lead to the realization of nirvana, nor enlightenment. Enlightenment is the state of supreme bliss and peace, and the state of unrestricted freedom from all bonds (Lokamitra, 2004: 475). Therefore, even when the external factors are unfavourable, one remains unaffected in the state of enlightenment. As such, it is only when one moves further away from being dependent on the external factors, one can achieve enlightenment.

For an individual to attain happiness, they must strive to avoid or abandon suffering immediately. Following Buddha's teachings, it is only when one abandons suffering that happiness arises. For suffering to be removed, one must know the cause of suffering. Mostly, the cause of suffering is attachment and craving which is the binding force which

<sup>5</sup>*Nirvana* represents the profound peace of mind that is acquired with *moksha*, liberation from *samsara*, or release from a state of suffering, after respective spiritual practice or *sadhana*. In Buddhist context, *nirvana* refers to realization of non-self and emptiness, marking the end of rebirth by stilling the fires that keep the process of rebirth going. *Nirvana* is part of the Third Truth on "cessation of *dukkha*" in the Four Noble Truths doctrine of Buddhism. It is the goal of the Noble Eightfold Path.

holds all humans within the cycle of *samsara*<sup>6</sup> (Tashi, 2004: 490). So long as craving and thirst for attachment exists within the mind, it will continue to be the cause for renewal of existence or rebirth (ibid: 490). This craving is mostly associated with the need for sensual pleasure, seeking immediate satisfaction and fulfillment or gratification of various passions through the physical sense. As such, according to the Buddhist philosophy, by learning the truth of suffering, one can understand the cause, its path and cessation, and achieve ultimate happiness.

Buddhism has various different forms. Bhutan's Gross National Happiness is mainly based on the teachings in Mahayana Buddhism, which is one among different forms of Buddhism. In articulating GNH, Bhutan drew from the teachings of Mahayana Buddhism. According to Mahayana Buddhism, *nirvana* is not the highest goal to aspire. It goes beyond this conception and teaches that personal *nirvanaship* may be gained but it is also possible for one who desires to do so, to renounce this personal bliss in order that he may go on helping other individuals in the world out of their misery and sorrow which is seen everywhere (McGovern, 1919: 248). It also teaches that every *bodhisattva*<sup>7</sup> must finally reach the stage of perfect and supreme enlightenment, or Buddhahood, which is the highest honor to which one may aspire. The state of Buddhahood can be reached by an individual who sets his mind upon it and teaches its followers to do so.

The mission of spreading happiness and compassion among everyone in the world is central to the teachings of Mahayana Buddhism. The philosophy of Mahayana Buddhism thus tells the individuals to wake up to the Ultimate Truth in order to obtain greater clarity and insight about the true nature of the universe, leading to internal peace and happiness (Givel, 2015: 22). The goal of GNH is based on Mahayana Buddhist principles to increase happiness for everyone, which then is carried out through various

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<sup>6</sup>*Samsara* is the cycle of birth and rebirth from one existence to another in continuum. *Samsara* in Sanskrit means 'to cycle' or 'go round'. The idea is that until people behave properly, they go round and round in circles, from one rebirth to another.

<sup>7</sup> In Buddhism, *bodhisattava* is the Sanskrit term for anyone who, motivated by great compassion, has generated *bodhicitta*, which is a spontaneous wish and a compassionate mind to attain *Buddhahood* for the benefit of all sentient beings.

governmental policies and programs that promote material needs balanced with becoming enlightened.

When examining the Constitution of Bhutan, there are various provisions laid down in it which provides a link between GNH and Mahayana Buddhism. Buddhism is regarded as the “spiritual heritage of Bhutan, which promotes the principles and values of peace, non-violence, compassion, and tolerance” in Article 3, Section 1. Similarly, Article 3, Section 3 gives power to “religious institutions and personalities to promote the spiritual heritage of the country while also ensuring that religion remains separate from politics in Bhutan.” Under Article 3, Section 4, the *Druk Gyalpo* appoints the *Je Khenpo* (head monk) with training in the *Drukpa* School of Mahayana Buddhism. The *Je Khenpo* must be ordained with the nine qualities of a spiritual master and accomplished in *ked-dzog* or spiritual development. In turn, under Article 3, Section 5, the *Je Khenpo* appoints, on the recommendation of the *Dratshang Lhentshog* (Commissioner of Monastic Affairs), “the Five *Lopons*” to serve on the central Buddhist Monk Council. Furthermore, Article 4, Section 1 states that:

The State preserve, protect, and promote the cultural heritage of the country, including monuments, places and objects of artistic or historic interest, *Dzongs* (ancient Buddhist religious and civil fortresses), *Lhakhangs* (Buddhist temples), *Goendeys* (Buddhist monastic communities), Ten-sum (Buddhist images, scriptures, and *stupas*), *Nyes* (Buddhist pilgrimage sites), language, literature, music, visual arts and religion to enrich society and the cultural life of citizens. (The Royal Government of Bhutan, The Constitution of The Kingdom of Bhutan, 2008)

In similar terms, Article 9, Section 2 states that, “The State shall strive to promote those conditions that will enable the pursuit of Gross National Happiness.” The GNH Commission also lays down their objectives in relation to the spiritual happiness by stating:

We have now clearly distinguished the ‘happiness’... in GNH from the fleeting, pleasurable ‘feel good’ moods so often associated with that term. We know that true abiding happiness cannot exist while others suffer, and comes only from serving others, living in harmony with nature, and realizing our innate wisdom and the true and brilliant nature of our own minds. (Gross National Happiness Commission 2015)

This statement is in tune with the primary objective of seeking Enlightenment under Mahayana Buddhism. In Mahayana Buddhism, overcoming suffering and becoming Enlightened and happy through the Fourth Noble Truth or Eightfold Path occurs by becoming aware of the nature of reality including good Karma by serving others and being in harmony with nature.

#### **2.4 Gross National Product vs. Gross National Happiness**

The notion of Gross National Happiness presents a radical shift of paradigm in development economics and social theory. GNH can be regarded as the Buddhist equivalent to Gross National Product which is the conventional indicator for a nation's economic performance. But GNH can also be regarded as the next evolution in indicators for sustainable development, going beyond measuring merely material values such as production and consumption, but instead incorporating all values relevant to life on this planet, including the most subtle and profound: happiness.

Gross National Product has been subject to having several flaws when it comes to measuring development. As an indicator, it measures things which can be quantified by assigning them monetary value. Thus, they exclude qualitative distinctions. However, over the last decades it has appeared that the qualitative factors are crucial to the understanding the ecological, social and psychological dimensions of economic activity (Tideman, 2004: 226). For instance, the GNP indicator do not account for the value of things like as fresh water, green forests, clean air, and traditional ways of life, simply because they cannot be easily quantified. It is, therefore, this major flaw in the GNP system which has contributed to the accelerating environmental destruction.

As noted earlier, the GNP is based on all quantifiable economic transactions recorded in a given period. The progress of a country is calculated in terms of the growth of GNP on an annual basis. However, there are instances which indicate that the GNP indicator is not entirely accurate but inherently flawed. When countries calculate GNP, natural resources are not depreciated as they are being exploited. Buildings and factories are depreciated, as well as machinery, equipment, trucks and cars. Forests are not



depreciated after irresponsible logging and farming methods turn them into barren slopes causing erosion and landslides. The money received from the sale of logs is counted as part of the country's income for the year. Further, the national statistics would show that the country has gone richer for cleaning up landslides. The funds spent on the chain-saws and logging trucks will be entered on the expense side of the project's accounts, but those to be spent on the supposed replanting will not. Nowhere in the calculations of these countries GNP will be an entry reflecting the distressing reality that millions of trees are gone forever.

In addition to the environmental issue, traditional GNP calculations ignore the informal, unpaid economy of caring, sharing, nurturing of the young, volunteering and mutual aid. This informal "Compassionate Economy" is hidden from economist's statistics and therefore public view, yet it represents some fifty percent of all productive work and exchange in all societies (Henderson, 1999). In developing countries, these traditional non-money sectors often predominate. Indeed, the United Nations Human Development Report in 1995 estimated such voluntary work and cooperative exchange at \$16 trillion, which is simply missing from the world's GNP statistics.

Classical economics holds that all participants in the market between supply and demand have 'perfect information' about the facts on which they base their choices. This is another assumption that has proven to be incorrect, especially in light of the buyer's inability to ascertain to what extent a product has depleted natural resources or exploited labor. The traditional neo-liberal economic system not only makes unrealistic assumptions about the information available to real people in the real world; it also assumes incorrectly that natural resources are limitless 'free good' failing to distinguish between renewable and non-renewable goods and simply equating them on the basis of monetary values set by a supposedly 'informed' market. Additionally, GNP system also fails to account for all the associated costs of consumption. Every time we consume something, some sort of waste is created, but these costs are usually overlooked and externalized. For instance, for all the fuel we consume in a given day, we do not account for extra CO<sub>2</sub> emission in the atmosphere. Since we equate an increase in consumption with an increase in 'standard of living', we encourage ourselves to produce more and more, and also more waste. This has

led to the disturbing reality that those countries which are considered richest, produce the most waste.

As such, the world is moving towards a new economic paradigm, one that is not based on maximizing ownership and profits or boosting abstract statistics such as GNP, but concerned with managing creativity and knowledge, and improving the quality of our lives and children's future. Economists are busy making models that account for the intangible factors that drives the information-based economy, such as know-how and other human capital, as well as the environmental and social costs of development, such as the pollution and destruction of air, water, forests and other so called "free goods".

These developments in economics and contemporary western thinking run parallel to Bhutan's call for measuring their country's development by Gross National Happiness. It is here that Buddhism, with its extensive research on the human condition, has much to offer. By offering a personal path to achieve lasting material and spiritual happiness, Buddhism can rightly claim to have a path which surpasses any solution to obtain happiness offered in traditional economic terms, which does not go beyond an optimal level of material consumption, wealth and economic stability. From a Buddhist viewpoint, the contribution of economics and material development is nothing more than providing an external condition allowing people to devote time and energy to embark on the more rewarding path of spiritual development. As a Buddhist society, Bhutan's ideal is seen to become an example of how to put this path into reality.

## **2.5 The Implementation of Gross National Happiness in Bhutan**

In neo-liberal societies, happiness often means maximization of pleasure. As such, it is construed that true happiness would consist of an interrupted succession of pleasurable experiences (Richard, 2013: 344). This notion falls short of the notion of genuine happiness, as is forwarded by the Buddhist philosophy. It is already seen that according to Buddhism, happiness means a finest way of being, a very healthy state of mind than underlies and suffuses all emotional states, and that embraces all the joys and sorrows one experiences (Richard, 2013: 344). It is therefore a state of lasting well-being along with the

wisdom that allows us to see the world as it is. Finally, it is the joy of attainment of inner freedom and a sense of compassion towards others.

Schumacher introduced the term Buddhist economics as a concept which has been elaborated by various scholars all over the world (Schumacher, 1973: 38). The term results from combining two words, 'Buddhist' and 'economics'. Economics generally means the subject which deals with "economic activities (production, distribution, and consumption) with the aim for individuals to achieve maximum utility under the condition of resource constraint and for the society to reach maximum welfare under the same condition" (Puntasen, 2007: 190). Buddhist economics is therefore "the subject explaining economic activities with the aim for both individuals and society to achieve peace and tranquility under resource constraint" (Puntasen, 2007: 190).

While the mainstream economics defines pursuing of self-interest as rational behavior as it is the behavior that contributes to generation of more utility, for Buddhist economics the core values are non-self that leads to compassion instead of self-interest, and cooperation instead of competition. In a system of capitalism with industrialism and consumerism, there can be growth without end. In reality, it turns out to be an unsustainable, downward spiral resulting in more waste generation and resource depletion, causing environmental degradation, and eventually human self-destruction. With such a depressing scenario for humankind under capitalism, Buddhist economics, where *sukha*, or wellness is not generated through increased consumption but rather through mental development that does not require excessive material inputs, can offer a much more promising alternative. As such, the Gross National Happiness framework was developed along the core values of Buddhist economics.

In this manner, the comprehensive goal of every aspect of life, including economics, is not the multiplication of material wants, which can be satisfied by consumption, but the purification of the human character. The objectives of market economics, i.e. increasing consumption and accelerating growth are thus only relevant as means to an entirely different end – human well-being. Buddhism turns the formula of western economic thinking which views all pre- and non-capitalist values as instrumental to either enabling or impeding economic growth. Besides, Buddhist moral philosophy

provides a definition of happiness, suggesting that well-being be drawn from the harmonization of spiritual and material aspects of life. Although GNH has been subject to criticism in the context of its economic inefficiency, it is in fact correct to say that the critics miss the actual point, which is, the aim of GNH is not economic efficiency but rather maximization of happiness.

Bhutan perceives that development need must be human-oriented and as such, its government emerged with decisions to invest scarce resources in social facilities rather than industrialization or the diversification of economy to generate growth. This people-centric perception of development explains Bhutan's commitment to the rapid enhancement of the population's health and education with the availability of financial assistance. Broadening its understanding of development by fostering modern social services, Bhutan essentially anticipated the approach of human development, which was propagated three decades as a revolution in development thinking.

Since Buddhism has always been a major feature of the country ever since its establishment, its philosophy has provided strong arguments for adoption of an environmentally sensitive development strategy and it can be seen in the decision of including environmental conservation as one of the four pillars of GNH. In Buddhist philosophy, the relationship between human beings and the environment is seen in a fundamentally different way than the western approach. While the latter is based on the Christian instrumental view that nature exists solely for the benefit of mankind, the Buddhist concept of *sunyata* holds that no subject or object has an independent existence; rather it dissolves into a web of relationships with all dimensions of its environment. These relationships are non-hierarchical, since Buddhist moral philosophy does not differentiate between species i. e. humans and non-humans. Similarly, Buddhism perceives reality as circular (rather than linear such as the western worldview) with human lives regarded as a stage in an eternal cycle of reincarnation. This naturally alters the relationship to the environment, since sustainable development is in everybody's self-interest instead of in the interest of future generations.

Bhutan's indigenous conservation ethic provided a major input for Gross National Happiness and was perhaps the most consistently applied aspect of the concept. Here only

some examples can be given. As early as 1961 the National Assembly resolved that trees in the ground should be exempted from taxation to discourage felling in keeping with the Government's conservation policy. The same rationale led to legislation such as the Forest Act of 1969 (and the Land Act of 1979), which contains the peculiar provision that the government owns all trees, including those growing on private land (Royal Government of Bhutan, 1969). In 1974 preservation policy was underscored by declaring vast sanctuaries, parks and forest reserves as protected areas. Today, protected areas constitute about 26 per cent of Bhutan's territory. Elsewhere, Bhutan never exploited its natural resources on grounds of commercial profitability.

Additionally, Bhutan's traditional socio-economic system was based on the principle of communal self-reliance. The population lived in scattered villages, hamlets and isolated farms while urban settlements were non-existent. This corresponds to Buddhist doctrine, which points to the benevolent nature of small-scale communities. Topographic constraints and the entire lack of infrastructure limited the interaction between the communities settled in the river valleys of the Inner Himalayas with those in the southern foothills and the outside world. In the absence of marketable surpluses trans-Himalayan and Indo-Bhutanese trade was reduced to a few necessities exchanged by barter. However, among the valley communities there was vigorous exchange of goods facilitated by the migration of livestock and people from temperate settlements in summer to subtropical settlements in winter (Ura, 1994: 26). As a result groups of neighbouring communities formed self-sufficient units for most purposes. Due to the lack of foreign influences and the extremely stable social environment, indigenous institutions and systems of knowledge could evolve. Particularly in the field of local conflict resolution and the allocation of collective resources (e. g. rules about irrigation, use of community grazing land, etc.) effective customary rules have developed over the centuries (Ura, 1993: 81).

With the exception of the collection of tax resources for the maintenance of the religious establishment, the official and the aristocracy and occasionally the militia, these socio-economic institutions and interactions on grassroot-level faced limited systematic intervention from the state. The society at its base, used to an economy of scarcity and to a paternalistic political system without any grassroots participation, had very few demands

beyond their subsistence needs. With interaction between the state and the society at a low level, the system was rather characterized by feudal paternalism (e. g. between landlord and tenant farmer) than state paternalism.

As a concept deeply rooted in the country's traditional system, self-reliance did not have to be implanted by outsiders after 1959. Although on an empirical level Bhutan fell short of almost every aspect of economic self-reliance in the first decades of modernization (lacking both financial resources and manpower requirement), the goal to achieve self-reliance has been intimately intertwined with the Bhutanese vision of development. In fact, self-reliance was the first explicitly emphasized development objective. The National Assembly stated in 1959 that "to maintain the sovereignty of the kingdom through economic self-reliance" was among its primary tasks. Since then, many policies bear the stamp of the centrality of self-reliance, i.e. the gradual shift to decentralization of development decision-making, the reluctance to give up food self-sufficiency in favour of cash-crop agriculture until recently, the macroeconomic prudence to avoid dependency on external loans, etc.

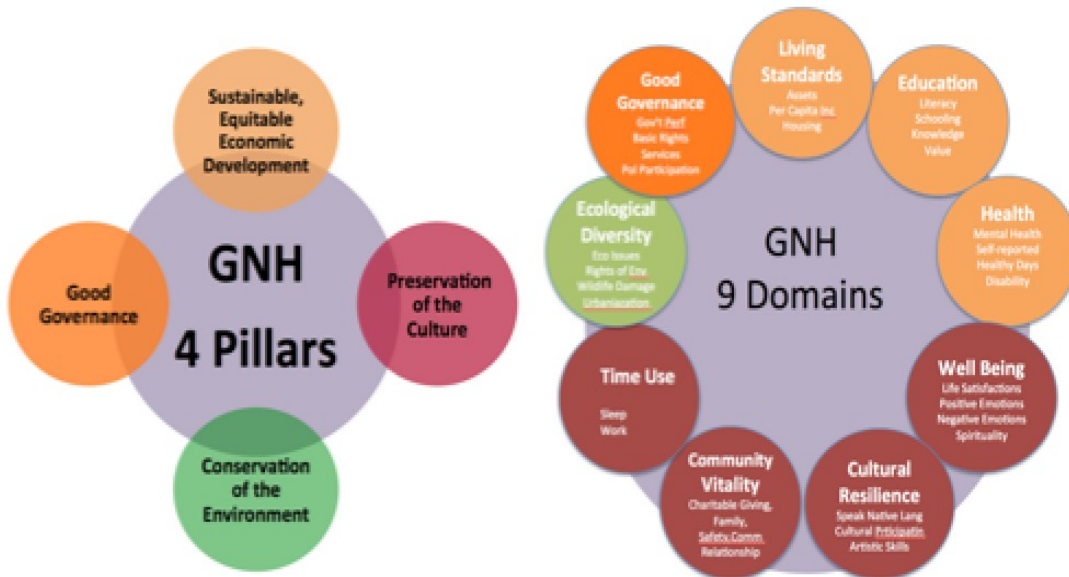
## **2.6 Domains and Indicators of Bhutan's GNH**

The GNH Commission, which is the main national planning agency in Bhutan that operationalizes and evaluates GNH's incorporation in all government programs, has contributed to the evolution of a holistic vision of development for the country (Gross National Happiness Commission, 2015). The Commission uses the Thimpu-based Centre for Bhutan Studies' GNH Index, which measures four pillars of GNH: (a) Equitable Economic Development, (b) Environmental Preservation, (c) Cultural Resilience, and (d) Good Governance. These four pillars have been further classified into nine domains, which are: (i) Psychological Wellbeing, (ii) Time Use, (iii) Community Vitality, (iv) Cultural Diversity and Resilience, (v) Health, (vi) Education, (vii) Ecological Diversity and Resilience, (viii) Living Standard, and (ix) Good Governance.

The GNH Index uses two types of thresholds, namely, sufficiency threshold and happiness threshold. Sufficiency threshold indicates how much a person needs in order to enjoy sufficiency in each of the 33 indicators. Happiness threshold, on the other hand,

answers the question “how many domains or in what percentage of the indicators must a person achieve sufficiency in order to be understood as happy?” The subsequent section of this chapter will extensively make use of the Centre for Bhutan Studies methodology in explaining the domains and indicators of Bhutan’s GNH.

**Fig 3. Gross National Happiness: The four pillars, nine domains and thirty-three indicators of the GNH framework.**



Source: <http://www.bhutaneverydaytours.com/gallery/bhutan-photos.html>

### ***2.6.a Psychological Wellbeing***

The Psychological Wellbeing domain covers three areas, namely, general psychological distress indicators, emotional balance indicators, and spirituality indicators. Elements like the prevalence rates of negative emotions (jealousy, frustration, selfishness) and positive

emotions (generosity, compassion, calmness), the practice of spiritual activities like meditation and prayers, and overall life enjoyment are part of this domain.

### *Life Satisfaction*

This indicator asks how satisfied one is with the life he/she lives. It combines individuals' subjective assessments of their contentment levels with respect to health, occupation, family, standard of living and work-life balance. The respondents are asked to say how satisfied or dissatisfied they were in these five areas on a five-point Likert scale (1=very dissatisfied, 5=very satisfied).

### *Emotional Balance (positive and negative emotions)*

Emotion carries a strong influence over people's thoughts and actions which reflects on their well-being as well. Buddhist teaches the development of positive emotions must be developed and the reduction of force of negative emotions, which results in the increase of one's happiness and well-being. The GNH index therefore reflects this position.

Positive emotions, or non-disturbing emotions, such as compassion, generosity, forgiveness, contentment and calmness are included while selfishness, jealousy, anger, fear and worry represents negative emotions.

### *Spirituality*

The spirituality indicator is based on four aspects: person's self-reported spirituality level, the frequency with which they consider karma, engage in prayer recitation, and meditation. Self-reported spirituality level describes the person's judgment on his or her own position on the spirituality continuum. The questions of the consideration of karma asked people to what extent they take into account their own volitional impulses actions as having moral consequences in future just as they did on the present. Measures of social engagements are dealt in both community vitality and time use domains. Here, indicators of sacred activities are limited to praying and meditation as two separate events although these activities are not mutually exclusive. All the four indicators run on a four-point scale of 'regularly' to 'not at all' except for the spirituality level which ranges from 'very spiritual' to 'not at all'.



### **2.6.b Time Use**

GNH values non-work time for happiness and overall quality of life. The time-use domain is constructed under the assumption that non-work activities such as sleeping, personal care, community participation, education and learning, religious activities, social and cultural activities, sports, leisure, and travel add to a rich life and contribute to levels of happiness. Even though the “measurement of time devoted to unpaid work activities life care of children and sick members of a household, maintenance of household, and others can provide a proxy measure of the contribution made by unpaid activities to welfare,” the value of such activities are underestimated in most national accounts (Brahm, 2009).

Time use data can yield a range of important information that provide insight into lifestyles and occupations of the people. It can also reveal the gap between GDP and non-GDP activities that reflects the gap between market and household economy sectors. Such data are helpful in accounting for a more comprehensive output of goods and services that SNA omits. Time use data on 24 hours in the life of Bhutanese people can be broken down into various useful sub-categories. The distribution involves the following disaggregation: 20 districts, 7 income slabs, 11 age groups, 60 activities, and gender (Ura, 2012). However, the GNH index incorporates only two broad aggregated time use: work hours and sleep. The definition of work hours in GNH is not completely compatible with definitions used elsewhere and shows unusually long work duration in Bhutan. Some activities not usually defined as work elsewhere are included as part of work.

#### *Working hours*

Even unpaid work such as childcare, *woola* (labour contribution to community works; and voluntary works and informal helps etc. are included in this indicator. Also the following categories are classified as work: Crop farming and kitchen gardening (agriculture), business, trade and services, care of children and sick members of household, construction and repairs, craft related activities, forestry and horticulture activities, household maintenance, livestock related activities, household maintenance, livestock related activities, processing food and drinks, and quarrying work.

Eight hours is also the legit limit, applied to formal sector, set by the Ministry of Labour and Human Resources of Bhutan for a standard work day. Since a main objective of the indicator is to assess people who are overworked, those who work for more than eight hours are identified as time deprived.

### *Sleeping hours*

A person's health also depends on how much sleep they get. An average person needs eight hours of sleep every day. But sleep requirements can vary substantially and some people, such as nuns and monks, would prefer and find it much healthier to devote more time to meditation and other spiritual practices than sleeping.

Eight hours is considered the amount necessary for a well-functioning body for everyone. Both the mean and median fall around eight hours for the respondents.

### **2.6.c Community Vitality**

Community Vitality domain consists of seven areas, which are, family vitality, safety, reciprocity, trust, social support, socialization, and kinship density. It focuses on the strengths and weaknesses of relationships and interactions within communities. It also examines the nature of trust, belongingness, vitality of caring relationships, safety in home and community, and giving and volunteering.

### *Social support*

These indicators assess the level of social support in a community and its trends across time. They capture the giving of time and money (other goods in previous olden days) – volunteering and donating – is a traditional practice in Bhutanese societies.

### *Community relationships*

The two components of this indicator are 'a sense of belonging', which ranges from 'very strong' to 'weak', and 'trust in neighbours' which ranges from 'trust most of them' to 'trust none of them'. Both indicators have options of 'don't know'. The trust indicator may reveal the trustworthiness of the neighbours.

### *Family*

For this indicator, six questions on a three-point scale of ‘agree’, ‘neutral’, and ‘disagree’ have been asked to the respondents. They are added together to form an indicator with 18 as the maximum score (high family relationships) and 6 as the minimum score (low family relationships).

### *Victim of crime*

To assess safety in the community, respondents are asked whether they have been a victim of crime in the past 12 months. The crime indicator has a simple two-point scale of ‘yes’ and ‘no’.

### **2.6.d Cultural Diversity and Resilience**

Cultural Diversity and Resilience domain consists of six areas, namely, dialect use, traditional sports, community festivals, artisan skill, value transmission, and basic precept. One of Bhutan’s primary policy concerns has been the maintenance of cultural traditions, since traditions and cultural diversity contributes to identity, values, and creativity.

### *Language*

The language indicator is measured by self-reported fluency level in one’s mother tongue on a four-point scale. It should be clarified that mother tongue is defined as natal tongue which is a dialect. There are over a dozen dialects. Only in Western parts of the country does the mother tongue coincide with the national language, Dzongkha. The ratings vary from ‘very well’ to ‘not at all’.

### *Artisan skills*

This indicator assesses people's interest and knowledge in thirteen arts and crafts, collectively known as *Zorig Chusum* and reports on number of skills possessed by a respondent. These skills and vocations are the basis of historical material culture of Bhutan when it was trading far less. The 13 arts and crafts include weaving (*Thagzo*), embroidery (*Tshemzo*), painting (*Lhazo*), carpentry (*Shingzo*), carving (*Parzo*), sculpture (*Jinzo*), casting (*Lugzo*), blacksmithing (*Garzo*), bamboo works (*Tszharzo*), goldsmithing and silversmithing (*Serzo* and *Nguelzo*), masonry (*Dozo*), leather works (*Kozo*) and papermaking (*Dezo*). For the indicator, people are asked if they possessed any of the above 13 arts and crafts skills.

#### *Socio-cultural participation*

In order to assess people's participation in socio-cultural activities the average number of days within the past 12 months is recorded from each respondent. The days are grouped on five-point scale ranging from 'none', and '1 to 5 days' to '+20 days'. The median is 1 to 5 days. The threshold is set at 6 to 12 days per year.

#### *Driglam Namzha*

*Driglam Namzha* (the Way of Harmony) is expected behavior (of consuming, clothing, moving) especially in formal occasions and in formal spaces. It arose fundamentally from the conventions of communal living and working in fortress-monasteries. Certain elements of *Driglam Namzha* are commonly practiced amongst Bhutanese when they interact with each other in formal spaces. A minimal part of it is also taught for a few days in educational institutions.

For *Driglam Namzha*, two indicators were developed: perceived importance of *Driglam Namzha* and the perceived change in practice and observance during the last few years. The questions run on a three-point scale: perceived importance ranges from 'not important' to 'very important' and perceived change from 'getting weaker' to 'getting

stronger'. Both have values of 'don't know' which have been classified as insufficient since it is considered vital to have knowledge about etiquette.

### **2.6.e Health**

The Health domain consists of three areas, namely, health status, health knowledge, and barriers to health. The health indicators assess the health status of the population, the determinants of health and the health system. Health status indicators show information on self-rated health, disabilities, body-mass index, number of healthy days per month, knowledge about HIV transmission, and breast feeding practices. Barriers to health are also assessed according to the walking distance to the nearest health facility and access to health services.

#### *Self-reported health status*

The self-reported health indicator is used here as a proxy measure and to complement other health indicators (healthy days and disability) and is consequently given only one-tenth of the total weight for health and only one-third as much weight as any of the other three indicators. The ratings range on a five-point scale from having 'excellence' health to 'poor' health.

#### *Healthy days*

This indicator reports the number of 'healthy days' as respondent enjoyed within last month. The mean number of healthy days for Bhutan is 26 days (SD=7.7) and the median is 30 days.

#### *Long-term disability*

This indicator examines an individual's ability to perform functional activities of daily living without any restriction. Participants are asked whether they had any longstanding illness that had lasted over six months. If the answer is 'yes', they are then asked, using a five-point scale, whether the disability restricted their daily activities. The scale ranges from 'never' to 'all the time'.

The threshold is set such that those individuals who are disabled but are ‘rarely’ or ‘never’ restricted from doing their daily chores are classified as sufficient. Conversely, individuals with a disability whose daily activities are restricted ‘sometimes’ are classified as deprived.

### *Mental health*

This indicator uses a version of the General Health Questionnaire (specifically GHQ-12) developed by Goldberg. It consists of 12 questions that provide a possible indication of depression and anxiety, as well as confidence and concentration levels. It is calculated and interpreted using the Likert scale with lowest score at 0 and highest possible score at 36. Each item has a four-point scale, but there are two types of scales depending on the structure of statements. Some questions range from ‘not at all’ to ‘much more than usual’ and some from ‘more than usual’ to ‘much less than usual’.

Since the GNQ-12 satisfied similar reliability and validity tests in Bhutan as in other places, the 12 questions are computed using the standard procedure.

### **2.6.f Education**

The Education domain consists of the following areas: educational attainment, *Dzongkha* language, folk, and historical literacy. Education contributes to the knowledge, values, creativity, skills, and civic sensibility of citizens. The emphasis of the education domain is on the effectiveness of contributing to collective wellbeing.

#### *Literacy*

A person is said to be literate if he or she is able to read and write in any one language, English or Dzongkha or Nepali.

#### *Educational qualification*

The education system in Bhutan has two major components: formal education and non-secular institutions such as monastic schools, plus non-formal education (NFE). This educational indicator includes formal schooling, education imparted by monastic schools and NFE.

The threshold for education is set such that persons have insufficient education if they have not completed six years of schooling from any source, including government, non-formal, or monastic schools.

### *Knowledge*

This indicator includes learning acquired either from inside or outside of formal institutions. Five knowledge variables are chosen: Knowledge of local legends and folk stories, knowledge of local festivals (*tshechus*), knowledge of traditional songs, knowledge of HIV-AIDS transmission, and knowledge of the Constitution. The first three kinds of knowledge capture certain forms of local traditions, especially oral and performance based ones. The responses for each question follow a five-point scale which ranges from ‘very good knowledge’ to ‘very poor knowledge’. Responses are aggregated to create a maximum score of 25 which indicates ‘very good’ knowledge in all areas, while the minimum score of 5 indicates ‘very poor’ knowledge.

### *Values*

Here, respondents are asked whether they considered five destructive actions to be justifiable: killing, stealing, lying, creating disharmony in relationships and sexual misconduct. In a society influenced by good values, e.g., by Buddhism, individuals are expected to tame themselves with respect to five destructive actions. Moral consequences of virtues and non-virtues are typically revealed through speech, body and mind and in the case of disinformation, the agency of speech is emphasized. The variables have a three-point response scale ranging from ‘always justifiable’ to ‘never justifiable’ along with an option of ‘don’t know’. The values have been combined into a composited indicator in a particular manner. For killing, stealing and sexual misconduct, a value of 1 is assigned if the person reports ‘never justifiable’ while for creating disharmony and lying, responses either ‘never justifiable’ or ‘sometimes justifiable’ are assigned 1. The composite indicator takes the values 0 to 5.

## **2.6.g Ecological Diversity and Resilience**

The Ecological Diversity and Resilience domain focuses on people's perceptions on ecology, since most of the objective measurements of ecological diversity and resilience are conducted by other environmental agencies. It uses three areas, which are, ecological degradation, ecological knowledge, and afforestation. By examining the state of Bhutan's natural resources, the pressures on ecosystems, and different management responses, the domain of ecological diversity and resilience is intended to describe the impact of domestic supply and demand on Bhutan's ecosystems.

### *Pollution*

In order to test people's environmental awareness, a series of questions have been developed to test the perceived intensity of environmental problems. Seven environmental issues of concern are shared with respondents, and their responses follow a four-point scale from 'major concern' to 'not a concern'.

### *Environmental responsibility*

This indicator tries to measure the feelings of personal responsibility towards the environment. It is crucial to reinforce attitudes that will encourage people to adopt eco-friendly approaches and also to identify any deterioration in the current very environmentally aware views of citizens. The responses run on a four-point scale ranging from 'highly responsible' to 'not at all responsible'.

### *Wildlife*

The wildlife indicator here incorporates information on damage to crops. Wildlife damage can be catastrophic economic consequences for farmers, especially vulnerable household; it also disrupts sleep patterns and may create anxiety and insecurity. A simple self-reported estimate is used as a proxy for quantitative assessment. Two simple questions on the presence and absence of damage and the severity of damage are applied to determine the impact of wildlife damage on agriculture.

The first question deals with whether respondents consider it as a constraint to farming. Responses are given on a four-point scale ranging from 'major constraint' to 'not a constraint'. The threshold has been set at 'minor constraint'. The second indicator



pertains to the severity of damage, i.e. crop loss. Respondents are asked to provide an average perceived degree of crop lost, if the crop had been damaged by wildlife. It ranges from 'a lot' to 'not at all'. For both the indicators, the reference frame is the past 12 months.

The wildlife indicator is rural-specific since it pertains to farmers. Individuals from other occupational backgrounds such as civil servants or corporate workers are classified as non-deprived. The rural-specific indicator is later offset by the urban issue indicator which in turn applies to urban dwellers only.

### *Urban issues*

Bhutan is undergoing a rapid urbanization resulting in the growth of city and town populations. Since this has both positive impacts on human wellbeing (such as improvement in energy, health care, infrastructure) and negative effects (congestion, inadequate green spaces, and polluted ambience) these adverse impacts on wellbeing have been incorporated into the GNH index. Respondents are asked to report their worries about four urban issues: traffic congestion, inadequate green spaces, lack of pedestrian streets and urban sprawl.

The threshold is set such that a person can report any one of the issues as major threat or worry to be sufficient. This indicator mainly acts as a proxy for sustainable development which is one of the major objectives of the government.

### **2.6.h Living Standard**

The Living Standard domain consists of four areas, namely, income, housing, food security, and hardship. It covers the basic economic status of the people. The indicators assess the levels of income at the individual and household level, sense of financial security, room ration, and house ownership. The indicators also reflect economic hardships like inability to repair households and the purchase of second-hand clothing.

#### *Household income*

Household income includes income earned by all individuals in a household from varied sources within or outside of the country. The household income here has been adjusted for in-kind payments received.

In the literature, two types of thresholds are generally used, either a fixed threshold like a poverty line or relative threshold such as mean or median income.

### *Assets*

The asset indicator uses data on selected household assets, such as durable and semi-durable goods of everyday use to describe household welfare. The concept is based on evidence that income/expenditure measures are incomplete measures of the material wellbeing of households especially in developing countries where such data may have higher measurement errors.

The asset indicator is created consisting of three major components: Appliances (mobile phone, fixed-line telephone, personal computer, refrigerator, color television and washing machine), livestock ownership and land ownership.

The thresholds are applied at two levels: they are set initially on each of the three indicators and then later, an overall threshold is applied to classify insufficiency in the asset indicator.

### *Housing quality*

The benefits of good housing can be observed from both an individual as well as from a community perspective. On the individual level, having one's personal space is considered fundamental for one's biological, psychological and social needs since it is a place where most spend a significant part of their everyday lives. Studies show the critical impacts that poor quality, overcrowded and temporary accommodation can have on an individual's physical and mental health. From a community standpoint, aspects such as combating social exclusion and discrimination and strengthening social cohesion cannot be achieved unless there are proper living spaces and a decent standard of accommodation. Studies show strong associations between the likelihood of criminality and educational attainment. Overcrowded accommodation, which is based on the number of rooms and number of

household members, can lead to family disintegration, weakening community ties and is considered to give rise to a variety of social ills. Therefore, insufficient housing conditions can pose a threat to not only the wellbeing of individuals but also the community at large.

The quality of housing is composed of three indicators: the type of roofing, type of toilet and room ratio. The thresholds have been set based on the Millennium Development Goals such as corrugated galvanized iron (CGI) or concrete brick or stone for roofing, pit latrine with septic tank for toilet and two persons per room for overcrowding, and all three conditions must be met. So, overall an individual is sufficient in housing if he or she lives in a house that has a good roofing structure (CGI or concrete brick or stone), a pit latrine with septic tank, and uncrowded rooms. In reality, having a higher quality roof may by far outweigh toilet condition as far as housing quality is considered.

### ***2.6.i Good Governance***

Good Governance domain includes government performance, freedom, and institutional trust. The domain of good governance evaluates how people perceive various government functions in terms of their efficacy, honesty, and quality. The theme includes human rights, leadership at various levels of government, performance of government in delivering services and controlling inequality and corruption, and people trust in the media, the judiciary, and the police.

#### *Political participation*

The measure of political participation was based on two components: the possibility of voting in the next election and the frequency of attendance in *zomdue* (community meetings). The respondents are asked if they would vote in the next general election and the response categories are simply ‘yes’ or ‘no’ or ‘don’t know’.

#### *Political freedom*

These indicators attempt to assess people’s perceptions about the functioning of human rights in the country as enshrined in the Constitution of Bhutan which has an entire article (Article 7, Fundamental Rights) dedicated to it. The seven questions related to political freedom ask people if that feel they have: freedom of speech and opinion, the right to vote,

the right to join political party of their choice, the right to form *tshogpa* (association) or to be a member of *tshogpa*, the right to equal access and the opportunity to join public service, the right to equal pay for work of equal value, and freedom from discrimination based on race, sex, etc. All have three possible responses of ‘yes’, ‘no’ and ‘don’t know’.

