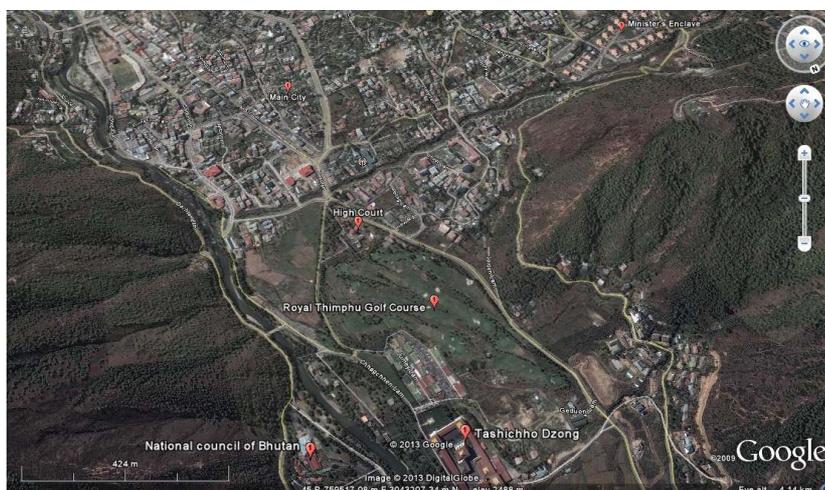


Chapter 1 General Information

This chapter aims to provide answers to the most typical problems and common questions. We have tried to capture the most common questions likely to be asked and subsequently try to answer them in as precise and brief a manner as we could. These are: how to get to the National Council building, access to the Council building and internal security, location of meeting rooms, parking area, housing arrangements, access to media, medical services, library facilities and public galleries.

1 Getting to the National Council building

The National Council is situated next to Gyalong Tshokhang at Langjophaka about 2.5 kilometers from the city center. The National Council Hall, the office of the Honorable Chairperson, the Deputy Chairperson and a Committee room are located in the old Banquet Hall while the Conference Hall and office of Honorable Members are located on the top floor of the Convention Center.



Source: National Land Commission via Google Earth

2 Parking

A car park for Members of the National Council is located behind the Convention Center. The space is reserved for use by Members only, and the entrance is clearly marked.

The Royal Bhutan Police, In-charge of Traffic, normally does not allow entry of other vehicles during sitting days. Members may also keep their cars at the parking behind the Secretariat offices.

3 Accommodation

A member may live either in his/her own house or rent an apartment. He/she is entitled to receive a monthly housing allowance of 30%¹ of the basic pay.

4 Meals

While the house is sitting, working lunch and refreshment are served by the National Council Secretariat which is contracted to a hospitality firm. At other times, Members have to make their own arrangements. There is a Canteen on the ground floor of the Gyalyong Tshokhang that serves typical Bhutanese food at reasonable prices. It normally opens from 8.00 AM to 5.00 PM on working days.

5 Security

Access to the building and internal security is controlled by the Royal Bhutan Police both during sitting days and at other times. Closed circuit television (CCTV) cameras also operate inside and outside the building. A member entering the National Council Hall will experience a minimum of frisking from the security personnel. Members are expected to wear the official badge at all times to help the security personnel identify them.

Except for the official *patang*, items such as knives, sharp metals, lighters, cameras, alcoholic beverages and other restricted items are not allowed inside the National Council Hall. If in doubt, please contact Mr. Sonam Gyamtsho, Deputy Chief Administrative Officer or the Security Officers, concerned.

¹ The Parliamentary Entitlement Rules & Regulations 2009

6 Members' access to the media

Press and media representatives are present at all National Council sittings. If a member needs help to get in touch with the media, he/she can contact Ms Tshering Wangmo, Information & Media Officer or the Information Desk.

7 Medical services

There is a medical services centre located on the first floor of the National Assembly building during the parliamentary sessions. The hours of the medical centre are from 9.30 AM to 1.30 PM on sitting days. It provides first aid and limited health care services in case of emergency. For major problems and regular check ups, Members are expected to visit the Jigme Dorji Wangchuck National Referral Hospital in the capital.

8 Library

The main library of Parliament is located in the Gyalyong Tshokhang and maintained by the National Assembly Secretariat. However, the National Council has its own collection of Acts, legislations and other important documents. Located in the Hansard & Research block behind the National Council Hall, it remains open from 9.00 AM to 5.00 PM on working days. Members are welcome to visit it, any time.

9 Meeting Rooms

Apart from the august Hall, the National Council has a Conference Hall on the top floor of the Convention Centre and a Committee room next to the main Hall. Booking of the committee rooms may be done in advance for logistic arrangements through the committee secretaries. In keeping with standing orders, the august Hall can not be used for any other purpose than the House sitting.

10 Visitors' gallery

The sessions of the National Council are held in public, and may be covered live on TV and radio, although there are exceptions. The National Council Hall has galleries on either side of the Hall which can each accommodate about 30 visitors. Anyone who wishes to witness the proceedings of the House can get gallery pass from the Royal Bhutan Police counter at the Gyalyong Tshokhang.

Chapter 2

Parliament: a Perspective from Around the World

This chapter provides general information on Parliament to enable the members to develop an overview of key concepts and understand parliamentary work in general. It highlights the general roles and functions of parliaments² and parliamentarians including a member's relation with his/her constituency, the role of parliament in law making, budget processes, parliament's oversight functions and in regional and international affairs.

1. Legislature in general

In every modern government, there are three organs: the legislature, the executive and the judiciary. The legislature makes laws, the judiciary interprets them and the executive enforces them. Out of these three, the legislature is the most important. The executive and the judicial departments cannot function without the legislature. It is only when a law has been passed by the legislature that the question of interpreting or enforcing it arises.

The basic function of the legislature is to make laws. It not only makes laws but also amends and repeals them. The will of the people is expressed through the laws of the country. The greatest emphasis is put on the law-making powers of

² The World Bank Institute Orientation Handbook for Members of Parliaments 2006 by John K. Johnson & Robert T. Nakamura

the legislature. Only those bills can be passed which enjoy the support of a majority of the members of the legislature, who represent the people.

A legislature also performs financial functions. It has control over the budget. No money can be spent and no tax can be levied without the approval of the legislature. It is by means of its control over the purse that the legislature controls the executive. In a parliamentary form of government, only those persons can form the executive who enjoy the confidence of the legislature. They have to resign as soon as they lose that confidence. Members of the legislature can ask questions and supplementary questions and thereby expose the weaknesses of the executive. They can move adjournment motions and cut motions. A vote of no-confidence can be passed by legislature against the executive. The government can be censured by the members. The legislature can set up commissions of inquiry to examine the working of certain departments of the government. The legislature also has judicial functions. Cases of impeachment are tried by the legislature.

Legislatures are the people's branch of government, the institution where citizen interests and preferences are expressed and transformed into policy, and the point which, at least potentially, people most closely engage their national government. As such, legislature is the key to achieving the democratic potential embodied in free and fair elections.

Legislatures fulfill a number of important functions in a democracy. Firstly, they represent people, reflecting and bringing their needs, aspirations, problems, concerns, and priorities to the policymaking and policy-amending process. Secondly, they make laws, the rules that govern a nation. Thirdly, they practice oversight - assuring that laws and programs are carried out legally, effectively, and according to legislative intent.

2. Representation and Constituent Relations

Successful members are rarely far from the reach of the people in their constituencies. But what exactly do members do for their constituents? Here we examine members' relations with constituents, and includes an entertaining look at promises candidates make during election time, and expectations citizens may have to their representatives.

Parliaments in general link individuals and groups to their government. They do this by informing citizens about members and parliament activities, by providing citizens and groups a voice in public policy and budget, and by assisting constituents with their individual concerns. How members do this depends on a variety of factors, including the electoral system, the political environment and traditions, and the parliament's capacity.

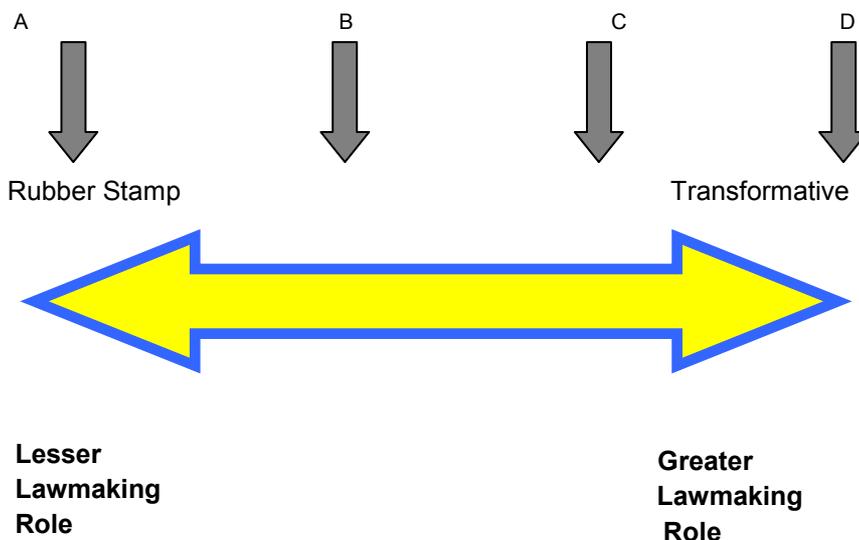
Parliaments, unlike executive bureaucracies, conduct their business in public. Plenary sessions are open to the press and public, and may be covered on TV and radio. In general, MPs make themselves more available to the public, especially to their own constituents than do other government officials. Many parliaments reach out and provide information to the public through newsletters and publications, press offices and visitor information centers, and publishing Hansards (parliamentary record) through parliamentary web sites. Parliaments do not just send out information, they also act as "*eyes and ears*", listening to citizen concerns, and providing mechanisms through which citizens and groups can influence government policies.

Finally, Parliaments link citizens to their government through Members' constituent services. Members in some countries cut through the "red tape" that keeps constituents from receiving normal government benefits, and may speak to government ministries on behalf of their constituents.

3. Parliament's role in Lawmaking

What does a Parliament do? Make laws, the rules that govern society. But the role Parliament plays in the lawmaking process varies from country to country. We may think of a Parliament's lawmaking role as moving along a continuum.

- a) At one extreme are "rubber stamp" legislatures, which simply endorse decisions made elsewhere.
- b) Next are those that actively debate proposals, and have some ability to influence government to make changes to their proposals.
- c) Continuing to move right on the continuum, we come to legislatures that make significant amendments to executive proposals, and many of their amendments become law. Some may even introduce legislation.
- d) Finally, come what are known as "transformative" legislatures. Transformative legislatures may amend nearly all government proposals, and make and pass their own proposals into law.



A number of factors help determine the lawmaking role parliament currently plays; among them regime type, formal

legislative powers, political environment and legislative capacity.

Legislatures in *parliamentary systems*, where the chief executive and cabinet are members of parliament selected from the majority party or coalition within the legislature, have less incentive to develop significant lawmaking capacities than do legislatures in other systems. Because legislative and executive powers are fused, committees defer to the executive and tend to play a lesser lawmaking role. Policy decisions are generally made within the ruling party or coalition and government ministries.

