APPENDICES
APPENDIX-I

TREATY OF PEACE AND FRIENDSHIP, KATHMANDU, JULY 31, 1950

The Government of India and the government of Nepal, recognising the ancient ties which have happily existed between the countries for centuries;

Desiring still further to strengthen and develop these ties and to perpetuate peace between the two countries;

Have resolved therefore to enter into a treaty of peace and friendship with each other and have, for this purpose, appointed as their plenipotentiaries the following persons, namely,

The Government of India:
His excellency Shri Chandreshwar Prasad Narain Singh, ambassador of India in Nepal.

The Government of Nepal
Maharaja Mohun Shamsher Jang Bahadur Rana, Prime Minister and Supreme Commander -in-Chief of Nepal. Who, having examined each other's credentials and found them good and in due form have agreed as follows:

Article I
There shall be everlasting peace and friendship between the Government of India and the Government of Nepal. The two Governments agree mutually to acknowledge and respect the complete sovereignty; territorial integrity and independence of each other.

Article II
The two Government hereby undertake to inform each other of any serious friction or misunderstanding with any neighbouring state likely to cause any breach in the friendly relations subsisting between the two Governments.

Article III
In order to establish and maintain the relations referred to in Article I the two governments agree to continue diplomatic relations with each other by means of representatives with such staff as is necessary for the due performance of their functions.

The representatives and such of their staff as may be agreed upon shall enjoy such diplomatic privileges and immunities as are customarily granted by international law on a reciprocal basis:

Provided that in no case shall these be less than those granted to persons of a similar status of any other States having diplomatic relations with either Government.

Article IV
The two government agree to appoint Consuls general, Consuls, Vice-consuls and other consular agents, who shall reside in towns, ports and other places in each other's territory as may be agreed to.

Consuls-General, Consuls, Vice-Consuls and consular agents shall be provided with exequatur or other valid authorization of their appointment. Such exequatur or authorisation is liable to be withdrawn by the country which issued it, if considered necessary. The reasons for the withdrawal shall be indicated wherever possible.

The persons mentioned above shall enjoy on a reciprocal basis all the rights, privileges, exemptions and immunities that are accorded to persons of corresponding status of any other State.
Article V
The Government of Nepal shall be free to import, from or through the territory of India, arms, ammunition or warlike material and equipment necessary for the security of Nepal. The procedure for giving effect to this arrangement shall be worked out by two Governments acting in consultation.

Article VI
Each Government undertakes, in token of the neighbourly friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and to grant of concessions and contracts relating to such development.

Article VII
The Government of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other, same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature.

Article VIII
So far as matters dealt with herein are connected, this Treaty cancels all previous treaties, agreements and arrangements entered into on behalf of India between the British Government and the Government of Nepal.

Article IX
This Treaty shall come into force from the date of signature by both Governments.

Article X
The treaty shall remain in force until it is terminated by either party by giving one year's notice.

Done in duplicate at Kathmandu this 31st day of July 1950

SD/-

MOHAN

CHANDRESHWAR PRASAD

SHAMSHEER

NARAIN SINGH

JANG BAHADUR

For the Government of India

RANA

For the Government of Nepal
APPENDIX- II

Letter Exchanged with the Treaty

Dated: the 31st July, 1950

Excellency,

In the course of our discussion of the Treaties of peace and friendship and of Trade and Commerce which have been happily concluded between the Government of India and Government of Nepal, we agreed that certain matters of details be regulated by an exchange of letters. In pursuance of this understanding, it is hereby agreed between the two Governments:

1. Neither Government shall tolerate any threat to the security of the other by a foreign aggressor. To deal with any such threat, the two governments shall consult with each other and devise effective counter-measures.

2. Any arms, ammunition or warlike material and equipment necessary for the security of Nepal that the Government of Nepal may import through the territory of India shall be so imported with the assistance and agreement of the Government of India. The Government of India will take steps for the smooth and expeditious transport of such arms and ammunition through India.

3. In regard to article 6 of the Treaty of peace and Friendship which provides for national treatment, the Government of India recognise that it may be necessary for some time to come to afford the Nepalese nationals in Nepal protection from unrestricted competition. The nature and extent to this protection will be determined as and when required by mutual agreement between the two Governments.