### *Service delivery*

The indicator comprises four indicators: distance from the nearest health care centre, waste disposal method, access to electricity and water supply and quality. The goal is to evaluate access to such basic services, which in Bhutan are usually provided by the state.

In health service, people with less than an hour’s walk to the nearest health centre are considered to have sufficient access. In cities, access is attained but crowding can lead to waiting. If households report disposing of trash by either ‘composting’, ‘burning’ or ‘municipal garbage pickup’ they are non-deprived. On the other hand, if the response is ‘dump in forests/open land/ rivers and streams’ then they are deprived. As access to electricity is at the forefront of Bhutan’s objectives, respondents who answer ‘yes’ to the question of whether their house has access to electricity are considered non-deprived. The improved water supply indicator combines information on access to safe drinking water with information on the perceived quality of drinking water. An improved facility would include piped water into a dwelling, piped water outside of a house, a public outdoor tap or protected well.

### *Government performance*

The indicator pertains to people’s subjective assessment of the governments’ efficiency in various areas. To test people’s perceptions of overall service delivery in the country, respondents are asked to rate the performance of the government in the past 12 months on seven major objectives of good governance: employment, equality, education, health, anti-corruption, environment and culture. These outcome-based questions enable respondents to rank the services on five-point scale from ‘very good’ to ‘very poor’.

## **2.7 How is GNH calculated?**

Gross National Happiness (GNH) uses two types of thresholds: (a) sufficiency threshold, and (b) happiness threshold (The Center for Bhutan Studies, 2012). Sufficiency threshold shows how much a person needs in order to enjoy 'sufficiency' – how much is enough, normally, to create a happiness condition (The Center for Bhutan Studies, 2012). Each of the 33 GNH indicators has a sufficiency threshold. On the other hand, according to happiness threshold a person who enjoys sufficiency in more than six or more of the 9 domains is considered happy (The Center for Bhutan Studies, 2012). GNH survey is conducted and based on the results, respective measures are taken to improve the GNH Index. GNH Index effectively classifies the population depending on the degree of happiness (in sufficiency):

- Deeply happy (>77%)
- Extensively happy (66% - 76%)
- Narrowly happy (50% - 65%)
- Unhappy (0 %– 49%)

All government policies and plans in Bhutan are screened for GNH. All development projects and activities should be aligned with the GNH approved/endorsed plans. Additionally, the country also conducts quarterly reviews to measure the progress and status of the development projects.

## **2.8 Conclusion**

In conclusion, Gross National Happiness is an attempt at an alternative development paradigm to GDP initiated by the Himalayan Kingdom of Bhutan. Inspired by the Buddhist philosophy, which has a strong presence in the Bhutanese society ever since Buddhism was established by the *Guru Padmasambhava* in the eight century, the ideals of GNH is human-oriented and holistic as it takes the subject to development beyond materialism and prioritizes 'happiness' of the people.

Mahayana Buddhism as an ideology has had a profound effect on the nature of the state, society and individual in Bhutan. As such, it remains a state religion of the country

today and has been intricately linked with culture and politics in Bhutan. The idea of happiness flows from Mahayana Buddhism. The Buddhist philosophy of happiness not only flows from the teachings of Buddha, but it is also consistent with the ideals of *eudaimonia*. For this reason, the Buddhist philosophy of happiness is placed under the *eudaimonic* tradition in this chapter.

As a policy objective, GNH is gaining popularity among many countries as they are trying to adopt a model of development which regards not just economic aspects but social and ecological factors as significant indicators for a successful development. GNH spreads the idea that economic factors are significant for development but it is not the goal or purpose of development, rather it is a means to an even greater end, i.e. happiness of the people. Market forces can do many things but it alone is not sufficient for a thriving society. In this way, GNH calls for a system that is more human-oriented which should be the case for the system in every society.

The GNH framework which has emerged from the need for a more people-centered, environment-sensitive and sustainable measure of development has a lot to offer. Although the idea of implementing GNH in place of GNP is a noble one, the problem lies in the way it is being implemented in Bhutan. The study is a focus on the operationalisation of GNH in Bhutan in the context of the ethnic minority situation. As such, the study seeks for an exploration of the country's ethnic situation which will be dealt with in the following chapter.

## **Chapter III**

### **Bhutan and its Ethnic Minorities**

#### **3.1 Introduction**

This chapter traces a brief history of Bhutan touching upon the ethnic situation before and after the 1985 Citizenship Act of Bhutan. The first part of the chapter tries to define minorities and identifies the various ethnic groups of Bhutan as well as the ethnic minorities of the country. The chapter traces the evolution of the state of Bhutan in detail as it is important in understanding the evolution of the current ethnic majority-minority dichotomy and power-relations. The second part of the chapter draws attention to the plight of minorities of Bhutan and forms the background of critique of Bhutan's Gross National Happiness policy. Since most of the other ethnic minorities of Bhutan are of insignificant numbers and do not play a major role when it comes to the contention between the GNH policy and minority rights, the case of the *Lhotshampas* is discussed at length making it focus of the chapter. However, it should in no case be interpreted that all the other ethnic minorities of Bhutan are not significant when it comes to the question of minority rights. The chapter makes a special case of the Nepali-Bhutanese and their situation in relation to the validity of the happiness policy of Bhutan.

#### **3.2 Defining Minorities: Minorities of Bhutan**

There are multiple conceptions of the concept of minority. Generally, however, the term 'minority' means a group which is numerically smaller to the rest of the population of the state (or the dominant majority), having a non-dominant status, whose members, who are the nationals of the state, show, if only implicitly, a sense of solidarity toward the preservation of its ethnic, religious, or linguistic characteristics (Ramaga, 1992: 104). This definition implies that minority groups are numerically inferior groups who do not control the structures of the power of the state and can be vulnerable to the dominance of other groups. Nonetheless, this is not always the case; there are cases where the minority groups have taken control over other numerically larger groups. For instance, the Blacks in South Africa under apartheid were numerically larger but subordinate to the Whites.

Apart from the numerical aspect, minorities are defined on the basis of ethnic, religious, and linguistic identity. Under these criteria, the minority groups are given special provisions as can be seen in Article 27 of the International Covenant on Civil and Political rights (ICCPR):

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language (United Nations General Assembly, 1966: 179).

In almost every case, indigenous peoples also come under the concept of minorities. Indigenous peoples are descendants of the peoples who inhabited the land or territory prior to the establishment of State borders; they possess distinct social, economic and political systems, languages, cultures and beliefs, and are determined to maintain and develop this distinct identity; they exhibit strong attachment to their ancestral lands and the natural resources contained therein; and/or they belong to the non-dominant groups of a society and identify themselves as indigenous peoples (United Nations Human Rights Office of the High Commissioner, 2010: 3). As such, both indigenous peoples and national, ethnic, linguistic and religious minorities are usually in a non-dominant position in the society and their cultures, languages or religious beliefs may be different from the majority or the dominant groups.

In the case of Bhutan, there are various ethnic groups and subgroups of different racial, social and cultural roots living in the country. There are four geographic regions which has greatly influenced the formation of ethnic groups and their society in Bhutan. Firstly, Tibet contributed to the formation of the ethnic and cultural elements of western, northern and central parts of Bhutan (Upreti, 2005: 28). The culture of the people of eastern Bhutan was influenced by South-East Asia and more so, the North-East India (Upreti, 2005: 28). Nepal and Indian states like Sikkim and West Bengal contributed in the formation of the ethnic, social and cultural elements of Southern Bhutan (Upreti, 2005: 28). The majority of Bhutanese population is of Mongoloid stock, belonging to Tibeto-Mongoloid and Indo-Mongoloid varieties or a mixture of them, along with some Aryans, including the *Chettris and Bahuns* (Upreti, 2005, 28). Since the time of the *Zhabdrung*,



Bhutan had succeeded to an extent to achieve religious, political and social assimilation and the entire social structure reflected almost the same features (Sinha, 1998: 23). There is, however, a small and less assimilated section of society which is different from the mainstream of the Bhutanese society (Sinha, 1998: 23).

The ethnic base of Bhutan can be segregated into four main categories: (a) the *Ngalongs*, (b) the *Sharchops*, (c) the *Lhotshampas*, and (d) various other tribal groups of relatively smaller numbers, like *Bodos*, *Birmis*, *Khens*, *Lepchas* and *Mons*. The *Ngalongs* and *Sharchops*, collectively known as *Bhote*<sup>1</sup>, make up to 50 per cent of the entire population; the ethnic Nepalese make up to 35 per cent and; the indigenous and migrant tribes make up to 15 per cent of the total population.<sup>2</sup> 75 per cent of the population practice *Lamaistic*<sup>3</sup> Buddhism whereas 25 per cent practice Indian and Nepalese influenced Hinduism (ibid). The ethnic minorities of Bhutan as such include the *Sharchops*, the *Lhotshampas* and the various indigenous people. The *Ngalongs* on the other hand are the dominant majority, both numerically and influence-wise.

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<sup>1</sup>Orientalists adopted the term “*Bhote*” or *Bhotiya*, meaning “people of *Bod* (Tibet), a term also applied to the Tibetan people leading to confusion, and now is rarely used in reference to the *Ngalong*.”

<sup>2</sup>See: <http://www.countrywatch.com/Intelligence/CountryReviews?CountryId=20> accessed on 23/09/2015

<sup>3</sup> Pertaining to Lamaism; Lamaism is a reformation of Buddhism in Tibet intended to bring about stricter discipline in the monasteries; the dominant sect of *Gelup-Ka* (The Virtuous Way), with the patron deity Chen-re-zi (the Bodhisattva of Great Mercy), who is reincarnated as the successive Dalai Lamas. Also called *Gelup-Ka*.

**Table 2. Region-wise representation of ethnic groups of Bhutan**

Serial no.	Ethnic groups	Spread across (region)
1.	Drukpas	Spread throughout the country, but mainly western Bhutan
2.	Brokpas	(Merak Sakten region) Eastern Bhutan
3.	Mons	Eastern and southern parts of Bhutan
4.	Khens	Central Bhutan
5.	Birmis	Eastern Bhutan
6.	Dayas	Samchi (South West Bhutan)
7.	Lepchas	The <i>Ha</i> valley (Western border of Bhutan )
8.	Bodos	Adjoining areas of Bhutan
9.	Kochs	Southern parts of Bhutan
10.	Tephoos	North Bhutan
11.	Musalmans	South Bhutan
12.	Indian migrants	Towns along the India-Bhutan border
13.	Lhotshampas	Southern Bhutan

The *Ngalongs* consist of the mainstream indigenous ethnic group of the Bhutanese population who also form the majority ethnic group in the country. They are also the most dominant ethnic group and consist of mostly elites who control various political structures and institutions. They are mostly Buddhists who are spread across the western part of Bhutan. The *Ngalongs* are considered as one of the earliest settlers of Bhutan and they are believed to have been of Tibetan origin, some of whom may have migrated to Bhutan as early as the ninth century (Sinha, 1998: 23). The term ‘*Ngalong*’ literally means ‘those risen earliest or converted first’ (Wolf, 2013). They are followers of the *Drukpa* school and speak *Dzongkha* (meaning, ‘language of the palace/*Dzong*), which is also the official language of Bhutan.

The *Sharchops* are another ethnic group of Bhutan who are mainly settled in the eastern part of Bhutan. Like the *Ngalongs*, the *Sharchops* also follow Mahayana

Buddhism. However, while the *Ngalongs* follow the *Drukpa Kargyu*<sup>4</sup> school, the *Nyingma*<sup>5</sup> school is dominant among the *Sharchops* (Hutt, 2003: 5). The *Drukpa Kargyu* has statutory representation in the state's recommendatory and consultative institutions, while the *Nyingma* does not. The Buddhist people of Bhutan are collectively known as '*Drukpas*'. It is argued that because Bhutan is called '*Druk Yul*' (Dragon Country) in *Dzongkha*, all Bhutanese are '*Drukpa*' (people of *Druk Yul*), and that the term has no sectarian religious or ethnic connotations. The *Sharchop* are of Indo-Mongoloid stock and speak *Tsangla* (Wolf, 2013). Many of them have been assimilated into the *Drukpa* culture of the *Ngalongs*, nonetheless, there are sections of the *Sharchops* who still retain their close cultural and socio-economic ties with North East India and Myanmar.

The southern part of Bhutan is mostly inhabited by Nepali-speaking Bhutanese. They are also called the "*Lhotshampas*" which means the southerners, a name given by the *Drukpas*. They are of Indo-Aryan or Nepalese origin (Wolf, 2013). They mostly follow Hinduism and few Christianity and even Buddhism, but the vast majority of them speak the Nepali language. They migrated from Nepal to southern Bhutan since 1865, after the Anglo-Bhutanese war (Hutt, 2005: 45). The successive generations who settled in southern Bhutan in 1890s were recruited by the Government of Bhutan to clear the forests (Khan, 2016) and they also formed agrarian communities that quickly became Bhutan's main producers of food (Hutt, 2005: 45). The main causes of migration may be identified as the following: (a) British imperialist policy; (b) Economic opportunity of the *Lhotshampas* in Bhutan; (c) *Lhotshampas*' psyche to living in Hill area; (d) the Policy of Nepal Governments, Bhutan and India and other concerns; (e) External influences; (f) Educational and Cultural awareness of the *Lhotshampas*, etc. (Khan, 2016).

In this study, the *Lhotshampas*, who were evicted from Bhutan after the 1985 citizenship law and the 1988 census, are also brought under the term minorities, simply for the fact that they were once citizens of Bhutan and were de-nationalized on the grounds of

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<sup>4</sup> The *Drukpa Kargyu* tradition was founded in the 12<sup>th</sup> century by Tsangpa Gyare, a disciple of Lingrepa, himself a student of Pakmodrupa. The tradition draws its name from a vision Tsangpa Gyare had nine dragons –*druk* in Tibetan.

<sup>5</sup> The *Nyingma* school of Tibetan Buddhism traces its origin back to the Buddha Samatabhadra, Vajrasattva, and Garab Dorje of Uddiyana. The most important source of the *Nyingma* order is the Indian Guru, Padmasambhava, the founder of the *Nyingma* lineage of Tibetan Buddhism, who came to Tibet in the eighth century C.E.

bearing no proof of their existence in before 1958, which was the year the Bhutanese government enacted the Nationality Law. These evicted Nepali-Bhutanese are refugees who live in camps set up in Nepal, however, most of them have been resettling in third countries since 2008. When it comes to the question of legitimacy of the Gross National Happiness policy of Bhutan, the issue of the de-nationalized Nepali-Bhutanese is important and hence is brought forward in this study. These refugees who were once rightfully Bhutanese nationals cannot be avoided in the argument of the rights of minorities of Bhutan. Excluding them from the narrative would only mean turning a blind eye to their human rights and this is crucial since the narrative of happiness on which the GNH policy is built on is intrinsically linked with human rights. Human rights and happiness go hand in hand.

The United Nations Minorities Declaration adopted in 1992 states in its article 1 that minorities are based on national or ethnic, cultural, religious and linguistic identity, and it is the duty of the States to protect their existence.<sup>6</sup> As such, under the provisions of human rights instruments, States have an obligation to protect the rights of all persons subject to or under their jurisdictions, with the exception of political rights. The Working Group on Minorities considers that while “some State argue that ‘national minorities’ only comprise groups composed of citizens of the State. It would not apply to the United Nations Declaration on Minorities because it has a much wider scope that ‘national minorities’” (United Nations Commission on Human Rights, 2005: 3). As such, “persons who are not (yet) citizens of the country in which they reside can form part of or belong to a minority in that country” (United Nations Commission on Human Rights, 2005: 4). Therefore, “citizenship should not be a distinguishing criterion that excludes some persons or groups from enjoying minority rights under the Declaration” (United Nations Commission on Human Rights, 2005: 4)

Among the various smaller indigenous groups, there are *Brokpas* (who are a nomadic group living in central Bhutan and of Tibetan origin), *Mons* (also known as *Monpas*, who live in the east and south east, and consider themselves to be the oldest

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<sup>6</sup> See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Minorities.aspx> accessed on 12/03/2017

inhabitants), *Khens* (who are located in central Bhutan and has Indo-Mongoloid features), *Birmis* (another nomadic group settled in the east), *Lhops* or *Dayas* (who are tribes settled in the south-east and claim to be aboriginal inhabitants), *Lepchas* (who are mostly settled in the west and are of Sikkimese or Indian-Nepali origin), *Bodos* (living in the south), *Kochs* (who are primarily settled in south Bhutan, and are of Indo-Mongoloid origin), *Tephoos* (who are a group settled in north Bhutan and are of Indian origin). In addition to these, there are few Indian immigrants and others. They constitute of varied socioeconomic, ethnic and cultural backgrounds (Wolf, 2016).

### **3.3 State Formation of Bhutan**

The evolution of ethnic groups can be traced along historical lines which coincided with the state formation. The early history of Bhutan is obscure and enveloped in mystery and one of the main reasons for that is that the country lacks authentic history as it was predominantly a pastoral-nomadic community, who were rich only in oral tradition due to the absence of materials to document in written form (Sinha, 1998: 48). In such cases, the facts and fiction get “inseparably mixed up, causing damage to historical authenticity” (Sinha, 1998: 48). Secondly, in 1832, Bhutan suffered a calamity which resulted in the burning down of Punakha, which was followed by the widespread destruction of building in 1897 earthquake in Bhutan. During these incidents, whatever archival materials they had stored got entirely destroyed (White, 1909: 99). As such, prior to the establishment of the *Drukpa* theocracy, there is no authentic chronological historical account of Bhutan’s early history.

Nonetheless, J. C. White in his book, *Sikkim and Bhutan*, writes of one Sangaldip, who emerged from Kooch(Cooch Behar) and subdued Bengal and Bihar and also extended his control over Bhutan (White, 1909: 99). This was around the seventh century before the Christian era (ibid: 99). In the following years, Bhutan was ruled by several India rulers under the tutelage of the kingdom *Kamarupa*<sup>7</sup> till the middle of seventh century. However,

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<sup>7</sup> Kingdom *Kamarupa* existed during the Late Classical period on the Indian subcontinent; and along with *Davaka*, the first historical kingdom of Assam. Though *Kamarupa* existed from 350 CE to 1140 CE, *Davaka* as absorbed by *Kamarupa* in the 5<sup>th</sup> century CE. Ruled by three dynasties from their capitals in present-day Guwahati, North Guwahati and Tezpur, *Kamarupa* at its height covered the entire Brahmaputra Valley, North Bengal, Bhutan and parts of Bangladesh, and at times portions of West Bengal and Bihar.

in 650 A.D., after the death of *Bhaskervaram*<sup>8</sup>, the centuries old arrangement was disrupted and *Kamarupa* was disintegrated, which led to the incursions from Tibet (Sinha, 1998: 50). Bhutan split into small factions as no one king could emerge, capable of controlling the entire country which made Tibetan incursions easier during 861-900 A.D. However, the advent of Buddhism in Bhutan during the eighth century, followed by the development of *Drukpa Kargyu* in Bhutan marked the beginning of political dominance of the *Ngalongs* who were the adherents of the *Drukpa Kargyu* sect as well as the sidelining of the small political factions made of various other ethnic groups.

### ***3.3.a The Advent of Guru Padmasambhava in Bhutan***

During this period of political fragmentation in the eighth century, Guru Padmasambhava entered Bhutan and converted Bhutan to the Buddhist faith. Bhutan was under the rule of the Khiji-khar-thod of Khempalung at that time, in Upper Bumthang and Nagucchi, King of Sindhu<sup>9</sup> (Claude, 1909: 99). Nagicchi, the second son of King Singhala of Serkhya, founded the kingdom of Sindhu, and during a course of war with Raja Nabudara who ruled the Indian plains, he lost his eldest son. The incident caused a lot of grief to the king and it was at this juncture that the saint Padmasambhava arrived at the scene and along with the aid of the king's daughter, Menmo Jashi Kyeden, saved his life and converted him to Buddhist faith of Nyingmapa. King Nabudara also converted himself to Buddhist faith and as such peace was restored to the land and a boundary pillar was set up at Mna-tong (Claude, 1909: 100). Over time, Buddhism provided a cultural unity in Bhutan (Sinha, 1998: 50).

### ***3.3.b The Development of Drukpa Kargyu in Bhutan***

From the tenth century until the early seventeenth, the History of Bhutan was mainly about the development of Buddhism, in particular, the *Drukpa* sub-order of the *Kargyupaschool* which came to prevail in Bhutan's western valleys. From around the twelfth century A.D., many Lamas started entering Bhutan (Singh, 1972: 19). Gyalwa

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<sup>8</sup>Bhaskervarman was the ruler of *Kamarupa* kingdom during the seventh century.

<sup>9</sup>Sindhu was a kingdom of India which stretched along the banks of river Sindhu (Indus) in the ancient era in Modern Pakistan. It is believed that Sindhu kingdom was founded by Vrsadarbh, one of the sons of Sivi. Sindhu literally means 'sea'.

Lhanangpa<sup>10</sup> of the *Nyo*<sup>11</sup> lineage was one the first Lamas who entered Bhutan. Lhanangpa was the originator of the *Lhapa Kargyupa*, which is a sub-sect of the *Drikung Kargyupa*<sup>12</sup> (ibid: 19). The *Lhapa Kargyupa* brought the *dzong*<sup>13</sup> system of Tibet and applied it in Bhutan. Subsequently, Lamas of the *Drukpa* (Red Hat Sect) also started entering Bhutan partly for missionary work and partly due to persecution suffered by them at the hands of the rival Yellow Hat Sect (*Gelukpa*) in Tibet. The *Drukpa* is an off-shoot of the *Nyingmapa* sect and was founded by Yeses Dorji at Ralung, a famous monastery about 30 miles east of Gyantse. His successor, Phajo Drukgom Shigpo (1184-1251) is credited with the introduction of the *Drukpa Kargyupain* Bhutan (Hutt, 2003:17). His descendants came to be pre-eminent in western Bhutan, backed by the powerful family which ruled in Ralung, just over the border in Tibet. Although pitted against the powerful adherents of the rival *Lhapha Kargyupa*, Phajo-Drukgom-Shigpo and his companions succeeded in establishing themselves in Bhutan and by the end of the thirteenth century, Shigpo had built a small *dzong* named *Dongon Dzong* (Blue Stone *Dzong*) on the right side of the upper Wang Chu<sup>14</sup> (Singh, 1972: 20). With this started the emergence of a separate and distinct church of Bhutan which persisted through the centuries and is witnessed today. The period between the thirteenth and the sixteenth centuries witnessed the rise and consolidation of the *Drukpa* sect notwithstanding the rivalry of the *Lhapha Kargyupa* (Singh, 1972: 20). There was a great religious fervor and many monasteries and temples were founded during the period. Bhutan thus came to have a religious identity distinctly its own though it continued to draw inspiration from its neighbours specially India (ibid: 20). This school of Buddhism focused mainly on meditation and experience. Branches of most of the other main Tibetan monastic orders also came to be represented in western Bhutan after the dissolution of the early Tibetan empire (Hutt, Michael, 2003: 17).

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<sup>10</sup>Gyalwa Lhnangpa was a student of Drikig Jigten Gonpo.

<sup>11</sup>It is one of the lineages in Buddhism. The origin of the *Nyo* lineage dates back to a very long time ago in Tibet much before the spread of Buddhism there.

<sup>12</sup>*Drikung Kagyu* is one of the eight “minor” lineages of the Kagyu school of Tibetan Buddhism. Like with all other Kagyu lineages, origins of *Drikung Kagyu* can be traced back to the Great Indian master Tipola who passed on his teachings to Mahasiddha Naropa who lived around tenth and eleventh century. The founder of the *Drikung Kagyu* lineage was Jigten Sumgon (1143-1217) of the Kyura clan, who was the disciple of PhagmoDrupa.

<sup>13</sup>*Dzong* is a distinctive type of fortress which serves as the religious, military, administrative, and social centres in Bhutan.

<sup>14</sup> Also called the Raidak River, is a tributary of the Brahmaputra River, and a trans-boundary river. It flows through Bhutan, India and Bangladesh.

Central and eastern Bhutan remained largely the preserve of the *Nyingma*<sup>15</sup> order (Hutt, 2003: 17). In and around Bumthang, the *Dung*<sup>16</sup> nobilities had legendary origins which derived from an early Tibetan conception of divine royalty (Aris, 1994: 18). The central region produced several famous *tertons* (Tib. *Gterston*<sup>17</sup>, ‘treasure-revealers’) such as Dorje Lingpa (1346-1405) and Pema Lingpa (1450-1521), from whom the Wangchuk kings of Bhutan now trace a line of descent, while eastern Bhutan appears to have been carved up among the descendants of a Tibetan prince known as Tsangma who arrived there during the ninth century. In both central and eastern Bhutan, families claiming descent from prestigious religious figures began to challenge the political dominance of the old clan elites during the sixteenth century.

### ***3.3.c The Rise of Zhabdrung Ngawang Namgyal in Bhutan***

Bhutan then witnessed the arrival of the figure of Ngawang Namgyal (1594-1651), also known as Dugom Dorji. Born of a noble family, he was the son of Dorji Lenpa Mephram Tempai Nymia and Deba Kyishopa who belonged to the house of *Gya* of Druk and Ralung (Singh, 1972: 20). He then assumed the title of *Zhabdrung*. His grandfather was the seventeenth prince-abbot of Ralung Monastery in Tibet, the *Drukpas*’ most important establishment, and was expected to succeed him. He was also recognized as the reincarnation of the *Drukpa* scholar, Pema Karpo (1527-92), himself the reincarnation of the founder of the *Drukpa Kargyu* school (Hutt, 2003, p. 17). However, another individual Karma Tenkgong Wangpo was also recognized as the reincarnation of Pema Karpo, supported by the *Desi* (temporal ruler) of the important Tibetan province of Tsang. This rival was installed in Pema Karpo’s monastery, but Ngawang Namgyal continued to act as if he himself was installed at Ralung. In 1606, after his grandfather died, Ngawang Namgyal was installed at Ralung. His enthronement was attended by representatives of all

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<sup>15</sup> The *Nyingma* tradition is the oldest of the four major schools of Tibetan Buddhism. ‘*Nyingma*’ literally means ‘ancient’, and is often referred to as *Ngangyur* (‘school of the ancient translations’ or ‘old school’) because it is founded on the first translations of Buddhist scriptures from Sanskrit into Old Tibetan in the eighth century.

<sup>16</sup> ‘*Dung*’ refers to the patrilineal noble families of Bumthang, Kheng and Kurtoe. The term was used either as a title of an adult male noble or referred to a noble’s household.

<sup>17</sup> The unique process of ‘text discoveries’ in Bhutan and Tibet went on from 11<sup>th</sup> to 17<sup>th</sup> century as a distinct movement associated with the *Nyingma-pa*. *Gter-ston* tradition includes a long list of names, texts, places, prophecy and unbelievable myths, the tradition was carried through real historical beings.



the religious schools of Tibet and of the major temporal powers, with the sole exception of the *Gelugpas*. Several missions also came from Bhutan.

Inevitably, Ngawang Namgyal soon entered into a conflict with the Tsang *Desi*. The two met at Shigatse in a fruitless attempt to settle the matter of the true reincarnation of Pema Karpo, and on the return journey Ngawang Namgyal's followers quarreled with the retinue of a *Karmapa* lama at a ferry crossing over the Tsangpo river. A boat capsized, some of the *Karmapa* lama's men drowned, and the Tsang *Desi* ruled that Ngawang Namgyal should pay a fine and relinquish a certain bone relic which was preserved at Ralung (Hutt, 2003: 18). The Tsang *Desi* planned to attack Ralung at that point. Ngawang Namgyal fled to Bhutan, a decision he took due to various omens and prophecies suggesting him to do so (Hutt, 2003: 18). For example, he dreamt about a black raven, a form of the protective deity *Mahakala*<sup>18</sup>, flying south to a land where he knew there were many *Drukpa* monasteries (Hutt, 2003: 18). Therefore, in 1616, at the age of 23, Ngawang Namgyal left Ralung for Bhutan, where he settled at the monastery of *Druk Choding* in Paro (Hutt, 2003: 18). He took over the authority that the *Lhapa Kargyupa* and other sects enjoyed and established himself as the theocratic ruler of Bhutan with the title of *Zhabdrung Rimpoche* or *Dharma Raja* (Singh, 1972: 21). He ruled for about 35 years, during which he united all the leading families of western Bhutan under his authority.

During his rule over Bhutan, there were repeated attempts by a host of rivals to conquer Bhutan from him. Tsang *Desi* attempted to invade his new realm several times. Among other rivals were the *Lhapa Kargyupa* and other sects, who were opposed to *Drukpa* hegemony. Even Dalai Lama V attempted incursions into Bhutan but the Bhutanese refused to recognize his authority over their remote valleys and as such maintained their independence (Singh, 1972: 21). The Tibetans continued to try to invade Bhutan after the *Gelugpa* school of the Dalai Lamas took control of Tibet in 1642. However, he repulsed every repeated attempt made to capture Bhutan from his hold. The *Zhabdrung* made his base at a fortified monastery which he built for himself and a body of 30 monks at Cheri, and began to build the first of his *dzongs*, the colossal monastery-

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<sup>18</sup>*Mahakala* is a deity common to Hinduism, Buddhism and Sikhism; also appears as a protector deity known as *dharmapala* in *Vajrayana* Buddhism, particularly most Tibetan traditions.

fortresses which housed a monk body and administrative offices in each district (Hutt, 2003: 18). The first *dzong* was built at Simtokha in 1629, followed by the *dzongs* of Punakha in 1637, Wangdi Phodrang in 1638, Thimpu (Tashicho Dzong) in 1641, Paro in 1645, and Daga in 1650 (Hutt, 2003: 18). The *Zhabdrung* took over the existing *dzongs* while building new ones.

Bhutan was thus governed under a code of laws promulgated by the *Zhabdrung*. The monk body came to be organized along the same lines as at Ralung and was headed by an abbot known as the *Je Khenpo* (Hutt, 2003: 19). The monks ensured the spiritual wellbeing of the lay community, while the laity had their names and properties recorded in a register (*sathram*) kept at the *dzong*, and paid an ‘initiation fee’ in the form of taxes, labour and transport. During the early phase of the theocracy, all high-ranking officials were monks. Later, laymen took office but only after taking minor monastic vows. From the last years of Ngawang Namgyal’s reign onward, the administration of political affairs was entrusted to an official or regent called the *Druk Desi*<sup>19</sup> and a ‘dual system’ of government developed, known as *chosi* (Tib. *Chos-srid* from *chos* ‘religion’ and *srid*, ‘politics’). He bifurcated the duties of the ruler by creating two separate offices –one to look after the spiritual and religious affairs to be known as Dharma Raja (*Zhabdrung*), and the other to be called Deb Raja (*Desi*) to look after the general administration of the State revenue and expenditure and dealing with foreign powers (Singh, 1972: 22). The *Zhabdrung* Ngawang Namgyal himself became the Dharma Raja and was vested with superior powers which included matters of both foreign and domestic affairs of the State and each of these matters required his signature (Singh, 1972: 24). In few decades after the establishment of these two institutions, Dharma Raja wielded extensive powers and became the symbol of law and justice, while Deb Raja had then the functions of a mere Regent (Singh, 1972: 24). “This distinction becomes clearer in view of the fact that while Dharma Raja followed the incarnations of the predecessor, the Deb Raja was elected by the Council of permanent members who were chosen from amongst the principal officers of

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<sup>19</sup> The *Druk Desi* was the title of the secular (administrative) rulers of Bhutan under the dual system of government between the seventeenth and nineteenth centuries. Under this system, government authority was divided among secular and religious administrations, both unified under a single leader. *Druk*, meaning ‘thunder dragon’, refers symbolically to Bhutan, whose most ancient name is *Druk-yul*. *Desi*, meaning ‘regent’, was the chief secular office in realms under this system of government.

the country” (Singh, 1972: 24). However, the Deb Raja, in the course of history, developed strength and the two became separate heads of State, one in matters spiritual and the other in things temporal. This led to continuous conflict and intrigue and consequent weakness of the State machine (Singh, 1972: 24).

In 1651, the *Zhabdrung* Ngawang Namgyal remained in retreat and secluded himself at Punakha *dzong* for another 54 years, after which he died, but the fact of his death was not revealed for 54 years (Sinha, 1998: 88). This was due to the fact that his sickly son was not seen capable of succeeding him and Bhutan still was under threat from hostile neighbours and also from internal disruption. (Sinha, 1988: 88). The first *Zhabdrung*'s death marked the end of the old *Drukpa* tradition of succession through blood descendants (Hutt, 2003: 19). For about 40 years at the beginning of the eighteenth century, rival factions in western Bhutan advanced the claims of five different candidates, and Chinese mediation and the ‘convenient deaths of some of the main Bhutanese protagonists’ required before peace could be restored. Subsequently, the succession of the *Zhabdrung* took place through the reincarnation of the *Zhabdrung*'s ‘mind’ element were (Aris, 1994: 40). However, the six *Zhabdrungs* who succeeded Ngawang Namgyal played little more than a symbolic political role, while various other stringmen vied with one another for power (Hutt, 2003: 19).

### ***3.3.d The Administration***

The administrative structure set up by the *Zhabdrung* Ngawang Namgyal centuries ago “live on in their essential forms in modern government structures in Bhutan” (Hutt, 2003: 19). He is credited with introducing the *dzong* system in Bhutan. The country was divided into three regions, centred on the *dzongs* at Paro, Tsongsa and Daga. Each of these was ruled over by a ‘universal lama’ (*Chila*) who was also called a *Penlop* (chief of provinces or governor) (Hutt, 2003: 20). The *Penlops* were the senior members of a Central Council known as the *Lenchen* and they were expected to attend the Council whenever they happened to be present at the seat of the Government (Singh, 1972: 24). The commanders of other *dzongs* were known as *Dzongpons* (chief of districts); they are now known as ‘fort-masters’ (*dzongda*) (Hutt, Michael, 2003: 20). Some districts within the three regions were administered by minor *Penlops* or *Dungpas*. Modern Bhutan is divided into districts

called *Dzongkhags*, each of which is governed by its own *Dzongda*, and sub-districts known as *Dungkhags*. East *Dungkhag* has its own *Dungpa* who is answerable to the district *Dzongda*. At a lower level, a block of villages (*gewog* or *geog*) is represented by a *gap* or, in the south, a *Mandal*.

### ***3.3.e Internal conflict and Civil War***

By the early nineteenth century two *Penlops* had achieved positions of dominance. These were the *Penlop* of Tsonga, who ruled Bhutan to the east of the Black Mountain range, and the *Penlop* of Paro, who administered the west and controlled the trade routes to Tibet. Bhutan witnessed intermittent internal conflict during this period as the two *Penlops* were usually at war with each other (Singh, 1972: 27). The Wangchuk family made the governorship of Tsonga its exclusive preserve during the nineteenth century, but the governorship of Paro was often disputed. The *Druk Desi* of the day was usually the pawn of whichever of the *Penlops* had engineered his appointment (Rose, 1977: 31-32). The dualism of the Deb Raja and the Dharma Raja, one elective and the other hereditary in theory but depending on appearance of reincarnation in practice, brought weakness all round and consequent deterioration of authority which in turn led to endless strife. Whoever could manage to come into power and authority, assumed the title of *Penlop* and appointed the Deb Raja of his choice, his sway lasting only till he was ousted by a still more powerful adversary. Consequently, the country came to be without a system of government which could be said to be lasting or effective. As a result, there were frequent outbreaks of civil war among the contending chieftans in which even the Tibetans joined hands as such in 1717 and 1730. This led to political instability in Bhutan.

### ***3.3.f The Conflict with Cooch Behar***

Cooch Behar had been the target of Bhutanese incursions ever since its establishment in 1510 A.D. Vishwas Singh, the brother and successor of Chandan, who was the founder of the state, demanded a tribute from the rulers of Bhutan, to which the Bhutanese ignored and this led to the declaration of war by Cooch Behar. The Bhutanese were forced to acknowledge the supremacy of Vishwa Singh and agreed to pay an annual tribute. He was also successful in occupying the territory of Bhutan between the Hindola and Sankosh

rivers. However, this encroachment was short-lived when Bhutan left its allegiance to Cooch Behar during the rule of Maharaja Bir Narayan (1621-25) and ceased to pay the tribute. Thereafter Cooch Behar was gradually on the decline until in 1661, it was conquered by Mir Jumla when Maharaja Prana Narayan (1625-1665) fled for safety to Bhutan.

Between 1711 and 1768, the Bhutanese played a significant amount of role in the internal politics of Cooch Behar and in settling factional feuds between two contending rulers in conflict over the throne in Cooch Behar (Singh, 1972: 29). In 1778, Shidar became the Deb Raja of Bhutan. He was an aggressive ruler who sought to suppress the influence and power of the clergy and tried to strengthen his external position by seeking friendly relations with Tibet and Nepal and forging alliances with Panchen Lama III and Raja Prithvi Narayan Shah of Nepal (1742-72) (Singh, 1972: 29). When he was in power, Bhutan kept Cooch Behar under control and carried out raids when necessary. In 1771, they kidnapped the Crown Prince and the Queen of Raja Dhairjendra Narayan of Cooch Behar, and later in 1772, they also abducted the Raja (Singh, 1972: 29). It was then when Nazir Dev of Cooch Behar approached the British for help (Singh, 1972: 29). The British intervention in 1772 opened up a new era in Bhutan's history leading to ever-increasing relations between British India and Bhutan which is death hereafter.

### ***3.3.g The British and Bhutan***

During the late eighteenth century, the British entered the picture when they and the Bhutanese backed opposing factions were in dispute over the accession to the throne of Cooch Behar (Hutt, 2003: 20). Prior to this, there is little record to show if the British and Bhutan were engaged in any political relations. From 1772 A.D. until 1947, the British had major influence in Bhutan and their policies gave shape to the development of Bhutan as a distinct political entity with the establishment of hereditary monarchy in 1907 (Singh, 1972: 30). In the beginning, however, the Bhutanese and the British were in regular disagreement over their respective rights in the Duars region of the southern Bhutan (Hutt, 2003: 20). The Bhutanese lost this territory to the British under the terms of the Sinchula Treaty in 1865, concluding the hostilities which had broken out between them; the British

colonial power in India would henceforth be an important factor shaping internal developments in Bhutan (Hutt, 2003: 20).