In *presidential systems*, by contrast, legislatures are elected separately from the executive. The two branches of government are independent of each other, especially if the president appoints the cabinet from outside the legislature, as is done in the US and other countries. The centre for conflict over policy making is usually between the executive and the legislature. There are clear incentives for the legislature to develop a strong committee system and professional staff. Individual legislators can influence policies and laws.

Formal lawmaking powers, described in constitutions and standing orders, also help determine the lawmaking role parliament will play. Most systems allow members to introduce legislation (private member bills), and some permit committees to introduce legislation. Most parliaments have formal authority to override a presidential veto, but the percentage of votes required to do so vary. Most countries have established committees responsible for overseeing ministries, to which the house refers legislation in their subject area. Called departmental committees, sectoral committees, or standing committees, they are empowered to receive public comment on and amend executive proposals.

A nation's political environment helps determine the parliament's lawmaking role. By political environment, we mean such factors as:

- The type of lawmaking role parliament's leaders and members desire, and the intensity of their desire;
- The willingness of the executive and other power brokers (such as political parties) to share their lawmaking role with parliament; and
- Demands from groups in society that parliament play a greater lawmaking role.

The legislature's technical capacity and resources influence its ability to play a major lawmaking role. Most parliaments do less than their formal lawmaking powers allow, and a major reason for this is limited legislative capacity. Conducting hearings, factoring public and expert comment into amending legislation, and drafting amendments and legislation all require professional staff and facilities that are often in short supply in legislatures.

4. Parliament's role in Government's budget

A budget is a financial plan of action for some future period, usually a year. A government's budget covers government revenues and expenditures and is a combination of public expenditure plans and revenue and tax legislation for the coming year. Governments acquire revenue, that is, the resources to finance their expenditure, through different methods including taxation, sale of goods and services, grants from development partners, etc.

A government's budget is also a tool for balancing competing demands for scarce resources. Public resources are inevitably limited and the process of developing a budget is used to assess competing claims on available resources from various actors and segments in the society and to facilitate necessary tradeoffs.

The budget is thus, a government's most important policy tool providing a comprehensive statement of the priorities of a country or entity thereof. The budget can have an

immense impact on the well-being of a society, influencing the direction of investment, promoting employment, and influencing the redistribution of income between various parts of the society.

Parliament as a representative institution has a key role to play in the budget process³. It is for parliament to ensure that the budget addresses adequately the needs of a society, matching them with available resources. Equally important, once budget implementation starts, legislative control over the executive is essential in ensuring transparency and accountability in the way public money is spent.

Once a consolidated draft budget is ready, it has to be approved by the legislature in order to enter into force. Parliament reviews the government's draft budget and has the power to accept, reject or amend it. In many legislatures, discussions on the budget are concentrated in parliamentary committees, while in others the debate takes place in the chamber. The final vote, however, always takes place in the chamber. Where committees are involved, their reports are of key importance in guiding the final vote.

During the course of budget implementation, various reasons, ranging from significant changes in the economic environment to the need to respond to natural disasters, can require unplanned adjustments to approved spending. Any significant budget changes should be captured in adjustment or supplemental appropriations and tabled to parliament for approval. To ensure that its authority is not undermined and the government budget is spent as approved by parliament, the latter keeps a close eye on implementation through scrutiny of actual spending during the fiscal year.

5. Parliament's oversight function

Oversight is the monitoring of executive activities for efficiency, probity, transparency and fidelity to ensure that funds appropriated by the parliament are used legally,

³ Parliament's Role in the Budget Process, Parliamentary Centre, Canada

effectively and for the purposes for which they were intended.

The previous section on budgeting dealt with the “before” role parliaments play in the budget process – their involvement in helping to set spending priorities, and in approving methods of collecting revenue to cover these expenses. Oversight, by contrast, is the “after” stage – looking back on government spending and activities to determine whether there was waste or corruption, and to ask “value for money” questions.

Oversight tools available to Members of Parliament vary from country to country, but most parliaments have access to one or more of the following tools:

a) Questions to Ministers

Members typically address questions to the Chairperson, who determines whether and when they will be presented to the appropriate minister for response. Members use question times to inquire into government projects in their constituencies, or may use them to inquire into the living conditions of specific groups, or the status of certain policies and plans. Supplementary questions may also be raised during the question period. This tool is typically weakened by the lack of sanctions available for ministers who fail to answer questions adequately, or to follow up on questions. With a view to addressing this issue, members regularly recommend reforming the rules to provide for sanctions against ministers who fail to answer questions, and requiring that parliament keep a record of promises made by ministers, and, if they are not kept, that parliament express its displeasure to the executive through a resolution.

b) Public Accounts Committee (PAC) and State Audit Institutions

After the government budget is spent, an independent audit institution, such as an auditor general or audit court, audits

the accounts of both revenues and expenditures and reports the results to parliament. The latter reviews audit results and takes action to hold governments accountable for misuse of public funds and to influence them to improve their policies. To ensure accountability, supreme audit institutions are often independent from the executive and responsible only to the legislature. Within the legislature, there is usually a committee or subcommittee responsible for interaction with the supreme audit institutions and for considering their reports. In many countries, such committees are called Public Accounts Committees (PACs). The tremendous expansion and scope of government and of state-owned enterprises has made PACs, even more important.

An effective oversight mechanism ensures that the government is ultimately responsible, through parliament, to its citizens for the spending of public funds.

c) Departmental/Select committees

Departmental committees oversee specific ministries and handle legislation related to those ministries. Members can use committee meetings to which ministers are invited to ask questions about implementation of policies and laws and to offer advice. Committees are able to use their oversight powers to protect the rights of citizens.

These are also temporary committees with jurisdiction limited to investigating the matter for which they were established. In some countries, these select committees are considered very effective as far as oversight is concerned because they address a specific issue already identified and seek to suggest corrective measures.

d) Partnership with anti-corruption institutions and organizations

National, regional and international organizations and associations also work with members to combat corruption. One such organization, Transparency International (TI)

funds national chapters to research and report on corruption in their nations. Transparency International then rank orders countries in terms of corruption, and conducts annual international meetings attended by parliamentarians, government officials and Civil Society Organizations representatives. In Bhutan, the Anti-Corruption Commission (ACC) is required to submit a statutory report to Parliament, annually.

e) Field-based oversight activities

In some cases, parliaments visit constituencies, institutions (such as schools or health clinics), or specific government programs to conduct oversight on the ground. This enables the parliamentarians to get information from primary sources, for instance service providers as well as the recipients of government services. It is also an opportunity for members of parliament to interact with the people they represent, which in turn can provide them with important information regarding specific needs for future budget allocations.

6. Parliament's Regional and International Roles

As a legislator, representation, lawmaking and oversight responsibilities and privileges do not always end at the national boundaries: they may extend across region, and even worldwide. Here, we cover three types of responsibilities which have international implications:

- Approving treaties and financial agreements;
- Overseeing the implementation of international protocols and agreements, and
- Participating in international parliamentary associations.

Treaties and financial agreements with other nations or with international lending agencies impact on the life of constituents, and MPs have a responsibility to understand and, in many nations, a constitutional obligation to approve

or not approve such agreements. Sometimes legislatures delay ratifying treaties, or fail to ratify them altogether.

National constitutions and a legislature's standing orders should specify legislative responsibilities with regard to treaties and international agreements, and foreign ministries should be able to provide copies of treaties and pending agreements to legislators. In nations where legislatures are required by constitution or law to approve treaties and/or international loan agreements, legislators have the right to request copies of pending foreign treaties and loan agreements and at least make sure that they understand the agreements they are allowing their state to enter into. The Constitution⁴ of Bhutan states:

“Except for existing International Conventions, Covenants, Treaties, Protocols and Agreements entered into by Bhutan, which shall continue in force subject to Section 10 of Article 1, all International Conventions, Covenants, Treaties, Protocols and Agreements duly acceded to by the Government hereafter shall be deemed to be the law of the Kingdom only upon ratification by Parliament unless it is inconsistent with this Constitution”.

In addition to treaties between nations, most countries in the world have signed on to several international protocols and agreements in which they agree to abide by international standards. These protocols may oblige nations to take certain actions, implement policies, and ensure compliance with international norms. Legislatures, as part of their oversight responsibility, have a role to play in ensuring that their countries comply with these agreements. Legislators should also be aware of the international protocols and agreements to which their nations are a party.

A third responsibility and privilege for legislators is to participate in regional or international parliamentary associations. There are three types of relevant organizations, namely, regional assemblies, associations of

⁴ Article 10 (25) of the Constitution of the Kingdom of Bhutan 2008

parliaments, and associations of parliament members. The second and third types of organizations work directly with national legislatures and legislators.

Chapter 3

National Council as a Second Chamber of Parliament

This chapter talks briefly about the adoption of the Constitution and introduction of parliamentary democracy in Bhutan. It also explains the concept of bi-cameralism and the merits associated with it. It then highlights the role of National Council as the second chamber of Parliament, the general background and purpose of its establishment, its vision and mission and the core values it must uphold.

1. Background

Bhutan emerged as one of the youngest democracies in the world with the adoption of the Constitution in 2008 marking a major political change in the country. The drafting of the written Constitution of the Kingdom of Bhutan was initiated on the command of His Majesty the Fourth Druk Gyalpo, Jigme Singye Wangchuck in 2001. It was His Majesty's belief that the principles and ideals of democracy were inherently good and a democratic system was desirable for Bhutan to advance the aspirations of a rapidly modernizing state. Democracy would help ensure the country's security, sovereignty, peace, prosperity, justice and promote the fundamental rights and well-being of the people.

The Constitution provided a plan for creating and organizing a new government including the separation of power of the three organs of the State, namely, the Executive, the Legislature and the Judiciary. Parliament is the highest legislative body in the country. Parliaments are either unicameral or bi-cameral. Article 10 of the Constitution of Bhutan states:

“There shall be a Parliament for Bhutan in which all legislative powers under this Constitution are vested and which shall consist of the Druk Gyalpo, the National Council and the National Assembly”.

Bhutan has adopted bi-cameral Parliament, but it does not use the terms “Upper” and “Lower” Houses as these create distinction and hierarchy. Under the Constitution, both the National Assembly and the National Council have equal powers except with regard to Money and Financial Bills, which can be introduced only in the former.

Bi-cameral Parliament prevents hasty or ill-considered laws and provides scope for diverse interests for political debate⁵. It incorporates the doctrine of fairness, the purpose of which is that no discussion should be exposed to any single view. Bi-cameral system also provides vertical check and balance. If the whole legislative power is vested in a single body, there can be no restraint upon the exercise of that power and of any usurpation, which it may seek to excuse or justify. It thus checks the excesses and authoritativeness of the majority.

2. The National Council

His Majesty the third Druk Gyalpo instituted the Royal Advisory Council (RAC) in 1965. The Council composed of one representative of the Government, two representatives of the Monastic Body and six representatives of the People. It was the highest advisory body in the Kingdom. Members of the Royal Advisory Council were also members of both the National Assembly and the Cabinet. In certain ways, the Royal Advisory Council was the second Chamber. The old terminology, Royal Advisory Council was replaced by National Council and is now one of the Houses of Parliament.