4. If the Government of Nepal should decide to seek foreign assistance in regard to the development of the natural resources of or of any industrial project in Nepal, the Government of Nepal shall give first preference to the Government and or the nationals of India, as the case may be, are not less favourable to Nepal than the terms offered by any other foreign government or by other foreign nationals.

   Nothing in the foregoing provision shall apply to assistance that the Government of Nepal may seek from the United Nations Organisation or any of its specialized agencies.

5. Both Governments agree not to employ any foreigners whose activity may be prejudicial to the security of the other. Either Government may take representation to the other in this behalf, as and when requires.

   Please accept Excellency, the assurance of my highest consideration.

(Sd.) MOHUN SHAMSHEER
JANG BAHADUR RANA
Maharaja, Prime Minister and
Supreme Commander-in-Chief of Nepal
APPENDIX_III

The Bhutan Citizenship Act, 1985

1. This Act may be called the Bhutan Citizenship Act, 1985. It shall come into force from the twenty third day of the fourth month of the Wood Bull year of the Bhutanese calendar corresponding to 10th June, 1985. In case of conflict between the provision of any previous laws, rules and regulation relating to citizenship, the provisions of this act shall prevail.

2. Citizenship by Birth

A person whose parents are both citizens of Bhutan shall be deemed to be a citizen of Bhutan by birth.

3. Citizenship by Registration

A person permanently domiciled in Bhutan on or before 31st December, 1985, 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.

4. Citizenship by Naturalisation

A person desiring to apply for Bhutanese citizenship to the Ministry of Home Affairs in Forms KA-1 and KA-2 must fulfil all the following conditions to be eligible for naturalisation:

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 cases, 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 Dzongkhag proficiently;

e) The person must have good knowledge of the culture, customs, tradition 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.

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 from 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, tradition 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.

b) A person shall then be deemed to be a citizen of Bhutan upon receiving a Kasho 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 were permanently domiciled in Bhutan and are registered annually in the Citizenship Register maintained by 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 material fact.

c) Any citizens 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 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 - IV

BHUTAN MARRIAGE ACT, 1980
Marriage with a non-Bhutanese

Marriage with a non-Bhutanese

If a Bhutanese citizen wants to obtain a marriage certificate from a court law to enter into matrimony with a non-Bhutanese spouse whether residing in the kingdom or outside, he/she will be required to produce two person as guarantors before the court. One of them must be a reliable Bhutanese citizen in the knowledge of the court and both of them must possess thorough knowledge about the bride and the groom. Thereafter the matter shall be processed in accordance with the article kha-1-5 as mentioned above (Ref: Thrimshung 1957, article kha 2-2)

A non-Bhutanese married to a Bhutanese citizen must abide by the traditional customs and the citizenship act.

The question whether a non-Bhutanese spouse shall acquire Bhutanese citizenship or not whether he/she shall be allowed to live in the kingdom or not shall depend on the citizenship act, traditional and cultural requirements and the government directive issued from time to time.

Rules and regulation to be followed by non-Bhutanese married to a Bhutanese citizen.

A non-Bhutanese married to a Bhutanese spouse must abide by the following rules and regulation irrespective of whether he/she acquires citizenship.

Promotions shall not be granted to a Bhutanese citizen married to a non-Bhutanese.

Any Bhutanese citizen working under the government of Bhutan shall not be granted promotion with effect from June 11, 1997 if married to a non-Bhutanese or such a person will never get promotion beyond the post he/she held at the time of marriage with the non-Bhutanese. Such a person shall not be promoted beyond the post of a subdivisional officer.

Promotion shall not be granted to a Bhutanese citizen married to a non-Bhutanese.

Which ever post a Bhutanese citizen held prior to marriage with a non-Bhutanese or prior to June 11, 1977, such a person shall not be granted promotion beyond beyond the post she held from the the date of marriage with the non-Bhutanese or after June 11, 1977.
A Bhutanese citizen married to a non-Bhutanese shall not be employed in the national defence department or in the Ministry of Foreign Affairs. Kha 2-6

Any Bhutanese citizen employed in the national defence department or in the Ministry of Foreign affairs shall be removed from such services if he/she is married to a non-Bhutanese. No Bhutanese shall be employed in these two departments if married to a non-Bhutanese.