Bhutan was split apart by three recurring internal conflicts between 1868 and 1885 (Hutt, Michael, 2003: 20). In 1869, the first civil war broke out in Bhutan in which the *Tsongsa* and *Paro Penlops* and the *Punakha Jongpen* rebelled against the *Deb Raja* who was supported by the *Wangdu Phodran Jongpen* (Singh, 1972: 48). Any approaches made for assistance was rejected by the British and kept from intervening into the internal matters of Bhutan.

Another civil war broke out in 1877, and *Jigme Namgyal* assumed supreme authority to crush the rebels. In 1880, there was yet another contest for office of *Deb Raja* (Singh, 1972: 48). However, in 1885, the *Tsongpo Penlop* and *Ugyen Wangchuck* emerged as the virtual ruler of Bhutan (ibid: 49). The rivalry between *Tongsa* and *Paro* finally ended when the British resolved to march into Tibet to counter a supposed Russian threat. While the *Wangchuks* and the influential *Dorje* family of *Ha* supported the British during this, the *Younghusband* 'expedition' of 1903-4, the *Parop Ponlop* chose to support the Tibetan government (Hutt, 1972: 20). In 1905, during the negotiations that followed the British incursion into Tibet, *Ugyen Wangchuk* afforded the British valuable assistance (ibid: 20). The friendly relations between Bhutan and the British were further strengthened and in the same year, a *Political Agent* was appointed by the centre in direct relationship with Bhutan (Singh, 1972: 49). The *Parop Penlop* was superseded by a supporter of the *Wangchuk* family and Bhutan came at last to be dominated by a single family. *Ugyen Wangchuk* was unanimously elected by the *Bhutan Chiefs* and the principal *Lamas* as hereditary *Maharaja* of Bhutan (*Druk Gyalpo*) at *Punakha* on 17 December 1907 (Singh, 1972: 50; Hutt, Michael, 2003: 20). The British, and particularly the *Political Agent John Claude White*, helped in the establishment of the hereditary monarchy and bestowed honours on *Ugyen Wangchuk* (Singh, 1972: 50; Hutt, Michael, 2003: 20). In 1908, *Ugyen Dorje* was awarded the post of *Gongzim* (chamberlain) and the post became hereditary, its title changing to *Lonchen* (Prime Minister) in 1958 (Hutt, 2003: 21). The post of governorship of *Ha* and commissioner of the southern *Dzongkhags* had become hereditary within the *Dorje* family

sometime around 1900. Until the assassination of the Prime Minister, Jigme Dorje, in 1964, the Wangchuk and Dorje family lies intermarried and made common political cause.

The establishment of the monarchy hence led to power becoming concentrated in the King's hands. The Wangchuk kings maintained cordial relations with the British, dealing with the colonial power through the offices of Dorjes, their agents in Kalimpong, but when the British left India in 1947 and the Chinese annexed Tibet a few years later, the external environment changed radically. After the Lhasa revolt in 1959, there were no trade and cultural links with Tibet and India came closer, offering development aid, building a road which linked Thimpu with India, and training the Royal Bhutanese Army (Hutt, 2003: 21). This marked the beginning of the process of modernization in Bhutan. Internally, the third King, Jigme Dorje Wangchuk (1928-72), presided over a number of reforms: a ceiling was fixed on land holdings, a police force was established, serfdom was abolished, a National Assembly and a Royal Advisory Council were established, Five-Year Plans were initiated, and a national newspaper, *Kuensel*, was established (Hutt, 2003: 22). Externally, the kingdom forged important new relations: Bhutan joined the Colombo Plan in 1962, the International Postal Union in 1969, the United Nations in 1971, and established missions in New Delhi and at the UN in New York (Hutt, 2003: 22).

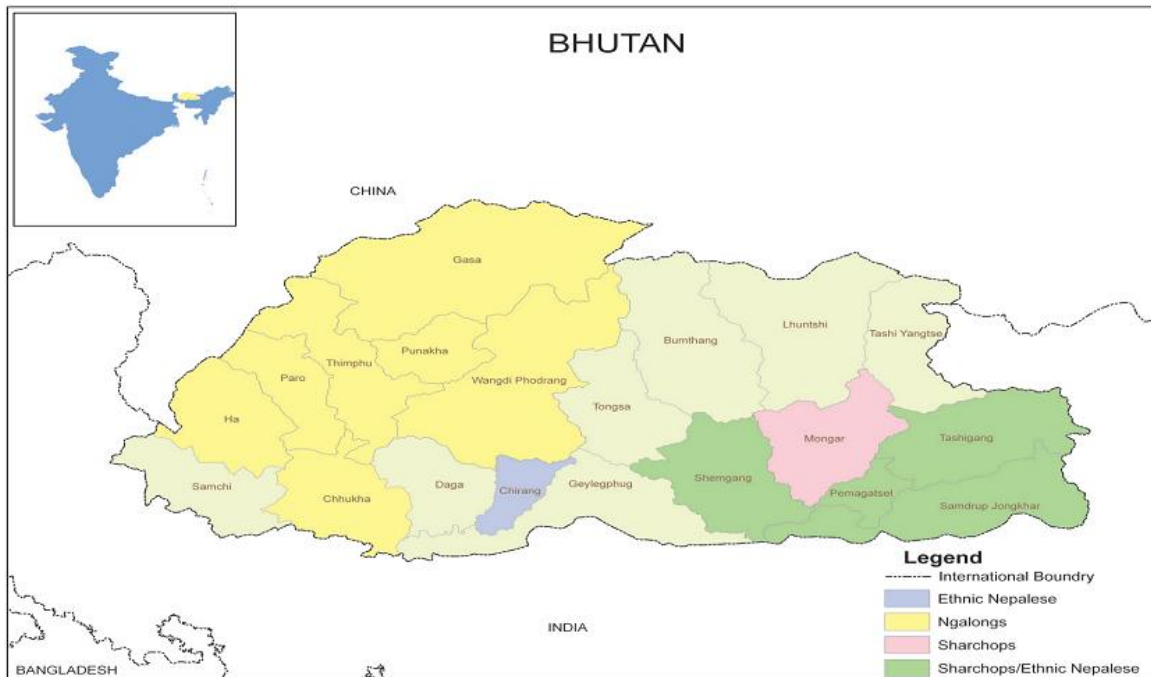
As such, the history of Bhutan revolves around several key figures. First, there are those who brought Buddhism to the kingdom and fostered and developed it there: these include semi-mythical transnational personalities such as *Padmasambhava* and Bhutanese saints such as *Dorje Lingpa* and *Pema Lingpa*. Next, there comes the important figure of the first *Zhabdrung*, Ngawang Namgyal, who established Bhutan as a sovereign state, created many of its national institutions, and invested it with its *Drukpa* personality. After an interregnum marked by long periods of internal turmoil there come the Wangchuk kings who first reach an accommodation with the British and restore peace and stability to the kingdom, and then bring Bhutan into the modern era. This is the central historical narrative, in which the arrival of Nepali settlers in Bhutan barely figures. The fact that their presence in Bhutan later became politically problematic and its history contested requires us to reappraise the position of their history along with that of Bhutan as a whole.

### 3.4 Ethnic Groups of Bhutan

As mentioned earlier, Bhutanese population consists of diverse ethnic, linguistic and cultural groups. Among the ethnic communities, *Drukpas* are the most important ethnic communities, which basically include the *Ngalongs* and the *Sharchops*. Various other indigenous communities include *Birmis*, *Bodos*, *Dayas*, *Khens*, *Lepchas*, *Mons*, *Tephoos* and many others. Nepalese have emerged as a significant ethnic community in Bhutan. In addition to these there are some Indian immigrants and others.

The *Ngalongs* (Tibetans), the *Sharchops* (Indo-Mongoloids) and the *Lhotshampas* (Nepalese) constituted the three major ethnic categories in Bhutan and within the three broad categories there are several small ethnic communities. In order to have a better understanding of the ethnic profile of the country, some of the ethnic and tribal groups are discussed separately in the following paragraphs. The following are the most important ethnic and tribal groups of Bhutan.

**Figure 4. Bhutan's ethnic composition region-wise representation. (Map not to scale)**



Source: Country Brief, 2010



### **3.4.a Drukpas**

*Drukpas* are the politically dominant community of Bhutan and they are spread over all the districts of the country. Considered to have been originally migrated from the North in the ninth century A.D. onwards, they are of Tibeto-Mongoloid background. “They represent the distinctive features of Tibetan culture, religion and language” (Khanal, 1998: 147). The language they speak is known as *Dzongkha* which has been accepted as the national language of the country now. They are also known as the *Ngalongs* which literally means ‘the earliest risen’ (Sinha, 1998: 28). “With the establishment of *Zhabdrung*’s theocracy initially in western Bhutan and subsequently to the eastern and southern regions, his followers came to be known as *Drukpas*” (Sinha, 1998, 28). They are also often referred to as *Bhote*, as they came from Tibet or *Bhot*. The king and his lineage belong to this ethnic community.

### **3.4.b Brokpas**

According to their oral history, the *Brokpa* originate from Tibet and came to Bhutan after they beheaded a tyrannical king in their ancestral village. Led through the mountains by the deity *Aum Jomo* and the guru *Lam Jarepa*, they brought with them scores of religious texts, their form of Mahayana Buddhism, and their distinct culture.

*Brokpas* are one of the most significant semi-nomadic, indigenous communities of Bhutan (Chand, 2017). They are pastoralists who practice transhumance, herding and trade with neighboring communities. *Brokpas* are a Tibetan stock and still retain their own customs and languages. *Brokpas* have many social-cultural similarities with the *Drukpas*. Due to their remote position, the *Brokpa*’s language and customs are very unique to other Bhutanese ethnic groups.

### **3.4.c Mons**

*Mons*, also known as *Monpas*, is an ethnic group who share close affinity with the *Sharchops*, and are spread in the eastern and south-eastern parts of Bhutan. They are considered as one of the oldest community of Bhutan. Like the *Sharchops*, “they exhibit

Indo-Mongoloid characteristics and speak in *Mon* dialect or *Sharchok-kha*”, which makes them inherently different from Tibetans or *Drukpas* (Upreti, 2004: 30).

In Tibetan terminology, the term *Mon* is a general name for different nations and tribes living between Tibet and Indian plains (Chand, 2009). *Mons* is one of the earliest pre-Buddhist settlers of Bhutan. They were strong adherents of nature worship and Bon religion, before the spread of Buddhism. *Mons* are not ethnologically Tibetan in origin as they are also believed to be a wave of religious and cultural missionaries who moved from the plains to the Himalayan hills (Chand, 2009)

Agriculture is the main occupation of the *Monpas*. Traditionally, their primary occupation consisted of the weaving of bamboo and cane products. This was followed by the practice of shifting cultivation later and today their primary occupation is cultivation. Animal husbandry is also one of the major means of livelihood. The level of education among the *Monpas* is very low (Chand, 2009: 25-37). *Monpa* society is very well knit. Each village has a council of village elders. The petty village cases are settled by them. The Lama is considered to be the priest, who performs the rituals. *Gumpha* is a sacred place to them. They are culturally very advanced, but backward in modern education.

#### **3.4.d Khens**

*Khenis* one among the ancient communities having pre-Drukpa history in Bhutan. They are mainly spread across central Bhutan. *Khens* speak in *Khen* dialect, called *Khen-ka*, which is an “archaic form of Austric language” (Sinha, 1998: 29). *Khens* characterizes distinct Indo-Mongoloid affinity. They used to represent the intermediary relationship between Tibet on one hand and Assam-Bengal on the other.

Traditionally, *Khens* were pastoralists and warriors (Sinha, 1998: 29). They brought their sheep and cattle down to plains for grazing in winter and bartered goods like butter, Yak-tail, blankets and other products (Sinha, 1998: 29)

Many *Khens* nowadays reside in North-Bengal and associated areas. A great majority of the *Khens* moved from Bhutan and now has been absorbed with other

communities. When the *Khens* were in power many of them had a considerable infusion of Aryan blood. A section of *Khen* became Hinduized (Upreti, 2004: 30)

The 1991 Bhutan census listed a population of 40,000 *Khens* living in south-central Bhutan.<sup>20</sup> They mainly profess Tibetan Buddhism, although the pre-Buddhist religion of Bon has also remained greatly influential among the community.

#### **3.4.e *Birmis***

*Birmis* is a minor community in Bhutan. They are a nomadic group found in high altitude of the eastern Bhutan. They graze cattle between their summer and winter pastures and carry out the barter of commodities between eastern Bhutan and Arunachal Pradesh. Beside animal husbandry the *Birmis* resort to some cultivation and handicrafts of bamboo made articles. They are a Indo-Mongoloid stock.

#### **3.4.f *Dayas***

*Dayas* constituted one another minor community of Bhutan and their main concentration is in Samchi. *Dayas* had once ruled a part of Bhutan. They are agriculturalists and their economy centering around cultivation and animal husbandry. Orange is their main cash crop. Their life style is semi sedentary and semi-nomadic. They earn their livelihood partly by cultivation and partly by taking cattle of others for grazing to distant pastures. This necessitates transhumance. Some *Dayas* associated with trade and barter. *Dayas* are animists. The chief deity is *Dzibdak*, who is worshipped at the beginning of all religious festivals. The priest in *Daya* society is called *Gangupama*, who play a vital socio-religious role in their community. Recently efforts are being taken to preach Buddhism among the *Dayas*.

Inside the territory of Bhutan, *Dayas* were the *zapo* or slaves of Bhutanese government in the past and they were required to render free labour for the need of the Royal Government. After abolishing slavery from Bhutan, the *Dayas* started enjoying free life.

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<sup>20</sup>See: [https://joshuaproject.net/people\\_groups/12658/BT](https://joshuaproject.net/people_groups/12658/BT) accessed on 06/09/2016

### **3.4.g Lepchas**

*Lepchas* constitute a very small community inhabiting particularly the *Ha* valley. In fact they are the extension of Sikkimese ethnic group, but now replaced by the *Drukpas*. They are subjugated and their population is limited. *Lepchas* are a Palaeo-Mongoloid stock. The community follows *Jhum* or *tсени* i.e. shifting cultivation and some are engaged in horticulture, agriculture, trade and animal husbandry. *Lepcha* villages are small in size, controlled by the council of village elders with a head at the top. They primarily follow Buddhism of Tibetan variety along with their indigenous beliefs and rituals.

### **3.4.h Bodos**

The *Bodos* who live in the foot hills of adjoining areas of Bhutan seem to have several politico-socio-cultural encounters with the Bhutanese. The political encounters between Bhutanese and *Bodos* led to two groups of people to exchange their beliefs and customs and other elements of culture. *Bodos* are agriculturist and Hinduized. The *Kochs*, *Mechs*, *Rajbanis* and many other indigenous groups of Assam and North-Bengal seem to have emerged from *Bodo* race, but they moved away from the parent stock and too different names because of different nature of acculturation and social change.

### **3.4.i Kochs**

The Koch community also claims a historical affiliation to Bhutan. The legendary king Sangaldip was a Koch who ruled over the Bhutanese territories during the seventh century (White, 1909: 99). However, his descendants lost the territories to the Tibetan immigrants. Historical evidence suggests that there were long struggles between *Kochs* and Bhutanese for primacy over the plains of *Duars* which led to a confrontation between the two groups of people in the territory of Bhutan (Sinha, 1998: 30). During *Duars* was between 4<sup>th</sup> and 5<sup>th</sup> decades of 19<sup>th</sup> century a number of slaves of Koch community were found in the vicinity of the forts of central Bhutan. (Sinha, 1998: 30) The *Kochs* who once expanded their rule to several valleys of Bhutan are held to be a sub-group of the great *Bodo* community (Upreti, 2004: 30). They mostly reside in the southern part of Bhutan. Ethnically *Koch* are Indo-Mongoloid Bodo-group of people and culturally more closer to

*Mechs* and *Rajbansis* of Assam and North Bengal. *Kochs* are agriculturalists and much Hinduized.

#### **3.4.j Tephos**

*Tephos* constitute an indigenous group settled in *Punakha* of north Bhutan. They were of Indian extraction and had branched out from the *Koch* tribe. The *Tephos* are considered as the descendants of the Raja of Kuch Behar near Padmanarayana. The members of Koch community who were settled in *Punakha* called *Tephoo* and are believed to have migrated from adjoining Bengal plains either at the time of *Bokhtiyar Khiji's* invasion or during the subsequent invasions of *Iiyyas Shah* and *Sekundar Shah* and Mughals. Many members of ruling communities of Bengal and Assam *Duars*, such as *Khen* and *Tephoo*, had retreated in the neighbouring hills of Bhutan in the wake of Muslim invasions in the region.

#### **3.4.k Musalmans**

It seems that some *Musalman* communities from the plains had settled in south Bhutan. During *Duars* war, a number of people belonging to Muslim community were found in the vicinity of the forts of central Bhutan. Some Tibetan Muslims were settled in the towns and urban centres of Bhutan, particularly after Chinese occupation of Tibet. Many Muslims of Indian origin had moved to Bhutan for the sake of trade, business and professional works. Royal kings also invited many Muslim occupational groups to come and reside in Bhutan for their specialized services to fulfill the needs of Bhutanese people. Kashmiri traders are considered to be the oldest Muslim settlers in Bhutan. The descendants of the earlier Muslim settlers who were the products of marriages between Muslim males and local females continued to live in the country as inseparable part of Bhutanese population.

#### **3.4.l Migrants from India**

People of Indian origin have been living along the foot of Bhutan hills since the early eighteenth century, not always by choice but mostly for political and administrative and professional reasons. Among the people of Indian origin there are the descendants of Indian slaves in Bhutan of late seventeenth century. In addition to them there are later

migrants from various parts of India, specially after its independence. Due to closeness between India and Bhutan for economic regeneration, a large number of Indians have migrated to Bhutan from the neighbouring as well as far away places from India. They have been residing mostly in towns of Bhutan along the Indian-Bhutan border. The most important places, where they have been living are *Samchi, Phuntsoling, Hatishar, Dewangiri and Sandrup Jonkhar*, etc. Of the Indian migrants in Bhutan, there are also Nepalese who migrated from neighbouring Darjeeling and Sikkim Himalayas. The non Nepalese Indian migrants consist of *Bengalis, Cochs, Mechs*, and others who moved to Bhutan from various parts of India viz. West Bengal, Assam, Arunachal Pradesh, Bihar, Uttar Pradesh, Punjab, and Rajasthan. The Indian communities in Bhutan by profession are wage earners, merchants, shopkeepers, clerks, teachers and professionals. They are not homogenous group but have different ethnic, social, cultural and linguistic backgrounds. The socio-cultural life of the Indians in Bhutan continues to be dominated by Indian ethos. They are usually not the permanent residents of Bhutan.

#### ***3.4.m Lhotshampas***

The *Lhotshampas* are the Nepali-speaking ethnic community who live in southern Bhutan. Their population is concentrated in two regions of Bhutan, namely, south western and south eastern. The Nepalese of Bhutan are not a homogenous social category, rather they are differentiated into many groups and sub-groups. They retain the caste system. Among the castes of Nepalese origin who settled in Bhutan are *Bahun, Thakuris, Chettris* etc. who are regarded as higher castes of Nepal. While among the lower castes there are *Kamis, Sarkis* and *Damis*. In addition to this, there are many Hinduized tribal groups known as *Kiratis*. Among them are *Limbus, Gurungs, Rais, Mangars* and many others.

So far the place of origin is concerned, the Nepalese society in Bhutan originate from almost all regions of Nepal. There are *Thakuris* of Western Nepal, *Newaris* of Kathmandu valley and eastern Nepal and hill *Kiratis* of eastern Nepal and Sikkim. The *Thakuris* strictly follow Hindu caste system and their social interaction is regulated by the notion of purity and pollution. *Newaris* are divided into different occupational groups and follow both Hinduism and Buddhism or a combination of both. The *Kiratis* are animist, *lamaist* and Hinduized tribes.

The *Lhotshampas* are primarily agriculturalists. They constitute a large segment of the labour force which is employed in road construction and other works. They practice Hinduism mixed with certain traits of Tibetan derived Buddhism. The Nepalese ethnic community in Bhutan is inclusive of various sub-cultural stocks of Nepal. Though the various Nepalese groups represent cultural diversity among them, yet Nepali language, dress, food and way of life have unified them into a single ethnic community. They have developed a sense of unity and have retained their own cultural identity distinct from *Ngalongs* and *Sharchops*. Considering the national ethos of Bhutan they are seen to wear Bhutanese dress, speak in *Dzongkha* and claim themselves as southern Bhutanese.

### **3.5 Nepali Migration to Bhutan**

The Nepali speaking people, also known as the *Lhotshampas*, have settled in the southern part of Bhutan, mainly due to the accessibility of immigration through India. There are, however, contestations regarding the issue of origin of Nepali community in Bhutan. The time of their arrival is also a subject of controversy and has become “the political and legal basis for exclusion from citizenship of a substantial percentage of the population and even for a form of ‘ethnic cleansing’” (Varenes, 2009: 47-76). There are some who claim that Nepali immigration to and settlement in Bhutan started in the eighteenth century, when it was encouraged by the British to check the growing Tibetan influence in the Himalayas, as Nepalese were considered to be hereditary enemies of Tibet (Shakoor, 1995: 34). After the British left from the subcontinent, the influx of the immigrants continued, which forced Bhutan to introduce a nationality law in 1959 banning further Nepali immigration to Bhutan. There are also others who claim that the Nepali presence in Bhutan starts from the seventeenth century, before the recorded history of the British or the government. Meanwhile the *Drukpa* rulers claim that the southern Nepali speaking Bhutanese are recent settlers, or economic migrants (Hutt, 2003: 24). According to official records, they entered Bhutan after the conclusion of the Sinchula treaty between British India and Bhutan which brought an end to the Duars wars (Pal and Banerjee, 2017: 182). However, most of the Nepalese Bhutanese have migrated during nineteenth and early twentieth century in order to meet the labour demands for plantation works and various development projects in Bhutan (Khanal, 1998: 150). The implementation of the first Five Year plan in 1961 called

for a steady labour supply to fill in the labour shortage, which led Bhutan to recruit foreign skilled workers from India and Nepal. In 1995, the non-national workers were estimated to be 30,000 including 10,000 Nepalese ethnic people (Pal and Banerjee, 2017: 182).

Despite their presence in Bhutan for more than a century, the Nepalis have retained their distinctive culture and language, and are the least-integrated community in Bhutan (Khanal, 1998). The reason for this is the distinct nature of their religious, lingual and socio-cultural background that sets them apart as a distinct ethnic group, as well as “a strong cultural and linguistic ties with the people of their common ethnic bond in neighbouring India and Nepal” (Khanal, 1998). Till the mid 1980s, the *Lhotshampas* lived peacefully and enjoyed comfortable status both in state and society. Their language was widely used in southern Bhutan and also had a semi-official status (Khanal, 1998).

### **3.6 Contention between the *Lhotshampas* and the Bhutanese Government**

Various factors like their numerical strength, non-conformist nature of their culture, occasional expression for political reforms, events in the neighbourhood like the merger of Sikkim with India, the *Gorkhaland* movement in Darjeeling fueled the *Drukpas* concern over the presence of the *Lhotshampas* in Bhutan. The formation of the Bhutan State Congress political party in 1952 and the aspirations they showed was not welcomed by the ruling *Drukpa* elites. In 1958, the Bhutanese government adopted the Citizenship Act which was the government’s first “attempt to define Bhutanese citizens” (Khanal, 1998). Under this Act, the *Lhotshampas* required “to submit a bond of agreement affirming their allegiance to the king and country, pledging not to serve any other authority”. Only then the Nepalis were granted citizenship and national treatment” (Khanal, 1998). In 1977 and 1985, the Act was revised to introduce more stringent clauses which required to re-qualify for Bhutanese citizenship with documentary evidence of their residence in Bhutan in the year of 1958 or to be born from the parents who could produce the required proof (Khanal, 1998). The rest were required to go through the procedure laid down in the new Act in order to be enumerated in the census. The procedure consisted of additional clauses like fluency in Dzongkha, good knowledge of culture, customs, traditions and history of Bhutan, etc. The Nepali community feared that such a change in the Citizenship Act was likely to forfeit many Nepalis of their Bhutanese citizenship” (Khanal, 1998).



In 1988, a fresh census was conducted which resulted in many *Lhotshampas* forfeiting the status of citizenship and eventual eviction from the country. The 1988 census along with the 1985 Citizenship Act posed a serious threat to the ethnic Nepali community settled in Bhutan. A member of National Assembly, Teknath Rizal, representing southern Bhutan and a nominee to the Royal Advisory Council, submitted a memorandum to the king expressing the concern with the census. But he was arrested and relieved of his position.

The 1988 census was then followed by an introduction of *Driglam Namzha* and it was vigorously implemented in the name of national integration and identity. This policy required for all Bhutanese, irrespective of their ethnicity, to follow a unified code of conduct which contains the details of citizens behavior with respect to eating, dressing, speaking, etc. wearing the traditional *Drukpa* dress, *Gho* and *Kira* and, all these became mandatory for everyone. The Nepali community felt a sense of imposition of the *Drukpa* culture and tradition upon them since their culture and tradition was different from the one being forcefully imposed on them. Initially, the Nepalis tried to resist it politically and dissident movement took shape in Bhutan. Teknath Rizal, who had been in exile in Nepal following his release by the Bhutanese government, and other dissidents, formed the People's Forum for Human Rights (PFHR) which started protesting the government policies. Various other political organizations like Bhutan Peoples Party, Bhutan National Democratic Party were formed. In September and October 1990, *Lhotshampa* activists orchestrated mass public demonstration, in which demands for civil and cultural rights were presented to district headquarters all across southern Bhutan (Hutt, 2005: 47). The massive suppression of the Nepalis was undertaken by the government alleging the protest as a "terrorist movement" of the "anti-nationals". Many participants and supporters were arrested and held for months without trial. Those who were released left Bhutan and joined relatives into the refugee camps in Nepal. They claimed they were released only in the condition that they pledge in writing to leave the country, and they would be forcefully evicted if they did not leave immediately (Hutt, 2005: 47). The Bhutanese government introduced many new rules and procedures in the south. There were restrictions placed on transportation of essential commodities like salt, people had to produce a 'No Objection Certificate' (N.O.C) from the Royal Bhutan Police in order to apply for scholarships and

civil service appointments (Hutt, 2005: 47). This certified that the holder had a clean record. Even children seeking admissions to school required to produce an N.O.C.

While Bhutan continued its development programs, the ‘anti-national problem’ was the greatest cause for the 1991 census (Shaw, 1992: 184-188). The Bhutanese government declared that its census operations had detected the presence of over 100,000 illegal immigrants living in southern Bhutan (Hutt, 2005: 48). The census operation soon became a tool for “dispossession and banishment of dissidents, the wealthy, the educated and various other categories of *Lhotshampa* citizens” (Hutt, 2005: 48). Table 3.2 represents the Bhutan’s population history from 1950 to 2017. According to the figure, the growth rate of Bhutan’s population has significantly dropped from 535,505 in 1990 to 508,897 in 1995. This drop in population is due to a large number of *Lhotshampas* getting exiled from the country after the 1988 census. The stringent measures imposed on southern Bhutan, which included the closure of almost every school, were justified in terms of national security.

**Table 3. Bhutan’s Population (1950-2017)**

<b>Year</b>	<b>Population</b>	<b>% Male</b>	<b>% Female</b>	<b>Density(km<sup>2</sup>)</b>	<b>Growth Rate</b>
1950	176,795	51.28%	48.72%	5	2.62%
1955	200,089	50.97%	49.03%	5	2.30%
1960	224,108	50.84%	49.16%	6	2.29%
1965	252,629	50.80%	49.20%	7	2.59%
1970	291,457	50.79%	49.21%	8	3.44%
1975	349,146	51.64%	48.36%	9	3.58%
1980	412,561	52.05%	47.95%	11	2.71%
1985	469,010	51.88%	48.12%	12	3.18%
1990	535,505	51.75%	48.25%	14	-0.15%
1995	508,897	51.53%	48.47%	13	0.68%
2000	564,163	51.41%	48.59%	15	2.90%
2005	651,163	53.27%	46.73%	17	2.39%
2010	720,246	53.64%	46.36%	19	1.65%
2015	774,830	53.73%	46.27%	20	1.19%
2017	792,877	53.64%	46.36%	21	1.05%

Source: <http://worldpopulationreview.com/countries/bhutan-population/>

In September 1991, the United Nations High Commissioner for Refugees (UNHCR) assumed responsibility for the coordination of emergency relief assistance for Bhutanese refugees. Bhutanese refugee camps were established at five different sites: Timai, Goldhap, Beldangi and Khudunabari in Jhapa district, and Sanishchare (Pathri) in Morang, and by late 1994, 2,331 survivors of physical torture had been identified in these camps (Hutt, 2005: 48). The Bhutanese government emphasized that the Nepalese government did not screen arrivals until June 1993, when the main influx had all but ceased, and adopted a hostile attitude to UNHCR's operations in Nepal. It maintained consistently for ten years that few, if any, of the people in the camps were genuine refugees from Bhutan, and dismissed the citizenship cards and tax receipts that many of them held as forgeries or stolen documents. Meanwhile, Nepalese politicians of every persuasion repeatedly referred to the presence of 100,000 Bhutanese refugees in their country, and declared that they would ensure that all of them would soon return to Bhutan 'with honour and dignity'.

### **3.7 The Refugee Crisis**

According to the 1951 UN Convention, the term 'refugee' means a person who has a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such event is unable or, owing to such fear, is unwilling to return to it' (UNHCR, Convention and Protocol Relating to the Status of Refugees). Starting from the mid-twentieth century, the international community has been confronted with a large amount of flow of political refugees across international borders. The United Nations High Commission for Refugees (UNHCR) which was formed in 1951, took care of around 2 million refugees. The number of refugees has been growing ever since and the end of cold war and the events that followed not only accelerated the number of refugees, but also defined the causes of the refugee situation on different terms, which was the division of the states along ethnic lines (Khanal, 1998: 144). There are various factors which triggers the flow of refugees, also called "new humanitarian crises"

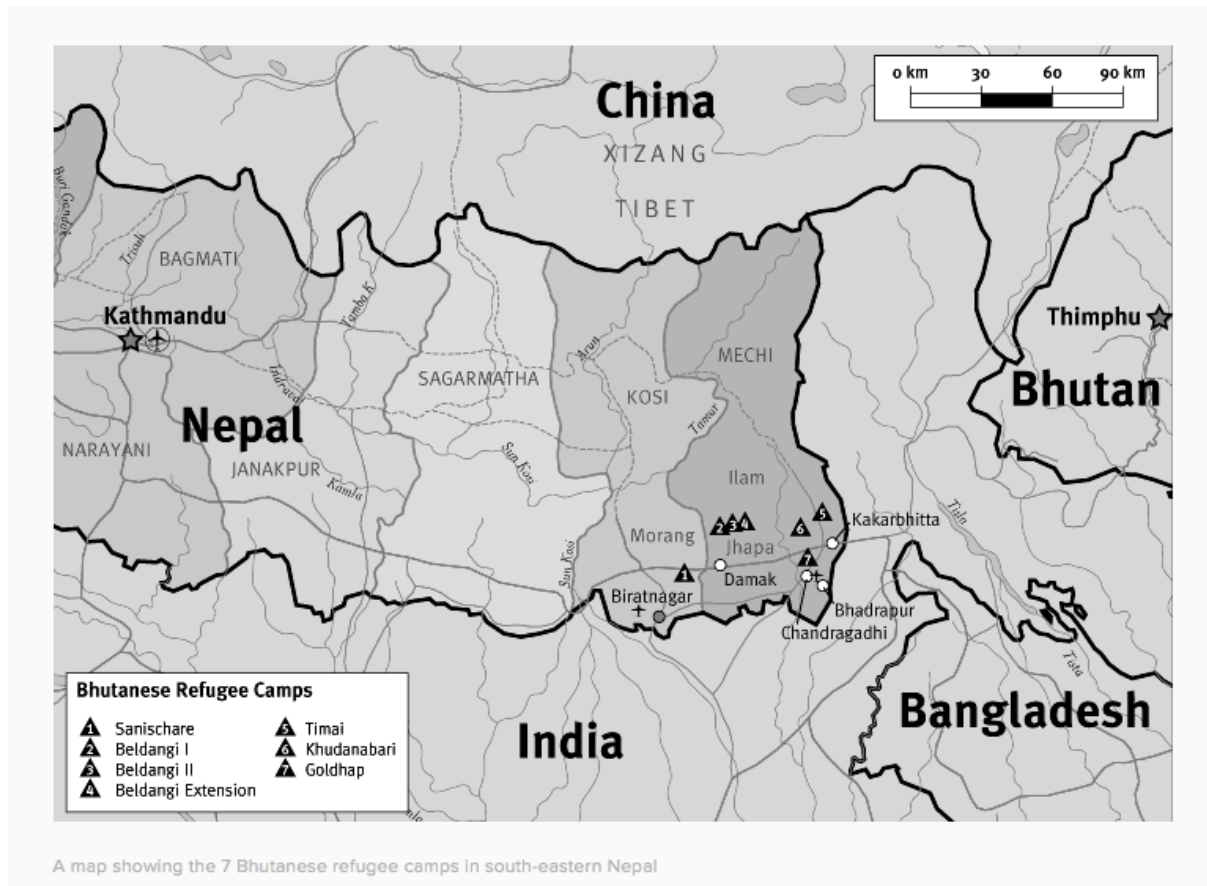
(UNHCR, 1995). Communist states like former Yugoslavia and CIS countries constitute the first category where the struggle for power and territory amongst warring parties took the form of “ethnic cleansing” (Khanal, 1998: 144). The second category includes countries like Somalia, Liberia, Rwanda, etc. where “existing political and administrative structures have been destroyed, society has fragmented and power has passed into the hands of local warlords and military leaders” (Khanal, 1998: 144). In the third category includes countries like Bhutan, Myanmar, etc., where the refugee flows was caused “not by the break-up of the countries, but by the efforts to impose the authority of the state on minority groups, opposition movements and secessionist forces” (Khanal, 1998: 144-145).

Exodus of people from the country of their own seeking shelter across the border is a testimony of conditions in which human rights are either absent or grossly violated. A vast number of refugees are driven from their home mainly due to human rights abuses. The effective safeguarding of human rights is possible only when a democratic framework of the state is set up. However, holding state-controlled elections alone does not represent a democratic transition, which is exactly the case of Bhutan. Bhutan transitioned from absolute monarchy to constitutional monarchy in 2008. However, all occurrences in the country’s history and politics are still largely determined by the kings.

As such, in the 1990s there was a huge influx of refugees into Nepal from Bhutan. The citizenship policies that the Bhutanese government adopted following the 1986 census caused a large number of Nepali-speaking Bhutanese to evict their home and seek asylum in Nepal where they had common ethnic and linguistic bond.

Started from the late 1990 with a few hundred asylum seekers, the Bhutanese refugees in Nepal had reached over 70,000 by the end of 1992 (Khanal, 1998: 152). Since September 1991, the UNHCR undertook the work of assistance to the refugees on the request of the government of Nepal. The year 1992 witnessed the largest influx of refugees averaging 300-600 new arrivals a day. In 2006, some 108,000 Bhutanese asylum seekers resided in the camps of Jhapa and Morang Districts of eastern Nepal.

## Map 2. Bhutanese refugees camps in Nepal



Source: <http://bhutaneserefugees.com/in-camps/>

There is a significant population of Bhutanese refugees, ranging from 15,000 to 30,000 in India as well.<sup>21</sup> India has not ratified the 1951 Refugee Convention or its 1967 Protocol and therefore does not have a national refugee legislation. India is a member of UNHCR's Executive Committee and the UNHCR undertakes refugee status determination under its mandate for refugees from countries other than Tibet, Sri Lanka, and Bangladesh. However, UNHCR has not considered any Bhutanese refugees in India for refugee status.<sup>22</sup>

<sup>21</sup> See: <https://www.hrw.org/reports/2007/bhutan0507/12.htm> accessed on 12/08/2016

<sup>22</sup> *ibid*

**Table 4. Camps population figures in 1999, 2006**

	<b>1999</b>	<b>2006</b>
Beldangi 1	16,672	18,335
Beldangi 2	20,856	22,542
Beldangi 3	10,561	11,594
Goldhap	8,674	9,513
Khundunbari	12,194	13,392
Sanischare	18,951	20,993
Timai	9,249	10,293
<b>TOTAL</b>	<b>97,157</b>	<b>106,662</b>

Source:<http://bhutaneserefugees.com/life-in-the-camps;>  
[http://himalaya.socanth.cam.ac.uk/collections/journals/contributions/pdf/CNAS\\_28\\_01\\_05.pdf](http://himalaya.socanth.cam.ac.uk/collections/journals/contributions/pdf/CNAS_28_01_05.pdf)

The UN refugee agency and the International Organization for Migration (IOM) launched a resettlement programme of over 100,000 Bhutanese refugees from Nepal to third countries in 2007. These refugees are resettled in countries like Australia (5,554), Canada (6,500), Denmark (874), New Zealand (1002), the Netherlands (327), Norway (566), the United Kingdom (358) and the United States of America (84,819) (UNHCR, 2015 a). At present, there were only two camps in Nepal and the refugee population stands at less than 18,000 people (UNHCR, 2015 a).