⁵ Articles on making of the Constitution of Bhutan by HE Lyonpo Sonam Tobgye, Chief Justice of Bhutan

The National Council consists of twenty-five members, twenty of whom are directly elected by the people of the twenty dzongkhags and five of whom are nominated by the Druk Gyalpo. The National Council is an apolitical body and is instituted to render wise and dispassionate advice for the protection of security and sovereignty of the country.

In parliamentary democracy, second chamber exists to delay but not block the opinion - to produce policy by bargaining with each other⁶. Therefore, the National Council may delay passage of certain Bills to enable the opinion of the nation to be adequately expressed but it must be done with restraint. The National Council is the body of statesmen where calmer reflection and deliberation take place, particularly, as it relates to difficult issues. The main function of the National Council is to act as a watchdog, to monitor and review the functions of the Government. The duty of members of the National Council is to oversee if the ruling and the opposition party are working in the interest of the country and the people.

The National Council is specifically charged with acting as a house of review on matters affecting the security and sovereignty of the country. In keeping with its constitutional mandates, the National Council has adopted the following vision, mission and values:

a. Vision

The vision of the National Council is to be a principle apolitical institution for a vibrant democracy in order to promote the wellbeing of the people while safeguarding the security and sovereignty of the Kingdom.

b. Mission

The mission of the National Council is to fulfill the needs and aspirations of the people through review of public policies,

⁶ Articles on making of the Constitution of Bhutan by HE Lyonpo Sonam Tobgye, Chief Justice of Bhutan

legislations and scrutiny of state affairs; and render advice to the *Druk Gyalpo*, the Prime Minister and the National Assembly on matters of national importance.

c. Values

The National Council shall be guided by the core values of patriotism, professionalism, humility, integrity, fairness and empathy.

d. Functions

The National Council has two distinct functions⁷. Apart from passing legislations, it carries out review functions and is, therefore, also referred to as the House of Review.

i) Legislative functions:

- Initiate or prepare legislation except Money and Financial Bills;
- Review and amend existing laws; and
- Consider, pass, amend or reject any legislation passed by the National Assembly.

ii) Review functions:

- Review and comment on the policies, plans and programmes of the Government;
- Review performance of the Government;
- Review implementation of resolutions and laws passed by Parliament; and
- Review issues of national importance

e) Term

The National Council shall continue for five years from the date of its first sitting.

f) Re-Constitution

The National Council elections shall be held so that the House is re-constituted on the date of expiry of its term.

⁷ Sections (9) & (10) of the National Council Act of Bhutan 2008

Chapter 4

A Member of the National Council

This chapter provides information on the qualifications of a person required to be elected as a Member⁸ of the National Council, how a serving member may be disqualified during his/her tenure, how to apply for resignation and processes involved for termination of a serving member before the expiry of his/her term. The chapter also outlines the duties and responsibilities of a member.

1 Qualification

- a) A person is qualified to be elected as a Member of the National Council, if he is a citizen of Bhutan as evidenced by the citizenship identity card, is a registered voter of that constituency, is of the minimum age of twenty-five years and maximum of sixty-five years at the time of filing the nomination; and possesses a formal university degree.
- b) No person will be a member of the National Council as well as the National Assembly or a Local Government at the same time.
- c) A member of the National Council must not belong to any political party.

2 Disqualification

A member of the National Council may be disqualified, if during his/her tenure, he/she:

- a) Marries a person who is not a citizen of Bhutan;
- b) Is in arrears of taxes or other dues to government;
- c) Holds any office of profit as prescribed under the Election Act of Bhutan;

⁸ Chapter 3 of the National Council Act of Bhutan 2008

- d) Indulges in activities that are in breach of his/her duties and misuses his/her office for personal gains;
- e) Is guilty of persistent unruly behavior in the National Council;
- f) Indulges in activities with a patent bias in the discharge of his/her functions;
- g) Remains absent without permission of the National Council for more than one-fourth of the number of days in a session;
- h) Commits willful violation of the laws of the country;
- i) Brings disrepute to the National Council by his/her personal conduct; or
- j) Persistently contravenes the Code of Conduct as laid down under the National Council Act.

3 Resignation of a Member

- a) Any person holding a seat in the National Council may resign through a declaration made in writing under the hand and seal of that person before two witnesses. Such a declaration must be addressed and delivered to the Chairperson either during a session or an interval between two sessions of the National Council. If the member so resigning is the Chairperson, the letter of resignation must be submitted to the Druk Gyalpo.
- b) If a person holding a seat in the National Council tenders resignation of the seat, such person is deemed to have vacated the seat and ceases to be a member of the National Council.
- c) A person holding a seat in the National Council must not tender resignation of the seat while the election of that person as a member of the National Council is lawfully contested.

4 Removal of a Member before the expiry of his/her term

Membership of the National Council will be terminated upon violation of the provisions of the National Council Act.

5 Duties and Responsibilities

The overall responsibility of a member is to represent the people and ensure that the decisions in the National Council are made in the best interest of the people and nation. A member's duties and responsibilities include:

- a) A member of the National Council must serve the interest of the nation and the people at all times.
- b) A member must be faithful and bear true allegiance to the Druk Gyalpo, His heirs and successors.
- c) A member must be faithful and bear true allegiance to the Kingdom of Bhutan. He/she must preserve, protect and defend the Constitution and uphold the laws and act at all times in accordance with the public trust placed upon him/her.
- d) A member is obliged to attend the sessions of the National Council and its Committees and take active part in the issues being raised in those fora.
- e) A member must, on assuming office and at the start of each year, inform the Secretariat in writing about his/her:
 - Bio-data and educational qualifications;
 - Occupation, trade, profession or vocation;
 - Positions (whether remunerated or not) held in, or membership of corporations, associations or other institutions and bodies;

- Agreements pursuant to which, during or after his/her membership, a member is to be assigned certain activities or granted pecuniary benefits; and
 - Activities pursued in addition to his/her occupation and mandate, in particular the delivery of expert opinions, writing and lecturing.
- f) A member must declare his/her income, asset and liability and that of his/her spouse and dependents in accordance with the guidelines contained in the Anti-Corruption Act of the Kingdom of Bhutan.
- g) The elected members must present their Certificates of Election to the Secretary General before the day on which the National Council convenes for the first time.
- h) A Member of Parliament must return to the Government or convey the facilities provided, if any, to his/her successor, who is elected or appointed to fill the seat which the out-going member has vacated.

Chapter 5

Privileges and Entitlements of a Member

This chapter provides information on privileges and immunities⁹ enjoyed by a member. It explains what constitutes breach of privileges, question of privileges and penalty for contempt or breach of privileges. It also stipulates the entitlements and retirement benefits of a member.

1. Privileges and Immunities

- i) A member has the right to speak or otherwise take part in the proceedings of the National Council or Committee, for which he/she shall enjoy the right to freedom of speech.

⁹ Section 38 of the National Council Act of Bhutan 2008

- ii) A member has the right to be provided with information by the Government and to inspect any official document on any matter of relevance in the exercise of parliamentary mandates.
- iii) A member of the National Council is immune from any inquiry, arrest, detention or prosecution on account of any opinion expressed in the course of the discharge of his/her functions or votes cast in the National Council or joint sitting. No person is liable in respect of any report, paper or proceedings made or published under the authority of the National Council.
- iv) A member will not be prosecuted or arrested for an offence when the National Council is in session, without first informing the Chairperson.
- v) The above immunities do not cover corrupt acts by any member in connection with the discharge of his/her duties or other acts of accepting money or any other valuables in consideration to speak or to vote in a particular manner.
- vi) A member of the National Council loses his/her right of immunity with the concurrence of not less than two thirds of the total number of members.
- vii) A member or officer of the National Council cannot be compelled to give evidence or produce documents in courts of law, relating to the proceedings of the National Council without the prior permission of the Chairperson.
- viii) No legal process will be served or arrest made within the precincts of the National Council without obtaining the permission of the Chairperson, whether the National Council is in session or not.
- ix) The National Council has the right to receive immediate information of the arrest, detention, bail,

conviction, imprisonment or release of a member from the concerned authority.

a) Breach of Privileges

1. When any individual or authority disregards any of the privileges, either of the members or of the National Council, an offence of breach of privilege is committed.
2. Breach of privileges and contempt may include:
 - (a) Reflection on the character and impartiality of the Chairperson in the discharge of his/her duty;
 - (b) Publication of false or distorted report of the proceedings of the National Council;
 - (c) Publication of proceedings of the close door sittings, without the permission of the Chairperson;
 - (d) Intimidating of members to influence them in their conduct;
 - (d) Offering bribes to members to influence them in their conduct;
 - (f) Deliberately giving false or misleading evidence or information to the National Council or Committee, by a member or witness;
 - (e) Disobedience to orders of the Chairperson;
 - (h) Obstructing or molesting any person summoned for his attendance in the National Council or its Committee;
 - (f) Misconduct in the National Council or its Committees;
 - (j) Presenting false or forged or fabricated documents to the National Council or its Committee;
 - (g) Obstructing or molesting members of the National Council, officials or ancillary staff of the National Council in the execution of their parliamentary duties;
or

(l) Tampering with documents presented to the National Council or its Committee.

b) Question of Privilege

1. Subject to the provisions under the Rules of Procedure, a Member may, with the consent of the Chairperson, raise a question involving a breach of privilege either of a Member or of the National Council or of a Committee.
2. A Member wishing to raise a question of privilege must give notice in writing to the Chairperson of the House Committee.
3. The right to raise a question of privilege will be governed by the following conditions:
 - a. The question is restricted to a specific matter; and
 - b. The matter requires the intervention of the National Council.
4. The House Committee will examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.
5. The report of the House Committee must be presented to the National Council by the Chairperson of the Committee or in his/her absence by any Member of the Committee.
6. The Chairperson of the House Committee or any Member may move a motion that the National Council agrees or disagrees with the recommendations contained in the report.
7. The National Council may issue such directions as it may consider necessary for appropriate actions.

b) Penalty for Contempt and Breach of Privilege

Criminal offences will be dealt with in accordance with the Penal Code of Bhutan. Other cases of contempt or breach of privilege may result in Members being reprimanded or temporarily suspended by the Chairperson.

A maximum fine of up to five year daily minimum wage will be imposed on any person other than a Member for contempt or breach of privilege.