A Bhutanese citizen married to a non-Bhutanese shall not get facilities enjoyed by other citizens. Kha 2-7

A Bhutanese citizen whatever status he/she may enjoy shall not be entitled to other facilities and welfare of the government including the following assistance upon marriage with a non-Bhutanese:
(a) Distribution of land.
(b) Cash loans.
(c) Seeds for cultivation and oxen for ploughing fields.
(d) Livestock and income generating livestock schemes of the department of animal Husbandry.
(e) Treatment abroad and
(f) Grant of capital for factory, industry or trade.

A Bhutanese married to a non-Bhutanese shall not be entitled to education and training abroad. Kha 2-8

A Bhutanese citizen receiving education and training under the government funding shall not be entitled to the following facilities and welfare upon marriage with a non-Bhutanese:
(a) No assistance shall be provided by the government to undertake education or training either inside Bhutan or outside.
(b) Government assistance being rendered for education and training shall be discontinued from the day of marriage.
(c) The expenses incurred by the government on education or training until the day of marriage will be required to be refunded to the government.
(d) A Bhutanese citizen undergoing education or training abroad under a foreign scholarship shall lose it immediately upon marriage with a non-Bhutanese. In such a case the government of Bhutan shall request the concerned foreign government to stop the funding.

Religion of a non-Bhutanese married to a Bhutanese citizen. Kha 2-9

If a non-Bhutanese married to a Bhutanese citizen is allowed to live in the kingdom, then, he/she shall not be permitted to preach other religion or start a new religion except the religion of the kingdom of Bhutan.

A non-Bhutanese married to a Bhutanese citizen shall be required to follow the culture of the kingdom and the government orders.
Kha 2-10

A non-Bhutanese married to a Bhutanese citizen, if allowed to live in the kingdom irrespective of whether he/she acquires the Bhutanese citizenship shall be required to follow the traditional customs, government orders and laws in force in the kingdom.

A non-Bhutanese married to a Bhutanese citizen shall be required to comply with the marriage Act.

Kha 2-11

A non-Bhutanese married to a Bhutanese citizen irrespective of whether he/she acquires Bhutanese citizenship or not shall be required to abide by the rules included in the provisions of this Marriage Act on all matter of Marriage.
APPENDIX-V

THRIMSHUNG CHHENPO
TSA WA SUM
Chapter-17

Articles:
TSA 1: Matters regarding anti-nationals-those averse to the development of the Kingdom of Bhutan and those who assist the enemies.
TSA 1-1: The King of Bhutan, the Kingdom of Bhutan and the Government of Bhutan are the three main elements of Bhutan.
TSA 1-2: Whether beneficial or harmful to one, whether big or small matters, whether high or low as mentioned at (O), any person who with the intention to cause harm, big or small, causes harm or is not able to cause harm to the three main elements or any of them as mentionad under the above clause TSA 1-1, if commits offences or does not commit or attempts to commit offences falling under the clause TSA 1-3 to 1-10 shall be treated as a traitor and shall be liable to the punishment of treason as written under the clause TSA 1-11.
TSA 1-3: If death is caused to the three main elements of Bhutan or any one of them or if such an attempt is made, if harm is caused to the body or the five organs or if such attempt is made.
TSA 1-4: If the three main elements or any one of them is challenged with weapons or without weapons.
TSA 1-5: If defamation is caused to the three main elements or any of them within Bhutan or outside or if such an attempt is made.
TSA 1-6: If attempt is made to create differences between Bhutan and a foreign country.
TSA 1-7: If with the intention to cause harm to the three main elements or any one of them, the people within Bhutan or people of a foreign country are instigated or such an attempt is made.
TSA 1-8: If with the intention to cause serious harm to the three main elements or any one of them, correspondence is made or conversation is held (whatever, the topic may be) with persons within Bhutan or with foreign nationals or correspondence is made or conversation is held with persons in Bhutan and foreign nationals (who are not supposed to be conversed with).
TSA 1-9: If any conspiracy is heard or seen with intentions to cause harm to the three main elements or any one of them, if someone known to be anti-national, if such matter is concealed and not reported immediately to the Government.
TSA 1-10: If known to be rebels or enemies against the three main elements or any one of them (if known or recognised to be a rebel or an enemy), if secrets are disclosed, if food-water is provided or any help is given to increase the rebel manpower or earnings.
TSA 1-11: All those who commit offences or do not commit or attempt to commit them as described under the above clause TSA1-3 to TSA 1-10 shall be treated as anti-national and shall be liable to punishment for treason.
NOTE: TSA WA means elements i.e., King Kingdom and Government.
SUM means three in Dzongkha (Dialect) national language of Bhutan. The National Assembly of Bhutan confirmed and approved death punishment for offences against TSA WA SUM during its 69th session held between March 19-26, 1990.
APPENDIX-VI