**Table 5. No of Bhutanese Refugees (*Lhotshampas*) resettled in third country as of 2015**

<b>Third Country Name</b>	<b>No of Resettled Refugees</b>
Australia	5,554
Canada	6,500
Denmark	874
New Zealand	1002
the Netherlands	327
Norway	566
the United Kingdom	358
United States of America (84,819)	84,819
<b>Total</b>	<b>100,000</b>

Source: UNHCR (2015), The UN Refugee Agency, “Resettlement of Bhutanese refugees surpasses 100,000 mark”, <http://www.unhcr.org/news/latest/2015/11/564dded46/resettlement-bhutanese-refugees-surpasses-100000-mark.html>

Besides, there are also those who have taken refuge in India’s West Bengal and Assam states. Although the Bhutanese refugees mostly constitute the Nepali ethnic group there are reports that they also include few families belonging to the Indian ethnic groups such as *Jhagar*, *Santhal*, *Urou* and Bengali (Khanal, 1998)

The problem of Bhutanese refugees in Nepal is genuinely a human rights issue and has been a topic of much debate (Khanal, 1998:156). There were various human rights organizations including the London-based Amnesty International that carried out an in-depth exploration of the status of human rights in Bhutan and came out with the fact that “Nepali-speaking people from southern Bhutan...have been systematically driven out because of their ethnic origin or political beliefs” (Amnesty International, 1994). In August 1994, Amnesty International also concluded in one of its reports that “in keeping with international law, Bhutan should be recognized as their ‘own country’ and they should have the right to return to live in safety from human violations” (Amnesty International,

1994). The refugee crisis of Bhutan is the result of human rights abuses which accelerated since the late 1980s particularly with regard to the *Lhotshampas* in the south (Khanal, 1998: 156). There is a direct link between the repatriation of the refugees and human rights situation in Bhutan. More than 80,000 people endured a tragic fate when the Bhutanese government forcibly expelled ethnic Nepalis in an act of “forceful eviction”. The series of official acts implemented between 1977 and 1989 curbed immigration as well as defining a Bhutanese national according to the values, customs, dress, religion and language of the dominant *Drukpa* culture. In light of the “growing sense of cultural marginalization among the Nepali Bhutanese,” dissent grew in the following years, leading to violence and demonstrations. Ethnic Nepalis responded to these acts by engaging in public demonstrations and protests in defense of their culture. The government in turn responded to massive protests held in September and October 1990 by launching a military crackdown. Because the Citizenship Act allowed the termination of citizenship of any person who showed disloyalty “in any manner whatsoever”, even those who had been classified as full citizens found themselves denationalized for assisting dissident “anti-nationals” in their protests. Those ethnic Nepalis critical of the government’s policies were labeled *ngolops*, or ‘anti-national’, and accused of perpetrating acts of terrorism.

In the early 1990s, Bhutan resorted into state terrorism. There were countless incidents of killing, murder, rape, burning of houses, arrest, torture, kidnap, beating, misbehaviour in the southern Bhutan by army personnel deployed by the government (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). Immediately after the 1990 demonstrations, the Bhutanese governments shut down most of the schools in southern Bhutan (Hutt, 2003: 220). According to Amnesty International, these schools were turned into army bases or prisons (Leech, 2013). Raids were conducted by the military and police throughout the region and people were detained for up to a year without being charged with a crime, and some were forced to endure torture and rape. According to the official data, by the end of 1992, some 60,000 ethnic Nepalis, which formed almost twenty per cent of the country’s total population, had been dispossessed of their lands and forced to flee to Nepal (Sunilam, 2007: 3087). The Bhutanese government tried to systematically eradicate the cultural practices of the *Lhotshampa s* through various official acts and military repression.



The Bhutanese refugees were housed in seven camps established by the UNHCR because Bhutan refused to allow them to their homes and the Nepal government would not permit them to become residents of that country. As mentioned earlier, the UNHCR started its refugee resettlement programme in 2007, along with the cooperation of eight countries including Australia, New Zealand, Canada, Denmark, Norway, the Netherlands, the United Kingdom and the United States. However, many refugees experienced difficulties in adjusting to life in their new countries. For example, Bhutanese refugee communities in the United States have experienced abnormally high suicide rates (Leech, 2013). Meanwhile, there are still some Bhutanese refugees who remain in the camps in Nepal, where they have now lived for more than 20 years.

The Bhutanese government has refused to acknowledge any wrongdoing regarding the country's treatment of ethnic Nepalis and continues to deny the right to return to any of the refugees. The government has instead sought to keep the international spotlight on its efforts to promote Bhutan as a country concerned with both the spiritual and material well-being of its citizens through its concept of Gross National Happiness. The two issues – GNH and human rights are intrinsically linked, as such, turning a blind eye to Bhutan's human rights violations might contribute to discrediting the concept of Gross National Happiness.

As the efforts of developing and achieving Gross National Happiness remains the country's prime goal, the issue of refugee crisis is to be kept within the GNH debate. While there are clearly many merits to the concept of GNH, the promotion of Bhutan as the model to follow is troubling given the gross violations of human rights perpetrated by that country's government. Despite "cultural vitality and diversity" being among the nine indicators the government uses to determine the country's Gross National Happiness, a series of official laws and acts implemented since the late-1970s have sought to narrowly define Bhutanese nationals as only those citizens who adhere to the customs, values, dress, religion and language of the *Ngalongs*.

### **3.8 Conclusion**

The issue of minorities and the refugee crisis is therefore interlinked with the success of the GNH development model in Bhutan. Minorities in case of Bhutan include the various indigenous peoples as well as the *Lhotshampas*, who belong to the ethnic Nepali origin. These ethnic minority groups do not have any influence in the power structures of the country nor are they numerically superior to the *Ngalongs*, who are the dominant, both numerically and influence-wise, ethnic group of Bhutan. There are also *Lhotshampas* living in refugee camps in Nepal as well as resettled in third countries who have been systematically driven out from Bhutan and denied citizenship on the grounds that there are immigrants from another country and belong to different ethnicity, religion and language. These *Lhotshampas*, although having allegedly been living the country for decades, have been forcibly exiled from Bhutan since the late 1980s and have not been allowed to return home ever since. A closer look at the constitutional provisions of Bhutan as well as the various acts regarding citizenship is necessary to find out the gaps in those provisions regarding the rights of minorities, which will be dealt with the next chapter.

## **Chapter IV**

### **Citizenship and Rights of Minorities in Bhutan: Acts and Laws**

#### **4.1 Introduction**

This chapter deals with the various laws and acts imposed by the government of Bhutan regarding citizenship, along with those relating to marriage and customs which had both direct and indirect impact on the citizens of Bhutan. The first part of the chapter deals with citizenship in Bhutan and traces the various acts and laws regarding citizenship against the backdrop of the historical developments in the country. The second part of the chapter deals with the constitutional provisions of Bhutan regarding citizenship and minorities and tries to uncover the inherent deficit in those provisions. By addressing to these acts and laws, the chapter tries to explore the socio-economic consequences they had on the citizens of Bhutan, especially to its minorities. As such, the chapter attempts to make detailed analysis of these acts and laws exploring the shortcomings within the constitution of Bhutan with regard to citizenship and minority rights.

#### **4.2 Citizenship in Bhutan**

In simple terms, citizenship is the status enjoyed by a person as a member of a political community (Yegen, 2004: 51-66) As such, citizenship not only provides people with a sense of belonging and identity, it also gives them an entitlement to the protection of the state and a legal basis for the exercise of many civil and political rights (United Nations High Commissioner for Refugees, 1997). The concept of citizenship varies according to the emphasis that is put on its various elements. For instance, for liberals, citizenship is a legal status which is based on nationality which is granted by a state at birth or through naturalization and which also grants specific rights and responsibilities in relation to that state (Nash, 2009: 1067). Similarly, for republicans, citizenship provides political participation in the form of formal procedures of voting, lobbying, and standing for office, and political mobilizations in civil society (Nash, 2009: 1067). There is a popular notion that citizens are bound together by virtue of the nation to which they together belong to, and the memories, values and purposes they share (Nash, 2009: 1067-1068). However, this notion that there is a close relationship between citizenship and nation has come under

scrutiny in recent times, due to the fact that processes of globalization has transcended the nature of political participation beyond the limits of national territory (Nash, 2009: 1068). The bond between citizenship and political community is an established fact but this does not mean there could be no other form of close political association other than a nation-state society (Yegen, 2004: 52). On the other hand, large-scale migration and settlements in states which were previously inhabited by citizens with relatively homogeneous racial and cultural background bring into question the exclusionary basis of national political community (Nash, 2009: 1068). This is more so in the case of minorities living in a country over a long period of time, which makes the act of privileging a particular category of persons as citizens within a political community because of their skin color and ethnicity unjust (Nash, 2009: 1698).

Regarding the question of citizenship in Bhutan, the country's Ministry of Home and Cultural Affairs issues seven different categories of the citizenship ID cards to its citizens (Arora, 2014). Category 1 is given to "genuine Bhutanese citizens"; category 2 is for southerners who left Bhutan once and then returned; category 3 is for those who were not around when the 1988 census was held; category 4 is given to non-national women married to Bhutanese men, and their children; category 5 is for non-national men married to Bhutanese women, and their children; category 6 is for legally adopted children; and lastly, category 7 is for those considered non-nationals (The Royal Government of Bhutan, Census Handbook, 1993: 29). As such, not every citizen of Bhutan enjoys the same rights as they are segregated into various categories which provide some citizens more privileges and rights than others.

The question of evolution and development of citizenship in Bhutan necessitates the exploration of the political-institutional transition of the country. Bhutan was not a unified polity until the 1950s (Hutt, 2005). Before 1950s, the country had different systems of administration in different parts (Hutt, 2005). Similarly in southern Bhutan, there were local contractors and their descendants who remained the authority. The revenue raised in certain southern districts was submitted not to the central government but to a local governor based across the Indian border in Kalimpong (Hutt, 2005).

It was only during the early 1950s that the entire kingdom was brought under a single administrative system, with Thimpu as its capital. The then King Jigme Dorji Wangchuk and his Prime Minister Jigme Palden Dorje<sup>1</sup> started a number of programmes of political institution-building and infrastructure development. They included a land reform programme, the establishment of an elected National Assembly in 1953, the freeing of serfs, the enactment of the Nationality Law of Bhutan in 1958, and the establishment of a Royal Advisory Council (Hutt, 2005). All these programmes were a result of the political events that unfolded in Bhutan during that period.

The freedom movement in India which resulted in the departure of the British and the creation of two successor states of Indian Union and Pakistan inspired the democratic elements among the Nepali-Bhutanese within Bhutan. Simultaneously, the Anti-Rana movement and the formation of political parties in Nepal inspired D.B. Gurung to organize Bhutan's first political party, the Bhutan State Congress in 1952 (Pal and Banerjee, 2017: 182). However, it brought a popular agitational programme fighting for civil and political rights, abolition of landed estates, establishment of a responsible government etc., which were all thwarted by the despotic monarchy (Pal and Banerjee, 2017: 182). All sorts of political agitation were banned by the Bhutanese government (Pal and Banerjee, 2017: 182). Nonetheless, the failed political agitation and the persistent demand for democratic reforms in Bhutan made King Jigme Dorji Wangchuk realize the need to take a proper stance on the situation, which he thought could be done by introducing representation of Nepalese in the National Assembly and their appointment to the Royal Civil Service (Pal and Banerjee, 2017: 182). He further conferred citizenship rights to the Nepalese under the National Act of 1958 (Census Handbook, 1993: 3-5).

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<sup>1</sup> Prime Minister Jigme Palden Dorji was assassinated in April 1964. He handled most of the specifics on Bhutan's modernization process and since he lived in Kalimpong, he was influenced by the modern world and his idea appealed to the younger generations more than the older ones. Many of the latter did not understand the changes, or feared that their position would be undercut, especially as in influx of hardworking *Nepalis* helped transform the malarial forests of southern Bhutan into its trade corridor. In the absence of the Third King, some of the decisions of the Prime Minister were interpreted as a push for power, backed by young upstarts and foreigners.

### 4.3 The Nationality Law of 1958

With the ascension of the Third Druk Gyalpo, Jigme Dorji Wangchuk in 1952, “a new era began in the history of Bhutan” (Nestroy, 2004: 344). Under his reign from 1952 to 1972, the country saw major social and political reforms, the beginnings of political consciousness among Nepali minority, state-sponsored integration efforts, and Bhutan’s first law governing citizenship.

The Nationality Law of 1958 paved way for a vast majority of Nepalese Bhutanese residents to emerge themselves into the Bhutanese polity. This law was one of the major reforms taken by the Third *Druk Gyalpo*, Jigme Dorji Wangchuk in 1952 (Nestroy, 2004: 339-340). In addition to providing for citizenship, during this period the government recognized Nepali culture and dress, allowed the teaching of the Nepali languages in schools, encouraged inter-ethnic marriages, and trained Nepali Bhutanese for government service. In 1961, Bhutan inaugurated its first Five-Year Plan. It was followed by the construction of a road linking Thimpu with India in 1963. As a result of these reforms, the economy and administration of the south integrated with those of the rest of Bhutan, which brought the *Lhotshampa* population deeper into the national mainstream (Hutt, 2003: 127-44). They began to play an important part in the national life of Bhutan, as increasing numbers of *Lhotshampas* entered government service (Hutt, 2005).

The king took a number of proto-democratic actions: he created a National Assembly in 1953, over which he had a veto until 1968, and introduced a triennial vote of confidence and two consultative councils (Gallenkamp, 2011: 1-11). Socially, he abolished slavery and serfdom in 1956, and instituted land reforms in 1952 that “allowed tenant farmers, most of whom were Bhutanese Nepalis, to acquire up to 25-30 acres”(Gallenkump, 2010: 6). Bhutan also joined a number of international organizations during this period including the United Nations in 1971 (Nestroy, 2004: 347).

Developments both internally and externally likely prompted these reforms, particularly a growing Nepali political activism with the region and the formation of political party –the Bhutan State Congress –by members of the Nepali Bhutanese community to promote political reforms (Hutt, 2004: 125). A popular Nepalese movement

had already toppled the hereditary regime in Nepal in 1951, and the Third *Druk Gyalpo* had reason to fear for his own future (Whitecross, 2009: 60). However, unlike later efforts to counter Nepali Bhutanese political movements with exclusionary tactics, the government welcomed the vast majority of the Nepali Bhutanese residents into the emerging Bhutanese polity through the Nationality Act of 1958.

Under the Act, the king extended Bhutanese citizenship to any person who lived in Bhutan for ten years and owned agricultural land (Whitecross, 2009: 61). Because most of the Nepali Bhutanese were farmers, ‘the provision of ownership of land was clearly inserted with them in mind’ (Lee, 1998: 129). If the applicant was not a landowner, the person was eligible for citizenship if he or she ‘‘had served the Government for five years and had resided in Bhutan for ten years’’ (Saul, 2000: 326). Citizenship also passed to a child if his father was a Bhutanese national (regardless of the nationality of the mother) and to a non-national woman if she married a Bhutanese (Baral, 1993: 200). Dual citizenship, however, was prohibited (Lee, 1998: 128).

In addition to providing for citizenship, during this period the government recognized Nepali culture and dress, allowed the teaching of the Nepali language in schools, encouraged inter-ethnic marriages, and trained Nepali Bhutanese for government service (Hutt, 1996: 402). ‘‘Thus, the Nepali Bhutanese began to play a more important role in national life, occupying some senior positions in the administration and sometimes even representing the kingdom overseas’’ (Hutt, 1996: 402).

Before 1958, citizenship as a legal concept was absent from Bhutan (Whitecross, 2009: 61). The Nationality Act defined that idea broadly, not merely as membership in an ethno-linguist group but ‘‘in relation to the territorial space of Bhutan’’ (Whitecross, 2009: 61). However, the government’s commitment to territorially-based citizenship and cultural integration of the country’s minorities proved to be strikingly short-lived. This was because the 1958 Nationality law was superseded by the Bhutan Citizen Act of 1977 and 1985. From the mid-1980s, the impetus towards the integration of the *Lhotshampas* began to slow down. Some powerful members of the elite were skeptical of this assimilation process and felt that the newly admitted *Lhotshampas* were bringing with them democratic claims and values. These apprehensions were greatly heightened by the violence of the

Gorkhaland-movement<sup>2</sup> in the Darjeeling district of West Bengal, especially between 1986 and 1988, and by the success of the democratic movement in Nepal in 1990 (Hutt, 2005).

#### **4.4 Changes and Restrictions on Citizenship**

In the two decades that followed the 1958 Nationality Act, South Asia was rocked by political and social turmoil that drove Bhutan's monarchy away from a citizenship policy based on territorial presence and toward an increasingly restrictive one based on ethnic, *Drukpa* identity. In 1959, the People's Republic of China invaded Tibet, and in 1965, it embarked on a violent and chaotic Cultural Revolution (Whitecross, 2009: 62). To the west, in 1975, India annexed Sikkim, a semi-independent kingdom with a large ethnic Nepali migrant population that "had actively pressed for the merger" (Saul, 2000: 326; Whitecross, 2009: 61). The events in "Sikkim had a lasting impact on the Bhutanese psyche" (Joseph, 2006: 1311-1312). A new king, the Fourth *Druk Gyalpo*, Jigme Singye Wangchuk, had ascended to the throne in 1972 at the tender age of 17, and he and the government feared that a similar popular movement of the Nepali Bhutanese could threaten Bhutan's sovereignty (Gallenkump, 2010: 8; Whitecross, 2009: 62).

#### **4.5 Adoption of the Bhutan Citizen Act, 1977 and Marriage Act of Bhutan, 1980**

Accordingly, among the king's first major actions was to adopt the Citizenship Act of 1977. Applying retroactively, the act doubled the length of time required for residency to twenty years for those working the land and tripled the requirement to fifteen years for those serving in the government (Baral, 1993: 200). A non-national wife of a Bhutanese national was no longer automatically eligible for citizenship and now had to apply for it like any other non-national (Hutt, 2004: 147). It also required prospective nationals to have "some knowledge" of Bhutan's history and of Dzongkha (Hutt, 2004: 147). For the first time, it also required each applicant to pledge not to act against the Tsa Wa Sum, or King, Nation, and People, to promote loyalty to the monarchy instead of an ethnicity or region (Whitecross, 2009: 62). "With the amendments to the eligibility for citizenship set out in

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<sup>2</sup> The Nepali-speaking population known as "*Gorkhas*" demanded a new state to be carved out of Darjeeling District and the adjoining Dooars at the southern fringe of Bhutan. From 1986 to 1988, the region observed a violent movement for *Gorkhaland* under the leadership of Subash Ghising and the *Gorkha National Liberation Front* which resulted in the formation of the autonomous *Darjeeling Gorkha Hill Council*.



the 1977 Act,” one scholar wrote, “we can see the intertwining of legal processes and requirement with an increasingly exclusionary vision of what it meant to be ‘Bhutanese’” (Whitecross, 2009: 63).

That vision grew more restrictive when the government adopted the Marriage Act of 1980, which retroactively introduced punitive measures against Bhutanese who married non-nationals (Hutt, 2004: 148). Government servants in mixed marriages could not be promoted; no one who married a non-national could be employed in the foreign or defense ministries and any citizen who married a non-national forfeited his right to educational assistance (Hutt, 2004: 148). It was common for Nepali Bhutanese near the Indian border to marry foreign women, and this provision seemed aimed at discouraging that practice (Hutt, 2004: 148-149).

#### **4.6 The Bhutan Citizen Act, 1985**

The Bhutan Citizen Act came into force on June 10, 1985. This law overrode the previous laws and further tightened citizenship granted by birth, registration, and naturalization (Bhutan Citizenship Act, 1985). First, it narrowed the *jus sanguinis* requirement: citizenship could now only be acquired automatically if both parents were citizens, instead of just the father (Bhutan Citizenship Act, 1985). Second, if a person could show he was domiciled in Bhutan on or before December 31, 1958, he could register as a citizen, but the applicant had to have been registered at that time with the Ministry of Home Affairs; documentary proof was a nearly impossible requirement in a country with widespread illiteracy, which only recently adopted administrative procedures (Bhutan Citizenship Act, 1985; Saul, 2000: 328-329). Third, it allowed for naturalization if the applicant had been in residence for fifteen years for government servants and for those with only one citizen parent, and twenty years for others (Bhutan Citizenship Act, 1985). Naturalization applicants also had to be able to read and write Dzongkha “proficiently”, “have no record of having spoken or acted against the King, Country, and People of Bhutan in any manner whatsoever,” and take an oath of allegiance to the same (Bhutan Citizenship Act, 1985). The government also reserved the right to reject any application for naturalization “without assigning any reason” (Bhutan Citizenship Act, 1985). Finally, citizenship could be terminated if a citizen acquired citizenship of another country or showed “by act or speech

to be disloyal in any manner whatsoever to the King, Country and People of Bhutan” (Bhutan Citizenship Act, 1985).

In light of these retroactive restrictions, especially the new requirement that both parents be Bhutanese, many Nepali Bhutanese became stateless persons overnight. The retroactive operation of its provisions made the act “in essence, a denationalization decree.. specifically aimed at the Nepali-speaking Bhutanese” (Lee, 1998 : 141). The government sought to apply the new citizenship act by conducting a census of only the southern areas of Bhutan in 1988 (Hutt, 1996: 402). Citizenship cards that had been issued a few years earlier by the government were no longer accepted as proof of Bhutanese nationality, and many Nepali Bhutanese did not have records dating from 1958; accordingly, the census proclaimed about 100,000 residents “illegal immigrants” (Hutt, 1996: 402).

The census marked a major escalation in the tensions between the Nepali Bhutanese and the Bhutanese government, as the government now had “proof” of the influx of a large number of illegal migrants who supposedly constituted an existential danger to Bhutan’s *Drukpa* heritage. The census was part of a larger project of “cultural protection measures” intended “to foster the nation’s identity” in-line with the Fourth King’s vision of a homogenous national integration (Saul, 2000 : 330; Gallenkump., 2010: 8). For instance, in 1987, Bhutan introduced a “One Nation, One People” policy that included a mandatory code of traditional *Drukpa* dress and etiquette called *Driglam Namzha* (Hutt, 1996: 403). Dzongkha was promoted, and, in 1989, Nepali instruction was dropped from schools (Saul, 2000: 333; Hutt, 1996: 404). To discourage inter-ethnic marriage, the government also reportedly offered cash bonuses to Bhutanese to marry other Bhutanese (Saul, 2000: 333).

In light of the “growing sense of cultural marginalization among the Nepali Bhutanese,” dissent grew in the following years, leading to violence and demonstrations (Hutt, 1996: 404, 406). Because the Citizenship Act allowed the termination of citizenship of any person who showed disloyalty “in any manner whatsoever”, even those who had been classified as full citizens found themselves denationalized for assisting dissident “anti-nationals” in their protests (U. S. Dept of State, 2010 Human Rights Reports: 9-10; Hutt 1996: 406). The strife led to the massive emigration from southern Bhutan to

Nepalese refugee camps beginning in 1989 and 1990 (Hutt, 2004). In the years that followed, international talks to allow a return of the refugees to Bhutan have failed. Refused citizenship in Nepal and unable to return to Bhutan, after about a decade in the camps, the refugees have begun resettling elsewhere (Whitecross, 2009: 71). As of March 2012, about 60,000 refugees had been resettled abroad, with about 50,000 immigrating to United States (Bird, 2012; U.S. Dept. of State, 2010 Human Rights Report: 8).

As with earlier government action against ethnic minorities, Bhutan's efforts over the past twenty years to define nationality narrowly were actuated by the monarchy's sense of political and cultural fragility. From 1986 to 1988, a popular movement by the Nepalese Gorkha National Liberation Front (GNLF) advocating for an autonomous Nepali state in north Bengal, India turned violent, claiming 200 lives (Hutt, 1996: 401-402; Saul, 2000: 326). The Bhutanese elite probably feared that Nepali-led activism could threaten Bhutan's sovereignty, much as it had to the monarchy in Sikkim a decade earlier (Hutt, 1996: 402). The monarchy thought the Nepali Bhutanese could be Fifth Columnists who would align with the Nepalese across the region and advocate for a "Greater Nepal" that would bring Bhutan under Nepalese control (Baral, 1993: 200, 206).

In recent years, the overt threat of a mass movement forcibly toppling the Bhutanese monarchy and replacing it with a pan-Himalayan Nepali state has receded, but the monarchy's fear of a demographic threat has remained. The government has come to see the survival of its selective cultural identity as tied directly to its sovereignty. "We cannot play a dominant international role because of our small size and population, and because we are a landlocked country," the Fourth King said. "The only factor which can strengthen Bhutan's sovereignty and our different identity is the unique culture we have" (Larner, 2008).

As the monarchy has liberalized, it has continued to promote a particular Bhutanese identity –in part to assuage public anxiety over modernization and in part to fortify the polity from the potentially toxic effects of foreign influence – while deriving benefits from modernity (Wells, 2009; Larner, 2008). This tension – of trying to embrace political progressivism without diluting what it considers its singular culture –has been embodied in the country's new constitution and its approach to citizenship.

The Fourth *Druk Gyalpo* pursued Bhutanization, with all of its negative consequences for the Nepali Bhutanese, instituted a unique development concept called “Gross national Happiness”, and led the transition to a constitutional monarchy before abdicating the throne in 2006 in favor of his son, the Fifth *Druk Gyalpo* King, Jigme Khesar Namgyel Wangchuk (Mathou, 2008; Gallenkump, 2010: 8-12).

#### **4.7 The Issue of Democratic Deficit in the Constitution of Bhutan**

The constitution adopted in July 2008 contains many liberal democratic provisions: allowing the parliament to force the abdication of the king, creating an independent judiciary headed by a Supreme Court, establishing an anti-corruption commission, and specifying equality and sustainable development as principles of state policy, among others (Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, 2008, Articles 2, 21, 28, 9 and 5). It also establishes Dzongkha as the “National Language,” the king as the head of the state and “symbol of unity of the Kingdom,” and Buddhism as the “spiritual heritage of Bhutan” (Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, 2008, Articles 1, 2 and 3). Buddhism is the state religion” and the king is “the protector of all religions in Bhutan” (Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, 2008, Articles 3). It is also “the responsibility of religious institutions and personalities to promote the spiritual heritage of the country while also ensuring religion remains separate from politics” (Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, 2008, Articles 3).

In case of the issue of citizenship, the constitution formalizes the high bar to citizenship established by the 1985 Citizenship Act. Like the 1985 act, the constitution restricts by birth to those born to two Bhutanese parents and entitles a person who was domiciled in Bhutan before December 31, 1958 – “whose name is registered in the official record of the Government” – to citizenship by registration (Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, 2008, Articles 6). The period of residency required for naturalization is reduced from twenty years to fifteen, although no special allowance is made for those who work for the government (Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, 2008, Articles 6). An applicant must have a clean criminal record both in Bhutan and elsewhere, be able to speak and write *Dzongkha*,

have knowledge of Bhutanese culture, have “no record of having spoken or acted against the *Tsa-wa-sum* (king, country, or people),” renounce the citizenship of any foreign state, and take an oath of allegiance (Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, 2008, Articles 6). A citizen automatically loses his citizenship if he becomes a citizen of another state or a dual citizen (Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, 2008, Articles 6).

The constitution’s limitations on citizenship, like the 1985 act before it, mean that thousands of Nepali Bhutanese living in Bhutan who were legal citizens under previous laws are ineligible for citizenship. By requiring fifty-year-old documentation for registration, denying citizenship to children of inter-ethnic marriages, and denying citizenship to anyone who ever agitated against the monarchy, “whole families of several generations are unable to seek legal recognition as ‘full citizens’ of Bhutan” (Whitecross, 2009: 72). In response to criticism of this record by human right groups, the government in 2009 pointed to its naturalization record: “in the last few years, 588 individuals of Nepalese origin, 930 Tibetans, and 222 individuals of other nationalities have been granted Bhutanese citizenship through naturalization” (Dorji, 2009: 6). However, the figures are minute considering the 100,000 “illegals” disenfranchised in 1988. Precise figures of the disenfranchised are not known, but given the estimated size of the ethnic Nepali population, the scope of the political unrest, and the difficulty in maintaining records from decades ago, it stands to reason that tens of thousands of long-term Bhutanese residents are not considered citizens under the constitution, and are, therefore, stateless under international law (U. S. Dept. of State, 2010 Human Rights Report: 10).

Having set such a high bar for citizenship, the constitution specifies in Article 7 the fundamental rights accorded to “citizens” and non-citizen “persons” (The Royal Government of Bhutan, the Constitution of the Kingdom of Bhutan, 2008, Article 7). While the constitution does not say so explicitly, a fair reading of the text suggests that all citizens are persons –and are entitled to the rights afforded to both persons and citizens – but not all persons are citizens and are, instead, afforded only those rights ascribed to those who live in Bhutan but do not qualify for citizenship. The textual distinction has yet to be litigated, but given the plain meaning of the terms, the canon of statutory construction of

*expression unius est exclusio alterius* –when one thing of a class is expressly mentioned, others of the same class are excluded –and the history of Nepali Bhutanese exclusion from the political process, it seems plain that this distinction reflects a purposeful choice on behalf of the drafters.

The constitution theoretically protects a comprehensive range of civil, political, and economic rights for citizens that are in some instances greater than those protected by Western constitutions –from freedom of expression to freedom of religion, from a right to equal pay to a right to vote, from access to government employment to free access to information (The Royal Government of Bhutan, the Constitution of the Kingdom of Bhutan, 2008, Article 7). However, persons are entitled to a much narrower band of rights, mostly limited to physical protections and some civil rights but not political or economic ones. For instance, persons have “the right to life, liberty, and security” and to be free from capital punishment and “cruel, inhuman or degrading treatment,” but only citizens “have the right to freedom of speech, opinion and expression” and “freedom... of religion” (The Royal Government of Bhutan, the Constitution of the Kingdom of Bhutan, 2008, Article 7). In contrast, a person is only protected from being “compelled to belong to another faith.” Given the challenge the Hindu-practicing Nepali Bhutanese pose to the Buddhist Bhutanese's conception of homogeneity, the distinction can carry significant meaning. Under a fair reading of the text, it would be constitutional for the legislature to pass laws banning a non-citizen from publishing a newspaper, posting a handbill, or lecturing.

With regard to economic rights, while a person is guaranteed the right “to material interests resulting from any scientific, literary or artistic production,” only citizens have the right to own real property, and they may not “sell or transfer land or any immovable object to a person who is not a citizen...” Given that most Nepali Bhutanese are farmers, this provisions likely restricts them to lease-holding and sharecropping. It is also a striking retrogression from the 1958 and 1977 citizenship laws that favored those who worked the land. Citizens alone are also granted the “right to practice any lawful trade, profession, or vocation,” establishing the basis for laws that could bar non-citizens from some professions, similar to the restrictions placed on inter-ethnic couples by the 1980 Marriage Act. Only citizens can stand for elective office,” and any citizen who is married to a non-

Bhutanese is automatically disqualified from both standing for election and holding an elective office (The Royal Government of Bhutan, the Constitution of the Kingdom of Bhutan, 2008, Article 23).

In addition to being granted rights, citizens are also charged with “fundamental duties” under the constitution that are dissimilar from those ascribed to persons. Citizens are expected to “preserve, protect and defend the sovereignty... and unity of Bhutan,” “preserve, protect and respect the environment, culture, and heritage of the nation” “ – an oblique reference to the country's Buddhist “spiritual heritage” – and “foster tolerance, mutual respect and ...brotherhood” among all of Bhutan's people. Much is also expected of “persons,” although of a different degree. They are expected to respect the flag, refrain from “terrorism” or harming others, safeguard public property, pay taxes, “uphold justice and act against corruption,” and “respect and abide by...this Constitution,” among other obligations.

Essentially, the constitution charges citizens with safeguarding Bhutan's sovereignty and distinctiveness, which – as we have seen – the monarchy has often felt was under threat. Less is expected of persons; they, basically, are directed not to disturb the harmony and peace of the state in which they are lucky to live. Under this scheme, the constitution has created a kind of civic republicanism for its citizens in which “citizenship is an activity or a practice, and not simply a status, so that not to engage in the practice is, in important senses, not to be a citizen.” In Bhutan, citizens “are called to stem and important tasks which have to do with the very sustaining of their identity.” Indeed, the very exclusivity embraced by Bhutan's constitution finds a home in this theory of citizenship, for “at the heart of the civic-republican tradition” is the thought that “[i]n choosing an identity for ourselves, we recognize both who our fellow citizens are, and those who are not members of our community, and thus who are potential enemies.” Non-citizens are denied fundamental rights granted to full members of this community, despite their territorial presence and previous status; instead, “[a]s indigestible minorities in their own homes, they suddenly find themselves deprived of a homeland.”

For Bhutan to embrace the international human rights regime but at the same time exclude a large population from the benefits and duties of full citizenship is contradictory

and ironic. Before a UN human rights panel, Bhutan's Special Envoy Lyonpo Kinzang Dorji explained the welfare of Bhutan's "citizens[,] indeed, of all sentient beings, has been the guiding principle of Bhutan's governance since the time of *Zhabdrung* Ngawang Namgyal" (Dorji, 2009: 5) . The "main goal" of his country's recent "political transformation is to create a modern democratic nation that would meet the highest standards in upholding the full range of rights of its people" (Dorji, 2009: 2). Bhutan was determined, he said, in its pursuit of the realization "of the full range of human rights and fundamental freedoms for Bhutanese in accordance with our international human rights treaty obligations" (Dorji, 2009: 7). In 2009, the Chief Justice of Bhutan Lyonpo Sonam Tobgye also noted that "[m]any provisions of the Universal Declaration of Human Rights have been incorporated in our Constitution," pointing to Article 9, Section 3, which emphasizes the "protection of human rights and dignity."<sup>3</sup> In light of these pronouncements, Bhutan clearly seeks to portray itself as a steward of universalist norms. But such high-minded rhetoric sounds hypocritical when Bhutan's restrictive approach to citizenship is evaluated against its international law commitments. In terms of specific obligations, the denationalization that followed the 1985 Citizenship Act – and is now affirmed in the constitutional provisions on citizenship – contravenes the Convention on the Rights of the Child (CRC), which Bhutan ratified in August 1990 without reservation.<sup>4</sup> Generally, this denationalization may also qualify as inexpressible racial discrimination under international customary law and may violate the Universal Declaration of Human Rights (UDHR), which the government claims to venerate.<sup>5</sup>

Bhutan's constitution recognizes the validity of international law. While any future international agreements must be ratified by Parliament, "existing International Conventions, Covenants, Treaties, Protocols and Agreements entered into by Bhutan, ...shall continue in force" so long as they are not "inconsistent with this Constitution" (The Royal Government of Bhutan, the Constitution of the Kingdom of Bhutan, 2008, Article

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<sup>3</sup> See: <http://www.unct.org.bt/wp-content/uploads/2009/03/keynote-speech-by-chief-justice-20-feb09.pdf> accessed on 11/11/2016

<sup>4</sup> See: <http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsgno=IV-11&chapter=4&lang=en> accessed on 09/08/2016

<sup>5</sup> Customary international law is accepted as a source of international law and "results from a general and consistent practice of states followed by them from a sense of legal obligation." Carter, Barry E. et. al., *International Law* 3, 5<sup>th</sup> ed. 2007



1). The inconsistency clause may provide an escape hatch for some international obligations, but it is difficult to argue that the protection of children is inconsistent with the constitution. Furthermore, Bhutan's commitment to “foster(ing) respect for international law and treaty obligations” is affirmed as a principle of state policy in the constitution.

#### **4.7.a Constitutional Deficit Regarding the Minorities**

Bhutan has not only been geographically and historically speaking an isolated state, it has to some degree isolated itself also from the global human rights regime since it is at the extreme bottom list of states in terms of the international human rights treaties ratified: only two.<sup>6</sup> Its historical and legal isolation has probably meant that, while many of the officials and leaders in Bhutan may favour some movement towards greater democracy and changes in society to modernize it, there must necessarily be a great deal of ignorance or at least misunderstanding as to what entails a truly democratic and open society, committed to global ideals of justice and tolerance and for a rights based approach in development planning.

Especially when dealing with minorities, there may have been the mistaken belief that there are no standards applicable to Bhutan since it has not ratified the *International Covenant on Civil and Political Rights* (ICCPR) which is main international treaty that contains a specific minority provision, Article 27.<sup>7</sup> To put this in very simple terms: no Article 27, therefore no minority rights.

Most of what people would recognize today as “minority rights” is undoubtedly part of the corpus of human rights in international law. In matters of religious and linguistic preferences and restrictions, for example, minorities are protected by freedom of religion, freedom of expression, and especially non-discrimination. These are fundamental human rights, pillars in the global human rights regime. Whether dealing with situations involving the use of a minority language by public authorities, stopping the government from banning the private use of a language, removing restrictions on religious activities,

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<sup>6</sup> Bhutan has ratified only these two treaties: *Convention on the Rights of the Child* (CRC) and the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW)

<sup>7</sup> Article 27 states: ‘In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.’

teaching in a public school in a minority language, or obtaining financial support for private schools for a religious minority, it is not Article 27 that has been used successfully, but usually one of the other fundamental rights such as non-discrimination, freedom of religion or freedom of expression.

The reason this is important is that Bhutan having (only) ratified both the *Convention on the Rights of the Child* (CRC) and the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) cannot discriminate against these two groups and generally must ensure that the basic human rights of women and children are applied. This would apply to women and children who also happen to be members of a minority, and especially to Nepali-speaking individuals. Additionally, because fundamental rights and freedoms such as freedom of religion and the prohibition of racial discrimination are also part of customary law, Bhutan must comply with these regardless of the status of its ratification of a particular treaty.

Moreover, the CRC contains a minority provision as well,<sup>8</sup> similar to that contained in the ICCPR, thus establishing a legally binding obligation on the Royal Government of Bhutan to comply with the human rights of children belonging to minority groups. Given that a high proportion of the Bhutanese population is below the age of 15 (42 per cent), there is real scope for reaching many people through this provision.

Bhutan's efforts in many areas of development and poverty reduction, among others, emphasize the importance of 'respect for human rights such that rights to education, health and livelihoods complement abstract rights of equality before law'; 'drawing into the mainstream marginalized and vulnerable groups with all efforts to strengthen grass roots organization such that people make well-informed decisions on their roles in development'; and 'human rights, transparency, accountability, participatory development' (International Monetary Fund, Bhutan: Poverty Reduction Strategy Paper, IMF Country Report No. 04/246, August 2004).

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<sup>8</sup> Article 30 states: 'In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.'

What is missing from those official pronouncements and in the laws and Constitution of Bhutan, however, is any significant reference to the particular situation of minority groups. Non-Buddhist minorities are nearly invisible in the detail of any government policies or programmes.<sup>9</sup> There may be a passing reference at the most to the presence of a Hindu or of other religious minorities, but these are subsequently often neglected in any substantive regard. No noticeable consideration is evident of any attempt in government policy or the newly-adopted ‘democratic’ constitution to take into account the ethnic, religious and linguistic diversity of Bhutan outside of the Buddhist/*Drukpa* spheres. There is an almost complete disregard for any possible correlation between this diversity and minority issues and poverty. Some effort is made to account for ‘vulnerable groups’ but official documents suggest that this is understood to encompass at most only women, children and persons with disabilities. Other groups, such as minorities or refugees, are not mentioned. For example, the Royal Government of Bhutan does not acknowledge that discrimination is a factor in poverty nor does it list any special provision for education for linguistic minorities.