2. Entitlements of a Member

The salary, allowances, benefits and other emoluments of a member are as determined under the provisions of the Parliamentary Entitlement Act of Bhutan and the rules and regulations¹⁰, thereof (See *Annexure - I*).

a) Salary

1. The monthly basic salary of a member is fixed at the pay scale existing at the beginning of one's five-year term, and will be in force till the salary is revised.
2. The Deputy Chairperson of the National Council is entitled to a monthly basic salary computed at the rate of 10% higher than the other members for his additional responsibility.
3. A member is entitled to an annual increment that may be fixed from time to time by the National Committee on Parliamentary Entitlements.
4. The salary, allowances, benefits and other emoluments of the Chairperson of the National Council is equivalent to that of a Cabinet Minister.

b) Allowances

1. A member will receive 30% of the basic salary as house rent allowance during the term of office.

¹⁰ Parliamentary Entitlement Rules & Regulations, 2009

2. A member is entitled to monthly allowance towards maintenance of one's duty vehicle at the rate approved by Parliament.
3. A member is entitled to monthly allowance for employment of a personal driver at the rate approved by Parliament.
4. A member, during the term of office, is entitled to a Mobile Phone, and a monthly Mobile Phone Voucher allowance at the rate approved by Parliament.
5. A member is entitled to an annual discretionary allowance at the rate approved by Parliament.

c) Transport

Purchase of Vehicle

1. A member is entitled to a one-time lump sum amount at the rate approved by Parliament for the purchase of one's own duty vehicle, free of customs duty, at the beginning of one's five-year term.
2. If a member retires, resigns or is terminated from the office before the completion of one's five-year term, he/she must reimburse on pro rata basis for the remaining term. This will not apply if the member is deceased or becomes physically handicapped or mentally unsound to discharge one's duty for the remainder of the term.
3. If a new member is elected through bye-election, he/she is entitled to a one time lump-sum amount computed on pro rata basis for the remainder term in completed months.

d) Expenses for carriage and personal effects while joining

A member is entitled to the following benefits for the journey from one's gewog/station to Thimphu:

- i) Transport charge of personal effects at the rate approved by Parliament;
- ii) Daily Subsistence Allowance (DSA) at the rate approved by Parliament; and
- iii) Travel Allowance (TA) or mileage for one way and the distance by the most direct route, if personal vehicle is used for traveling. In order to claim mileage, a member must submit a copy of the Vehicle Ownership document that he/she or his/her spouse owns a vehicle.

e) Expenses for journey on retirement

A member leaving office upon completion of one's term is entitled to the following benefits:

- i) Transport charge of personal effects at the rate approved by Parliament; and
- ii) Travel expenses of an amount equivalent to one's salary of the last month.

f) Travel

Purpose of Travel

A member must undertake travel only after getting necessary approval from the Chairperson:

- i) To one's constituency to carry out any official assignment;
- ii) For Parliamentary Committee meetings within the country, if one is a member of the committee;
- iii) For study tour, seminar, symposium, conference, institutional visit, meeting, parliamentary delegation and programme both within and outside the country; or
- iv) To carry out any assignment relating to Parliament.

Travel itinerary and convenience

- i) The travel must be planned for a specific period and the programme must be submitted to the Chairperson for approval.

- ii) If a member be unable to follow the approved tour programme due to unavoidable reasons, approval should be sought from the authority concerned for making changes in the programme, immediately.
- iii) Travel must be arranged by the Secretariat with the concerned agencies.

Tour Report

It is mandatory for a member to submit the tour report after his/her return from the tour.

g) Travel expenses allowance

Daily Subsistence Allowance (DSA)

1. A Member is entitled to Daily Subsistence Allowance (DSA) at the rate approved by Parliament for official travels both in-country and abroad.
2. A member traveling to a location farther than ten (10) kilometers from the duty station for official purposes is eligible for DSA provided his/her absence from the duty station exceeds eight (8) hours.
3. The day of duty will be calculated from the time of commencement of the journey from the duty station and the days shall be considered on the basis of twenty (24) hours of absence from the duty station for the purpose of calculating DSA.
4. Fifty percent (50%) of DSA will be paid for such official travel which is more than eight (8) hours but less than twelve (12) hours and full DSA if it is twelve (12) hours or more.
5. A member required to halt in transit for 8 hours or more for the next flight while on travel outside the country will be paid DSA.
6. DSA will be paid for the actual period of halts required for processing visa.

7. A member will be paid DSA at the rate approved by Parliament for travels connected with study tour, training, seminar, symposium, attachment, conference, institutional visit, meeting and workshop funded under the projects.
8. DSA or related expense will not be paid during a travel abroad for the period when the DSA and other expenses are paid by the donors. However, when the donor had provided only the basic hospitality, i.e., food and lodge only, a member will be paid 30% DSA.

Other expenses

- i) A member will be reimbursed the visa fee and airport tax on production of original receipts/documents.
- ii) When the travel expenses are borne by an external Agency, the mode and class of travel will be determined by the Agency concerned.
- iii) While on tour in areas where there is no road communication or where vehicles do not ply, a member is entitled to claim porter and pony/mule charges at the rates approved by Parliament.
- iv) A member who is the head of the delegation on official travel abroad is entitled to claim other incidental expenses towards buying official gift(s) and/or offering of tips, at the rate applicable to a Cabinet Minister heading the delegation.

h) Leave

Types of Leave

A member is entitled to Casual Leave, Earned Leave, Maternity Leave, Paternity Leave and Medical Leave, upon approval from the Chairperson.

Casual Leave

1. Granted to a member for a short period on account of illness or urgent personal affairs and a member on Casual Leave is considered on duty for all purposes;
2. Admissible for a maximum of ten (10) working days during a calendar year;
3. Treated as leave and debited to the Casual Leave account when availed by a member;
4. Allowed to be availed by prefixing, sandwiching and suffixing Government holidays including weekly off-days viz. Saturdays and Sundays;
5. Granted even for half-a-day;
6. Allowed to be availed by a member while on tour but Daily Subsistence Allowance will not be admissible for the days of Casual Leave;
7. Allowed to be availed by a new member assuming office in the course of a calendar year, proportionately calculated on a monthly basis; and
8. Allowed to be added to the Earned Leave credit if unused at the end of the year.

Earned Leave

1. A member is entitled to earned leave with gross pay at the rate of 2.5 (two and half) days for every completed month of service.
2. Earned leave will be accumulated only to a maximum period of sixty (60) days.
3. Government holidays and weekly off days (Saturdays and Sundays) within the period of the earned leave sanctioned will not be counted as earned leave.
4. A member who has at least thirty (30) days earned leave at credit is permitted to en-cash thirty (30) days of earned leave, which is equal to one month's basic pay of the

member as on the date of encashment. Thirty days earned will be debited to the earned leave account of the member concerned on the date of such encashment. Only one such encashment of earned leave is allowed during a financial year.

5. A member vacating office before completion of one's term for any reason, or on completion of the term, is permitted to en-cash the total accumulated earned leave in one's leave account, at the rate of full basic pay for 30 days earned leave.

Maternity Leave

1. A member is entitled to full gross remuneration for a total period of three months from the date maternity leave commences. Maternity Leave will, at the latest, commence from the date of delivery.
2. Further, a member is entitled to Maternity Leave with full gross pay during miscarriage for a maximum period of one month on production of a medical certificate.
3. Maternity Leave may be combined with any other form of leave, except that the leave should commence from the date of delivery.
4. Government holidays will be prefixed or suffixed, but holidays intervening the maternity leave will be counted as part of maternity leave.
5. Maternity Leave will be granted on production of medical certificate.

Paternity Leave

1. A member is entitled to Paternity Leave of 14 working days.
2. The Paternity Leave may be combined with other forms of leave and shall be prefixed or suffixed to public holidays.

Medical Leave

1. A member who has been certified as incapable of performing duties due to illness or injury will be granted Medical Leave on production of a medical certificate issued by a medical authority in Bhutan.
2. A member on medical leave will be paid gross pay to a maximum of six months and basic pay thereafter.
3. A member who has been granted Medical Leave for more than three (3) months, on re-joining the duty, must produce a medical certificate of fitness to perform the duties.
4. A member will be granted the Medical Leave for a maximum period of one (1) month to escort a direct dependant of the member concerned.
5. Records of leave accounts of members will be maintained by the Secretariat.

Medical Facilities

1. A member is entitled to medical facilities in accordance with the National Medical Treatment Rules.
2. A member proceeding on medical treatment or as an escort will be paid DSA at the rates prescribed in the medical treatment rules of the Ministry of Health.

i) Retirement Benefits

Eligibility

A member is entitled to retirement benefits on one's resignation or on completion of a term. However, a member is not entitled to retirement benefits, if he/she:

- a) is terminated;
- b) willfully remains outside the country with knowledge of indictment or charges, as the case may be; or
- c) fails to appear, testify or produce any document relating to their service as a member before an

appointed authority without any reasonable justification.

Provident Fund and Pension Benefit

1. A member who has served for a minimum of one year is entitled to the provident fund benefits, both the employee and employer contributions together with returns thereon as per the National Pension and Provident Fund Rules and Regulations.
2. A member is entitled to avail pension scheme of National Pension and Provident Fund as per the National Pension and Provident Fund Rules and Regulations generally applicable to any salaried employee of an organization.
3. The amount of monthly pension benefits and the Provident Fund payable to a retired member under the National Pension Plan and the Provident Fund benefits is subject to the provisions in the National Pension and Provident Fund Plan Rules and Regulations.
4. A copy of the order relieving a member from Parliamentary Service will be endorsed to the National Pension and Provident Fund, which will form the basis for the National Pension and Provident Fund to sanction the pension and provident fund benefits.
5. The amount accumulated to a member under the National Pension and Provident Fund Plan will not be attached, garnished, levied or seized, except to pay any dues of the member payable to the National Pension and Provident Fund Plan or to the Secretariat.

Gratuity

1. A member, on completion of one's term, is entitled to receive gratuity at the rate of one and half (1.5) times of last monthly salary for completed number of years on production of an audit clearance certificate. The gratuity is payable to the nominee(s) of a member in case of his/her demise while serving the term. However, no gratuity is payable if a member resigns before the

completion of his/her term or if his/her service is terminated.

2. The gratuity claim of a member must be verified from the personal file of a concerned member and certified by the designated authority in the prescribed form.
3. The gratuity will be sanctioned to a member by the Secretary General of the House in accordance with the applicable rules.

Group Insurance-cum Saving Scheme (GIS)

A member, on completion of one's term or on voluntary resignation before the completion of the term, is entitled to the benefit of GIS Scheme, which is managed by the Royal Insurance Corporation of Bhutan (RICB).

Recovery

The amount due from a member, if any, at the time of completion of term, resignation, retirement or demise and not recoverable other-wise, will be recovered from the overall retirement benefit payable to the member concerned, his nominees or other legal heir to whom such payments may be released.

Returning of Facilities

There must be proper handing/taking over of the charge before a member is relieved when his/her services are separated from Parliament, irrespective of the reason for the separation, or convey the facilities provided, if any, to the Secretariat.

Duty of Secretariat

The Secretariat must take the responsibility to process on time the post retirement benefits of the member upon completion of the term or when his/her services are separated from Parliament irrespective of the reason for separation.

j) Other Benefits

Executive class and executive lounges

A member is entitled to travel by the executive class and is entitled to use executive lounges in the airport while traveling by air.

Leave Travel Concession

A member is entitled to annual Leave Travel Concession (LTC) amount at the rate recommended by the National Committee and approved jointly by the Speaker of the National Assembly and the Chairperson of the National Council.

Duty Free Membership

A member is entitled to Duty Free Membership, Ministry of Finance, for the duty free shop at the rate recommended by the National Committee and approved jointly by the Speaker of the National Assembly and the Chairperson of the National Council.

Family of a Deceased Member

The family of a deceased member is entitled to the following allowances:

- a) House rent allowance will be paid for a period of three months from the date of the member's demise;
- b) Transport charge of personal effects at the rate approved by Parliament;
- c) Travel expenses of an amount equivalent to the last month's salary of the concerned member.

Chapter 6 Code of Conduct of a Member

This chapter outlines the Code of Conduct¹¹ of a member, incompatible actions and penalty for breach of code of conduct.