WEARING OF NATIONAL DRESS

TASHICHHODZONG

THIMPHU, BHUTAN

ENGLISH TRANSLATION

At a time when the Royal Government have recognised the importance of promoting Driglam Namzha and Lamdro Lugsoel (traditional etiquette) for maintaining and strengthening our unique national identity in order to ensure and safeguard the continued well-being and sovereignty of the Bhutanese nation and people, it is important that all Bhutanese citizens observe the practice of wearing Gho and Kira (national dress) while visiting the Dzongs, monasteries, government offices and institution in the country. Royal family members, ministers and senior government officials, together with all other citizens of the country should, therefore, have no hesitation in observing this practice and wearing our national dress during all formal occasions.

All persons not following this directive will be answerable to the concerned Dzongdags who have been vested with full authority to implement this policy in keeping with the earlier circular issued to them in this connection.

27th day of the 2nd month of the Earth Snake Year (1989).

King of Bhutan

1. **Places & Occasions for wearing of National Dress**

   a) Inside and Outside the Dzong premises.
   
   b) All Government Offices.
   
   c) At the schools.
   
   d) The Monastries.
   
   e) At the official functions and
public congregation.

II. Pandits and Pujaris are free to wear appropriate attire for performing religious rites.

III. The wearing of Bhutanese national dress is not applicable to the non-nationals.
APPENDIX-VII

HARMONIZED POSITION OF THE GOVERNMENT OF NEPAL AND BHUTAN ON THE FOUR AGREED CATEGORIES OF REFUGEES

Cat -1 Bonafide Bhutanese if have been evicted forcefully.

The Royal Government of Bhutan will take full responsibility for any Bhutanese found to have been forcefully evicted from Bhutan.

Cat - 2 Bhutanese who emigrated.

Those who have emigrated should be dealt with in conformity with the citizenship and immigration laws of the two countries.

If any Bhutanese who has emigrated is found that he or she has been forcefully made to leave the country such persons will fall under category - 1, evicted forcefully - and will be dealt with accordingly (Royal Government of Bhutan shall take full responsibility for such persons).

Cat - 3 Non-Bhutanese people.

Those persons found to be citizens of countries other than Bhutan and found to have come from other countries must return to their respective countries.

Cat - 4 Bhutanese who have committed criminal acts.

Repatriation of people under this category shall be in keeping with the laws of two countries. These people will have full opportunity to prove their innocence in the court of law in Bhutan.

EXPLANATORY NOTE

Cat - 1 Bonafide bhutanese if have been evicted forcefully.

"The Royal Government of Bhutan will take full responsibility for any Bhutanese found to have been forcefully evicted from Bhutan".

The above text was already agreed to by both sides of the Ministrial Joint Committee.
Cat - 2 Bhutanese who emigrated.

"Those who have emigrated should be dealt with in conformity with the citizenship and immigration laws of the two countries".

"If any Bhutanese who has emigrated is found that he or she has been forcefully made to leave the country such persons will fall under category - 1, evicted forcefully - and will be dealt with accordingly. (Royal Government of Bhutan shall take full responsibility)".

The second sentence was offered as a concession by the Bhutanese delegation to ensure that Bhutanese delegation to ensure that bhutanese nationals under this category, if found by Joint Verification Teams to have been forcefully made to leave the country, then the Royal Government of Bhutan would take full responsibility and repatriate them to Bhutan.

Cat - 3 Non-Bhutanese people.

"Those persons found to be citizens of countries other than Bhutan and found to have come from other countries must return to their respective countries".

The entire text under this category was formulated by the officials of the Nepalese delegation.
APPENDIX-VIII

JOINT WRITTEN STATEMENT
ON GROSS VIOLATIONS OF HUMAN RIGHTS
IN THE KINGDOM OF BHUTAN

Presented to the Forty-Eighth session of the
United Nations Commission on Human Rights by the
Representative of the following Non-Government Organisations
Having Consultative Status with the Economic and Social Council (ECOSOC)
January 27-March 6, 1992
Palais des Nations, Geneva

Mr. Chairman:

The people of the Kingdom of Bhutan live under absolute monarchy. It has no
written constitution or bill of the rights, and the people living in the country have been the
subject of arbitrary rule largely by royal decrees. Bhutan has not yet ratified or acceded to
major international human rights instruments.