As such, official documentation is largely bereft of any type of recognition of non-*Drukpa* minorities in Bhutan. It is arguably not a situation of benign neglect, but one of intentional policy and discriminatory rules to maintain the dominance of the Buddhist and Dzongkha-speaking population. In this sense diversity in Bhutan is simply not admitted – indeed it is perhaps not even tolerated – outside of the officially sanctioned Mahayana Buddhist character of the state apparatus as will be shown later. The portrayal of Bhutan is therefore absent of almost all references to non-Buddhist minorities, even though they represent a third of the population. While on the one hand Bhutan is sometimes presented

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<sup>9</sup> A few exceptions include the following reference: ‘Religion remains part of every aspect of Bhutanese life. Buddhism is still practiced by a majority; of other religions, Hinduism is most prevalent’ in National Human Development Report 2000: Gross National Happiness and Human Development – Searching for Common Ground, Planning Commission, Royal Government of Bhutan, Thimpu, 2000, at p. 11; Household Income and Expenditure Survey 2000 (Pilot), Report on Income and Expenditure, Poverty management, and Socioeconomic Profile of Households, Central Statistical Organization, Planning Commission, Royal Government of Bhutan, Thimpu, October 2001, p. 30 which gives the distribution of households by religion (and a total of 21.09% Hindu for the country.); and at p. 2 of the Ninth Plan Main Document (2002-2007), Planning Commission, Royal Government of Bhutan, Thimpu, 2002, ‘While there are several language groups and communities, the country is essentially composed of two broad ethnic groups, the *Drukpas* who are mongoloid and are of Buddhist faith making up 80 percent of the population, and people of ethnic Nepalese origin who are mainly Indo-Aryan and of Hindu faith.’

as innovative with its development being guided by the philosophy of Gross National Happiness which emphasizes ‘a balance between material well-being and the spiritual, emotional and cultural well-being of an individual and the society’, this is in the end nullified by government policies, legislation and constitution which deny any consideration of the needs that are not those of traditional Buddhist, majority ethnic Bhutanese (The Royal Government of Bhutan, 2004: 3).

Official documentation and government policies all present Bhutan as a Mahayana Buddhist kingdom to the almost complete exclusion of all others. While emphasizing the importance of preserving and promoting the state’s historical and cultural traditions, these are seen and presented from a Buddhist perspective with the official *Dzongkha* language playing a central unifying role. There is at most a passing reference to ‘others’, such as in the Ninth Main Document (2002-2007) of the Royal Government of Bhutan’s Planning Commission, which enumerates various measures for the protection and restoration of ancient Buddhist temples, monasteries and *stupas*, then adds that in addition to supporting *Dzongkha*, adequate provisions will be made for ‘other traditional regional languages and dialects’. Arguably, even this is not much as a concession, as these ‘traditional’ languages and dialect could be interpreted to exclude the Nepali language, since it might be relegated as a non-traditional importation.

Many other examples can be given, but suffice to mention just a few:

The emergence of Bhutan as a nation state has been dependent upon the articulation of a distinct Bhutanese identity, founded upon our Buddhist beliefs and values, and the promotion of a common language. These have been defining elements in our history and they have made it possible to unify the country and to achieve national homogeneity and cohesion among various linguistic and ethnic groups. This identity, manifest in the concept of ‘one nation, one people’, has engendered in us the will to survive as a nation state as well as the strength to defend it in the face of threats and dangers. It is a unity that binds us all together and enables us to share a common sense of destiny. (Planning Commission, Royal Government of Bhutan, *Bhutan 2020: A Vision for Peace, and Happiness*, 1999, p. 17.)

Access to monks and lamas for performing religious activities and enriching the spiritual aspects of a person’s life, is essential for a Bhutanese. Further, the monastic institutions of the country also play an important role in supporting the poor. (Planning Commission, Royal Government of Bhutan, *Poverty Assessment and Analysis Report 2000*, Thimpu, p. 105.)

While some documents do refer to diversity and cultural heritage, this actually means a singular culture, religious and linguistic background without consideration of any ‘others’:

Our independence, sovereignty and security will continue to be dependent upon the assertion of our distinctive Bhutanese identity. This has provided the key to our survival as a nation state and it will continue to be so in the future. This requires us to continue to articulate an unambiguous cultural imperative in all that we do and to actively promote an awareness and appreciation of the continued relevance of our cultural heritage. It also requires us to continue to stress the importance of Dzongkha as a national and unifying language. We must also recognize the importance of our system of beliefs and values in a world of change, increased aspirations and rising expectations. (Planning Commission, Royal Government of Bhutan, *Bhutan 2020: A Vision for Peace, Prosperity and Happiness*, 1999, Part II, p. 8)

The Constitution of the Kingdom of Bhutan reinforces the pre-eminence of the Buddhism and certain entitlements to Buddhist religious institutions, merely mentioning that the *Druk Gyalpo* is ‘the protector of all religions’ (Article 3(2)), and the country’s national anthem acknowledges the Lord Buddha. Only the Dzongkha language is given any status (Article 1 (8)), and nowhere is there any mention of other linguistic, religious or ethnic minorities, nor of minorities having any rights in the Kingdom. The constitutional provisions that refer to culture (for example, Article 4) are worded in such a way as to not acknowledge any diversity. At most it seems to suggest culture is seen as mainly those from Buddhist and Tibeto-Burman traditions.

#### **4.7.b. Constitutional Deficit Regarding Human Rights of Minorities in Bhutan**

The human rights record of the Royal Government of Bhutan is poor, and human rights are not protected to any significant degree in the country. While the Constitution contains a number of human rights provisions, the document itself – and even its human rights provisions – is highly discriminatory and reflects extreme forms of ethnic and racial preferences. Some of the most basic of individual human rights unanimously recognized as universal in international law – including freedom of expression, freedom of religion, freedom of movement, right to work, and the right to own property are only available to ‘citizens’. This is a rather startling breach of the most basic of human rights standards since it is absolutely clear that in international law these rights must be made available to ‘any person’ within a state’s jurisdiction and cannot be limited to a ‘citizen’.

The Constitution of the Kingdom of Bhutan systematically enshrines the violation of some of the most fundamental of human rights, many of which are also part of international customary law. A number of provisions of the two treaties which Bhutan has ratified are also violated: in the case of the Convention on the Rights of the Child, the Constitution is clearly inconsistent with, for example, Article 7(2) (freedom of expression), Article 7(4) (freedom of religion), Article 7(12) (freedom of association), etc. as these are under the treaty available to any child, not only children who are already citizens as restricts the country's Constitution. These are the most severe obstacles for many thousands of individuals.

Furthermore, the concept of citizenship in Bhutan is not race or ethnically neutral: the Constitution's Article 6 indeed recognizes two broad categories of citizens: natural and by naturalization. Unless a person is able to show that both parents hold Bhutanese citizenship –and this would affect many ethnic Nepalese in all likelihood –they are not considered 'natural' citizens of the country. Almost all of the Nepalese refugees outside of Bhutan need to be naturalized. Very few of them are able to satisfy the stringent and ethno-centric requirements such as the ability to speak and write Dzongkha (which a majority of Bhutanese probably cannot write in any event); 'have a good knowledge of the culture, customs, traditions and history of Bhutan', and 'no record of having spoken or acted against the *Tsa-wa-Sum*'.

In other words, a huge range of rights are effectively denied to a large percentage of the country's minority population which may find it next to impossible to establish or obtain citizenship because of these religious, linguistic and cultural aspects in the citizenship and fundamental rights provisions that are highly suspect and discriminatory. This will automatically, almost irreversibly, have serious flow-on consequences in terms of land rights, access to services, as well as to employment and even educational opportunities. In essence, there is only a refugee problem because Bhutan has created one by a definition of citizenship that is discriminatory. In practice, mainly, Hindu Nepali-speaking individuals are rejected under legislation and the Constitution of Bhutan.

It should be made clear at this point that there is in international law no general and automatic right to citizenship of a particular State. However, as with any other State

activity, once a government decides to ‘act’ or provide an ‘advantage’ or ‘privilege’, it must do so in a non-discriminatory way. In other words, once a government decides to grant citizenship to individuals through a naturalization process or any other procedure, it must respect fundamental international human rights law and especially non-discrimination. On the one hand, it is true that States are free to impose language and other requirements as part of their naturalization processes, since the decision on whether or not to grant citizenship is clearly a prerogative of the State. On the other hand, since non-discrimination is a basic human right in international law, it applies also to language, religious and cultural requirements for citizenship or naturalization purposes. If these requirements are unreasonable or unjustified given the situation existing in a particular State, then it would be discriminatory if it can be shown that these unreasonable or unjustified requirements were intended or had the effect of denying citizenship to individuals on the basis of their language, religion or race. As indicated earlier, the issue of citizenship is particularly important for minorities and their rights since by denying citizenship to a large number of individuals, some States have been able to deny to large segments of their inhabitants a variety of rights and privileges. This of course is especially true in the case of Bhutan and members of the *Lhotshampas*.

The Constitution is also in all likelihood discriminatory in its naturalization requirements. As confirmed in international decisions, it is of course possible perhaps even natural to have linguistic naturalization requirements. However, these can be from a legal point of view ‘unreasonable’ and therefore discriminatory if they are unconnected to ‘the specific conditions of the society in which the people live’. A naturalization policy which shows a marked preference for the official language would generally not be in breach of non-discrimination. However, if a substantial percentage of the State’s own inhabitants who belong to a minority cannot become citizens, some aspects of the naturalization laws could arguably be said to ‘operate in a vacuum’ and therefore be unreasonable if they do not take into account the social, historical and demographic realities of the State. The requirements of having to be able to speak and write Dzongkha (which a majority of Bhutanese probably cannot write in any event); to ‘have a good knowledge of the [presumably Buddhist] culture, customs, traditions and history of Bhutan’, and to have ‘no record of having spoken or acted against the *Tsa-wa-sum*’ are, to say the least, extreme and

would have the effect to excluding a large number of individuals from specific minority groups – namely, non-Buddhist non-*Drukpa* groups – from being able to be naturalized. In the circumstances, the terms would almost certainly be deemed unreasonable and unjustified, and therefore prohibited from the point of view of discrimination in international law.

There are other breaches of the standards one would normally not expect in a state under the rule of law consistent with basic human rights and democratic principles. Despite the multicultural composition of the population of the country, the Government of Bhutan has essentially adopted an ethnic philosophy for the Kingdom which takes the form of an official policy from 1989 of *Driglam Namzha*. Covered both inner attitudes and outward behaviour, it requires all citizens, including minorities, to wear the traditional dress of highland Bhutan (*'gho'* for men; *'kira'* for women) in all public places, and strictly enforced this law for visits to Buddhist religious buildings, monasteries, government offices, in schools, and when attending official functions and public ceremonies. As part of a 'Bhutanization' process but also linked with one of the nine policy objectives in Bhutan's Five-Year Plans - the promotion of national identity - it imposes one set of cultural norms on individuals even if these are from an ethnic minority, preventing them from enjoying their own culture with other members of their community in a manner which would appear discriminatory.

Even the Marriage Act, 1980 (amended in 1996) has a discriminatory impact on minorities. Individuals married to a non-Bhutanese could not obtain certain promotions in the civil service, could not work in the defence department or in the Ministry of Foreign Affairs, were not entitled to a range of services such as 'distribution of land', 'cash loans', 'seeds for cultivation', 'treatment abroad', etc. The children from these 'mixed' marriages were not automatically entitled to citizenship and would not automatically be admitted to schools. The impact of this legislation was most noticeably visible among members of the Nepali-speaking minority.

No human rights groups established by ethnic Nepalese exiles are permitted to operate in Bhutan, contrary to freedom of association, as the Royal Government of Bhutan



considers them to be political organizations. Indeed, NGOs are officially registered in Bhutan.

While there is no law barring ethnic Nepalese children from attending school, it should be noted that many primary schools in southern areas where the Nepalese are mainly concentrated were closed in 1990, and most still remain so till this day. Teaching in the Nepali language was also banned in schools after 1990. A system of security clearance forms severely limits a number of opportunities available to ethnic Nepalese children and youth, since the children of parents who have been deemed ‘anti-nationals’ will be denied security clearance. The security clearance forms in their effect and implementation are highly discriminatory, impacting as they do disproportionately against the Nepalese minority and are creating for them quite severe obstacles in terms of access to some jobs and services.

Access to employment opportunities in the civil service is also arguably discriminatory against many minorities as aspirants to the civil service must demonstrate some written fluency in Dzongkha, a language preference which in the context of Bhutan is probably disproportionate and unreasonable.

Freedom of movement is also still restricted, and it too has an ethnic dimension in practice which could be deemed discriminatory. Members of the *Lhotshampas* minority in particular may have difficulty obtaining a security clearance certificate because of their or their relatives’ past ‘anti-national’ behaviour, and therefore have difficulty getting a driving license. This also means they may have problems travelling in or out of the country.

While some of the major Hindu religious days are public holidays, this is almost the extent of the acceptance of religious diversity. There are continued reports on limits to the freedom of religion of non-Buddhists, mainly Hindus and Christians, as well as discriminatory practices against members of these religious minorities:

Religious communities must secure government licenses before constructing new places of worship. Reports by ethnic Nepalese citizens suggested that this process was biased toward Buddhist temples. The Government provided financial assistance for the construction of *Drukpa Kagyupa* and *Nyingmapa* Buddhist

temples and shrines. Monks and monasteries of the *Nyingmapa* school also received some state funding. NGOs reported that the Government rarely granted permission to build a Hindu temple; however, the Government provided some scholarships for Sanskrit studies at Hindu-language universities in India. Followers of religions other than Buddhism and Hinduism generally were free to worship in private homes, but they could not erect religious buildings or congregate in large groups in public. There were no Hindu temples in Thimphu, despite the migration of many ethnic Nepalese to the capital city. However, the King has declared major Hindu festivals to be national holidays, and the royal family participates in them. NGO representatives living outside of the country reported that *Drukpa Kagyupa* and *Nyingmapa* Buddhist religious teaching is permitted in schools, but that other religious teaching is not (International Religious Freedom Report 2004, Bureau of Democracy, Human Rights, and Labor, US State Department, 15 September 2005).

This is unlikely to change despite the supposed movement towards more direct democracy under the Constitution. No political party which might support specific minority, region, language or religion would be permissible under Article 15(4). Ironically, this does not apply to the clear dominance of the Dzongkha language, Buddhism and other cultural attributes of the Tibeto-Burman majority which are elevated throughout the Constitution – to the exclusion of all others.

Arguably, the policy objective of ‘one nation, one people’ which some of the Bhutanese policies espouse is one which at first glance would seem to disregard the diversity of the country’s cultures in favour of imprinting, as part of the Kingdom’s cultural imperative, a *Drukpa* national identity which is essentially Buddhist, linked by one language (Dzongkha) and culture. In linguistic terms, the (apparent) exclusive use of Dzongkha as the language of government is quite unreasonable and unjustified in the context of Bhutan, where a very large segment of the population, perhaps even a majority, cannot speak or write it fluently. In effect, using exclusively one language to the exclusion of all others may be considered discriminatory in international law if it has the effect of excluding or disadvantaging individuals in terms of access to services or benefits, unless justified in the circumstances (UN Human Rights Committee, 2000). While linguistic and cultural diversity are values that ought to be reflected in the policies and programmes of the Royal Government of Bhutan, it is additionally clear that linguistic, religious and cultural preferences cannot be discriminatory. Given that large number of speakers of non-*Dzongkha* languages are disadvantaged and completely excluded, only mandating the

official use of *Dzongkha* in the name of cultural integrity and safeguarding the national language is contrary to non-discrimination.

The effects of this discriminatory language policy for the exclusive use of *Dzongkha* cannot be minimized. In terms of education, it means that children from non-*Dzongkha* backgrounds would tend to be disadvantaged. Studies in the area of education show clearly that overall, and especially in primary years of education, students benefit most when they are taught in their maternal language. A non-discriminatory language policy is one where a minority language is taught roughly in school in proportion to its numerical importance and concentration.

In social and economic terms, having one's language used by state officials is a benefit: it creates on one hand employment opportunities for those who are fluent in it, as well as shows that the government is responsive to the needs of that segment of the population and acknowledges their presence and importance. On the reverse side, not using at all a minority language despite its large population within a state means less employment opportunities for those who are not fluent in the official and exclusive state language, less social mobility in the higher echelons of the public service where official language skills are at a premium, and possibly difficulty if not exclusion from being able to access and enjoy a wide-range of public, social and even health services which may be premised to some degree on official language ability. In other words, the language regime in Bhutan risks pushing a large number of non-*Dzongkha* speakers into a vulnerable and disadvantaged position within Bhutanese society, with accompanying risks of marginalization and exclusion.

Broadly speaking, many laws and policies of Bhutan have a huge discriminatory impact, tend to exclude any recognition of cultural diversity, impose an ethnic concept of the state that marginalizes or excludes many minorities, especially those of a non-Buddhist background, and may result in limited access to land, services or employment for these minorities.

As for the Constitution, in addition to the major concerns outlined previously where it clearly breaches fundamental human rights standards, there are a number of other

sections that seemed inconsistent with what is expected under international human rights law. Article 3 on the country's spiritual heritage clearly states that this is meant as Buddhism to the exclusion of all other religious beliefs. This is in effect declaring Buddhism as the state's official religion, which in itself is not automatically contrary to the global human rights regime and international law. However, Article 3 goes on to state that 'It shall be the responsibility of religious institutions and personalities to promote the spiritual heritage of the country while also ensuring that religion remains separate from politics in Bhutan. Religious institutions and personalities shall remain above politics.' While it remains to be seen how exactly this provision is going to be interpreted and applied in practice, it would at first glance seem to impose a duty on even non-Buddhist religious leaders and institutions to promote Buddhism since only Buddhism is identified as being part of the country's spiritual heritage – something which in all likelihood would not only be resisted but also inherently appear suspect in light of freedom of religion and non-discrimination. The prohibition against anything 'political' is also dangerous and would also appear to breach freedom of opinion and expression if it prevents individuals and religious institutions from voicing legitimate concerns only because they are deemed 'political'.

Article 4 of the Constitution would also be discriminatory in that it seems to portray only Buddhist/*Drukpa* culture as warranting protection and promotion. While it is not absolutely clear what this provision entails, and there may be scope to include other cultures within its purview, its wording appears to indicate that Bhutanese authorities might protect and financially support only Buddhist/*Drukpa* manifestations of culture. This would in effect be discriminatory.

As indicated earlier, Article 6 of the Constitution on naturalization is extraordinarily harsh and exclusionist, with requirements that could permit rejecting the naturalization of almost anyone who has even criticized the King or government or 'people' of Bhutan. From a human rights basis, these and the unusual language requirement – given its actual usage in the country by so few people overall – make this provision clearly discriminatory in effect, as it will serve to exclude large number of people on what is in truth an ethnic or racial basis.

All of the fundamental rights in Article 7 of the Constitution that are limited to citizens are in breach of international law except the right to vote and to hold elected office may be legitimately limited to citizens from an international human rights point of view. Indeed, it appears beyond any reasonable doubt that the Constitution is perpetuating a form of ‘disguised’ racial discrimination: since mainly non-Buddhist/*Drukpa* cannot be naturalized, the limitation of the exercise of these rights to citizens in the Constitution perpetuates “formalized” racial (as well as religious, cultural and linguistic) preferences that would be deemed unreasonable and unjustified, and thus discriminatory.

The Constitution is particularly troubling in Article 7(9) where it limits the right to own property to citizens, but also restricts the sale or transfer of land to non-citizens. Given the racial preferences in the naturalization provisions of Bhutan, this once again has a racial and exclusionist effect against minorities in particular. Mainly members of minorities, especially Nepali-speaking Hindus, will lose or not be able to own property, which in some cases they may have been holding for generations. Loss of property rights is one of the prime factors in poverty affecting minorities in many countries, and this discriminatory provision will thus have hugely negative impact and risk creating a poor sub-class of society among some of the country’s minorities.

The strict restrictions on the formation of political parties in Bhutan in the Constitution’s Article 15 are also inconsistent with international law and the global human rights regime. It not only limits the political scene in Bhutan to a maximum of two parties: one forming the government, and one in opposition essentially, it prevents any of these political parties from taking up the cause of particular minorities since its membership cannot be based on region, sex, language, religion or social origin, it must be broad-based ‘with cross-national membership and support and is committed to national cohesion and stability’, and it cannot ‘receive money or any assistance from foreign sources, be it governmental, non-governmental, private organizations or from private parties or individuals’. This imposes a significant restriction on the freedom of association which would not be permissible in international law.<sup>10</sup> In practice, it also may mean minorities

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<sup>10</sup> Freedom of association is a universal right guaranteed in all major international human rights documents: Article 20 of the Universal Declaration of Human Rights, Article 22 of the International Covenant for Civil and Political Rights, and Article 11 of the European Convention on Human Rights. Freedom of association

are unable to effectively participate in the political affairs of the state, since their voices and concerns run the risk that they will simply always be outvoted and therefore marginalized by the majority.

Finally, the Constitution's Article 23 on elections has a restriction which is in effect probably discriminatory: the requirement 'not be married to a person who is not a citizen of Bhutan' would mainly affect minorities, especially Nepali-speaking Hindus, who for a number of reasons have historically often had spouses from outside Bhutan. Combining this with the discriminatory citizenship provisions means that a significant segment of this minority population is disenfranchised and unable to run for office and be elected under the Constitution.

#### **4.8 Possible Approach to Remedy the Ambiguities of the Constitution**

A close reading of the constitution reveals that it contains numerous ambiguities and contradictions. On one hand, it establishes a high bar to citizenship and distinguishes between the rights of citizens and persons; on the other, it declares that the state shall endeavor "to create a civil society free of oppression, discrimination and violence, based on the rule of law, protection of human rights and dignity, and to ensure the fundamental rights and freedoms of the people." It is possible to exploit the contradictions in the constitution to assert a persuasive constitutional claim against its restrictive citizenship policies. This section highlights three constitutional provisions that could be used to bring such a claim on behalf of a denationalized Nepali Bhutanese living in Bhutan.

The aim would be for the Supreme Court to read a *de facto* status –perhaps a permanent residency –into the constitution that would grant long-term residents of Bhutan a nationality. The crux of the argument is that the constitution, through its broad language regarding tolerance, equality before the law, and fidelity to international agreements, supports such a status and that denationalization on the scale now practiced in Bhutan is, itself, unconstitutional. This kind of permanent residency status would provide citizenship to thousands of currently stateless Bhutanese, and grant such residents some civil rights

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for minorities is enshrined in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities at Article 2.4 and 2.5.

that are currently only afforded to citizens such as the right to free expression, to religion, and to practice any lawful profession. This kind of permanent residency need not carry with it all the rights afforded to citizens, such as the right to vote and hold public office. And such a permanent residency need not apply to all –or even most –non-citizens in Bhutan, for “some line is essential” between them. It will be for other writers to argue what precise rights should be afforded to these permanent residents and to whom they should apply.

To begin with, Bhutan's Chief Justice has acknowledged that “the rights in the Constitution are not ceremonious but are enforceable in the Court of law.” The constitution also explicitly grants to the Supreme Court the power of final judicial review and guarantees universal standing to all people, not just citizens, to bring claims “for the enforcement of the rights conferred” by Article 7.

Any claim that mass denationalization and discrimination is unconstitutional should begin with Article 3, Section 1: “Buddhism is the spiritual heritage of Bhutan, which promotes the principles and values of peace, non-violence, compassion and tolerance.” By emphasizing this clause, a Nepali Bhutanese petitioner could turn Bhutan's claim of ethnic particularism in his favor: If Buddhism is the heritage of the nation, and if it values compassion and tolerance as Bhutanese ministers have claimed, then a policy that cares for the dispossessed would find vindication in Bhutan's overarching, ethno-religious self-conception. Who needs to be shown greater compassion and tolerance than those sharing the same territory but lacking the fundamental rights of a nationality, freedom of speech, and freedom of religion?

Second, such a litigation strategy would look to Article 7, Section 15: “all persons are equal before the law and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status.” As elaborated in Part IV, *supra*, the 1977 and 1985 citizenship laws, the 1988 Census, and the citizenship provisions of the constitution all have the discriminatory effect of disenfranchising “persons” based on their race, language, and religion. Bhutan has no case law as such, but American courts have found that a facially neutral law can be invalidated if it has a racially discriminatory effect and if the petitioner can show it was

passed to further a discriminatory purpose. Sometimes discriminatory purpose has been shown by the magnitude of the discriminatory effects-” a clear pattern, unexplainable on grounds other than race.” In Bhutan's case, the effects of denationalization are sufficiently great as to demonstrate discriminatory intent, even if evidence of such intent could not be found in government pronouncements.

While the American experience is merely advisory here, Bhutan's constitutional drafters reviewed about 100 foreign constitutions when writing their own, drawing on provisions from the constitutions of the United States, India, Nepal, and others it stands to reason that the Supreme Court may look to foreign jurisprudence when interpreting these provisions in a case of first impression. If the Supreme Court agrees that the denationalization decrees were discriminatory, a suitable remedial step would be to allow the victims to contest their denationalization before a neutral arbiter and for the creation of a permanent residency status for those who fall short of the Article 6 citizenship provisions but who, otherwise, would be without nationality. This way, the Court would not eliminate parts of the constitution but merely expand upon its provisions.

Third and finally, a petitioner challenging these citizenship provisions should invoke Article 9, “Principles of State Policy,” Section 24: “[t]he State shall endeavour to promote goodwill and co-operation with nations, foster respect for international law and treaty obligations, and encourage settlement of international disputes by peaceful means in order to promote international peace and security.” As discussed in Section IV, supra, the citizenship policies the constitution affirms probably contravene Bhutan's international law obligations, specifically the CRC, and more generally international norms against racial discrimination and the arbitrary deprivation of nationality. Bhutan does a disservice to this principle of state policy when it violates the very law it is supposed to foster. This clause speaks in aspirational terms (“shall endeavour to promote”); however, that should not bar the Supreme Court from ordering remedial action to further that aspiration. The petitioner could argue, in the first instance, for the right of all denationalized residents to appeal their loss of citizenship and, failing that, could use the CRC argument developed to contend that all children who were denationalized as a result of the 1985 act should be granted the right of appeal and be afforded either citizenship or permanent residency. This way, these



children would not be made stateless, Bhutan would not be in violation of the CRC, and the Supreme Court would fulfill its mandate as the guardian of the constitution and all that it aspires to be.

#### **4.9 Conclusion**

The chapter highlights the major loopholes in the policies of Bhutan which has shown a marked weakness in its commitment to the principles of fairness and justice, even though it has expressed support for such ideals in its constitution. The political developments that took place in Bhutan and the various acts and laws regarding citizenship imposed by the Bhutanese government directly coincide with the systematic exclusion of minorities of the country, mainly the *Lhotshampas*. The 1958 Nationality Law of Bhutan was a measure of integration of the *Lhotshampas* into the *Drukpa* nationality by the third King, Jigme Dorji Wangchuk. It provided the *Lhotshampas* citizenship, allowing them to emerge into the Bhutanese polity. However, due to skepticism on the assimilation process from the elites of the country, this law was superseded by the Bhutan Citizen Act of 1977 and later revised again in 1985. These acts imposed more stringent clauses regarding citizenship and a large chunk of the *Lhotshampa* population forfeited their Bhutanese citizenship and eventually left the country, mostly forcibly, as refugees.

The acts and law which followed the 1977 Bhutan Citizen Act, including the Marriage Act of 1980, as such were mechanisms to deny the rights to citizenship to a large number of the southern Bhutanese of ethnic Nepali descent. Similarly, the constitution of Bhutan does not favour the rights of minorities either. There are various provisions in the Bhutanese constitution which reflects a very inclusive character and marginalizes those ethnic groups who belong to different ethnicities than the *Drukpas*, and follow a different religion than Buddhism.

But, as described above, the constitution contains the seeds of its own renewal. The democratic deficit outlined here can likely be addressed through constitutional litigation that seeks to create a permanent residency status for non-nationals who have lived in Bhutan for generations and were denationalized through the arbitrary requirements of

earlier laws. By appealing to the constitution's Buddhist traditions and its commitments to equal protection and to international law, it can resolve the *Lhotshampa* issue.

## **Chapter V**

### **Bhutan's Gross National Happiness and Minority Rights**

#### **5.1 Introduction**

This chapter deals with the examination of the concept of Bhutan's Gross National Happiness vis-à-vis its minority policy. It extensively deals with the marginalization of minorities in Bhutan which forms the background of critique of the GNH policy. The chapter examines three of the four pillars of Bhutan's GNH, namely, the preservation of culture, good governance and sustainable socio-economic development and tries to understand the impact of the happiness policy on the minorities. The fourth pillar of GNH, namely, the environmental conservation is not discussed in the chapter since it is not necessarily relevant to the study. The chapter highlights the gap in the scholarship on Bhutan and happiness by bringing to the fore, issues that so far has been confined to specialized human rights literature, some isolated reports in the international press, and Nepali mass-media, which is the issue of minorities and the Bhutanese refugees.

As discussed earlier, since 1972, the Bhutanese government has been endorsing Gross National Happiness as its main objective of public policies, overriding the search for economic growth (Pellegrini and Tasciotti, 2014: 2). Gross National Happiness has emerged as an alternative measure of development to Gross National Product. Ever since its official endorsement in Bhutan, the world has been paying closer attention to this human-oriented development framework and has quickly become a popular model of a quantifiable measure of happiness which is holistic and includes other social and environmental factors of development and not economic factors alone. The GNH Indicator includes the following dimensions of development, namely, psychological well-being, health, time use, education, culture, good governance, community vitality, ecological diversity and resilience, and standard of living. These indicators provide the government with guidance for formulating its public policies and show if the citizens are happy and why they are not in another case (Pellegrini and Tasciotti, 2014: 3). The GNH policy of Bhutan has created a global debate in which mass media, policy makers and social scientists have all participated in, and still continue to participate. There have been a

number of articles in international newspapers like the Guardian, applauding Bhutan of the ingenious solution to the problem of market liberalism in the world.<sup>1</sup>In addition to that, the General Assembly adopted a resolution entitled “Happiness: a Holistic Approach to Development” in July 2011, followed by Bhutan convening a high-level meeting on happiness as a part of the 66<sup>th</sup> session of the United Nations General Assembly, wherein Jigme Khesar Namgyal Wangchuck, the fifth King of Bhutan, spoke on the subject of happiness and presented UN Member States a set of policy recommendation in pursuit of happiness (United Nations, 2012).<sup>2</sup>Influential economists like Jeffrey Sachs have endorsed the happiness policy in place of market liberalism and have contributed in emphasizing the shortcomings of the mainstream view of development, and their publications on the subject contain praises for the Bhutanese model (Pellegrini and Tasciotti, 2014: 3).<sup>3</sup>Other scholars like Frank Dixon and Sander Tideman are going as far as suggesting that the Bhutanese experience should inspire a “new paradigm in economics” by “improving unsustainable western economics systems” (Tideman, 2004; Dixon, 2004).

Meanwhile, on the other side of the spectrum are works critiquing Bhutan for its oppressive policies towards the ethnic Nepali minorities since the late 1980s. On the matter of Bhutan’s democratization process and the refugee problem, Matthew Joseph (2008) writes,

The much hyped transformation of Bhutan from an absolute monarchy to a constitutional one in a "democratic" manner is an attempt by the Bhutanese ruling elite to hoodwink the international community. The projection of the image of the "bloodless transformation" of Bhutan from an absolute to a constitutional monarchy is to deviate the attention of the international community from the resolution of the refugee problem and to accommodate the emerging political dissent in Bhutan by its ruling elite (Joseph, 2008).

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<sup>1</sup>See: <https://www.theguardian.com/world/2012/dec/01/bhutan-wealth-happiness-counts> and <https://www.theguardian.com/commentisfree/2015/nov/04/unhappy-bhutan-joy-happiness-gdp> are two of the many examples of articles written in the Guardian about Bhutan’s Gross National Happiness.

<sup>2</sup><https://gadebate.un.org/en/66/bhutan> accessed on 23/06/2016

<sup>3</sup> These are two of the few articles by Jeffrey Sachs on the subject of Gross National Happiness [http://www.earth.columbia.edu/sitefiles/file/Sachs%20Writing/2011/ProjectSyndicate\\_2011\\_TheEconomicsofHappiness\\_08\\_29\\_11.pdf](http://www.earth.columbia.edu/sitefiles/file/Sachs%20Writing/2011/ProjectSyndicate_2011_TheEconomicsofHappiness_08_29_11.pdf) and [http://earth.columbia.edu/sitefiles/file/Sachs%20Writing/2010/ProjectSyndicate\\_2010\\_GrowthinaBuddhistEconomy\\_08\\_25\\_10.pdf](http://earth.columbia.edu/sitefiles/file/Sachs%20Writing/2010/ProjectSyndicate_2010_GrowthinaBuddhistEconomy_08_25_10.pdf)

Bhutan has been criticized by the international media, human rights associations and scholars on its refugee problem which has not gained solution until and most of the refugees, with the assistance of the United Nations High Commissioner for Refugees, have already settled in third countries like United States of American, United Kingdom and Australia since 2008. Similarly, on the matter of Bhutanese government's aggressive ethnic nationalism which resulted in mass exodus of the ethnic Nepali minorities living in southern Bhutan, Matthew F. Ferraro (2012) writes,

Motivated by a sense of vulnerability dating from its founding and a desire to protect the culture and status of its dominant group, Bhutan has, for decades, discriminated against non-citizens, leaving tens of thousands in refugee camps abroad and tens of thousands of Nepali Bhutanese stateless within Bhutan itself. While it is not the only country to practice aggressive ethnic nationalism, Bhutan has done so at the very time it has sought to join the modern, liberal democratic world (Ferraro, 2012).

It has been already discussed in the previous chapter the various policies of the Bhutanese government and its resultant consequences on its people, especially the minorities. The Nepali-speaking Bhutanese has been the most affected by the policies of their government, making them flee from the country, both voluntarily and by force, and remain in refugee camps in Nepal. While most of these refugees have been resettled in other countries, there are still a significant number of refugees in these camps who suffer basic human rights abuse on a daily basis. In addition to that, there has not been a single case where the refugees were allowed to return to Bhutan until now. Since Bhutan has gained a lot of attention regarding its happiness policy, the issue of the refugee although is largely evaded and buried under the rhetoric of Gross National Happiness.

The following sections will explore the pillars of Bhutan's GNH, on which the happiness policy is built, in order to find the gaps between Bhutan's happiness policy and the rights of its minorities. Since one of the four pillars of happiness policy is environmental conservation, the rest three, namely, the preservation of culture and cultural heritage, socio-economic development and good governance are examined in detail. The three pillars are divided into several domains and indicators, and using those domains and indicators, the following sections will try to highlight the problems within the Bhutanese government policies and their consequences on the minorities.

### **Figure 5. Ethnic Groups Composition, Languages and Religion**

<b>Ethnic groups:</b>
Ngalop (also known as Bhote) 50%, ethnic Nepalese 35% (includes Lhotsampas - one of several Nepalese ethnic groups), indigenous or migrant tribes 15%
<b>Languages:</b>
Sharchhopka 28%, Dzongkha (official) 24%, Lhotshamkha 22%, other 26% (includes foreign languages) (2005 est.)
<b>Religions:</b>
Lamaistic Buddhist 75.3%, Indian- and Nepalese-influenced Hinduism 22.1%, other 2.6% (2005 est.)

Source: Central Intelligence Agency, “The World Fact Book”,  
<https://www.cia.gov/library/publications/the-world-factbook/geos/bt.html>

### **5.2 Bhutan’s Gross National Happiness and the Rights of Minorities**

Bhutan abandoned its policy of self-imposed isolation and entered the modern world in the 1960s (Aris and Hutt, 1994: 9; Priesner, 1999: 27). Ever since then, the Bhutanese policy makers have prioritized the need to achieve a balance and synthesis between the heritage of the past and a programme of modernization and reform (Aris and Hutt, 1994: 9). This new approach is characterized as ‘endogenous development’, which is nothing but a new strategy or an approach to development which seeks to uncover factors which are internal to a society which promote humane, sustainable and shared development instead of imposing external models and trying to fit them into local conditions (Aris and Hutt, 1994: 9). According to this type of development, local culture and values are the objects of focus. In similar terms, Bhutan has given culture a significant value in its approach to development and it can be reflected on the inclusion of preservation of culture as one of the four pillars of Gross National Happiness framework. To maintain a distinct character and identity of its own, Bhutan has prioritized the survival of its cultural identity and kept from being submerged in the dominant cultures of its neighbours. As such, when a large part of its population belonged to the ethnicity which was not *Drukpa*, the government created laws and policies which served to protect their *Drukpa* identity from being subsumed under a foreign ethnicity, even if they did so at the cost of the human rights of a large population living in Bhutan. The following sections will discuss the policies within three

dimensions of GNH framework and try to identify the problems regarding their impact and consequences on the minorities.

### **5.2.a Preservation of Culture**

Cultural diversity and resilience is one of the nine domains of Gross National Happiness. Cultural traditions for Bhutan is of great significance as culture and tradition translate to their unique identity, their ancient values and creativity. According to Jeffrey Sachs, culture does not just establish identity, but it also mitigates an identity from negative impacts such as its effects on forms of language, traditional arts and crafts, festivals, events, ceremonies, drama, music, dress and etiquette and so on (Sachs et. al, 2013). In addition to providing a unique identity, Bhutan's distinctive culture facilitates the country to maintain its sovereignty and checks the negative elements of modernization and globalization. Therefore, preservation of culture has been accorded a high priority by the Bhutanese government as well as the people. It can also be reflected in Bhutan's constitution wherein Article 4 lays down several clauses regarding culture and Section 1 states

The State shall endeavour to preserve, protect and promote the cultural heritage of the country, including monuments, places and objects of artistic or historic interest, *Dzongs, Lhakhangs, Goendeys, Tensum, Nyes*, language, literature, music, visual arts and religion to enrich society and the cultural life of citizens. (Royal Government of Bhutan, *The Constitution of the Kingdom of Bhutan*, Article 4, Section 1: 10)

The cultural elements are manifested in the forms of language, traditional arts and crafts, festivals, events, ceremonies, drama, music, dress and etiquette and spiritual values that are shared by the people (The Centre for Bhutan Studies, 2012: 144). These cultural elements are visible in everyday lives of a society and therefore they play significant role in shaping the characteristics of a society like that of a Bhutanese society (The Centre for Bhutan Studies, 2012: 144). The two indicators, namely, *Driglam Namzha* and language, within this domain are examined here, along with religion, as an individual's religion is linked to their cultural beliefs and background.