¹¹ Chapter 11 of the National Council Act of Bhutan 2008

Code of Conduct is a set of written and unwritten rules describing the appropriate behavior and conduct necessary for the National Council to carry out its parliamentary duties. Parliament may, from time to time, make laws to regulate the conduct of a member which includes the following:

- Place the highest importance to serving the Tsa-Wa-Sum with utmost loyalty and dedication, and fulfill his/her responsibilities by following the highest moral principles.
- Not indulge in any activity that adversely affects the National Council, national sovereignty and integrity of Bhutan and is responsible to the Druk Gyalpo and the National Council for his/her actions.
- Not be influenced in any manner whatsoever by any individual or body of individuals in the discharge of his/her duties.
- Always uphold first and foremost the national interest in discharging his/her duties and functions.
- Refrain from casting his/her vote on any issue where he/she has a conflict of interest.

a) Decorum in National Council Hall

1. While the National Council is sitting, a Member must:
 - a. always address the Chairperson;
 - b. keep to his/her usual seat while addressing the National Council;
 - c. maintain silence when not speaking in the National Council;
 - d. not read any book, newspaper or letter except in connection with the business of the National Council;
 - e. not interrupt any Member while speaking by disorderly expression or noises or in any other disorderly manner;

- f. not pass between the Chairperson and any Member who is speaking;
 - g. not leave the National Council Hall when the Chairperson is addressing the National Council;
 - h. not obstruct proceedings, hiss or interrupt when speeches are being made in the National Council.
2. A Member must rise to speak only after he/she is called to do so by the Chairperson.
3. A Member while speaking must not:
- a) deliberate upon on any matter of fact on which a judicial decision is pending;
 - b) make a personal charge against a Member;
 - c) use offensive expressions or defamatory words;
 - d) express treasonable and seditious statements; and
 - e) use his/her right of speech for the purpose of obstructing the business of the National Council.

b) General Conduct

- 1. A member must ensure that his personal conduct is consistent with the dignity, reputation and integrity of the National Council;
- 2. A member must at all times conduct himself/herself in a courteous and respectful manner and respect the authority of the Chairperson. In particular, he/she must not speak or leave the House when the Chairperson is speaking and speak standing at his/her place while addressing the Chairperson and the National Council;
- 3. A member must not conduct himself/herself in a manner that would constitute a criminal offence or contempt of the National Council;

4. A member must not display any disorderly conduct in the National Council Hall.
5. Foul language, loud laughter and clapping are not permitted in the National Council Hall;
6. A member must address the National Council one by one and avoid using improper language in expressing their views during the deliberation;
7. Under compelling circumstances, if a member has to leave the National Council Hall, he/she must lower his/her *kabney/rachu* and bow while leaving and re-entering as a gesture of respect to the House;
8. A member must not unduly influence the Government officials or Ministers in a case in which he/she is financially or personally interested nor elicit information from the Government in an unauthorized manner;
9. A member must not appear before a Minister or a Government official in his/her capacity as a lawyer, legal advisor, counsel or a solicitor;
10. A member must not recommend any of his/her relations or other persons with whom he/she has direct or indirect interest for employment or business contracts to Government officials;
11. A member who has the floor under proper procedure should not be interrupted by other members; and
12. A member must not impose threat, intimidation or use individual influence to encourage another member to make any remarks in the National Council.

c) Incompatibility

A Member of the National Council must not:

1. Purchase or lease any government property even if the sale or lease has been offered in public auction;

2. Simultaneously belong to different committees, commissions or boards except as otherwise provided by law made by Parliament;
3. Be assigned any responsibility that may be reasonably construed to have conflict of interest;
4. Undertake private employment or perform any function, which is liable to impair public confidence;
5. Misuse official status, power or public property;
6. Indulge in illegal or improper means; or
7. Hold office of profit.

d) Other Obligations

1. A member must not accept decorations from foreign countries and has to inform the National Council before receiving international awards.
2. The National Council will decide whether the international award in question can be accepted by the member.
3. A member must not maintain or operate bank accounts in any country outside Bhutan.
4. During parliamentary delegations to foreign countries, a member must not give press statements regarding the visit. Such briefings of the press will be done by the leader of the delegation.
5. A member must respect the apolitical nature of public service.

e) Actions for violation of Code of Conduct

2. Except for any criminal offence which will be dealt with in accordance with the Penal Code of Bhutan, any other offence must be dealt with in accordance with the National Council Act.

3. A member who contravenes any provision of the National Council Act is guilty of an offence and be liable to one or more of the following penalties:
 - Reprimand;
 - Fine;
 - Refund of any illicit profit;
 - Refund of indemnities, allowances or other benefits he/she received as a member while the offence continued;
 - Temporary suspension; or
 - Loss of his/her seat as a member.

a. Suspension

1. The Chairperson may call to order any member resorting to disorderly behavior, disregarding the authority of the chair or contravening the prescribed code of conduct, whereby he/she willfully obstructs the business of the National Council, and if the member fails to heed such call, the Chairperson may order him/her to leave the National Council Hall. Such a member is not entitled to attend the sittings of the National Council for the rest of the day.
2. A member persistently obstructing the business of the National Council by deliberately indulging in disorderly behavior or intentionally contravening the prescribed code of conduct will be barred from attending the sittings of the National Council for the next fifteen days. If a member attempts to use force which is derogatory to the dignity of the National Council, the Chairperson may suspend him/her for the whole or any part of the session.
3. A member barred from attending the sitting of the National Council will not return to the session until the period of suspension has been completed. Thereafter, any future violation of the code of conduct by that member will lead to removal from the National Council

and such member is barred from contesting in future elections to the House.

4. If a member uses physical force in the House, then that member must be permanently removed from the National Council and barred from contesting in future elections to the Council.

Chapter 7

Chairperson and Deputy Chairperson of the House

The Chairperson and the Deputy Chairperson¹² play crucial role in running the august house. This chapter provides information on the procedures for election of the Chairperson and the Deputy Chairperson, their powers and duties, and motion for their removal.

Election of Chairperson and Deputy Chairperson

1. At the first sitting after any election, or when necessary to fill a vacancy, the National Council will elect a Chairperson and Deputy Chairperson from among its Members on such date as may be fixed by the Secretary General. The Secretary General will preside over such elections.
2. On the day preceding the date of election, any Member may submit a nomination of another Member for the post of Chairperson to the Secretary General in Form 1(A) as provided in the Rules of Procedure of the National Council (*See Annexure - II*). The nomination must be seconded by a third Member and accompanied by a statement by the Member whose name is proposed that he/she is willing to serve as Chairperson, if elected. A Member will not nominate or second more than one nomination.

¹² Chapter 4 of the National Council Act of Bhutan 2008

3. Any candidate who does not wish to be considered for election must at the time of announcement of the names of nominees, so inform the Secretary General in writing. Upon withdrawal, the election will proceed as if the individual had not been nominated.
4. On the day of nomination at a venue and time specified by the Secretary General, all the nominees are allowed to address the National Council for a period not more than 10 minutes outlining their goals and strategies for the Council if elected as Chairperson.
5. A bio-data of each nominated candidate is circulated among members of the National Council and also read out in the House before the election.
6. The election of Chairperson is done through secret ballot, and each member has one vote.
7. On the day of election, the Secretary General announces the list of nominees for the post of Chairperson after which he/she calls out the Members one by one to the voting booth.
8. The candidate who receives majority of the votes cast is declared as Chairperson of the National Council. In the event of a tie among two or more candidates who secure the maximum number of votes, one more round of voting is conducted. In this round, only those candidates that secure equal votes are included. In the event of candidates still securing equal number of votes, the result is determined by draw of lots.
9. The number of votes received by each candidate is displayed before the members present and voting.
10. Where there is only one candidate for the office of Chairperson, an uncontested election is held. The election is done based on "Yes" and "No" votes and decided by a simple majority of votes cast by the members present and voting. Should the votes be

divided equally between “Yes” and “No”, one more round of voting is held. In the event if there is a tie even in the second round, fresh nominations are invited for a bye-election.

11. The same process is followed for the election of the Deputy Chairperson three days after the election of the Chairperson. The nomination form for the Deputy Chairperson, Form 1 (B) is as provided in the Rules of Procedure of the National Council (*See Annexure - III*).
12. The Chairperson holds office until the expiration of the term of the National Council but in the case of death, resignation or removal during the term of the National Council, a new Chairperson must be elected without undue delay.
13. In the event of re-electing the Chairperson, the Deputy Chairperson can contest for the office of Chairperson only after his/her resignation from the position of Deputy Chairperson.
14. Subsequent to the election, the Druk Gyalpo confers Dakyen to the Chairperson, by warrant under His hand and seal.

Election Code of Conduct

1. The election of the Chairperson is conducted strictly in accordance with the National Council's rules of procedure.
2. The candidates must, in order to maintain a healthy electoral system and to ensure that the election is carried out in a lawful, peaceful and orderly manner for a free and fair election, abide by the Code of Conduct as prescribed in the Election Act of the Kingdom of Bhutan. In particular, every candidate must:
 - a. Strive to maintain the highest standards of integrity, truthfulness, selflessness, loyalty and patriotism;

- b. Avoid discrimination and not dispense special favors to any person or group of persons on grounds of gender, religion or any other reason;
 - c. Not indulge in any activity, which may create ill-will, differences or cause tension between different communities, religious or linguistic groups; and
 - d. Ensure that their supporters do not indulge in any unlawful act or corrupt practice.
3. Any act of electoral offence as defined in Chapter 21¹³ of the Election Act of the Kingdom of Bhutan must be dealt with in accordance with the relevant laws.

Powers and Duties of the Chairperson

1. The Chairperson conducts the sessions of the National Council and has the sole authority to call Members to debate in accordance with the Rules of Procedure.
2. The Chairperson must preserve the dignity and decorum in the National Council Hall and maintain discipline among Members.
3. When the Chairperson is of the opinion that a Member is deliberately contravening the provisions of these Rules, or that a Member is in contempt of or is disregarding the authority of the Chairperson or that a Member's conduct is grossly disorderly, the Member is made to leave the National Council Hall, immediately.
4. The Chairperson may summon any person to attend the proceedings of the National Council for the purpose of giving evidence, providing information or producing documents in that person's custody or control.

¹³ Chapter 21 of the Election Act of the Kingdom of Bhutan 2008

5. The Chairperson signs Bills, resolutions, recommendations and other decisions passed by the National Council.
6. The Chairperson represents the National Council.
7. The Chairperson nominates members to various bodies and committees where the National Council needs to be represented.
8. The Chairperson guides and leads the Members.
9. The Chairperson, with support from the Deputy Chairperson and Members, strives to strengthen the National Council.
10. The Chairperson, along with the Prime Minister, the Chief Justice of Bhutan, the Speaker of National Assembly and the Opposition Leader, is responsible for nominating candidates to the post of constitutional post-holders/members.

Duties of the Deputy Chairperson

1. Whenever the Chairperson, from illness or other cause, finds it necessary to leave the chair during any part of the sitting of the National Council, the Deputy Chairperson presides over such sitting, until the Chairperson resumes the chair.
2. During the unavoidable absence of the Chairperson or resignation thereof, the Deputy Chairperson presides over the sittings during such absence, until the Chairperson resumes the chair or the National Council elects another Chairperson.
3. The Deputy Chairperson presiding over the sittings during the period of the Chairperson's absence enjoys the same powers of the Chairperson. He/she also performs the duties of the Chairperson and every such

act performed by him/her has the same effect and validity as if the Chairperson had performed the act.