The people of Bhutan are deprived of their fundamental rights: freedom of
speech and expression, freedom of assembly and freedom of movement. The national
assembly does not comprise directly elected representatives of the people, and the
judiciary is not independent to promote the rule of law. Opposition to the system of
absolute monarchy, the state and the government is considered as treason and can even
carry the death penalty under the Thrimshung Chhenpo--the Law of Bhutan.

Bhutan introduced the controversial Citizenship Act in 1985 which nullified
previous laws and decisions thus depriving many Southern Bhutanese of their nationality
and citizenship. It introduced a code of social etiquettes--the Driglam-Namsha--as part
of its so called Bhutanisation process under which all women must wear the "Kira" and
all men the "Gho"--the traditional dress of Drukpas. People other than Drukpas are
prohibited to wear their native or modern dress. Violation of this code is punishable by
fines or imprisonment. It has also declared the mother-tongue--Nepali of many southerners
a foreign language, banned its teaching in early 1989, and excluded it from the school
curriculum.

As a result of their protest and peaceful demonstrations for human rights, multi-
party democracy and constitutional monarchy, several thousand Bhutanese have become
victims of repression. The Kathmandu-based Institute for Human Rights, Environment
and development (INHURED) and the Bhutan People's Forum for Human
Rights (PFHR) have documented specific cases of at least 52 unlawful arrests and
arbitrary detention, 16 cases of death in custody, 19 cases of killings, 16 cases of
abduction and disappearance, 25 cases of death due to rape and gang-rapes and 32 cases of demolition and burning houses in 1989-91.

A document recently released by Amnesty International (ASA 14/WU 01/92) shows that hundreds of Nepali-speaking people from the southern part of Bhutan were reportedly subjected to arrest, ill-treatment and in some cases torture, including rape, at the hands of security forces. Some are reported to have been forcibly evicted from their homes and land. Following widespread disturbances in late 1990, hundreds of the people were arrested on suspicion of being "anti-nationals"—that is members or sympathizers of opposition groups, including the Bhutan Peoples Party (BPP).

The people of Bhutan have been thus forced to leave their country to take shelter in India or Nepal. The number of refugees reportedly reached above 45,000 by January 1992. As of March 2, 1992 the total number of refugees in two refugee camps only in Jhapa (Nepal) reached 17,715. They are living in poor and inhuman conditions because of the lack of adequate relief services. Children have been mostly affected by this situation.

According to reports and testimonies of victims gathered in February and March 1992 from refugee camps in Jhapa, their valuable documents, citizenship certificates and properties were confiscated before eviction, and some of the women and girls were forcibly taken to military camps and gang-raped. Mr. Naresh Kumar Gurung, a former prisoner, testified that two students, his classmates, namely Mr. Tikkaram Subba and Mr. Mohan Bahadur Dorjee, 18 and 17 years respectively, and Mr. Bhakta Bahadur Pokharel (58 years) were beaten to death in custody in October 1991. There is no news of the whereabouts of the founding Chairman of the People's Forum for Human Rights, Mr. Tek Nath Rijal, who was abducted in Nepal on November 15, 1989 and later extradited to Bhutan.

The Kingdom of Bhutan, as a member of the United Nations, has an obligation to respect the UN Charter and internationally recognized human rights norms. But events during the last few years have indicated that there are serious violations of the basic rights of the people. In sum, the people of Bhutan are not treated as citizens, but as serfs under the tyrannical rule of the absolute monarchy.

Finally Mr. Chairman:

We, the representative of the following non-governmental organizations having consultative statues with the ECOSOC, strongly urge the Commission on Human Rights:
1. to take appropriate action to investigate these human rights violations and submit a report to its forty-nineth session next year;
2. to request the Royal Government of Bhutan to stop all repressive measures against its own citizens and ethnic groups so as to respect the principles of the Charter of the United Nations and international human rights norms, release immediately and unconditionally all political prisoners and prisoners of conscience.
and start negotiation with the opposition parties and groups in Bhutan for a peaceful settlement of the present crisis;
3. to appeal the government of India to recognise the right to political asylum in its territory to the people of Bhutan; and
4. to call upon the governments of India and Nepal, and the international community to take immediate relief measures to help the refugees.