### 5.2.a.i *Driglam Namzha*

*Driglam Namzha* is expected behavior or code of discipline, including dress and social etiquette, especially in formal occasions and in formal spaces (The Centre for Bhutan Studies, 2012: 148). Karma Phutsho defines *Driglam Namzha* as a system of ordered and cultural behavior (Phuntsho, 2004: 572) The promulgation of culture was carried out through the initiation of code of conduct like *Driglam Namzha* which according to Bhutanese school textbook published in 1991 includes both ‘outward behaviour’ such as dress and forms of greeting, and ‘inner attitudes’ such as respect for one’s elders and all others (Hutt, Michael, 2003: 165). Michael Hutt (2003) presents an undated government circular on explaining *Driglam Namzha* as

the essence of *Driglam Namzha* is to follow a code of conduct that will promote a well ordered society where every individual member is a proud and responsible citizen of the country. *Driglam Namzha* inculcates the following values:

- Respect for authority and a hierarchy that promotes the interest of the society and the nation.
- Respect for elders.
- Respect for each other as members of society and fellow citizens.
- A sense of discipline.
- A sense of responsibility.

The outward manifestation of *Driglam Namzha* may give the impression that it is merely a rigid and prescribed set of dress and conduct regulations. However, the purpose of *Driglam Namzha* is to promote a correct blend of respect, pride and a sense of discipline and responsibility in every individual so that he becomes a cultured member of society and a productive citizen. When *Driglam Namzha* prescribes respect for authority and hierarchy it, at the same time, teaches that the authority and the hierarchy also have a responsibility to deserve the respect shown. When it prescribes respect for ones elders and superiors it also teaches that the individual will himself one day become a senior and a superior. When *Driglam Namzha* prescribes respect for each other and a sense of discipline and responsibility, it promotes a well ordered society and builds productive citizens to strengthen the nation (Hutt, 2003: 164).

Additionally, Hutt also finds some ‘outward manifestations’ of *Driglam Namzha* including conduct during ceremonial, official and informal occasions, gift-giving etiquette, the cultured forms of speech and address, the cultured practice of serving and eating food, the



cultured manner of greeting superiors and equals in rank, and the cultured way of dressing (Hutt, 2003: 164).

The promotion of *Driglam Namzha* along with various other measures was undertaken by the Bhutanese government to encourage integration of ethnic *Lhotshampas* into mainstream national life (Amnesty International, 1992: 6). This was evident in King Jigme Singye's gifting of gilded images to various temples in southern Bhutan, and an attempt to provide the major Hindu deities with *Dzongkha* names (Hutt, 2003: 167). The most important element of the Bhutanization drive was the implementation of dress code (Hutt, 2003: 167). The wearing of Bhutanese national dress (*gho* for men and *kira* for women) during official occasions was imposed on all citizens. The Bhutanese government started the enforcement of *Driglam Namzha* among the general public in 1989 (Hutt, 2003: 170). King Jigme Singye issued a decree on national dress on 16 January 1989 as Bhutan adopted 'preservation and promotion of national identity' as one of its nine policy objectives in its sixth Five-Year Plan (1987-92) (Hutt, 2003: 172). Anyone failing to comply with the policy was subject to punishment by one week imprisonment or a fine (Amnesty International, 1992: 6). In 1992, the Department of Information, Royal Government of Bhutan, published the following in relation to the introduction of the *Driglam Namzha* policy,

The Royal Government's policy on the national dress and language and *driglam namzha* is being implemented solely to enhance and strengthen the process of national integration. Contrary to the malicious allegations of the anti-nationals, the policy is not a move to discriminate against the people of southern Bhutan, but is aimed at bringing all sections of the Bhutanese people into the national mainstream in order to promote and realize the concept of one people and one nation. The objective of promoting national integration is to ensure that the Bhutanese people, regardless of race or religion, are all united through a fraternal feeling of national pride generated by an awareness of their distinctive identity as citizens of Bhutan (Amnesty International, 1992: 7).

*Driglam Namzha* and more importantly, the manner in which it was implemented, caused widespread unhappiness among the *Lhotshampas* (Hutt, 2003: 178). The *Lhotshampas* perceived the introduction of the dress code as an attack on their cultural identity (Amnesty International, 1992: 7). These feelings of dissatisfaction and unhappiness towards the 'one nation one people' policy of the government soon escalated into public demonstrations by

the *Lhotshampas* in 1990. The Bhutanization drive, aimed at national integration, proved counter-productive as many Nepalese took it as an act of cultural imperialism. It was viewed as an authoritarian imposition of official culture, which reinforced hierarchy and existent power structures.<sup>4</sup>

Mekuria Bulcha argues that rulers of multi-ethnic and multi-lingual states use the tactics of homogenization in order to suppress ethnic identities (Bulcha, 1997: 325). As such, minority culture is usually suppressed while being replaced by the culture dominant groups for the purpose of cultivating a feeling of oneness and belonging. The Bhutanization drive was a similar attempt of the Bhutanese government to homogenize the ethnic Nepali identity and culture into the *Drukpa* identity and culture. The cultural assimilation of an ethnic minority into that of another group threatens its collective existence (Bulcha, 1997: 327). The obliteration of their culture creates discontinuity both in a cultural and historical sense (Bulcha, 1997: 327). Anthropologists term such discontinuity as ethnocide (Bulcha, 1997: 327). As such, the imposition of the *Driglam Namzha* on all Bhutanese citizens translated into the suppression of the culture of other ethnic minority groups, especially that of the ethnic Nepali Bhutanese. While the Bhutanese constitution serves to ‘preserve, protect and promote the cultural heritage of the country’, the Bhutanization drive drew lines on whose culture is to be protected.

### **5.2.a.ii Language**

Language is another significant element of culture and one of the indicators of Bhutan’s GNH. Language plays a key role in most nationalist ideologies. *Dzongkha*, which is the mother tongue of the *Ngalong* people was declared to be the national language of Bhutan by King Jigme Dorji in 1961 (Hutt, 2003: 178). Bhutan is a multi-lingual state and there are 23 different dialects spoken throughout the country (Norwegian Refugee Council 2008). Among them, the three widely spoken languages of Bhutan are Dzongkha, *Tshangla* and Nepali. *Tshangla* is a Mon language spoken by *Sharchops* living in the east and Nepali, by the *Lhotshampas* in the south (Hutt, 2003: 178). To this, there are languages

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<sup>4</sup> See: <http://www.kuenselonline.com/driglam-namzha-bhutans-code-of-etiquette/> accessed on 23/10/2016

like *Bumthangkha*, which is an oboriginal *Khen* language spoken by *Khens* in central Bhutan.<sup>5</sup>

When Bhutan began its modernization drive in the early 1960s, the Bhutanese government took a pragmatic approach to issues of language use (Hutt, 2003: 179). Hindi was the language medium used in school education in the Bhutan's early developmental years (Hutt, 2003: 179). Later, books and other scholarly materials were produced in English, and English replaced Hindi as a teaching medium at schools by 1964 (Hutt, 2003: 179). Nepali was taught as an academic subject in all southern primary schools up to eighth grade (Hutt, 2003: 184). The Bhutanese government then launched a programme for the modernization of Dzongkha. Bhutan established a Dzongkha Division within the Department of Education and a Dzongkha Advisory Committee in 1971 and 1986 respectively (Hutt, 2003: 179). They were both subsumed into an independent government organ, the Dzongkha Development Commission or D.D.C (Hutt, 2003: 179). This government organ was in charge of developing Dzongkha school curricula, coordinating and conducting research on Dzongkha, compiling Dzongkha dictionaries and setting standards for orthography, spelling and usage (Hutt, 2003: 180).

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<sup>5</sup> See: <http://countrystudies.us/bhutan/20.htm> accessed on 09/09/2016

**Table 6. Languages of Bhutan**

<b>Central Bodish languages</b>	<b>Dzongkha transliteration</b>	<b>Number of speakers</b>
Dzongkha	(rDzong-kha)	160,000
Chocangacakha	(Khyod-ca-nga-ca-kha)	20,000
Brokpa	(‘Brog-pa)	5,000
Brokkat	(‘Brog-skad)	300
Lakha	(La-kha)	8,000
B’okha (Tibetan)	(Bod-kha)	1,000
<b>East Bodish languages</b>		
Bumthangkha	(Bum-thang-kha)	30,000
Khengkha	(Khengs-kha)	40,000
Kurtopkha	(Kur-stodp-kha, Kur-stod-pa’i-kha)	10,000
‘Nyenkha	(sNyan-kha, Hen-kha, Mang-sde-pa’i kha)	10,000
Chalikha	(Phya’-li-kha)	1,000
Dzalakha	(Dza-la-kha, Dza-la-pa’i kha)	15,000
Monpa, ‘Olekha	(Mon-pa-kha, Mon-pa’i kha, O-le-kha)	1,000
D’akpakha	(Dwags-pa’i kha)	1,000
<b>Other Bodic languages of Bhutan</b>		
Tshangla (Shachop)	(Shar-phyogsp)	138,000
Lhokpu	(no Dzongkha spelling)	2,500
Gongduk	(spurious Dzongkha spelling: dGongs-‘dus)	2,000
Lepcha	(no Dzongkha spelling)	2,000
<b>Indo-Aryan</b>		
Nepali	(Lho-mtshams-kha)	156,000

Source: van Driem, George (1994), “Language Policy in Bhutan”, in *Bhutan: Aspects of Culture and Development*, 87-105, M. Aris & M. Hutt (eds). Kiscadale, available online at: <http://himalayanlanguages.org/files/driem/pdfs/1994LanguagePolicy.pdf>

While Bhutan embarked on the imposition of Dzongkha as a common language and making it a full-fledged national language, it remained a second and even a third language for other ethnic minorities. Beginning from the year 1989, teaching of Nepali was discontinued and Nepali curricular materials were removed from all Bhutanese schools. Van Driem approved of this change of policy stating that Nepali was being used as the

medium of education in the south, and that this was ‘counter-productive to the advancement of the national language, since the accommodating stance of the Bhutanese people and authorities had effectively hampered the learning of Dzongkha by the immigrant population’ (Driem, Van, 1994: 101-102). Furthermore, according to Van Driem, the use of Nepali medium ‘accorded special status to an originally allochthonous language which no native language of Bhutan enjoyed, other than Dzongkha’ and its use in free educational facilities ‘had only encouraged illegal immigration into Bhutan’ (Driem, Van, 1994: 101-102).

However, “the emotional and psychological impact this change of policy had on the *Lhotshampas* can be appreciated only if it is understood that for many—particularly the older, and the less ‘exposed’—the Nepali language represented a citadel from which the malign and corrupting processes of Westernization on the one hand and *Drukpaization* on the other could be warded off” (Hutt, Michael: 2004). As pointed out earlier, the effacement of their language, which is a strong element of culture, creates discontinuity in both cultural and historical sense. The threat of discontinuity translates to the loss of power and status, in the multilingual social structure (Bulcha, 1997: 327).

Many *Lhotshampas* saw the manner of the change in education system in Bhutan as deliberately provocative and made allegations that the Nepali medium materials were set into bonfire (Hutt, 2003: 185). Bhutan implemented this change in education system the same time the Bhutanization drive in the form of *Driglam Namzha* was imposed, as well as when oppositions were being formed in the political scenario of the country. As such, it created strong opposition and disagreement among the *Lhotshampas* who interpreted these steps not only as “initiative designed to downgrade the status of the language in Bhutanese life in order to make space for Dzongkha, but also as a way of insulating the still culturally conservative agriculturalists of the south from political influences from beyond the border, and maintaining their subjecthood in process” (Hutt, 2003: 189).

Today, Dzongkha is the national language and English is the medium of instruction in schools and the language of communication in government offices. As it is already discussed, Nepali was part of the curriculum until 1990 before the government introduced “one nation one people” policy to dominate all other ethnic groups, languages and culture,

thus pressuring people other than *Drukpa* Buddhists to follow Buddhist culture and accept *Dzongkha* as the language of communication. As Bhutan has officially ratified the Convention of the Rights of Child (or CRC), the imposition of *Dzongkha* and the removal of Nepali language from the school curriculum translates to its violation of the articles 2, 3 and 4, since the policies regarding language do not illustrate the best interest of the children belonging to Nepali or any other ethnicity.<sup>6</sup> There is also mention of *Dzongkha* as the national language but the other 23 languages are absent in the mentions (Norwegian Refugee Council, 2008).

### **5.2.a.iii Religion**

As noted earlier in chapter II of the thesis, the concept of Bhutan's Gross National Happiness is inspired by Buddhist philosophy. The GNH as such promotes Buddhism and its elements. However, one of the pillars of GNH, namely the preservation of culture, acts as an obstacle to freedom of religion by lending support to only the *Drukpa Kagyupa* sect of Buddhism (Human Rights Without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009: 31). According to the 2015 *International Religious Freedom Report* conducted by the Bureau of Democracy, Human Rights and Labor, US Department of State, Bhutan provides "freedom of religion and bans discrimination based on religion" in principle, but there are allegations made by NGOs that there is continued "societal pressure on individuals to participate in Buddhist traditions and practices" (United States Department of State, 2015). Furthermore, there were also reports that some school administrators denied admission to non-Buddhist children, along with reports of incidents of verbal harassment on religious minorities in rural areas by Buddhist neighbours (United States Department of State, 2015).

Bhutan has established the Commission for religious Organizations (or CRO) and the law requires religious groups to register themselves with the CRO. Only Buddhist religious groups and one Hindu umbrella organization have registered with the CRO, while there is not presence of Christian or Muslim religious groups (United States Department of State, 2015). While Christianity is openly discouraged, Hinduism is sidelined (Human

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<sup>6</sup> For details: See [https://www.unicef.org/crc/files/Rights\\_overview.pdf](https://www.unicef.org/crc/files/Rights_overview.pdf) accessed on 05/09/2015

Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). A fellow Christian was arrested for screening a film on the life of Jesus and imprisoned for three years.<sup>7</sup> According to law, only registered groups are allowed to raise funds for religious activities and are exempted from taxes (United States Department of State, 2015). State financially supports for promotion of Buddhism through construction of monasteries and *chortens*<sup>8</sup> while other religions in the country do not get state funding. This reflects the lack of protection of cultural rights in one hand and the discriminatory approach of the state on the other (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). Christian groups and media sources stated that the government continued to extend preferential treatment to Buddhist groups in terms of registration and financial support (United States Department of State, 2015). Unregistered groups generally held meetings discreetly and worshipped in private (United States Department of State, 2015).

While the Bhutanese government generally respects religious freedom in law and in practice, its constitution mandates subtle pressure on non-Buddhists to observe traditional *Drukpa* (Mahayana Buddhist) values and some limitation on constructing non-Buddhist religious buildings has remained. By mentioning that “it shall be the responsibility of religious institutions and personalities to promote the spiritual heritage of the country”, there is societal pressures toward non-Buddhists to uphold the Buddhist principles since “Buddhism is the spiritual heritage of Bhutan” (The Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, Article 3).

Approximately 75 per cent of the Bhutanese population practice *Drukpa Kagyupa* or *Ningmapa* Buddhism, both of which are disciplines of Mahayana Buddhism (United States Department of States, 2016). The Nepali-speaking minority population, which resides principally in the south of Bhutan, practices Hinduism and they make 22 per cent of the total population (United States Department of States, 2016). Christian, both Roman

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<sup>7</sup> See: <http://www.asianews.it/news-en/Ongoing-human-rights-violations-in-Bhutan,-the-sham-happy-kingdom-20137.html> accessed on 08/04/2017

<sup>8</sup>The basic structure of a *Chorten* consist of a square foundation symbolizing the earth, a dome symbolizing water, and thirteen tapering steps of enlightenment symbolizing the element of fire. These steps lead to a stylized parasol, the symbol of wind, which is topped in the ethereal sphere by the well-known ‘twin-symbol’ uniting sun and moon, which is the shimmering crown of the *Chorten*.

Catholic and Protestant, and nonreligious groups comprise less than 1 per cent of the population.

This inclusionary practice of religious policies shows the Bhutanese government guilty of trying to enforce Buddhist cultural hegemony at the expense of all other groups. It could also mean that these practices and policies are tools to entrench Buddhist cultural hegemony over the country and keep other groups and communities “on a leash”.<sup>9</sup>

## **5.2.b Good Governance**

Good governance is one of the objectives of GNH, and, according to prevailing ideas, that objective is best served by decentralization and democratization. Good governance consists of some of the following attributes, namely, “participation, rule of law, transparency, accountability, efficiency, effectiveness, responsiveness, a consensus orientation, equity, empowerment and inclusiveness” (The Centre for Bhutan Studies, 2012: 155). Good governance as the fourth pillar puts responsibility on the state to act as an “efficient, transparent and ethical dispenser of public services” (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). This also requires political leaders to be accountable and all government and political institutions to deliver transparency (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). However, there are several occasions that the accountability of the Bhutanese government has failed and democracy as a foundation for good governance is not reflected in the actions of the government. The following sections discuss the various issues where Bhutan has failed to adhere to the principles of one of the pillars of GNH.

### **5.2.b.i Political Participation**

For the birth of vibrant democracy, active political participation and civic engagement are of utter significance. Studies have also shown that people who participate in political activities enjoy higher wellbeing as they enjoy a sense of freedom and autonomy through political participation (The Centre for Bhutan Studies, 2012: 156). Speaking on the participation in decision-making as fundamental to human wellbeing, Amartya Sen writes,

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<sup>9</sup> See: <http://www.asianews.it/news-en/Almost-no-place-for-minority-religions-on-Bhutan's-national-TV-5475.html> accessed on 20/12/2016



“Participation can also be seen to have intrinsic value for the quality of life. Indeed, being able to do something through political action –for oneself or for others –is one of the elementary freedom that people have reason to value” (Sen, 2002: 359).

Bhutan held its first ever elections in its history on December 31, 2007.<sup>10</sup> All candidates for upper house ran as independents. 15 members were elected to a new 25-member upper house or the National Council, and from the remaining 10 members, 5 were elected and 5 appointed, and joined the upper house in later in January 2008.<sup>11</sup>

In 2007 the government began allowing political parties, which were previously illegal, to register under the terms of a draft constitution (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). On March 2008, elections to the National assembly in all 47 constituencies were held. *Druk Phensum Tshogpa* (or DPT) won in 45 seats while People's Democratic Party (or PDP) getting 33 percent votes in the elections secured only two seats in the National Assembly. The voter turnout was 79.4 percent.<sup>12</sup> The government regarded political parties organized by ethnic Nepalese living in refugee camps as illegal, terrorist, and antinational in nature. These parties, which sought repatriation of refugees and democratic reforms, were unable to conduct activities inside the country.

Unlike the 2008 election, the 2013 elections saw the participation of five political parties, namely The People's Democratic Party (PDP), The Bhutan Peace and Prosperity Party, or *Druk Phuensum Tshogpa* (DPT), The *Druk Chirwang Tshogpa* (DCT), The *Druk Nyamrup Tshogpa* (DNT), and The Bhutan-Kuen Nyam Party. However, when it comes to the question of political participation in Bhutan, a form of formal disenfranchisement of the minorities are evident in the country's policies. Bhutan adopted democracy with the establishment of constitutional monarchy in 2008 by holding local and legislative elections. A democratic country renders people as sovereign, where they rule over themselves and this sovereignty must be distributed equally, since unequal distribution of sovereignty implies that some segments of the people are not sovereign (Rizal, 2015: 195).

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<sup>10</sup> See: <https://freedomhouse.org/report/freedom-world/2008/bhutan> accessed on 12/03/2016

<sup>11</sup> See: <https://freedomhouse.org/report/freedom-world/2008/bhutan> accessed on 12/03/2016

<sup>12</sup> Bhutan elections: Fact Sheet by UNDP Bhutan, March 25, 2008

Equal political participation is the foundation of democracy since it is a requisite of self-government as the expression of the sovereignty of the people (Rizal, 2015: 195). For a political system to have the potential to be democratic, it has to provide legal provisions for political participation. However, in case of Bhutan a sizeable number of population are deprived of political participation.

Bhutan also tries to manage the elections by the process of screening of the contesting political parties. During the 2008 elections, the Druk People's Unity Party was disqualified and denied from participating due to what was described as a lack of "credible leadership", since it was found that more than 75 per cent of the party members were school dropouts (Rizal, 2015: 195; Freedom House). A candidate of the PDP was also disqualified by the Election Commission on the grounds of having tried to "play up the problem of Bhutanese of Nepali origin" (Rizal, 2015: 195). This sent a clear message that "there was no room in Bhutan for communal and sectarian politics"(Rizal, 2015: 195). The Bhutanese government kept the Nepali issue out of the political process. Also, a person was not allowed to contest the elections if any of his/her parents were a migrant Bhutanese. The Constitution of Bhutan in its articles 15 and 16 provide for regulations on political parties formation and campaign financing. An important facet of these articles is that in the "tradition of unification and consensual politics, parties cannot be established on the basis of religion, ethnicity, or region", which effectively denies "political representation of Bhutanese people of Nepali origin" (Gallenkamp, 2010: 14).

Furthermore, Bhutanese men and women who are married to non-Bhutanese are prohibited from becoming candidates (Rizal, 2015: 195; The Royal Government of Bhutan, 2008, The Constitution of the Kingdom of Bhutan, Article 23). Article 23, Clause 4 of the constitution states,

A person shall be disqualified as a candidate or a member holding an elective office under this Constitution, if the person:

(a) Is married to a person who is not a citizen of Bhutan

This is an example of the wide-ranging implications of the citizenship rule and their application (Rizal, 2015: 196). Freedom of association is a universal right guaranteed in all major human rights documents: Article 20 of the Universal Declaration of Human Rights,

Article 22 of the International Covenant for Civil and Political rights, and Article 11 of the European Convention on Human Rights. Freedom of association for minorities is enshrined in the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in Articles 2.4 and 2.5. However, the Bhutanese Constitution's Article 23 on elections has a restriction which is discriminatory. The minority population as such is disenfranchised along these discriminatory lines and they are unable to run for office and be elected under the Constitution (Rizal, 2015: 196).

### **5.2.b.ii Political Freedom**

Political freedom indicator tries to assess people's perception about the functioning of human rights in the country. It generally relates to freedom of speech and opinion, the right to vote, the right to join the political party of their choice, the right to form *tshogpa* (association) or to be a member of *tshogpa*, the right to equal access and the opportunity to join public service, the right to equal pay for work of equal value, and freedom from discrimination based on race, sex, etc (The Center for Bhutan Studies, 2012: 157).

Bhutan has held local and legislative elections but these were not relatively open and competitive, keeping with the intentions of the royalty to hinder any political changes from below. The tabulation of the voter turnout in the 2008 and 2013 elections also shows a dismal picture of democracy and political participation in Bhutan. The voter turnouts are low, keeping in mind that the fact that Bhutan is a country which is run through the decrees of the king and royalist government (Rizal, 2015: 196). People have been literally forced to go to the polling booths to vote without any alternatives, as failure to vote the royalist party connotes severe punishment (Rizal, 2015: 196). This is revealed in the following table.

**Table 7. First (2008) and Second (2013) Elections and Voter Turnout**

Year	Total Registered Voters		Votes Cast		Voter Percentage	
	2008	2013	2008	2013	2008	2013
<i>National Assembly</i>	318,465	379,819	183,081	171,544	57.49	45.16
<i>National Council</i>	312,502	381,790	257,414	252,853	82.37	66.23

Source: Rizal, 2015: 196

Only 57.49 per cent of the registered voters participated in the 2008 elections for National Assembly and the figure further dropped in 2013 with only 45.16 per cent of voters going to the poll. Meanwhile, the percentage of voters turnout for National Council in 2008 was 82.37 per cent, which dropped to 66.23 per cent in 2013.

Furthermore, during the 2008 elections Bhutan denied voting rights to thousands of Nepali speaking population who failed to obtain security clearance on accusation of having relatives in the refugee camps of Nepal or had involved in the 1990 demonstrations (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). Around 80,000 Nepali speaking citizens were not allowed to vote claiming they are non-citizens.<sup>13</sup>

Speaking on the matter of the 2008 elections held in Bhutan, Ben Peterson noted that the election had no credibility as being generally democratic when almost a sixth of country's population lived in exile and another 13 per cent were disenfranchised, and only two political parties both "staunchly royalists" were allowed to participate.<sup>14</sup> With the absence of a single and simple electoral code in Bhutan, the administration has a leeway to include and exclude candidates and to manipulate the electoral process and results at will (Rizal, 2015: 202). The political parties that participate in the elections are royalist in nature, and with leaders who are close to the king. This is another method of gaining control over the electoral process in the country. In this context, elections are simply mechanisms to establish legitimacy of autocrats at home and abroad. Elections give a false sense of being based on popular to the domestic and international audience will even thought it may have been manipulated by higher ups. Although controlling the electoral process has kept the political elite in power and has ensured a minimum of institutional political consensus around the monarchy, it has proven unable to channel political mobilization from below. Election, thus, does not automatically translate into bringing democracy, and it is not so when there is no space for dissent. However, the Bhutanese administration has striven to limit dissent through its constitutional clauses and electoral

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<sup>13</sup> See: <http://www.apfanews.com/stories/bhutanese-minority-excluded-from-historic-vote-reproduction/> accessed on 11/09/2016

<sup>14</sup> See: <https://www.greenleft.org.au/content/bhutan-democratic-facade-hide-oppression> accessed on 03/09/2016

mechanisms and manipulate democracy to ensure their longevity, and they rearrange electorates to preserve their electoral advantage.

Powerful actors involved in the process of formation of new electoral institutions have an advantage to create institutions that serve their interests, and give them more power. In this context, Bates notes that “those institutions will be created that favour what have been referred to as ‘special interests’” (Bates, 2005: 90). Similar situation prevails in Bhutan today. Any opponents there exist are weak and in exile, giving the king and the strong incumbent elites in Bhutan ample leverage to impose a strict authoritarianism (Rizal, 2015: 202). The absence of real opponents in Bhutan results in the absence of any pressure to shape electoral laws (Rizal, 2015: 202).

### **5.2.b.iii *Media freedom***

The right to “freedom of speech, opinion and expression” is one of the fundamental rights laid down in the Bhutanese constitution. Along with it, the right to information is also another fundamental right. Article 7 also provides “freedom of the press, radio and television and other forms of dissemination of information, including electronic” (The Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, 2008: 14).

However, according to Bhutan’s National Security Act of 1992 prohibits any criticism against the king as evident in the following clauses,

- Whoever engages in treasonable acts against the TSA-WA-SUM<sup>15</sup> or attempts to do so, either within or outside Bhutan shall be punished with death or be subject to imprisonment for life.
- Whoever commits any overt act with intent to give aid and comfort to the enemy in order to deliberately and voluntarily betray the TSA-WA-SUM, and harm the national interest shall be punished with death or imprisonment for life.
- Whoever by words either spoken or written, or by any other means whatsoever, undermines or attempts to undermine the security and sovereignty of Bhutan by creating or attempting to create hatred and disaffection among the people shall be punished with imprisonment which may extend to ten years

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<sup>15</sup>*Tsa-Wa-Sum* translates to King, People and Country.

Article 6 (3) (e) of the Constitution of Bhutan also restricts people speaking against *Tsa-Wa-Sum* (king, country and people)

Have no record of having spoken or acted against the Tsa-wa-sum.

The Bhutan Citizen Act of 1985 also authorizes the state to seize citizenship if citizens are found speaking against Tsa-Wa-Sum,

Any citizen of Bhutan who has acquired citizenship by naturalization may be deprived of citizenship at any time if that person has shown by act or speech to be disloyal in any manner whatsoever to the King, Country and People of Bhutan (Ministry of Home Affairs, Census Handbook, 1993).

Journalism is fairly small scale in Bhutan with 12 newspapers, seven radio stations, one online newspaper, and a number of magazines (T, Lhamo and Oyama T, 2015). The country runs a state-owned bi-weekly print outlet, *Kuensel* which generally portrays the monarchy in favourable light but at the same time addresses societal problems and issues that are critical of the government (Freedom House, 2015). However, being run by the state, there is not much freedom of speech and expression, as criticism against the royal family and Buddhist clergy is not published. The mainstream media on the whole avoid sensitive topics relating to national security and the issue of ethnic-Nepali refugees in exile.

Besides, there are only two TV stations, both provided by the Bhutan Broadcasting Service (or BBS) TV, which is the national broadcasting agency. The channels, BBS and BBS 2, are the only channels that broadcast local news and TV programs in Bhutan. BBS also has a radio station (Freedom House, 2015). Radio is broadcasted in four different languages, including *Dzongkha*, *Sharchop*, *Lhotshamkha* and English) (T, Lhamo and Oyama T, 2015). Almost all media outlets cover Thimphu besides a few other districts (Freedom House 2015). *Dzongkha* and English are the only two languages in which newspapers and magazines are published, and also is also absence of use of other languages besides *Dzongkha* and English in electronic media in Bhutan. Meanwhile, Bhutan Media Foundation funds almost entirely all the media outlets. Since media in the country is only a recent phenomenon, there is very little private, independent media and this is largely due to lack of funds and low readership (Freedom House, 2015; Kuensel, 2017).

In 2016, Bhutan was ranked 84 in the *Reporters Without Borders*' ranking among 180 countries in the world.<sup>16</sup> Journalists expressed unhappiness with the situation of press freedom in the country, since there is very limited access to information which makes the journalists unable to exercise press freedom.

### **5.2.c Socio-economic Development**

In simple terms, socio-economic development is the process of social and economic development in a society. It is a multi-dimensional process which improves the quality-of-life of the people (Ohlan, 2013: 842). It is achieved through “satisfaction of economic, social, political and cultural rights, equitable distribution of development benefits and opportunities, dignified living environment, gender equality and empowerment of the poor and marginalized” (Ohlan, 2013: 842). In GNH approach, socio-development is measured with indicators such as living standards, education and health. Living standards refers to the material wellbeing of the people, ensuring the fulfillment of basic material needs for a comfortable living (The Center for Bhutan Studies, 2012: 168). Similarly, health refers to absence of illness, in simple terms. In Bhutan, health refers to both physical and mental health, since health is expressed as the outcome of relational balance between mind and body, and between persons and the environment (The Center for Bhutan Studies, 2012: 168). GNH takes a holistic approach towards health by focusing on social circumstances, emotional states and spiritual aspects (The Center for Bhutan Studies, 2012: 168). Through a GNH lens, a combination of all would provide an individual with an ability to meet life's opportunities and challenges and maintain a level of functioning that has a positive influence on wellbeing (Ura, 2008). GNH also highlights the importance of a holistic educational approach which ensures Bhutanese citizens gain a deep foundation in traditional knowledge, common values and skills. In addition to studying reading, writing, maths, science and technology, students are also encouraged to engage in creative learning and expression. A holistic education extends beyond a conventional formal education framework to reflect and respond more directly to the task of creating good

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<sup>16</sup> See: <http://www.kuenselonline.com/journalists-uncomfortable-with-bhutans-press-freedom-rank/> accessed on 16/10/2017

human beings. It is important for Bhutan that an education indicator includes the cultivation and transmission of values (Ura, 2009)

Socio-economic development of Bhutan, however, has not shown decline in the rate of progress as compared to earlier years (Bertelsmann Stiftung's Transformation Index, 2016). Economic growth fell to 2.1 per cent in 2013, then was recovered in 2015 when it reached 5.5 per cent (Bertelsmann Stiftung's Transformation Index, 2016).

Enrollments to secondary schools and universities have risen, there is improvement in health indicators, extension of the rural road system has been carried out, and environmental concerns taken prominent space in policy decisions (Bertelsmann Stiftung's Transformation Index, 2016). Poverty has declined with the exception of some rural regions, where it remains high (Bertelsmann Stiftung's Transformation Index, 2016). There is now gender balance in secondary education, although males still outnumber females at the tertiary level (Bertelsmann Stiftung's Transformation Index, 2016). Women were elected to only four out of 67 parliamentary seats in 2013 and are poorly represented in executive positions in public sector organizations (Bertelsmann Stiftung's Transformation Index, 2016).

In the following section, there are various examples of the Bhutanese government's failure in addressing to the socio-economic developmental needs of the people, especially its minority people like it promises to in its GNH development goals.

### ***5.2.c.i Gender Gap in Happiness***

Bhutan ratified the 1979 Convention on the Elimination of All Forms of Discrimination against Women (or CEDAW) in 1981. Article 9 of the Convention states that,

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

According to the CEDAW, discrimination of women on the grounds of passing on nationality is prohibited. However, the Bhutanese distinction between F4, (Non-national



women married to Bhutanese men, and their children), and F5, (Non-national men married to Bhutanese women, and their children), clearly breaks this convention (Census Handbook, 1993: 29). Since the ratification of the convention, the government has failed to abide by its CEDAW obligation of providing citizenship and prevent statelessness when non-Bhutanese woman is married to a Bhutanese national (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). These women are labeled as non-nationals and denied any citizenship rights. This has brought more complications as it leads to an increase in number of stateless children since the government does not permit children born from such mothers from taking citizenship of Bhutan.

In Bhutan, there is no gender inequality between men and women in legal terms. In fact, Bhutanese women enjoy more freedom, equality and higher social status in Bhutan than many other countries. However, there are differences in status of women who belong to urban areas from those in rural areas. Women in few societies, especially those belonging to Hindu society in southern Bhutan do not necessarily enjoy high social status (Japan International Cooperation Agency, 2017) The report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 2003) points out the need to pay attention to gender discrimination that has been always invisible but existing especially at households and workplaces.

	<b>West and Central</b>	<b>South</b>	<b>East</b>
<b>Population Composition</b>	<i>Ngalongs</i>	<i>Lhotshampas</i>	<i>Sharchops</i>
<b>Religion</b>	Buddhism	Hinduism/Buddhism	Buddhism
<b>Social system</b>	Matrilineal society, Matriarchal society	Patrilineal Society*, Patriarchial society Caste system	Patrilineal society (Polygamy)
<b>Household Head</b>	Women	Men	Women/Men

\*With few exceptions Source: Japan International Cooperation Agency, 2017

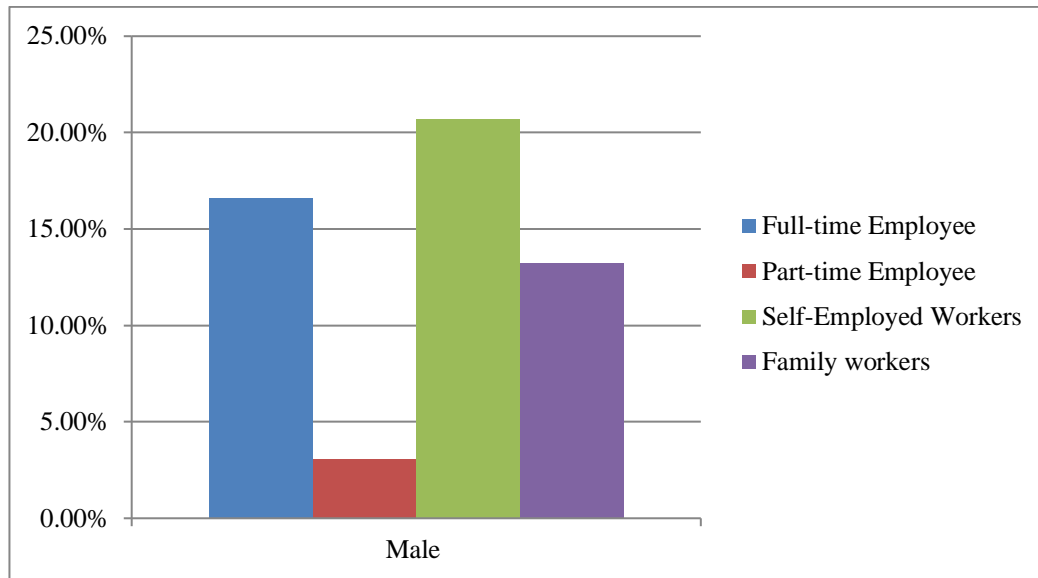
Although the status of women is relatively high in Bhutan, there still exist the social perceptions of gender role that are expected of both men and women in the society. Women's role as home-makers limited their access to educational and employment opportunities (Japan International Cooperation Agency, 2017). The 2003 CEDAW Report

notes that these traditional beliefs have not hindered women's participation in household decision-making, property inheritance, or participation in local events and other community activities (CEDAW, 2003). However, women's movement outside the home is limited, particularly in southern Bhutan (Japan International Cooperation Agency, 2017). In rural areas, women's movement beyond their community without male companions may be implicitly discouraged (Japan International Cooperation Agency, 2017).

Regarding the issue of employment, there is a significant margin of gender inequality in Bhutan. The Labour Force Survey Report (2015) showed the unemployment rate in Bhutan in 2015 at 2.5 percent; the rates by gender were 3.1 percent for women and 1.8 percent for men (Japan International Cooperation Agency, 2017). Unemployed status of women stood at 59.9 percent (The Royal Government of Bhutan, Ministry of Labour and Human Resources, 2015). Additionally, women's labour participation rate stood at 55.9 percent which was lower than men's labour participation which stood at 71.2 percent (The Royal Government of Bhutan, Ministry of Labour and Human Resources, 2015). Therefore, one of the main factors in gender equality in Bhutan is promoting women's participation (Japan International Cooperation Agency, 2017).