4. The Deputy Chairperson is the *ex-officio* Chairperson of the House Committee.

Removal of the Chairperson or Deputy Chairperson

1. The motion for the removal of the Chairperson or Deputy Chairperson is moved by not less than one-third of the total Members of the National Council.
2. The Secretary General will fix the date for the National Council to debate the removal of the Chairperson or Deputy Chairperson within ten days of registering the motion.
3. The Chairperson presides over the sitting of the National Council while the motion for the removal of Deputy Chairperson is taken up for consideration. The Deputy Chairperson presides over the motion for the removal of the Chairperson.
4. After the motion for removal of the Chairperson or Deputy Chairperson has been announced by the Secretary General, the motion is debated and then put to vote.
5. The Deputy Chairperson of the House Committee presides over the motion in the event that the motion moved is for the removal of both the Chairperson and the Deputy Chairperson at the same time.
6. The motion for removal, if passed by two-third of the total Members of the National Council, requires the Chairperson to be removed by the Druk Gyalpo, and in case of the Deputy Chairperson by the Chairperson.

Chapter 8

Parliamentary Devices

This chapter explains the various parliamentary devices¹⁴ or mechanisms available to a member for submission of bills and general proposals to be deliberated in the house. These include motions, resolutions, postulates, calling attention, question time or interpellation, adjournment motion, motion of censure and point of order.

a) Parliamentary initiative

1. A member of the National Council can either submit a Bill or general proposal seeking amendment of a section of law, or a decision.
2. The Chairperson notifies the National Council of the receipt of government proposals and resolutions or ministerial decisions presented for review by the National Council and also notifies the National Council of the withdrawal of any such government proposals and resolutions or ministerial decisions.
3. After the National Council admits introduction of a Bill or general proposal seeking amendment of a section of the law or a decision, such Bill or general proposal seeking amendment of a section of the law or decision is then debated and put to vote of the National Council.

b) Motion

1. A motion is a formal proposal made by any Member requesting the National Council to carry out an act, order an act to be done or express an opinion with regard to some matter.
2. Any Member wishing to propose a motion must give the notice of a motion to the Secretary General to that effect at least two days before the day allotted for motions.

¹⁴ Chapter 8 of the National Council Act of Bhutan 2008

3. For a motion to be admissible, it must satisfy the following conditions:
 - a. It must raise substantially one definite issue;
 - b. It must not refer to the conduct or character of persons except in their public capacity;
 - c. It must not revive discussion of a matter which has been discussed in the same session; and
 - d. It must not ordinarily relate to matters which are under consideration of a Parliamentary Committee.
4. The Chairperson decides on the admissibility of a motion and may disallow a motion or a part thereof when, in his/her opinion, it does not comply with the Rules of Procedure.
5. The Chairperson may after considering the state of business in the National Council allot a day or part of a day for the discussion of any such motion.

c) Resolution

1. A resolution is a self-contained, independent proposal by any Member for the approval of the National Council. Such a proposal must express the decision of the National Council.
2. A Member who wishes to move a resolution must give a notice in writing to the Secretary General to that effect at least two days before the day allotted for resolution.
3. A resolution may be in the form of a declaration of opinion by the National Council or in such other form as the Chairperson may consider appropriate.
4. Subject to the provisions of the Rules of Procedure, any Member may move a resolution anytime relating to a matter of urgent public interest.

5. For a resolution to be admissible, it must satisfy the following conditions:
 - a. It must raise substantially one definite issue;
 - b. It must not refer to the conduct or character of persons except in their public capacity;
 - c. It must not revive discussion of a matter which has been discussed in the same session; and
 - d. It must not ordinarily relate to matters which are under consideration of a Parliamentary Committee.
6. The Chairperson decides on the admissibility of a resolution, and may disallow a resolution or a part thereof when in his/her opinion it does not comply with the Rules of Procedure.
7. A Member in whose name a resolution stands on the list of business must, except when he/she wishes to withdraw it, when called on, move the resolution.
8. If a Member, when called on is absent, any other Member authorized by him/her in writing on his/her behalf may, with the permission of the Chairperson, move the resolution standing in his/her name.
9. After a resolution has been moved and deliberated upon, any Member may move an amendment to the resolution.
10. A Member in whose name a resolution stands on the list of business may, when called on, withdraw the resolution in which case he/she confines himself/herself to a mere statement to that effect.
11. A Member who has moved a resolution or amendment to a resolution must not withdraw the same except by leave of the National Council.

12. When a resolution has been either passed or withdrawn with the leave of the National Council, the same issue cannot be moved during the same session.
13. When any resolution involving several points has been discussed, the Chairperson may divide the resolution, and put each or any point separately to vote as he/she may think fit.
14. A copy of every resolution which has been passed by the National Council is forwarded to the Ministers and heads of agencies concerned.

d) Postulate

A postulate requests the government to examine the necessity of a law, decision or a measure in a particular case.

e) Calling attention

The device is used by the National Council to call the attention of a minister to any matter of urgent public importance.

f) Interpellation or Question Time

It is fundamental in the concept of responsible government that the Executive Government be accountable to Parliament. This accountability is demonstrated most clearly and publicly at Question Time (Interpellation) when questions are put to Ministers. The purpose of questions is primarily to seek information or press for action by bringing to light issues and perceived deficiencies in plans, programs and administrative actions.

1. A member questions the Government during the Question Time, which is held such number of times and for such duration during each session, as the National Council deems expedient.

2. An interpellation requires the Government to present an opinion either orally or in writing.
3. Any member may submit a question orally or in writing worded in precise terms to the Chairperson.
4. The question must refer to specific fields for which the Government is responsible. It must be concise, brief and must not contain subjective statements or evaluations.
5. The Chairperson may admit the questions if such questions are in accordance with the Rules of Procedure made in that behalf (*See Annexure - IV*).
6. The Chairperson must give adequate time to the concerned ministry or organization, as the case may be, for furnishing the reply to the questions.
7. Questions of national importance are listed in Category I and require written answers to be given. All other questions are listed in Category II and oral answers suffice.
8. If the interpellator is not satisfied with the answer, he may, with the permission of the Chairperson call a debate in the National Council, in which the appropriate authority of the Government must participate.

g) Adjournment Motion

1. The Adjournment Motion is moved by giving a written notice stating reasons for submitting the motion, supported by not less than half of total members of the National Council.
2. A motion for adjournment of the business of the National Council is made with the consent of the Chairperson.

h) Motion of Censure

1. The National Council may challenge Government policy through a motion of censure.

2. The motion of censure must be proposed by not less than half of the total number of members of the National Council.
3. The motion of censure may not be voted until 10 days after it has been submitted.
4. During the first seven days of this period, alternative motions may be submitted.
5. The motion of censure is deemed passed by the National Council if passed by a two third majority of the total number of the National Council.
6. If the National Assembly does not pass the motion of censure as passed by the National Council by a two third majority, the same is null and void.

Point of Order

1. A point of order relates to the interpretation or enforcement of the Rules of Procedure or such Articles of the Constitution to regulate the business of the House.
2. A point of order may be raised in relation to the business before the National Council at the moment or the Chairperson may permit a Member to raise such a point of order during the interval between the termination of one item of business and the commencement of another.
3. A Member may raise a point of order and the Chairperson decides whether the point raised is a point of order and if so, the decision given by him/her shall be final.
4. No debate is allowed on a point of order, but the Chairperson may, if he/she thinks necessary, hear Members before giving his/her decision.

Chapter 10

Committees of the House

The enormous volume of work before a Legislature and the limited time at its disposal make it impossible that every matter should be discussed at length on the floor of the House. If the work is to be done expeditiously and with reasonable care, some of its responsibilities have to be entrusted to some other agency in which the whole House has confidence. The most practical method so far devised for this purpose is the committee system¹⁵, composed of a small number of members of the legislative body. In all parliaments world over, the formation of committees for detailed preliminary discussion of all important matters, especially of legislative issues, has been an established practice.

The power to appoint committees has been recognized under Article 10(11) of the Constitution of Bhutan and Section 145 of the National Council Act. Accordingly, the National Council appoints Committees to carry out the business of the National Council. The rules of the National Council, besides others, provide for:

- (a) The establishment, composition, powers, functions, procedures and duration of its Committees (See *Annexure - V*); and
- (b) Participation in the proceedings of the National Council and its Committees, in a manner consistent with the principles of the National Council Act.

The Committees are classified into three categories. These are Standing Committees, Ad hoc Committees and Joint Committees.

¹⁵ Chapter 9 of the National Council Act of Bhutan 2008

a. Standing Committees

The Standing Committees are constituted through Standing Orders or Resolutions passed by the National Council. The committees are composed of members of the National Council to examine any specific matter within the jurisdiction assigned to them by the House. They continue to remain in office irrespective of the completion of work. Currently, the National Council has the following committees:

- i) The House Committee,
- ii) The Legislative Committee,
- iii) The Good Governance Committee,
- iv) The Social & Cultural Affairs Committee,
- v) The Economic Affairs Committee, and
- vi) The Natural Resources & Environment Committee.

b. Ad hoc or Select or Special Committees

Ad hoc Committees perform such specific functions as are assigned to them from time to time. If any matter cannot be resolved for want of adequate knowledge, a Committee may be constituted for this purpose through a Standing Order or a Resolution passed by the House specifying the committee's composition, responsibilities, terms of reference and powers. The committee must, as soon as may be, place before the House its opinion and recommendations on the matter referred to it. Such opinion and recommendations should guide the National Council.

These committees are mostly temporary and cease to exist after completion of their task. They may also be called as Select or Special Committees.

c. Joint Committees

A Joint Committee composed of members from both Houses may be established by an Act of Parliament or by concurrent resolution of both Houses. The Public Accounts Committee (PAC) is one such committee with members from both the National Council and the National Assembly.

d. Procedure in the Committees

1. Each Committee elects a Chairperson from amongst its members.
2. The members on a Committee are appointed by the Chairperson of the National Council with due consideration being given to the suitability of the member to be on the Committee.
3. The Committee works under the direction of the Chairperson of the National Council for such matters as the National Council may from time to time refer.
4. During a period of prorogation of a session of the National Council or when the term of members of the Committee expires, their memberships continue until new members are appointed by the Chairperson of the National Council.
5. A member of a Committee having personal or pecuniary interest in any matter that is to be considered by the Committee must state his interest therein to the Chairperson of the National Council through the Chairperson of the Committee.
6. A member of a Committee must not divulge, either in the minutes of dissent or on the floor of the National Council, any matter circulated to him as confidential, without the prior approval of the Chairperson of the National Council, and where such approval has been obtained, any restriction imposed with regard to the manner in which or the extent to which such information may be divulged, must be strictly observed.
7. A member of a Committee or anyone having access to its proceedings must not communicate directly or indirectly to the press any information regarding its proceedings including its report.