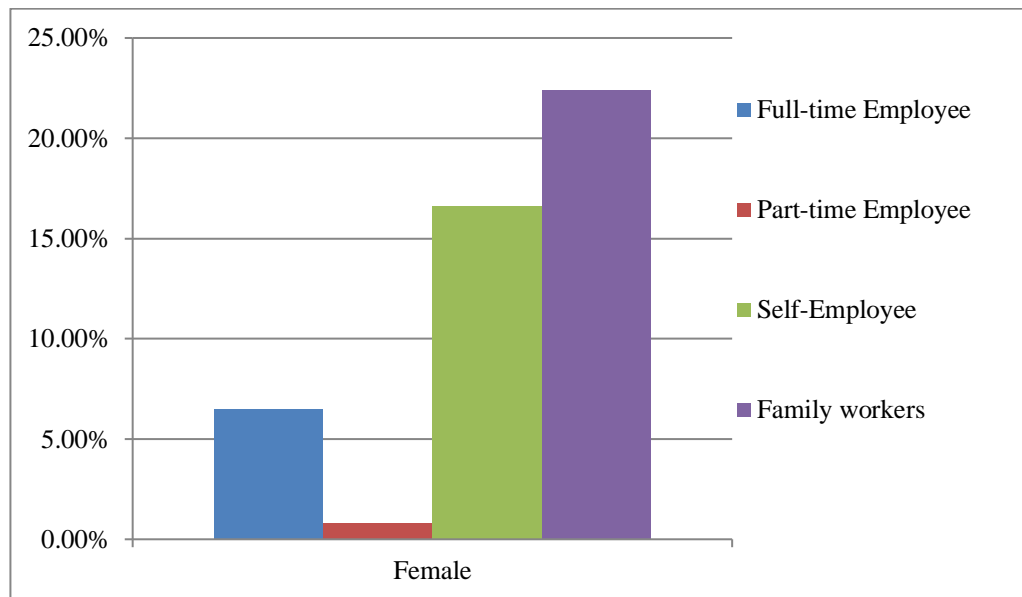
Figures 5.1 and 5.2 below show gender disparity in employment. In contrast to their male counterparts, there is a small percent of women who earn income outside their households, the figure standing at a meager 6.4 percent for full-time employees and 0.8 percent for part-time employees. Family workers stand at a relatively large 24.4 percent, but they usually go unpaid according to World Bank (Japan International Cooperation Agency, 2017).

**Figure 6. Male Employment Pattern**



(Source: Royal Government of Bhutan, Ministry of Labour and Human Resources, 2015, Labour Force Survey 2015)

**Figure 7. Female Employment Pattern**



Source: Royal Government of Bhutan, Ministry of Labour and Human Resources, 2015, Labour Force Survey 2015

Gender disparity is also seen in the amount of wages between men and women in Bhutan. According to the World Bank report (2013), women’s average monthly income is only 75 per cent of men’s (Japan International Cooperation Agency, 2017; World Bank, 2013).

Additionally, when it comes to the question of political participation, women’s involvement in it is extremely low in Bhutan. The table below gives an overview of female participation in politics in Bhutan, in comparison to male participation.

**Table 8. Male and Female Participation in Politics**

<b>Post</b>	<b>Female</b>	<b>Male</b>
National Council Member	2 (8.7%)	23
National Assembly Member	4 (9.3%)	43
Minister	1 (11.1%)	9
Prefectural Governor (Appointed post)	2 (11.1%)	18
District Delegate	2 (1.0%)	18
District Assitant Delegate	23 (12.8%)	179
Village Delegate	128 (15.0%)	856

Source: National Council of Bhutan, [http://www.nationalcouncil.bt/en/member/list\\_of\\_members](http://www.nationalcouncil.bt/en/member/list_of_members); National Assembly of Bhutan, [http://www.nab.gov.bt/en/member/list\\_of\\_members](http://www.nab.gov.bt/en/member/list_of_members); and Ministry of Home and Cultural Affairs, 2016.

Furthermore, a *Briefing to the Committee on the Rights of the Child on the Child Sexual exploitation in Bhutan* by *RENEW (Respect, Educate, Nurture, Empower Women)* and *ECPAT International* has highlighted a study by the government of Bhutan and UNICEF regarding the issue of Child Sexual Exploitation (or CSE) in Bhutan. According to the study, CSE has emerged as an alarming concern in the southern and south-eastern regions of Bhutan where most of the *Lhotshampas* reside. It is estimated that about half of female commercial sex workers in southern cities are Bhutanese and Indian girls younger than 18 years (RENEW and ECPAT International, 2017). The report has also noted the presence of child trafficking for sexual purposes, and girls are trafficked from

rural areas of Bhutan to urban areas of Bhutan or India (RENEW and ECPAT International, 2017).

All these data point towards the fact that there is discrimination based on gender, and the discrimination is more severe among women belonging to ethnic minority groups, particularly the *Lhotshampas* living in southern parts of Bhutan.

### **5.2.c.ii Discrimination against Children**

Discrimination in Bhutan takes the form of basic human rights of ethnic minority children as well. Bhutan is a signatory of the Convention on the Rights of Child (or CRC) since 1990. By virtue of its ratification of the CRC, Bhutan is responsible of upholding commitments for right of the child. The country has made efforts in this regard by incorporating some pro-children provisions in the constitution, penal code and Civil and Criminal Procedure Code (or CCPC) (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). However, there are certain cases in which the Bhutanese government has violated the CRC norms. Human Rights Watch in its 2007 report has pointed out the deprivation of nationality and identity for ethnic Nepali children and discrimination against these children in Bhutan regarding access to education, health care and landownership (Human Rights Watch, 2007),

Human Rights Watch wishes to bring to the Committee's attention information regarding the following violations of the Convention on the Rights of the Child by the Bhutanese government:

- deprivation of nationality and identity for ethnic Nepali children (arts. 7 and 8);
- denial of the right to return to one's own country (art. 10);
- discrimination against ethnic Nepali children in Bhutan (art. 2), including in access to education (art. 28), health care (art. 24), and landownership (arts. 16, 27 (3));
- denial of the right of ethnic or linguistic minorities to enjoy their own culture and use their own language (art. 30);
- and sexual violence and other abuses against girls and women (art. 19).

The government of Bhutan, by the use of its restrictive citizenship laws, has deprived thousands of Nepali-Bhutanese children their right to Bhutanese nationality and citizenship. Among more than a hundred thousand *Lhotshampas* who were evicted from

the country in the early 1990s, around 40 per cent were children (Human Rights Watch, 2007). By rendering these children stateless, Bhutan has violated the CRC norms. In the event of their statelessness, they would face significant restrictions to their basic rights. They would not be able to apply for higher education, as well as government jobs, trading or business licenses without a 'No Objection Certificate' (Human Rights Watch, 2007). Refugee children faced severe problems due to poverty. They suffered from health problems which forced them to drop out of schools.<sup>17</sup> The UNHCR and Caritas NGO provided the children free education in the schools inside the refugee camps but they could not afford buy uniforms and stationery.<sup>18</sup> Furthermore, children also dropped out of school to work as labourers to help their parents as the aid given to them was not enough for their survival.<sup>19</sup> The children explained their problems of insufficient food at home. The UN World Food Programme (WFP), the only source of food, provided about 5.6 kg of rice for two source of food which was not sufficient according to the children's testimonies.<sup>20</sup>

Bhutanese government has guaranteed the right to free education up to grade X for all children of school going age (The Royal Government of Bhutan, Ministry of Education, 2015). However, to enroll children in school, parents need to produce no objection certificate (NOC) provided by the local authorities (Human Rights Watch, 2007). *Drukpas* are routinely re-issued with NOCs every year but on the other hand, local officials are reluctant to provide NOC to Nepali-speaking Bhutanese citizens especially those who have relatives in refugee camps in Nepal (Human Rights Watch, 2007). The rights of the children belonging to Nepali ethnicity in Bhutan as such are exploited.

Article 28: (Right to education): All children have the right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this right. Discipline in schools should respect children's dignity. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child's human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect. The Convention places a high value on

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<sup>17</sup> See: <http://www.irinnews.org/report/75050/nepal-bhutanese-refugee-children-want-new-lives> accessed on 20/04/2016

<sup>18</sup> *ibid*

<sup>19</sup> *ibid*

<sup>20</sup> *ibid*

education. Young people should be encouraged to reach the highest level of education of which they are capable (The Convention on the Rights of Child (or CRC), 1990).

The CRC obliges (Article 7) the signatory state parties to maintain birth registration of all children born within the territory and provide citizenship to these children. However, the government has not maintained birth registration of children whose both parents aren't given Bhutanese citizenship. Bhutan has violated the norms of CRC in this regard as well. Articles 7 and 8 of the CRC protect the right to nationality of children,

Article 7 (Registration, name, nationality, care): All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents (The Convention on the Rights of Child (or CRC), 1990).

Article 8 (Preservation of identity): Children have the right to an identity – an official record of who they are. Governments should respect children's right to a name, a nationality and family ties (The Convention on the Rights of Child (or CRC), 1990).

The government of Bhutan has instead rendered thousands of *Lhotshampa* children stateless by denying them citizenship rights. Furthermore, the children who are still living in Bhutan and belong to ethnic minority groups do not enjoy the right to freely enjoy their own culture and customs. The government's 'one nation, one people' policies decree has adverse ramifications on its ethnic minority children. While Hinduism is moderately tolerated, Christianity and Islam are systematically prohibited. While the languages ethnic minority children speak are their mother tongue, there is still pressure to learn *Dzongkha*, which is the language of the dominant *Ngalongs*, and there are no provisions of learning in ethnic minority languages in school education system. These practices violate article 30 of the CRC which reads,

Article 30 (Children of minorities/indigenous groups): Minority or indigenous children have the right to learn about and practice their own culture, language and religion. The right to practice one's own culture, language and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country (The Convention on the Rights of Child (or CRC), 1990).

### ***5.2.c.iii Discrimination in the Right to Health***

Health services in Bhutan constitute a three-tier system: (i) basic health units (BHUs), sub-posts and outreach clinics (ORCs) at the primary level; (ii) district or general hospitals at the secondary level; and (iii) regional and national referral hospitals at the tertiary level (Asia Pacific Observatory on Health Systems and Policies, 2017). Like other sectors in the country, health sector development is guided by five-year plans (FYPs) under the four pillars of Gross National Happiness (Asia Pacific Observatory on Health Systems and Policies, 2017). Notwithstanding the fact that the government of Bhutan has steered clear of the international treaties regarding right to health, health is included in the country's GNH framework as one of the nine domains. Bhutan has also argued that it is implementing the right to health through GNH policy reforms (Meier and Chakrabarti, 2016).

Health takes prominence in Bhutan's goal of GNH and this is evident in the country's constitutional provision laid down in article 9, section 21 that,

The State shall provide free access to basic public health services in both modern and traditional medicines (The Royal Government of Bhutan, the Constitution of the Kingdom of Bhutan, 2008).

However, even if Bhutan seeks to secure happiness through health policy, it has done so at the expense of minority populations (Meier and Chakrabarti, 2016). Bhutan is straddled between two worlds: "reforming health policy to ensure domestic happiness while denying human rights to minority populations" (Meier and Chakrabarti, 2016). Despite having a well-evolved predominantly public financed and managed health system with select norms of the human right to health, the ongoing denial of "universal equality" stands as an hindrance to a rights-based health system, with this failure to ensure cross-cutting principles of non-discrimination, participation, and accountability undercutting government efforts to realize the right to health" (Meier and Chakrabarti, 2016).

Additionally, it is reported that the ethnic Nepali minorities living in Bhutan were denied access to health care most of the time, despite having documentary proof of citizenship (Human Rights Watch, 2007).



Save the Children Fund UK reported mental health problems amongst adult refugees living in the camps of Nepal due to the stress of life in exile (Bhutanese Refugee Support Group, 2000: 10), and a history of torture (Ommeren, Mark Van et.al, 2001). Tortured refugees reported lifetime posttraumatic stress disorder, persistent somatoform pain disorder, affective disorder, generalized anxiety disorder, and dissociative (amnesia and conversion) disorders (Ommeren, Mark Van et.al, 2001).

Moreover, limited food diversity, frequent illness, and feeding practices have been identified as underlying causes of malnutrition in the Bhutanese refugee population.<sup>21</sup> In 2007, acute malnutrition (i.e., wasting) was found in 4.2 percent of Bhutanese children aged 6 to 59 months living in camps in Nepal while chronic malnutrition (i.e., stunting) was found in 26.9 percent of children.<sup>22</sup>

Refugee children had to face scorn at some hospitals in the cities. Local doctors refused to examine patients despite repeated requests.<sup>23</sup>

#### ***5.2.c.iv Discrimination in Land Ownership and Inheritance Laws***

It has also been reported that the ethnic Nepalis also faced discrimination with respect to land ownership. While this may lead to many things, the most severe impact of this form of discrimination leads to the children of the ethnic Nepali minorities being denied the inheritance of their family's property (Human Rights Watch, 2007). Since buying and selling of land requires an NOC, it proved very difficult for the Nepalis to produce the document in order to buy or sell land. Besides, government guidelines for a nationwide land survey state that any land that is registered in the name of a non-national is liable to confiscation by the government (Human Rights Watch, 2007; Ministry of Home Affairs, Land Records Office, 1998). This left those people who were denied registration in the 2005 census vulnerable to confiscation of the land they owned.

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<sup>21</sup>See: <https://www.cdc.gov/immigrantrefugeehealth/profiles/bhutanese/health-information/nutrition/index.html#anemia> accessed on 11/07/2017

<sup>22</sup>ibid

<sup>23</sup> See: <https://reliefweb.int/report/nepal/bhutanese-refugee-children-nepal-endure-discrimination> accessed on 11/07/2017

The land-survey guidelines also authorize the government to confiscate all land which was registered in the names of exiled persons, whether or not they left the land certificates with their relatives in Bhutan before they exited the country (Human Rights Watch, 2007; Ministry of Home Affairs, Land Records Office, 1998). Relatives of refugees therefore found themselves in an extremely difficult position. Since they had relatives in refugee camps, it was likely that they would be denied NOCs, which meant that they would have no access to government employment nor could apply for business and trading licenses (Human Rights Watch, 2007). Therefore, many ethnic Nepalis ran the risk of losing their land and inheritance if their land were registered in the name of their relatives who were exiled from the country and living as refugees in Nepal.

Thus, the ethnic Nepalis were in constant fear of losing their land and inheritance although they possessed citizenship cards and NOCs (Human Rights Watch, 2007).

### **5.3 Conclusion**

Therefore, after examining the three pillars of Bhutan's Gross National Happiness framework, it will be concluded that the framework still possesses large number of loopholes regarding equal treatment of people living in Bhutan in various aspects. However, the fundamental problem is born in the constitution of Bhutan itself. As long as the provisions which are biased towards one ethnic community at the expense of the others are not amended, the systematic exclusion and discrimination of minorities will likely continue to occur.

All the issues discussed above has lead to make us wonder at what human cost Bhutan is striving to achieve its happiness goal. The commitment to the preservation of culture and identity has resulted in a huge cost for the country's ethnic minority. The forceful imposition of *DriglamNamzha*, the introduction of *Dzongkha* as the national language and the requirement of all Bhutanese citizens to have knowledge of Dzongkha language, and to be able to speak and write *Dzongkha*, and the obligation to uphold the Buddhist heritage of the country all translates to the Bhutanization drive of the elites of Bhutan that leaves very little space for the ethnic minorities to enjoy the right to enjoy their own culture, language and religion.

Regarding the issue of political freedom and political participation, there are again a network of government-imposed policies which do not give the people of Bhutan, especially the minorities any leverage or opportunity to advance their political desire. Besides, the constitution binds the people into keeping themselves from criticizing the king. Unpopular opinion and dissent voices, as such, have no space in Bhutanese society and politics. While Bhutan has embarked on establishing democratic values in the country, the absence of transparency and accountability of the government shades doubt on the authenticity of the democratic stance of the country. Information is limited and hard to access and holding narratives on issues of Bhutanese refugees is prohibited.

Similarly, there is discrimination in the socio-economic sphere in Bhutan. The minorities living in Bhutan do not enjoy the same privileges as the dominant ethnic group. There is discrimination regarding education, employment, land-ownership and health, to speak of few. Women and children are the most vulnerable section of the Bhutanese society, especially the ones belonging to ethnic Nepali group. Most of them deprived of nationality and identity, denied right to return to one's own country and subject to sexual violence and other abuses. All these issues throw a very negative light at the 'happiness' policy of Bhutan and drives one to ask if the happiness in Gross National Happiness means happiness of some at the cost of misery of others. While the teachings of Mahayana Buddhism leans towards being kind and helping others, Bhutan as a Buddhist nation does not really uphold the basic principles of Buddhism upon which the Bhutanese society was built.

All policies in the Kingdom of Bhutan seek to enhance Gross National Happiness (GNH). Based upon principles of Mahayana Buddhism, GNH focuses on the advancement of social harmony, preservation of national identity, and sustainability of natural environments. By emphasizing non-economic measures in development policy, looking beyond Gross Domestic Product, the Bhutanese GNH system surveys citizens to assess their holistic well-being. With Bhutanese citizens consistently found to be among the happiest in the world, the Bhutanese government has sought to enlarge the global development agenda to incorporate notions of happiness. Yet, while Bhutan has sought to export its GNH Index to other nations, advancing GNH to widespread acclaim in the

United Nations (UN), it is only beginning to interact with the UN human rights system and to confront criticism of its minority rights practices.

The contention of this chapter is that it would be a huge error to look at the Bhutanese experience solely from the perspective of the happiness project without mentioning the human rights abuses in the country. Although Gross National Happiness as a development policy on its own is a decent approach to development, unfortunately for Bhutan, its policies have shown a marked weakness in its commitment to the principles of fairness and justice, even though it has expressed support for such ideals in its constitution.

## **Conclusion**

Bhutan's Gross National Happiness emerged as a possible solution for the problems of the neo-liberal market economy. The irreversible destructive trend of global market economy on human lives and environment has created a buzz among the policy makers and think-tanks to formulate a different route towards development. The major actors in the global market economy are huge corporations, who are driven by self-interest and the sole aim to boost their market and economy, despite having detrimental effects on the socio-economic conditions of those on the bottom of the social ladder and also on the environment. Nation-states have also increasingly supported the big corporations in the past, and policy makers often manipulated decision-making in favour of consumerism (Willensward, 2002: 214). Among this trend of maximizing wealth, Bhutan has emerged with the idea of Gross National Happiness which seeks to advance development through a holistic approach catering to the socio-economic as well environmental aspects of development. This new approach to development has been supported by the United Nations when came up with a resolution on "Happiness: Towards a Holistic Approach to development" in 2011. The move to endorse this new development approach has been supported by 68 countries.

The shift from Gross National Product (or GNP) to GNH was made due to a number of perceived shortcomings in the usage of GNP indicator. There are inherent flaws in the usage of the GNP indicator. The GNP of a country reflects the overall economic of the country and fails to capture the disparity in wealth within those countries. As such, even if a certain section of society is worse off than another, the disparity in wealth is not reflected, leading to the condition where some section of the society continue to remain poor. In this sense, the GNP has failed to capture the distribution of wealth and income. Further, GNP does not reflect what money is spent on in society. The indicator grows as long as more money is spent, no matter what the money is used for in society. For instance, the country could spend more funds on the correctional facilities for criminals than on progressive sectors like education and human resource development. Therefore, the reflected growth in GNP falsely entails that the country is progressing well even though

the reality may be otherwise. The neo-liberal approach to development measures progress on the basis of those elements which can be quantified by assigning them monetary value. In this way, they exclude qualitative dimensions of progress, including the environmental elements such as fresh water, clean air and traditional ways of life simply because these elements cannot be quantified. This contributes to the growing environmental destruction making the GNP indicator a flawed measure of progress. Therefore, GNP indicator does not adequately reflect the happiness and the wellbeing of the people.

With happiness as a central theme, Bhutan's Gross National Happiness includes four major dimensions, namely, the preservation of culture, socio-economic development, environmental preservation and good governance. Bhutan has stressed the importance of culture since cultural preservation in the traditional Bhutanese context translated to the restraint of negative foreign influences. Later in the 1980s, cultural preservation was a mechanism to safeguard Bhutan's national security. The imposition of *Driglam Namzha* is one such mechanism devised to prevent cultural erosion.

Bhutan's GNH is inspired by Buddhist teachings. Hence, the country has placed great significance to environment in its GNH framework since Buddhist philosophy holds strong arguments on the adoption of an environmentally sensitive development strategy. Buddhist philosophy sees the relationship between human beings and environment in an essentially different light than the western approach. According to Buddhism, there exists no hierarchy in the relationship between the two. Additionally, Buddhism regards human lives as a phase in a perpetual cycle of reincarnation. As such, this means that sustainable development is in the interest of all instead of just of future generations.

Bhutan's efforts on its socio-economic development are by spreading development programmes and facilitating those services to people at the grassroots. Bhutanese government's guiding principle of equity and justice ensures that the minimum development programme including communication facilities, clean drinking water, electricity, health, agricultural services, among others, reaches all sections of the population. By addressing socio-economic development as one of the basic pillars of GNH, Bhutan has sought to ensure its citizens basic economic security and social wellbeing to live a decent and fulfilling life.

Good governance is a function of service and informs all other pillars. The King of Bhutan brought democracy to the country. Through these democratic virtues, Bhutan has tried to ensure that governance became an instrument of service.

Gross National Happiness is firmly established in Buddhist philosophy. Buddhist elements have served as guiding principles for the development of the GNH policy. By incorporating Buddhist ethics and value in economic activities, GNH aims not for multiplication of material wants, but for the purification of the mind. A pure and healthy mind, according to Buddhism, is that which is non-self, seek cooperation, is not easily influenced by external factors, remains content even through adversity, and that which embraces both joy and sorrow well. While the global market economy seeks multiplication of material inputs, GNH seeks lasting spiritual happiness. Economic activities and gains are only a means to a greater end, which is happiness and human-wellbeing. While neoliberal paradigm throws individuals and society into the infinite loop of demand and supply, GNH balances the spiritual and material aspects of life. While neoliberal paradigm seeks pleasure or ego gratification in terms of acquisition of more and more wealth, GNH seeks happiness through mental development. As such, Buddhist principles have been extensively employed in framing the development policy of Bhutan.

Gross National Happiness as a development framework is a commendable idea. GNH as a holistic and people-oriented characteristic proves to be a better approach than the GNP framework in various aspects. Not only does it seek maximization of happiness of the people, it also includes environmental dimensions of development making it sensitive to the negative impacts of modernization on the environment. Buddhist philosophy teaches positive mental attitudes including the intention never to harm others, the desire to provide help and support to those around us and to remain contented with one's life. As such, the core values which Buddhism teaches in economics are non-self that leads to compassion instead of self-interest, and cooperation instead of competition. Along these lines, Bhutan has sought to create policies which cater to the human wellbeing through the nine domains and 33 indicators of the GNH model. These nine domains are psychological wellbeing, health, education, cultural diversity and resilience, time-use, good governance, community vitality, ecological diversity and resilience, and living standards. The indicators under

psychological wellbeing are life satisfaction, emotion balance and spirituality; indicators under health are self-reported health status, healthy days, long-term disability and mental health; those under education are literacy, educational qualification, knowledge and values; those under cultural diversity and resilience are language, artisan skills, socio-cultural participation and *Driglam Namzha*; those under time-use are working hours and sleeping hours; those under good governance are political participation, political freedom, service delivery and government performance; indicators under community vitality are social support, community relationships, family and victim of crime; those under ecological diversity and resilience are pollution, environmental responsibility, wildlife and urban issues; and those under living standards are household income and housing quality.

GNH envisions a people-oriented multidimensional development which is an effective way to arrest the growth of material poverty and spiritual decline, both of which have undermined human dignity and the value of human life. Bhutan thus embarked on its developmental goals with the idea of spreading happiness among its citizens. While this initiative for creating a society where citizens live a well rounded happy life is laudable, there is a problem inherent in the very principles on which the GNH was created. Most academic literature on Bhutan's Gross National Happiness have not tried to explore the issue of minorities within the GNH debate, and have instead focused on the institutionalization and operationalisation of the new development framework. While the works done regarding the happiness policy of Bhutan is important, there is another equally important issue which should take equal priority since it directly impacts the foundation in which the policy is built, i.e. the issue of minorities. Since happiness is the overarching theme of the GNH framework of Bhutan, the government's policies and practices are aimed to serve the purpose of keeping the citizens of Bhutan happy. Until the issue of minorities is not brought into Bhutan's GNH policy debate, there is no way of knowing if the happiness policy is likely to succeed or not. This study was therefore a possible approach towards fixing the gap between the happiness study and minority issue. By bringing forth the minority debate into the examination the pillars of happiness, the study has raised a significant question of the accountability of the Gross National Happiness policy of Bhutan.



Bhutan's development model evolved from the desire of the kingdom's rulers to keep its people happy. Bhutan is a predominantly Buddhist country. The Bhutanese society is built upon Buddhist teachings and although the country is modernizing slowly, traditional ways of life and sentiments are still deeply ingrained in the minds of the people of Bhutan. This however is speaking for only a little over a quarter of the population of Bhutan. The *Ngalongs* being the majority ethnic group take control of the governance of the country. The rest of the population living in Bhutan comes from an altogether different social background. Bhutan is a multicultural, multilingual, and multireligious country, but all the other ethnic groups, speaking languages other than *Dzongkha* and following religion other than Buddhism are not represented in the country on equal terms. Although there is a constitution and there are provisions to safeguard people's rights, and the country is marching on the path of development by prioritizing 'happiness of the people' over material accumulation, these constitutional provisions reflect biasness favouring the *Ngalongs* over other ethnic groups. The *Lhotshampas*, the *Sharchops* and various smaller indigenous tribal groups like *Brokpas*, *Mons*, *Khens*, *Lepchas*, *Dayas*, *Kochs*, *Birmis* and *Tephoos* have fallen victims of the institutionalized discrimination through various policies which are also codified in the country's constitution.

Bhutan projecting itself as a Buddhist state suggests the desire to oppress the identity and culture of minorities. The manner in which Bhutan moved forward with assimilation and homogenization process, also referred to as Bhutanization, as a part of the development process, is evidentiary of the dominant elites' desire to maintain their stance no matter what the costs are. The Bhutanization drive in the form of *Driglam Namzha*, imposition of *Dzongkha* language as compulsory for all citizens to learn and speak and so on are all techniques designed to establish their foothold over the power structures of the country. Due to fear of the possible spillover effects of the events near home, Bhutan started the process of marginalization of the ethnic minorities through legal procedures. The *Gorkhaland* movement of the 1986 and the toppling down of the Sikkimese monarch in 1975 coupled with the rising number of Nepali population in the southern parts of Bhutan created a sense of alarm on the king and the *Drukpa* elites that they would be confronted with similar fate. The Bhutan Citizen Act of 1985 accompanied by the 1988 Census raised very high bar for people living in Bhutan to acquire Bhutanese citizenship.

The 1980 Marriage Act was also another legal mechanism to hinder the proliferation of Nepali communities and their influence in *Drukpa* society. These acts and laws caused humanitarian crisis among the ethnic Nepali population of Bhutan, causing them to leave the country, either by force or in fear and cross the borders towards Nepal where they lived as refugees for more than two decades.

The Nepali-Bhutanese in the camps of Nepal have suffered profound mistreatment and human rights abuse. Women and girl child are the most violated among the refugee population. In addition to basic human rights issues like lack of clean drinking water, lack of food supplies, lack of freedom of movement and so on, women and small girls were victims of sexual abuse and exploitation as well. Domestic violence was one the most common and largest form of abuse among women. On 2008, the UN refugee agency and the International Organization for Migration (IOM) began the process of resettlement of these refugees to third countries since no solution could come up during the bi-lateral talks between Bhutan and Nepal. Since 2008, more than a hundred thousand Bhutanese refugees have been resettled to countries including the United States, the United Kingdom, Australia, Canada, New Zealand, Norway, and the Netherlands by the efforts of the UNHCR. While most of these refugees have been resettled in third countries, a significant number of Bhutanese refugees still live in the camps in Nepal and continue to face problems of various sorts that violate their basic human rights. The refugees still living in the camps have expressed desire to return back home to Bhutan. On the other hand, those living in Bhutan are subject to discrimination within a network of various legal structures.

The problem also lies with the genesis of the Constitution. The Constitution of Bhutan was drafted without any opportunity for participation of or representation from the dissent groups. On such occasion, the provisions and laws that are codified in the Constitution reflect how the king and the elites of Bhutan have tried to incorporate decrees which give them maximum leverage. The Constitution mandates that the king enjoys absolute power and anything written or spoken against the king is a punishable offence. As such, there is no freedom of speech and expression, even though this fundamental right is codified in the Constitution. There is very little media freedom and journalists have difficulty in trying to access information. The rendering of a huge chunk of the country's

population stateless by exclusionary citizenship laws has been a forbidden subject in the country and people have no freedom of speech to make criticisms regarding the refugee issue.

Citizenship in Bhutan is debatable matter. States have the power to grant individuals privileges and rights of a citizen and at the same time they have the power to render individuals stateless by denying them citizenship. Bhutan has labeled their citizens with seven different levels of citizenship which include: (a) genuine Bhutanese citizens, (b) southerners who left Bhutan once and then returned, (c) those who were not around when the 1988 census was held, (d) non-national women married to Bhutanese men, and their children, (e) non-national men married to Bhutanese women and their children, (f) legally adopted children, and (g) those considered non-nationals. This reflects the manner in which different groups of individuals are given different treatment depending on the type of citizenship they possess. This also highlights a huge range of rights being effectively denied to a large percentage of the country's minorities who may not attain citizenship due to the religious, linguistic and cultural aspects in the citizenship and fundamental rights provisions that are highly discriminatory. Bhutan has denied a large number of its inhabitants a variety of rights and privileges by denying them citizenship. The consequences of denying full citizenship to individuals would mean there is discrimination in terms of land rights, access to services, as well as employment and even educational opportunities. Bhutan's refugee problem is created by the country itself by defining citizenship that is discriminatory.

It is imperative to state here that there are no provisions in international law for a state to provide general or automatic right to citizenship to anyone. Nonetheless, as with any State activity, once a government decides to act or provide an advantage or privilege, it must do so in a non-discriminatory way. Therefore, when a government decides to grant citizenship to individuals through naturalization process or any other procedure, it must respect fundamental international human rights law and non-discrimination. States free to impose language and other requirements as part of their naturalization processes, since it is the choice of the State to make such decision. However, since non-discrimination is a basic human right in international law, it applies also to language, religious and cultural

requirements for citizenship or naturalization purposes. If these requirements are unreasonable or unjustified given the situation existing in a particular state, then it would be discriminatory if it can be shown that these unreasonable or unjustified requirements were intended to deny citizenship to individuals on the basis of their language, religion or race. This issue of citizenship is particularly significant for minorities and their rights since by denying citizenship to a large number of individuals, some states have been able to deny them of a variety of rights and privileges. This is especially true in the case of the *Lhotshampas* of Bhutan.

Bhutan's democracy goes to mean that it is the 'rule of the people' but here people only mean those who are in control of the country's governance. In that sense it is an exclusionary democracy where the minorities do not enjoy the same rights as the dominant majority group does. The policies reflect self-interest and self-regarding elements of those on top of the hegemony. Judiciary is not independent in Bhutan and this result in the lack of proper acknowledgment of religious, linguistic and cultural freedom of the ethnic minorities. As Barman (2009) notes, Bhutan is at best "a two-party oligarchy based on the *Drukpa* vision of a homogenous nationhood". Elections on the other hand are another mechanism designed to create false legitimacy of the government. All these instances reveal that Bhutan does not reflect the GNH values of good governance. There is no transparency, the government fails in accountability and there is limited freedom for minorities. Until today, there has been no effort made by Bhutan to resolve the refugee problem. Instead the country is focused on the operationalization process of GNH and playing the cultural preservation card as justification for the expatriation of the Nepali-Bhutanese population.

Cultural diversity and resilience is one of the nine domains of GNH. While there is no restriction on other culture, language and religion in principle and in the constitutional provisions, the same constitution places subtle pressure on the entire population of Bhutan to preserve the culture and heritage of the nation, which is the Buddhist *Drukpa* culture and heritage. Mahayana Buddhism is the state's "spiritual heritage", although the southern areas many citizens openly practice Hinduism. The Constitution of Bhutan mandates that the State and the people should protect and uphold the spiritual heritage. Meanwhile, the

minorities have very limited space and freedom to enjoy their culture freely and to practice religion of their own choice. While Hinduism is tolerated up to some level, there is no space for Christianity and Islam. Only those religious groups with a legal permit are allowed to raise funds and gather for religious practices and sermons. The latter groups practice their religion in secrecy but they do not have the privilege of raising funds as they are not registered religious groups. This reflects the elements of religious intolerance in Bhutanese society. Moreover, by implementing *Driglam Namzha*, the government has tried to impose their culture on the minorities. In this way, the cultures of the minorities run the risk of being obliterated in future. Additionally, when examining the survey questionnaire of the GNH, one of the major drawbacks is how it reflects cultural biasness. While the government has included the festivals of *tshechu*, *kharam*, *lha*, *roop*, *kharpfu*, *chodpa*, *zhungdra* and *boedra*, *Tsangmo*, *lozey*, the blended culture of the followers of Mahayana Buddhism and Bonism (religion worshipping nature), it has systematically ignored the rich cultural aspects of other ethnic minority groups.

One thing is quite clear: the concept of Gross National Happiness did not prevent discriminatory policies and the escalation of ethnic tensions into mass displacement. In fact, the Bhutanese obsession with GNH, and in particular the imperative of cultural protection, provided a convenient ideological justification for the deportation of Nepali-speaking people. The expulsion of ethnic Nepalis from Bhutan and denial of rights makes it apparent that the “national” in Gross National Happiness only applies to certain sections of the Bhutanese population. Being a wholly subjective measure that utilizes no quantifiable data, GNH exhibits itself as a creatively employed propaganda tool by the *Drukpa* leadership to project an image of Bhutan as a country which promotes happiness of its citizens. Meanwhile Bhutan willfully ignores the history of “ethnic cleansing” and institutionalized racial intolerance against *Lhotshampas* inside Bhutan that continue unresolved to this day. Also, the government’s concept of happiness clearly requires that the population adhere to the values, customs, dress, religion and language of the dominant *Drukpa* culture. If Bhutan aspires to be truly democratic, it should choose a path of reunion with the ethnic Nepalese inside and outside its borders.

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## APPENDIX I

### **THE NATIONALITY LAW OF BHUTAN, 1958**

Having found it necessary to amend this law relating to the acquisition and deprivation of Citizenship which has been in force till date, His Majesty the *Druk Gyalpo*, in accordance with the Royal Advisors, people and the Monastic body, is pleased to incorporate the following changes:

1. This law may be called the Nationality Law of Bhutan, 1958 and it shall be effective throughout the kingdom of Bhutan.

2. This law shall be in force throughout the kingdom of Bhutan from the day of its enactment.

3. Any person can become a Bhutanese National

(a) If his/ her father is a Bhutanese National and is a resident of the Kingdom of Bhutan;

or

(b) If any person is born within or outside Bhutan after the commencement of this law provided the father is a Bhutanese National at the time of his/her birth.

4.(1) If any foreigner who has reached the age of majority and is otherwise eligible, presents a petition to an official appointed by His Majesty the *Druk Gyalpo* and takes an oath of loyalty according to the rules laid down by the official, he/she may be enrolled as a Bhutanese National provided that :-

(a) The person is a resident of the kingdom of Bhutan for more than ten years; and

(b) Owns agricultural land within the kingdom.

(2) If a woman, married to a Bhutanese National, submits a petition and takes the oath of loyalty as stated above to the satisfaction of the concerned official and provided that she

has reached the age of majority and is otherwise eligible, her name may be enrolled as a Bhutanese National

(3) If any person has been deprived of his/her Bhutanese Nationality or has renounced his/her Bhutanese Nationality or forfeited his/her Bhutanese Nationality, the person cannot become a Bhutanese National again unless His Majesty the *Druk Gyalpo* grants approval to do so.

5. (1) If any foreigner submits a petition to His Majesty the *Druk Gyalpo* according to the rules described in the above sections, and provided the person has reached the age of majority and is otherwise eligible, and has served satisfactorily in Government service for at least five years and has been residing in the kingdom of Bhutan for at least 10 years, he/she may receive a Bhutanese Nationality Certificate. Once the certificate is received, such a person has to take the oath of loyalty according to rule laid down by the Government and from that day onwards, his/her name will be enrolled as a Bhutanese National.

(2) Any foreigner who has reached the age of majority and is otherwise eligible, can receive a Nationality Certificate provided that in the opinion of His Majesty the *Druk Gyalpo* his/her conduct and service as a Government servant is satisfactory.

6. Any person who :-

(a) becomes a national of a foreign country and resides in that country ;

or

(b) has renounced Bhutanese nationality and settled in a foreign country

or

(c) claims to be citizen of a foreign country or pledges oath of loyalty to that Country

or



(d) is registered as a Bhutanese national but has left his/her agricultural land or has stopped residing in the kingdom;

or

(e) being a bonafide national has stopped residing in the country or fails to observe the laws of the Kingdoms shall forfeit his/her Bhutanese nationality.

(1) If a Nationality Certificate has been obtained on presentation of false information; alteration, addition or omission of facts, the Government may order the Certificate to be cancelled.

(2) A person is liable to be deprived of his/her Bhutanese nationality without prior notice:

(a) If any citizen or national, engages in activities against His Majesty the *Druk Gyalpo* or speaks against His Majesty, or the people of Bhutan;

or

(b) When Bhutan and India is engaged in a war with another country, if any citizen or national of Bhutan is found to be indulging in business, correspondence or helping the enemies;

or

(c) If any person within the period of five years from the day when he/she was enlisted as Bhutanese National, was imprisoned in any country for more than one year.

8. To implement this law, His Majesty the *Druk Gyalpo* may incorporate additional rules if necessary.

9. This law supersedes all laws, rules and regulations, ordinances relating to the acquisition and forfeiture of nationality from the day of its commencement.

## **APPENDIX II**

### **THE BHUTAN CITIZEN ACT, 1977**

#### **Conditions required for the grant of Citizenship:**

- KA** 1. In the case of government servants an applicant should have completed 15 years of service without any adverse record.
2. In the case of those not employed in the Royal Government, an applicant should have resided in Bhutan for a minimum period of 20 years.
3. In addition, an applicant should have some knowledge of the Bhutanese language both spoken and written and the history of Bhutan . Only those applicants who fulfill the above requirements may apply for grant of Citizenship to the Ministry of Home Affairs, which will ascertain the relevant facts and submit the application to the Royal Government for further action.

#### **Eligibility and Power to Grant Citizenship:**

- KHA** 1. The power to grant or reject an application for Citizenship rests solely with the Royal Government. Hence, all applicants who fulfill the above conditions are not necessarily eligible for grant of Citizenship.
2. Any applicant holding the Citizenship of another country or with criminal records in other countries or those who are related to any person involved in activities against the people, the Country and the King shall not be granted Citizenship even if all the other required conditions are fulfilled.
3. A person granted Citizenship by the Royal Government is right to register his/her name in the record of the Royal Government from the date of the grant of Citizenship.
4. All those granted Citizenship are required to take the following oath to be administered by the Home Minister;

i) Henceforth, I owe elegance only to His Majesty the *Druk Gyalpo* of Bhutan.

ii) I shall abide by and observe the Laws and Rules and Regulations of the Royal Government with unswerving reverence.

iii) I shall observe all the customs and traditions of the people of Bhutan.

iv) I shall not commit any act against the *TSAWASUM* OF BHUTAN (the country, the people and the King).

v) As a citizen of Bhutan, I hereby take this oath in the name of Yeshey Goempo and undertake to serve the country to the best of my ability.

**Special Grant of Citizenship:**

**GA** 1. A foreigner in possession of special or extraordinary qualifications who specially require for the country will be granted citizenship without consideration of the required conditions except for the administration of the oath of allegiance.

**Renouncement & Re-application of Citizenship:**

**NGA** 1. In case of a Bhutanese citizen, who having left the country returns and applies for citizenship, the Royal Government shall keep the applicant on probation for a period of at least two years. On successful completion of the probation period, the applicant will be granted citizenship provided the person in question is not responsible for any activities against the Royal Government.

2. A foreigner who has been granted Bhutanese Citizenship may apply to the Royal Government for permission to Emigrate with his/her family. Permission will be granted after an investigation of the circumstances relating to such a request. After grant of permission to emigrate, the same person may not reapply for Bhutanese citizenship. Any family member among those who seek permission to leave the kingdom, who do not wish to leave and makes an application to that effect, the Home Minister will investigate the matter and will permit such persons to remain in the country after ascertaining that the country's interest is not harmed.

3. If anyone, whether a bonafide Bhutanese citizen or a foreigner granted citizenship, applies for permission to emigrate during times of crises such as war, the application shall be kept pending until normalcy returns.

**Procedure for acquisition of Citizenship:**

**CHA** 1. When a Bhutanese woman is married to a foreigner, only she is a citizen, her husband and their children will not be considered as a Bhutanese citizens. If they desire Bhutanese citizenship, such cases will be considered in conformity with the procedure laid down in this Act applicable to foreigners applying for citizenship.

2. When a Bhutanese man is married to a foreign woman their children will considered Bhutanese. The wife will have to fulfill the requirements of this Citizenship Act as applicable to foreigners applying for Citizenship.

3. In the case of Bhutanese citizens residing in other countries, the citizenship

Law subhead KA-12 No: 2 which is reproduced below, shall be applicable.

**Reproduction of Thrimyic KA 12- 2:**

**KA-12-2**

With the exception of a genuine Bhutanese whose family is domiciled in Bhutan but he/she himself/herself has to stay away in another country in connection with the service of the Royal Government, private business or religious practices, all others who live in foreign countries and serve the government and people of such countries or have settled in a foreign country or are holding official posts in a foreign government are considered non-nationals.

**Registration Procedure:**

**CHHA 1.** All children born of a father who is a Bhutanese citizen should be registered in the official record within one year of their birth whether the children are born inside or outside the country.

2. All children born within the country are required to be listed with the Dzongkha or the Dungkhag of their birth. Children of Bhutanese parentage born in other countries should be recorded with the Royal Bhutanese Embassies. Where there are no Embassies near by, the information should be conveyed to the Home Ministry through correspondence.

3. If a child is more than one year and is still not registered in the official record, registration is not permitted but may be applied for to the Home Ministry by the concerned local authority. The Home Ministry will then investigate the matter before granting permission for the registration.

**Validity of Census Record:**

**JA** 1. All census records must bear the Seal of the Royal Government and the signature of an officer not lower in rank than a Dzongdag. Other records will not be acceptable.

**Enquiry of Kashos:**

**NYA** 1. All Kashos with the people which were not granted by His Majesty will be investigated by the Home Minister and reported to the Royal Government.

**Penalty for Violation of Rules:**

**TA** 1. Anyone having acquired Bhutanese citizenship if involved in acts against the King or speaks against the Royal government or associates with people involved in activities against the Royal government shall be deprived of his/her Bhutanese Citizenship.

2. In the case of any person knowingly presenting false information at the time of applying for citizenship, the Kasho granting him/her citizenship will be withdrawn after due verification of the false information presented.

**THA Status of the provision:**

1. In case of conflict between the provisions of this Act and the provisions of any previous laws, rules and regulations, the provisions of this Act shall prevail.

## **APPENDIX III**

### **MARRIAGE ACT OF BHUTAN 1980**

#### **C H A P T E R - T W O**

#### **MARRIAGES WITH NON-BHUTANESE**

##### **Kha 2-1.**

If any Bhutanese citizen intending to contract a marriage with a non-Bhutanese residing within or without the Kingdom of Bhutan approaches a Court of law for acquiring a Marriage Certificate, than the two persons who are standing sureties for the couple shall have to present themselves before the Court, one out of which shall have to be a Bhutanese citizen and acceptable by the Court; but both the sureties shall have to be well acquainted with the couple. Thereafter, the case shall be processed in accordance with the provisions laid down in Section Kha 1-5. (Refer Section Kha 2-2 of THRIMSHUNG 1957).

#### **ADOPTION OF SOCIAL TRADITIONS AND CUSTOMS AND ABIDING WITH CITIZEN ACT BY ONE MARRYING BHUTANESE CITIZEN.**

##### **Kha 2-2.**

A non-Bhutanese wife or husband of a Bhutanese citizen intending to acquire a Bhutanese citizenship or to take up domicile in the Kingdom of Bhutan shall have to adopt the traditional customs and rituals of the country as laid down in the Citizenship Act of under the rules promulgated by the Government from time to time.

#### **RULES TO BE COMPLIED WITH BY ONE MARRYING A BHUTANESE.**

##### **Kha 2-3.**

A non-Bhutanese person having a Bhutanese wife or husband, irrespective of whether or not he or she acquires a Bhutanese citizenship, shall have to comply with the provisions laid down in the following Sections.

**RESTRICTION ON PROMOTIONS FOR GOVERNMENT EMPLOYEE MARRYING A NON-BHUTANESE.**

**Kha 2-4.**

Any Bhutanese national in Government service marrying a non-Bhutanese shall remain in the same rank as on the 11th June, 1977 or on the day of the marriage with a non-Bhutanese held by him or her and shall not be entitled to any further promotions. And such a person shall be restricted from holding any appointment above the rank of a Junior Rabjam (Ramjam Woma ).

**RESTRICTION ON BEING MADE A PERSON OF HIGHER POSITION IF MARRYING A NON-BHUTANESE.**

**Kha 2-5.**

Any Bhutanese national marrying a non-Bhutanese shall remain in the same position in society as on 11th June, 1977 or prior to his or her marriage with a non-Bhutanese; and from the date of the marriage with a non-Bhutanese or after 11th June, 1977, such a person shall not be given a higher position of more importance

**RESTRICTION ON EMPLOYMENT IN FOREIGN AND DEFENCE SERVICES OF A PERSON MARRIED TO A NON-BHUTANESE.**

**Kha 2-6.**

If any Bhutanese national employed in the defence or foreign department of the Government of Bhutan marries a non-Bhutanese, then that Bhutanese national shall be discharged from the said departments. And any Bhutanese national married to a non-Bhutanese, shall not be offered employment in any of the two said departments.

**RESTRICTION ON ONE MARRYING A NON-BHUTANESE FROM ENJOYING PRIVILEGES AS GIVEN TO OTHER CITIZENS.**

**Kha 2-7.**

A Bhutanese citizen, irrespective of his or her status, shall be restricted from enjoying the privileges and other benefits as mentioned herein below subsequent to a marriage with a non-Bhutanese:

(ka) Allotment of land (KIDU)

(kha) Cash Loans.

(ga) Seeds for fields and lands and ploughing bulls.

(nga) Cattle and livestock from the Department of Animal Husbandry.

(cha) Medical treatment in foreign countries.

(chha) Capital for workshops, trade and industries.

## **RESTRICTION ON A PERSON MARRYING A NON-BHUTANESE FROM ENJOYING PRIVILEGES OF STUDIES AND TRAINING.**

### **Kha 2-8.**

Any Bhutanese citizen receiving training or education under Government sponsorship if married to a non-Bhutanese shall be restricted from enjoying the privileges and benefits as mentioned herein below:

(Ka) Restriction from receiving any aid from the government to pursue or undergo training in foreign countries.

(kha) From the date of contracting such a marriage, the Government aided expenses given for studies and training shall be withdrawn forthwith.

(ga) The expenditure given by the government for pursuing studies or undergoing training up till date of such a marriage shall have to be refunded.

(nga) The Government of Bhutan shall send an intimation to the country sponsoring the student to withdraw all the expenses provided for studies or training to a Bhutanese national who is marriage is contracted with a non-Bhutanese.

## **RELIGION OF A NON-BHUTANESE MARRYING A BHUTANESE.**

### **Kha 2-9.**

A non-Bhutanese married to a Bhutanese citizen if domiciled in the Kingdom of Bhutan shall, except for following the state religion of Bhutan, be strictly prohibited from propagating any other religion or introducing any new religion.



**ADOPTION OF CUSTOMS AND COMPLYING WITH LAWS OF THE GOVERNMENT BY A NON-BHUTANESE MARRIED TO A BHUTANESE IF DOMICILED IN BHUTAN.**

**Kha 2-10.**

A non-Bhutanese married to a Bhutanese citizen, who intends to take up domicile within the Kingdom of Bhutan and whether or not that person acquires a Bhutanese citizenship shall have to adopt the existing traditions and customs, and comply with the laws of the Government and other laws promulgated by the government.

**A NON-BHUTANESE MARRIED TO A BHUTANESE TO ABIDE WITH MARRIAGE ACT.**

**Kha 2-11.**

A non-Bhutanese married to a Bhutanese citizen and whether or not that person has acquired a Bhutanese citizenship shall in processing any matters relating to marriage comply with the rules and regulations laid down in this Marriage Act.

## **APPENDIX IV**

### **THE BHUTAN CITIZENSHIP ACT, 1985**

1. This Act may be called the Bhutan Citizenship Act, 1985. It shall come into force from twenty third day of the fourth month of Wood Bull year of the Bhutanese calendar corresponding to 10th June, 1985. In case of conflict between the provisions of this Act and the provisions of any previous laws, rules and regulations relating to citizenship, the provisions of this Act shall prevail.

#### **1. CITIZENSHIP BY BIRTH**

A person whose parents are both citizens of Bhutan shall be deemed to be a citizen of Bhutan by birth.

#### **2. CITIZENSHIP BY REGISTRATION.**

A person permanently domiciled in Bhutan on or before 31st December, 1958, and, whose name is registered in the census register maintained by the Ministry of Home Affairs shall be deemed to be a citizen of Bhutan by registration.

#### **3. CITIZENSHIP BY NATURALIZATION.**

A person desiring to apply for Bhutanese citizenship to the Ministry of Home Affairs in Forms KA-1 and KA-2 must fulfill all the following conditions to be eligible for naturalization:

- a) The person must have attained the age of 21 years, and 15 years in the case of a person either of whose parents is a citizen of Bhutan;
- b) The person must be mentally sound;
- c) The person must have resided in Bhutan for 15 years in the case of Government employees and also in the case of applicants, either of whose parents is a citizen of Bhutan, and 20 years in all other case, and this period of residence must be registered in the records of the Department of Immigration and Census.
- d) The person must be able to speak, read and write Dzongkha proficiently;
- e) The person must have good knowledge of the culture, customs, traditions, and history of Bhutan;
- f) The person must have good moral character and should not have any record of imprisonment for criminal offences in Bhutan or elsewhere;

- g) The person must have no record of having spoken or acted against the King, Country and People of Bhutan in any manner whatsoever, and
- h) The person must be prepared to take a solemn Oath of Allegiance to the King, Country and People of Bhutan according to the prescribed Form

**KHA.**

On receipt of the application Form KA-1 for naturalization, the Ministry of Home Affairs will take necessary steps to check all the particulars contained in the application. The Ministry of Home Affairs will also conduct written and oral tests to assess proficiency in Dzongkha and knowledge of the culture, customs, traditions and history of Bhutan. The decision of the Ministry of Home Affairs on the question of eligibility for naturalization shall be final and binding. The Royal Government of Bhutan also reserves the right to reject any application for naturalization without assigning any reason.

**5. GRANT OF CITIZENSHIP:**

- a) A person, whose application for naturalization has been favourably considered by the ministry of Home Affairs, shall take the Oath of Allegiance according to Form KHA of this Act and then His Majesty the King may grant citizenship Kasho.
- b) A person shall then be deemed to be a citizen of Bhutan upon receiving a *Kashog* from His Majesty the King of Bhutan according to Form GA of this Act.

**6. TERMINATION OF CITIZENSHIP:**

- a) Any citizen of Bhutan who acquires the citizenship of another country shall cease to be a citizen of Bhutan. The wife/husband and children of that person if they were Bhutanese citizens, shall have the right to remain as citizens of Bhutan provided they are permanently domiciled in Bhutan and are registered annually in the citizenship Register maintained by the Ministry of Home Affairs.
- b) Any citizen of Bhutan who has acquired citizenship by naturalization may be deprived of citizenship at any time if it is found that naturalization had

been obtained by means of fraud, false representation or the concealment of any materials fact.

c) Any citizen of Bhutan who has acquired citizenship by naturalization may be deprived of citizenship at any time if that person has shown by act or speech to be disloyal in any manner whatsoever to the King, Country and People of Bhutan.

d) If both the parents are Bhutanese and in case of the children leaving the Country of their own accord, without the knowledge of the Royal Government of Bhutan and their names are also not recorded in the citizenship register maintained in the Ministry of Home Affairs, then they will not be considered as citizens of Bhutan. (Resolution No.16 (2) adopted by the National Assembly of Bhutan in its 62nd Session).

e) Any citizen of Bhutan who has been deprived of Bhutanese citizenship must dispose of all immovable property in Bhutan within one year, failing which, the immovable property shall be confiscated by the Ministry of Home Affairs on payment of fair and reasonable compensation.

## APPENDIX V

### **NATIONAL SECURITY ACT OF BHUTAN, 1992**

Whereas it is expedient to enact a law to ensure security, integrity and public order within the Kingdom of Bhutan, it is hereby enacted as follows:

1. This Act shall be called the National Security Act, 1992. It shall come into force from the 2nd November 1992 corresponding to the 8th day of the 9th month of the Water Monkey Year of the Bhutanese Calender and it shall supersede the provisions of *Tsa* of the *Thrimshung* of 1957 pertaining to treason.
2. This Act shall extend to the whole of Bhutan.
3. This Act shall apply to all persons irrespective of nationality if the relevant offence has been committed in Bhutan or is intended to be committed in Bhutan, or is committed on an aircraft/ carrier registered in Bhutan.
4. Whoever engages in treasonable acts against the *TSA-WA-SUM* or attempts to do so, either within or outside Bhutan shall be punished with death or be subject to imprisonment for life.
5. Whoever commits any overt act with intent to give aid and comfort to the enemy in order to deliberately and voluntarily betray the *TSA-WA-SUM*, and harm the national interest shall be punished with death or imprisonment for life.
6. Whoever conspires within or outside Bhutan to commit any of the offenses punishable by Articles 4 and 5 of this Act shall be punished with imprisonment which may extend to ten years.
7. Whoever by words either spoken or written, or by any other means whatsoever, undermines or attempts to undermine the security and sovereignty of Bhutan by creating or attempting to create hatred and disaffection among the people shall be punished with imprisonment which may extend to ten years.

8. Whoever by words, either spoken or written, or by any other means whatsoever, creates misunderstanding or hostility between the government and people of Bhutan and the Government and people of any foreign country with which Bhutan has peaceful and friendly relations, or attempts to create such misunderstanding or hostility, shall be punished with imprisonment which may extend to five years.

9. Whoever :-

a) by words either spoken or written, or by other means whatsoever, promotes or attempts to promote, on grounds of religion, race, language, caste or community, or on any other ground whatsoever, feelings of enmity or hatred between different religious, racial or language groups or castes and communities, or

b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial or language groups or castes or communities, and which disturbs or is likely to disturb the public tranquility.

c) Shall be punished with imprisonment which may extend to three years.

10. The government may control the public's right to assembly to avoid breaches of the peace:-

a) by requiring licenses to be issued prior to sanctioning a public assembly;

b) by prohibiting an assembly in designated areas (government buildings, military installations, border areas, etc.);

c) by declaring curfew.

11. Any Magistrate or officer-in-charge of a police-station may command any unlawful assembly, or any assembly of 5 or more persons likely to cause a disturbance of the public peace, to disperse, and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Whoever is a member of an assembly which is declared unlawful by the government because the common object of the persons composing that unlawful assembly is :-

a) to overawe by criminal force, or show of criminal force, the Royal Government of Bhutan, or the National Assembly, or any public servant in the exercise of the lawful power of such public servant; or

b) to resist the execution of any law, or of any legal process; or

c) to commit any mischief or criminal trespass, or any other offence; or

d) to compel by means of criminal force, or show of criminal force, any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

e) Anyone committing the above offence shall be punished with imprisonment which may extend to one year.

12. Whoever, being armed with any deadly weapon which can cause death, is a member of an unlawful assembly shall be punished with imprisonment which may extend to two years.

13. Whenever force is used by an unlawful assembly or by any member thereof, in prosecution of the common object of such assembly, those using force are guilty of the offence of rioting, and shall be punished with imprisonment which may extend to two years.

14. Whoever is guilty of rioting being armed with a deadly weapon which can cause death, shall be punished with imprisonment which may extend to three years.

15. The Royal Government of Bhutan may declare a state of emergency covering any part or all of its territory wherein natural, social, political or economic factors compel the government to maintain public order.

16. The term *TSA-WA-SUM* shall be deemed to mean: King, People and Country.

## **APPENDIX VI**

### **FACT SHEET: A summary of the rights under the Convention on the Rights of the Child**

**Article 1 (Definition of the child):** The Convention defines a 'child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

**Article 2 (Non-discrimination):** The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis.

**Article 3 (Best interests of the child):** The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

**Article 4 (Protection of rights):** Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children. This involves assessing their social services, legal, health and educational systems, as well as levels of funding for these services. Governments are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met. They must help families protect children's rights and create an environment where they can grow and reach their potential. In some instances, this may involve changing existing laws or creating new ones. Such legislative changes are not imposed, but come about through the same process by which any law is created or reformed within a country. Article 41 of the Convention points out the when a country already has higher legal standards than those seen in the Convention, the higher standards always prevail.



**Article 5 (Parental guidance):** Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly. Helping children to understand their rights does not mean pushing them to make choices with consequences that they are too young to handle. Article 5 encourages parents to deal with rights issues "in a manner consistent with the evolving capacities of the child". The Convention does not take responsibility for children away from their parents and give more authority to governments. It does place on governments the responsibility to protect and assist families in fulfilling their essential role as nurturers of children.

**Article 6 (Survival and development):** Children have the right to live. Governments should ensure that children survive and develop healthily.

**Article 7 (Registration, name, nationality, care):** All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents.

**Article 8 (Preservation of identity):** Children have the right to an identity – an official record of who they are. Governments should respect children's right to a name, a nationality and family ties.

**Article 9 (Separation from parents):** Children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

**Article 10 (Family reunification):** Families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.

**Article 11 (Kidnapping):** Governments should take steps to stop children being taken out of their own country illegally. This article is particularly concerned with parental abductions. The Convention's Optional Protocol on the sale of children, child prostitution and child pornography has a provision that concerns abduction for financial gain.

**Article 12 (Respect for the views of the child):** When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to do. This Convention encourages adults to listen to the opinions of children and involve them in decision-making - not give children authority over adults. Article 12 does not interfere with parents' right and responsibility to express their views on matters affecting their children. Moreover, the Convention recognizes that the level of a child's participation in decisions must be appropriate to the child's level of maturity. Children's ability to form and express their opinions develops with age and most adults will naturally give the views of teenagers greater weight than those of a preschooler, whether in family, legal or administrative decisions.

**Article 12 (Respect for the views of the child):** When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.

**Article 13 (Freedom of expression):** Children have the right to get and share information, as long as the information is not damaging to them or others. In exercising the right to freedom of expression, children have the responsibility to also respect the rights, freedoms and reputations of others. The freedom of expression includes the right to share information in any way they choose, including by talking, drawing or writing.

**Article 14 (Freedom of thought, conscience and religion):** Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should help guide their children in these matters. The Convention respects the rights and duties of parents in providing religious and moral guidance to their children. Religious groups around the world have expressed support for the Convention, which indicates that it in no way prevents parents from bringing their children up within a religious tradition. At the same time, the Convention recognizes that as children mature and are able to form their own views, some may question certain religious practices or cultural traditions. The Convention supports children's right to examine their beliefs, but it also states that their right to express their beliefs implies respect for the rights and freedoms of others.

**Article 15 (Freedom of association):** Children have the right to meet together and to join groups and organisations, as long as it does not stop other people from enjoying their rights. In exercising their rights, children have the responsibility to respect the rights, freedoms and reputations of others.

**Article 16 (Right to privacy):** Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

**Article 17 (Access to information; mass media):** Children have the right to get information that is important to their health and well-being. Governments should encourage mass media – radio, television, newspapers and Internet content sources – to provide information that children can understand and to not promote materials that could harm children. Mass media should particularly be encouraged to supply information in languages that minority and indigenous children can understand. Children should also have access to children’s books.

**Article 18 (Parental responsibilities; state assistance):** Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments must respect the responsibility of parents for providing appropriate guidance to their children – the Convention does not take responsibility for children away from their parents and give more authority to governments. It places a responsibility on governments to provide support services to parents, especially if both parents work outside the home.

**Article 19 (Protection from all forms of violence):** Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. In terms of discipline, the Convention does not specify what forms of punishment parents should use. However any form of discipline involving violence is unacceptable. There are ways to discipline children that are effective in helping children learn about family and social expectations for their behavior – ones that are non-violent, are appropriate to the child's level of development and take the best interests of the child into consideration. In most countries, laws already

define what sorts of punishments are considered excessive or abusive. It is up to each government to review these laws in light of the Convention.

**Article 20 (Children deprived of family environment):** Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture and language.

**Article 21 (Adoption):** Children have the right to care and protection if they are adopted or in foster care. The first concern must be what is best for them. The same rules should apply whether they are adopted in the country where they were born, or if they are taken to live in another country.

**Article 22 (Refugee children):** Children have the right to special protection and help if they are refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention.

**Article 23 (Children with disabilities):** Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives.

**Article 24 (Health and health services):** Children have the right to good quality health care – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy. Rich countries should help poorer countries achieve this.

**Article 25 (Review of treatment in care):** Children who are looked after by their local authorities, rather than their parents, have the right to have these living arrangements looked at regularly to see if they are the most appropriate. Their care and treatment should always be based on “the best interests of the child”. (see Guiding Principles, Article 3)

**Article 26 (Social security):** Children – either through their guardians or directly – have the right to help from the government if they are poor or in need.

**Article 27 (Adequate standard of living):** Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help

families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing.

**Article 28: (Right to education):** All children have the right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this right. Discipline in schools should respect children's dignity. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child's human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect. The Convention places a high value on education. Young people should be encouraged to reach the highest level of education of which they are capable.

**Article 29 (Goals of education):** Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address such issues as school uniforms, dress codes, the singing of the national anthem or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

**Article 30 (Children of minorities/indigenous groups):** Minority or indigenous children have the right to learn about and practice their own culture, language and religion. The right to practice one's own culture, language and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country.

**Article 31 (Leisure, play and culture):** Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities.

**Article 32 (Child labour):** The government should protect children from work that is dangerous or might harm their health or their education. While the Convention protects children from harmful and exploitative work, there is nothing in it that prohibits parents from expecting their children to help out at home in ways that are safe and appropriate to their age. If children help out in a family farm or business, the tasks they do be safe and suited to their level of development and comply with national labour laws. Children's work should not jeopardize any of their other rights, including the right to education, or the right to relaxation and play.

**Article 33 (Drug abuse):** Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.

**Article 34 (Sexual exploitation):** Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 35 (Abduction, sale and trafficking):** The government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 36 (Other forms of exploitation):** Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

**Article 37 (Detention and punishment):** No one is allowed to punish children in a cruel or harmful way. Children who break the law should not be treated cruelly. They should not be put in prison with adults, should be able to keep in contact with their families, and should not be sentenced to death or life imprisonment without possibility of release.

**Article 38 (War and armed conflicts):** Governments must do everything they can to protect and care for children affected by war. Children under 15 should not be forced or recruited to take part in a war or join the armed forces. The Convention's Optional Protocol on the involvement of children in armed conflict further develops this right,

raising the age for direct participation in armed conflict to 18 and establishing a ban on compulsory recruitment for children under 18.

**Article 39 (Rehabilitation of child victims):** Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child.

**Article 40 (Juvenile justice):** Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights. Governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings.

**Article 41 (Respect for superior national standards):** If the laws of a country provide better protection of children's rights than the articles in this Convention, those laws should apply.

**Article 42 (Knowledge of rights):** Governments should make the Convention known to adults and children. Adults should help children learn about their rights, too. (See also article 4.)

**Articles 43-54 (implementation measures):** These articles discuss how governments and international organizations like UNICEF should work to ensure children are protected in their rights.

**Bhutan's Gross National Happiness and the Rights of  
Minorities**

A Thesis Summary

To

**Sikkim University**



In Partial Fulfillment of the Requirements for the  
**Degree of Doctor of Philosophy**

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October 2017

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Gross National Happiness emerged as an alternative development approach to the neo-liberal market economy system in 1972 when the Fourth King of Bhutan, Jigme Singye Wangchuck, declared, “Gross National Happiness is more important than gross domestic product.” Inspired by the Buddhist philosophy, GNH is a sharp rebuke of unsustainable consumption-driven Western society. Over the next three decades, this idea of GNH became a guiding principle of Bhutan’s governance. Bhutan created a GNH Index and a GNH screening tool (survey). In 2008, the Gross National Happiness Index was enshrined in the country’s constitution. The promotion of GNH as a holistic, people-oriented development paradigm was wholly supported by the United Nations, when in 2011 the UN General Assembly adopted a resolution calling the pursuit of happiness ‘a fundamental goal’ and asking the United Nation member states to exercise initiatives which endow more importance to well-being in determining how to measure and achieve social and economic development. The move was endorsed by 68 countries then. In 2012, the United National Sustainable Development Solutions Network published a World Happiness Report which states that efforts should be made to achieve a new course “that ensures poor countries have the right to develop, and all countries have the right to happiness, while simultaneously curbing the human-induced destruction of the environment”.

Notwithstanding the appeal Bhutan’s GNH makes as an all-inclusive, happiness-oriented paradigm, there is something amiss. While Bhutan’s GNH has captivated the interest and admiration of a large audience overseas, the country is accused of the human rights violations of a large number of its population during the late 1980s. Moreover, behind the rhetoric of happiness, Bhutan has systematically marginalized various minority sections of the society in the form of constitutional norms and laws.

As suggested by the title, this dissertation deals with the examination of Bhutan’s Gross National Happiness vis-à-vis the rights of minorities. It tries to explore the pillars and domains of the GNH and tries to explore the gaps in the policies in relation to the minority situation in Bhutan. This thesis consists of a total of six chapters.

The first chapter is the Introduction which gives a brief insight to the rest of the dissertation. It briefly discusses the Gross National Happiness paradigm of Bhutan and the issue of minorities. The chapter also provides a layout to be followed in the subsequent chapters. This chapter also contains an elaborate literature survey, builds a framework of analysis, explains the research gap, introduces the objectives and research questions and elucidates the methodology.

The second chapter is a general chapter entitled ‘Conceptualizing Happiness in Framework of Bhutan’s Gross National Happiness’. This chapter deals with the theory of happiness and examines how Bhutan conceptualizes the concept of happiness in its Gross National Happiness (or GNH) paradigm. To begin with, the chapter discusses various conceptions of happiness as well as the two major schools of happiness, namely, hedonism and *eudaimonia*. It also explores the Buddhist philosophy of happiness. Ever since *Guru Padmasambhava* brought Buddhism into the country in the eight century, Buddhism has had a strong presence in the Bhutanese society. Mahayana Buddhism remains a state religion of the country today and has been intricately linked with culture and politics in Bhutan. In this manner, the Buddhist philosophy has inspired Bhutan’s GNH. The Buddhist philosophy of happiness not only flows from the teachings of Buddha, but it is also consistent with the ideals of *eudaimonia*. GNH is people-oriented and holistic as it takes the subject to development beyond materialism and prioritizes ‘happiness’ of the people. The focus then shifts to the debate between GNH and GNP, where various shortcomings of GNP Index are discussed. Gross National Product has been subject to having several flaws when it comes to measuring development. As an indicator, it measures things which can be quantified by assigning them monetary value. Thus, they exclude qualitative distinctions. However, over the last decades it has appeared that the qualitative factors are crucial to the understanding the ecological, social and psychological dimensions of economic activity. GNP fails to capture the environmental and social externalities of economic growth. Moreover, according to GNP indicator, even if most people in a country are worse off from one year to the next, GNP may reflect an increase if a few people are doing well. As such, GNP fails to capture the distribution of wealth and income. Furthermore, GNP does not reflect what money is spent on in society. The indicator grows as long as more money is spent, no matter what the money is used for in

society. The chapter also explains the four pillars and the nine domains of GNH. The Commission uses the Thimpu-based Centre for Bhutan Studies' GNH Index, which measures four pillars of GNH: (a) Equitable Economic Development, (b) Environmental Preservation, (c) Cultural Resilience, and (d) Good Governance. These four pillars have been further classified into nine domains, which are: (i) Psychological Wellbeing, (ii) Time Use, (iii) Community Vitality, (iv) Cultural Diversity and Resilience, (v) Health, (vi) Education, (vii) Ecological Diversity and Resilience, (viii) Living Standard, and (ix) Good Governance. Additionally, the procedure of measurement of happiness is also discussed. The GNH Index uses two types of thresholds, namely, sufficiency threshold and happiness threshold. Sufficiency threshold indicates how much a person needs in order to enjoy sufficiency in each of the 33 indicators. Happiness threshold, on the other hand, answers the question "how many domains or in what percentage of the indicators must a person achieve sufficiency in order to be understood as happy?"

The third chapter is titled 'Bhutan and its Minorities'. This chapter begins with defining minorities and identifies the various ethnic groups of Bhutan as well as the ethnic minorities of the country. The chapter also traces the evolution of the state of Bhutan in detail as it is important in understanding the evolution of the current ethnic majority-minority dichotomy and power-relations. The ethnic base of Bhutan can be segregated into four main categories: (a) the *Ngalongs*, (b) the *Sharshops*, (c) the *Lhotshampas*, and (d) various other tribal groups of relatively smaller numbers, like *Bodos*, *Birmis*, *Khens*, *Lepchas* and *Mons*. The ethnic minorities of Bhutan include the *Sharshops*, the *Lhotshampas* and the various indigenous people. The *Ngalongs* on the other hand are the dominant majority, both numerically and influence-wise. The chapter also draws attention to the plight of minorities of Bhutan and forms the background of critique of Bhutan's Gross National Happiness policy. The case of the *Lhotshampas* is discussed in detail. The chapter draws attention to the contention between the *Lhotshampas* and the Bhutanese government and examines how various factors like their numerical strength, non-conformist nature of their culture, occasional expression for political reforms, events in the neighbourhood like the merger of Sikkim with India, the *Gorkhaland* movement in Darjeeling fueled the *Drukpas* concern over the presence of the *Lhotshampas* in Bhutan. These fears eventually led to the persecution and exile of more than 100,000 *Lhotshampas*

from Bhutan to Nepal since the late 1980s, where they lived in refugee camps for more than two decades. By bringing for the issue of the Nepali-Bhutanese, the chapter forms a resounding basis of criticism of the happiness policy of Bhutan.

The fourth chapter is titled 'Citizenship and Rights of Minorities: Acts and Laws of Bhutan'. In this chapter, various laws and acts imposed by the government of Bhutan regarding citizenship are discussed, along with those relating to marriage and customs which had both direct and indirect impact on the citizenship status of Bhutanese people. The most important act is the Bhutan Citizen Act of 1985 which has become a game changer regarding the situation of Bhutan vis-à-vis the minority *Lhotshampas*. Many stringent clauses were introduced in this act as well as the 1980 Marriage Act of Bhutan which made impossible for many southern Nepali-Bhutanese to obtain citizenship, therefore rendering them stateless. The chapter also deals with the constitutional provisions of Bhutan regarding citizenship and minorities and tries to uncover the inherent deficit in those provisions. By addressing to these constitutional provisions and state policies, the chapter tries to explore the socio-economic consequences they had on the citizens of Bhutan, especially to its minorities. As such, the chapter attempts to make detailed analysis of these acts and laws exploring the shortcomings within the constitution of Bhutan with regard to citizenship and minority rights. The chapter highlights the major loopholes in the policies of Bhutan which has shown a marked weakness in its commitment to the principles of fairness and justice, even though it has expressed support for such ideals in its constitution. The political developments that took place in Bhutan and the various acts and laws regarding citizenship imposed by the Bhutanese government directly coincide with the systematic exclusion of minorities of the country, mainly the *Lhotshampas*. The 1958 Nationality Law of Bhutan was a measure of integration of the *Lhotshampas* into the *Drukpa* nationality by the third King, Jigme Dorji Wangchuk. It provided the *Lhotshampas* citizenship, allowing them to emerge into the Bhutanese polity. However, due to skepticism on the assimilation process from the elites of the country, this law was superseded by the Bhutan Citizen Act of 1977 and later revised again in 1985. These acts imposed more stringent clauses regarding citizenship and a large chunk of the *Lhotshampa* population forfeited their Bhutanese citizenship and eventually left the country, mostly forcibly, as refugees.

The acts and law which followed the 1977 Bhutan Citizen Act, including the Marriage Act of 1980, as such were mechanisms to deny the rights to citizenship to a large number of the southern Bhutanese of ethnic Nepali descent. Similarly, the constitution of Bhutan does not favour the rights of minorities either. There are various provisions in the Bhutanese constitution which reflects a very inclusive character and marginalizes those ethnic groups who belong to different ethnicities than the *Drukpas*, and follow a different religion than Buddhism.

The fifth chapter is titled 'Bhutan's Gross National Happiness and Minority Rights'. This chapter deals with the examination of the concept of Bhutan's Gross National Happiness vis-à-vis its minority policy. It extensively deals with the marginalization of minorities in Bhutan which forms the background of critique of the GNH policy. The chapter examines three of the four pillars of Bhutan's GNH, namely, the preservation of culture, good governance and sustainable socio-economic development and tries to understand the impact of the happiness policy on the minorities. By examining the pillars of GNH, the chapter concludes that Bhutan's happiness policy possesses large number of loopholes regarding equal treatment of people living in Bhutan in various aspects. However, the fundamental problem is born in the constitution of Bhutan itself. As long as the provisions which are biased towards one ethnic community at the expense of the others are not amended, the systematic exclusion and discrimination of minorities will likely continue to occur. Moreover, the commitment to the preservation of culture and identity has resulted in a huge cost for the country's ethnic minority. The forceful imposition of *Driglam Namzha*, the introduction of *Dzongkha* as the national language and the requirement of all Bhutanese citizens to have knowledge of Dzongkha language, and to be able to speak and write *Dzongkha*, and the obligation to uphold the Buddhist heritage of the country all translates to the Bhutanization drive of the elites of Bhutan that leaves very little space for the ethnic minorities to enjoy the right to enjoy their own culture, language and religion. With regard to the issue of political freedom and political participation, there are again a network of government-imposed policies which do not give the people of Bhutan, especially the minorities any leverage or opportunity to advance their political desire. Besides, the constitution binds the people into keeping themselves from criticizing the king. Unpopular opinion and dissent voices, as such, have no space in Bhutanese

society and politics. While Bhutan has embarked on establishing democratic values in the country, the absence of transparency and accountability of the government shades doubt on the authenticity of the democratic stance of the country. Information is limited and hard to access and holding narratives on issues of Bhutanese refugees is prohibited. On these grounds, the chapter highlights the gap in the scholarship on Bhutan and happiness and brings to the fore, issues that so far has been confined to specialized human rights literature, some isolated reports in the international press, and Nepali mass-media, which is the issue of minorities and the Bhutanese refugees.

The sixth and the final chapter is the conclusion where I have enlisted the findings and sought to answer the research questions. Bhutan has been a forerunner of new development paradigm of Gross National Happiness and has gained popularity in the international scene. There are various commendable factors and elements in the happiness-oriented development paradigm of GNH. This dissertation, however, has sought to look into another pressing issue which the rhetoric on GNH has driven to the sidelines, which is, the issue of minorities. Since happiness is the overarching theme of the GNH framework of Bhutan, the government's policies and practices are aimed to serve the purpose of keeping the citizens of Bhutan happy. Until the issue of minorities is not brought into Bhutan's GNH policy debate, there is no way of knowing if the happiness policy is likely to succeed or not. Bhutan projecting itself as a Buddhist state suggests the desire to oppress the identity and culture of minorities. The manner in which Bhutan moved forward with assimilation and homogenization process, also referred to as Bhutanization, as a part of the development process, is evidentiary of the dominant elites' desire to maintain their stance no matter what the costs are. The Bhutanese obsession with GNH, and in particular the imperative of cultural protection, provided a convenient ideological justification for the deportation of Nepali-speaking people. The expulsion of ethnic Nepalis from Bhutan and denial of rights makes it apparent that the "national" in Gross National Happiness only applies to certain sections of the Bhutanese population. This study was therefore a possible approach towards fixing the gap between the happiness study and minority issue. By bringing forth the minority debate into the examination the pillars of happiness, the study has raised a significant question of the accountability of the Gross National Happiness policy of Bhutan. This study has evolved through several chapters. Conceptualizing

happiness in the framework of Bhutan's GNH has formed the theoretical basis for the study, followed by the identification of various ethnic groups and minorities of Bhutan, which was then followed by the examination of the crisis of ethnic minorities where the case of *Lhotshampas* is explored in detail. The study then shifts the focus to the inherent problems in the citizenship laws of Bhutan as well as the Constitutional provisions which reflect ethnic biasness. Lastly, the study has examined the pillars of happiness and brought forth the gaps in the happiness policy and the issue of minorities in Bhutan.