Chapter 10

Legislative Procedure - Passing of a Bill

This chapter outlines the procedure for passing of bills¹⁶ originating in the National Council as well as those received from the National Assembly. It explains what an Urgent Bill is and the processes involved in withdrawal and passing of a Disputed Bill. It stipulates the requirements of a Constitutional Amendment Bill and presentation of the Government Budget and Annual Reports including the statutory reports of the Royal Audit Authority and the Anti-Corruption Commission.

1. A Bill passed by both the National Council and the National Assembly comes into force upon Assent of the Druk Gyalpo.
2. Money Bills and financial Bills do not originate in the National Council.
3. A Bill pending in the National Council does not lapse by reason of the prorogation of the National Council.
4. A Bill is passed by a simple majority of the total number of members of the National Council.

a. Bills Originating in the National Council

1. A Bill is introduced by a member with the concurrence of the National Council.
2. Statements of Objects and Reasons, Memorandum regarding delegated legislation and Financial Memorandum whenever necessary are appended to the text of the Bill and submitted to the Secretariat.
3. The opposition of the motion to introduce the Bill must be notified before the day on which the motion is included in the agenda. The Chairperson may allow a member who

¹⁶ Chapter 7 of the National Council Act of Bhutan 2008

opposes the introduction of the Bill and the member who introduced the Bill to make explanatory statements.

4. Once the Bill is introduced it is referred to the Legislative Committee for necessary opinion and recommendations. The Chairperson of the Legislative Committee must submit the opinion and recommendation on the Bill so scrutinized within the time prescribed. If the member who introduced the Bill accepts any recommendation of the Committee, he must submit official amendments.
5. After the member who introduced the Bill submits the recommendation of the Committee to the National Council, the discussion on each clause takes place and members may offer amendments to the clauses of the Bill which is put to vote of the National Council. Thereafter, the member who introduced the Bill moves a motion that the Bill be passed.
6. Where a Bill has been introduced and passed by the National Council, it presents the Bill to the National Assembly within 30 days from the date of passing.
7. Where the Bill is subsequently passed by the National Assembly, the Bill is submitted to the Druk Gyalpo for Assent within fifteen days from the date of passing such Bill.
8. Where the National Assembly does not pass the Bill, it returns it to the National Council with amendments or objections for re-deliberation. If the Bill is then passed, it is presented to the Druk Gyalpo for Assent within fifteen days from the date of passing of such Bill.
9. Where the National Council refuses to incorporate such amendments or objections of the National Assembly, it submits the Bill to the Druk Gyalpo, who then commands the Houses to deliberate and vote on the Bill in a joint sitting.

10. Where the National Assembly neither passes nor returns the Bill by the end of the next session from the date of presentation, the Bill is deemed passed by it and the National Council presents the Bill within fifteen days to the Druk Gyalpo for Assent.

b. Bills Received from the National Assembly

1. Where a Bill has been presented to the National Council after it has been introduced and passed by the National Assembly, the National Council may pass that Bill no later than the next session of the National Council. In case of Budget or Urgent Bills, they must be passed in the ongoing session of the National Council.
2. Where a Bill is subsequently passed by the National Council after it has been introduced and passed by the National Assembly, the Bill is submitted to the Druk Gyalpo for Assent within fifteen days from the date of passing such Bill.
3. Where the National Council does not pass the Bill that has been introduced and passed by the National Assembly, the National Council returns it to the National Assembly with amendments or objections for re-deliberation.
4. Where the National Assembly refuses to incorporate such amendments or objections of the National Council, it submits the Bill to the Druk Gyalpo, who then commands the Houses to deliberate and vote on the Bill in a joint sitting.
5. Where the National Council neither passes nor returns the Bill by the end of the next session from the date of presentation, the Bill is deemed passed by it.

c. Criteria for Urgent Bills¹⁷

1. A Bill shall be declared as “Urgent” (**See Annexure – VI**) when it is required to prevent or address threats to the security and sovereignty of the country.
2. The term security used herein above shall cover national political security, economic security and social security.
3. An Urgent Bill may also be declared when the government is required to respond instantly to the effects and impacts of unforeseen natural or manmade calamities.
4. An Urgent Bill may be proposed by the Government or either House of Parliament.
5. The Prime Minister, on behalf of the Government, or a Member, on behalf of either House, shall submit the proposal to declare a Bill as Urgent to the Speaker of the National Assembly.
6. The proposal shall provide justifications for declaring a Bill as Urgent, and also clarify the legislative intent, purpose, scope and specific provisions of the concerned Bill.
7. The Speaker of the National Assembly shall consult the Chairperson of the National Council on the proposal. The Speaker and the Chairperson shall consult the Legislative Committees or other relevant Committees of the respective Houses to determine the urgency of the proposed legislation.
8. Upon fulfillment of the above conditions, the Speaker of the National Assembly shall declare the Bill as “Urgent”.

¹⁷ Legislative Rules of Procedure, Parliament of Bhutan, 2011

d. Withdrawal of Bills

1. A Bill being discussed in a House may be withdrawn at any stage if leave is granted by the House upon the member in charge moving a motion to withdraw the Bill.
2. A Bill passed by one House may be withdrawn by the other House on the grounds of, but not limited to, the legislative proposal covered in the Bill being dropped or a more comprehensive Bill on the same subject being proposed at a later date.
3. Where a Bill has been passed by the National Assembly and is pending before the National Council, the National Council may recommend to the National Assembly that leave be granted to withdraw the Bill.
4. After the motion is adopted by the National Council, a message to that effect shall be sent to the National Assembly where the member in-charge moves for leave to withdraw the Bill.
5. If leave is granted by the National Assembly to withdraw the Bill, the message of concurrence shall be transmitted to the National Council upon which the Bill shall be treated as withdrawn.
6. The same procedure shall be followed where the National Assembly wishes to withdraw a Bill passed by the National Council.
7. If leave is not granted by the other House for withdrawal of the Bill, the Bill shall then follow the procedures outlined for Disputed Bills.

e. Disputed Bills

1. Parliament shall be guided in its legislative function by the principle of consensus and shall endeavour to adopt laws through the process of reconciliation.

2. To this end, Parliament shall seek to create space that will facilitate consensus building process in the form of Joint Committee(s).
3. The Joint Committee(s) shall review disputed portions of a Bill and propose amendments and formulate text that will be acceptable to all parties and groups involved.
4. Parliament shall respect the recommendations proposed by the Joint Committee(s) to the extent that members shall not seek to make further amendments during the joint sitting as this may enhance the possibility of the Bill getting rejected. However, the Members of Parliament shall be permitted to express their approval or disapproval of the Committee's recommendations through voting on the Bill.

f. Constitutional Amendment Bills

1. Notices of Constitutional Amendment Bills will not be admitted if the Bill does not contain a title indicating that it is a Constitutional Amendment Bill.
2. Parliament has the power to amend by way of addition, variation or repeal the provisions of the Constitution. A motion to amend the Constitution must be initiated by a simple majority of the total number of members of Parliament at a joint sitting and, on being passed by not less than three-fourth of the total number of members of Parliament, the Constitution stands amended on Assent being granted by the Druk Gyalpo.

g. Budget and Annual Reports

1. The Government's Annual Budget and Appropriation Bill is presented to the National Council by the Finance Minister for discussion after being passed by the National Assembly.
2. The Budget and Appropriation Bill must be presented no later than five days preceding the budget year.

3. The National Council monitors and reviews the fiscal performance and position of the Government in accordance with the principles of fiscal sustainability and transparency.

h. Statutory Reports

The Royal Audit Authority and the Anti-Corruption Commission submit their Annual Reports to the National Council. All statutory reports submitted to the National Council are referred to relevant Committees for review.

Chapter 11 **Sittings and Business of the House**

This chapter outlines the procedures for sitting of the house¹⁸, types of business, submission of agenda, quorum for the sitting, voting procedures, mechanisms to deal with dissenting opinions and records of the house proceedings.

1 Procedures for Sitting

- a) The National Council assembles at least twice a year.
- b) The Chairperson informs the Druk Gyalpo on the date of commencement of every session before issuing the Summon Order.
- c) The Chairperson announces the date of commencement and adjournment of the National Council.
- d) In case of any change in the day, time and programme of the sitting of the National Council, the Secretary General serves notice to this effect to the members on the preceding day.
- e) The sitting of the National Council is determined by Rules of Procedure made in that behalf.

¹⁸ Chapter 5 & 6 of the National Council Act of Bhutan 2008

- f) The proceedings of the National Council are conducted in Dzongkha and held in public. In the event of compelling necessity, the Chairperson may exclude the press and the public from all or any part of the proceedings in the interests of public order, national security or any other situation, where publicity would seriously prejudice public interest.
- g) The day on which the National Council convenes for the first time following an election, the members in the order specified in an announcement are administered oath or affirmation. All members of the National Council shall take an Oath or Affirmation of Office as provided for in the Third Schedule of the Constitution (*See Annexure - VII*) before assuming their responsibilities. The Chairperson and the Deputy Chairperson shall also take an Oath or Affirmation of Secrecy as provided for in the Fourth Schedule of the Constitution (*See Annexure - VIII*) before assuming office.
- h) Similarly, an oath or solemn affirmation or declaration may be administered to a witness at the proceedings of the National Council or any Committee. Any oath or solemn affirmation or declaration made under the National Council Act is administered by the Chairperson or by such person as may be appointed for that purpose either by the Chairperson or by a standing order of the National Council.
- i) At the commencement of each session of Parliament, the Druk Gyalpo is received in a joint sitting of Parliament with *chhipdrel* ceremony¹⁹ (*See Annexure - IX*). Each session is opened with a *zhug-drel-phunsum tshog-pai ten-drel*.
- j) The Druk Gyalpo may address or sit in the proceedings of the National Council as and when deemed expedient.

¹⁹ Rules of Procedure of the National Council, 2009

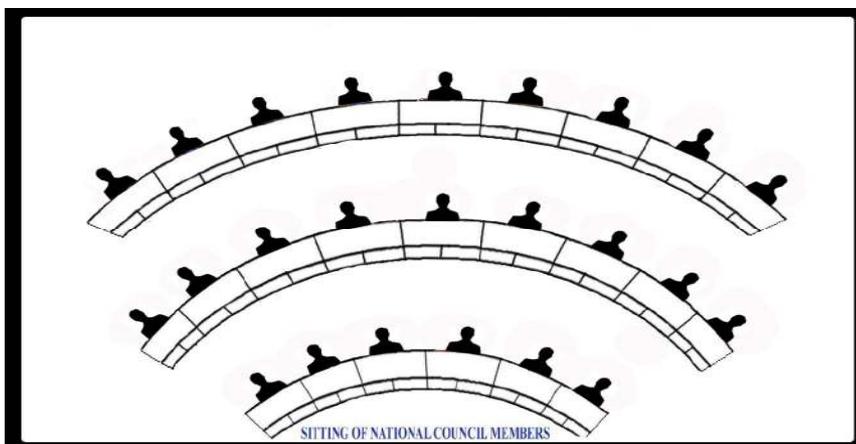
- k) The Druk Gyalpo may send messages to the National Council. The National Council upon receiving the message, shall consider the matter as early as possible, and submit its opinion to the Druk Gyalpo.
- l) Whenever necessary, the Chairperson of the National Council may convene an extraordinary sitting of the National Council on the command of the Druk Gyalpo. During an extraordinary sitting, the National Council shall consider only those matters for which it has been convened or otherwise has been presented to the National Council.
- m) Whenever the Chairperson finds it necessary to prorogue the session of the National Council, he shall issue a notice to this effect.

2 Quorum

- a) The presence of not less than two-third of the total number of members of the House constitutes a quorum for a sitting of the National Council. At least three-fourth of the total number of members must be present at the voting of a Bill, an amendment to a Bill or any other question before the National Council.
- b) If there is no quorum at any time during a meeting of the National Council, it shall be the duty of the Chairperson or any person presiding in his absence, either to adjourn the sitting of the National Council or to suspend the meeting until there is a quorum.
- c) Before taking seat in the National Council, each member notes his attendance in the Roll of Members.
- d) A member remaining absent from the sittings of the National Council must make an application in writing to the Chairperson seeking the permission of the National Council. A deduction equivalent to a day's daily allowance is made from the salary every time a member remains absent during the sitting of the National Council

without the permission of the House for any reason including suspension.

- e) A member sits in such order and at such place as the Chairperson may determine.



Sitting Plan of National Council

3 Business of the House

Businesses of the National Council are classified as Government Business or Private Members' Business.

- i. Government Business consists of Bills including Budget and Appropriation Bill, Resolutions, Amendments and other motions introduced or initiated by a Minister.
- ii. Private Members' Business consists of Bills, Resolutions, Amendments and other motions introduced or initiated by Private Members.
- iii. The mode of passage for both Government Bills and Private Members' Bills shall be the same as provided for in the Constitution of Bhutan and the relevant laws.
- iv. If the government or any agency wishes the National Council to originate a Bill, it must be submitted to the National Council three months before a session commences in order to provide adequate time for scrutiny and stakeholders' consultations.

- v. Unless a matter is in contravention to an existing decision of Parliament or any law in force, the Chairperson must not refuse to take up such matter for consideration or voting. Where the Chairperson refuses to take up any matter for consideration or voting, he/she must state the grounds for his/her refusal in writing.
- vi. The National Council must not in its proceedings refer to any matter in relation to which legal proceedings are active.

5 Submission of Agenda

Proposals for inclusion in the agenda of the National Council sessions are prepared and submitted in accordance with the following guidelines:

- a) The agenda is submitted to the Chairperson through the Secretary General of the National Council.
- b) Every motion, question, matter or agenda item to be presented to the National Council for consideration or decision is brought forward through a notice addressed to the Secretary General and signed by the member giving the notice, which may be deposited with the Secretary General's office between such hours as may be appointed from time to time.
- c) Notices left at the Secretary General's office after the appointed hours are treated as given on the next day.
- d) All such motions, notices or agenda items are either admitted or disallowed by the Chairperson of the National Council depending on the relevancy.
- e) The Secretary General circulates to each member, a copy of every notice or other paper required thereto, which is deemed to have been so circulated if such a copy is deposited in such manner and in such place as the Chairperson may from time to time direct.

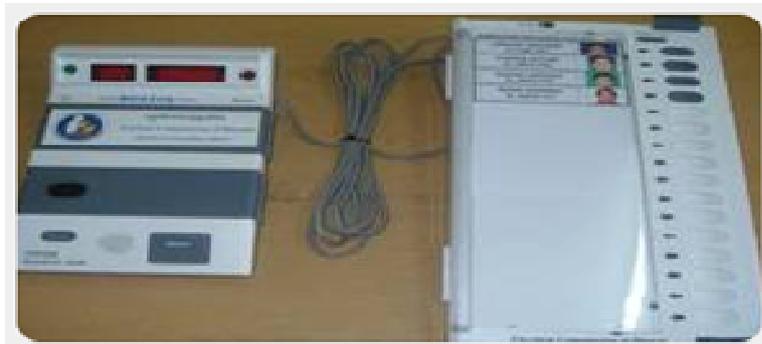
6 Voting procedures in the House

- a) Only members have the right to vote in the decisions of the National Council. A member is entitled to one vote per proposal and the right to vote must not be exercised by proxy.
- b) When a debate has formally concluded, the Chairperson presents a summary of the proposals. If an objection is offered to the summary and the Chairperson considers the objection justified, he/she rectifies the summary.
- c) If there are several proposals for the decision, one is presented for voting against another, until all of the proposals have been thus voted upon.
- d) Every Bill introduced in the National Council is voted upon through the electronic voting machine or through voting slips. However, clauses or sections of a Bill may be voted upon through show of hands.
- e) A Bill is passed by the National Council by a simple majority of the total number of Members. Since the total members of the National Council is twenty five, a Bill is passed if a minimum of thirteen members vote in its favour. In other words, even though all the twenty five members may not be present when the vote is cast, a Bill still requires atleast thirteen 'Yes' votes to pass.
- f) If there is no consensus on a section or an article of a Bill, it will require atleast thirteen 'Yes' votes to pass it. If it is not possible to obtain thirteen 'Yes' votes, a committee consisting of members who voted in favour and against the section or article will be formed to resolve differences. This will prevent the Bill from being blocked by those who supported the section or article when the National Council votes on the Bill at the end of the deliberation.

- g) The Chairperson presiding over the proceedings of the National Council does not vote in the first instance, but he/she casts a deciding vote when there is an equality of votes and casts a deliberative vote when a question must be decided with a supporting vote of at least two-third of the members of the National Council.
- h) Pressing the 'abstain' button on the voting machine tantamount to a spoilt vote. The 'abstain' votes is not clubbed with either 'Yes' or 'No' votes. The 'abstain' vote will only register the presence of the Member when the vote is cast. The presence of the Member thus registered will be counted to determine the quorum of the house. The 'abstain' vote has no other purpose.

7 Electronic Voting Machine

- a) When votes are cast on the electronic voting machines, the Chairperson directs that the votes be recorded. After the result of the voting appears on the Indicator Board, the Secretary General presents the totals of "Yes" and "No" to the Chairperson who then announces the results.
- b) A member who is not able to cast his/her vote by pressing the button provided for the purpose due to any reason considered sufficient by the Chairperson may, with the permission of the Chairperson, have his/her vote recorded verbally or by indicating on a voting slip whether he/she is in favour of or against the motion.



Electronic Voting Machine (EVM)

8 Voting through Voting Slips

- a) Whenever it becomes necessary to hold a vote by using voting slips, Members are supplied at their seats with voting slips printed with "Yes" and "No" for recording their votes. They may be printed in different colours for easy identification.
- b) After the votes have been recorded, a clerk collects the voting slips from each Member and hands them over to the Secretary General who then counts the votes recorded and compiles the result. The result so arrived at is then announced by the Chairperson and thereafter incorporated in the resolutions.

9 Record of Votes

The Chairperson ensures that the votes cast by each Member is recorded and discloses such records except in the case of voting through secret ballot. The casting of votes to elect or give approval to a person for holding office is done through a secret ballot.

10 Dissenting Opinion

Any Member who does not concur with a decision has the right to enter his/her dissenting opinion in the minutes. However, no further debate on such an opinion is permitted.

11 Record of Proceedings and Resolutions

- a) The Secretariat draws up records of proceedings at each sitting of the National Council and ensures that the reports of the proceedings are verbatim. This report is known as Official Report of the National Council.



National Council Library

- b) The Official Report of the National Council contains all the items of business taken up by the National Council and it is recorded according to the agenda.
- c) The Secretary General must submit the report of resolutions to the National Council for endorsement wherein a member may bring to the notice of the National Council any patent error, which stand corrected but deliberation on such resolutions once adopted are not permitted.
- d) The Secretariat distributes, within 30 days of the adoption of the resolution, copies of such resolutions among the members and other concerned officials, ministries and departments.

Chapter 12

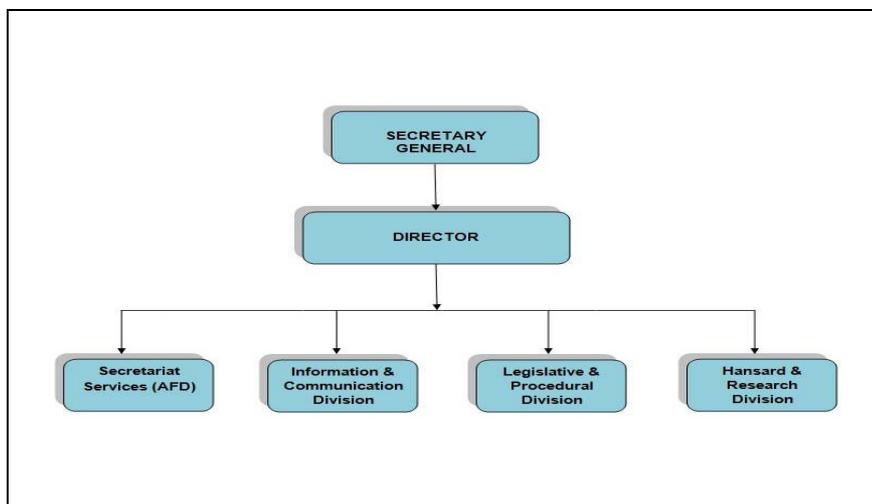
Roles & Responsibilities of the Secretariat

The chapter outlines the organizational structure of the National Council Secretariat and its roles and responsibilities²⁰. It also provides information on key staff members, what each of them do and how the members can get in touch with them for services.

²⁰ Chapter 13 of the National Council Act of Bhutan 2008

The National Council is assisted in the discharge of its parliamentary duties by a Secretariat. The Secretariat is headed by a Secretary General who is appointed by the Druk Gyalpo on the recommendation of the Royal Civil Service Commission. He is the Chief Executive Officer and is responsible for managing the affairs of the National Council and administration of the Secretariat. The Secretariat is divided into four divisions²¹, namely, the Secretariat Services Division (AFD), the Information & Communication Division, the Legislative & Committee Services Division and the Hansard & Research Division.

Organizational Structure of the Secretariat



A. Secretariat Services Division

The Secretariat Services Division (AFD) leads the Secretariat's strategic planning and management efforts aimed at ensuring its continued relevance and ability to fulfill its mission, plans and organizes the general administration, finance services, provide professional advice and support services. These include:

²¹ Organizational Development Plan, National Council Secretariat, Thimphu, 2011

i) Human Resource Management & Development

- Overall human resource development including HR policies;
- Design and administration of a comprehensive personnel management system;
- Implement staff compensation and benefits and
- Record cases of discipline/grievances and present report to the management for appropriate actions.

ii) Planning

- Prepare plans and projects;
- Review and generate periodical reports on plans and implementation status; and
- Coordinate with other stakeholders.

iii) Finance

- Ensure adherence to established financial rules and regulations;
- Maintain books of accounts and provide timely and accurate financial information;
- Provide assistance and advice on budget, procurement and utilization of funds;
- Prepare claims for payment, disburse funds and other related activities;
- Prepare and submit financial reports to management for information and guidance; and
- Report Audit findings and recommend measures to improve existing administrative, financial and legislative operating systems for economy, efficiency and effectiveness.

iv) Procurement

- Plan and coordinate procurement as per the procurement manual,

- Float tenders, evaluate, select suppliers and place orders for supplies,
- Prepare reports and maintain records of materials, and
- Coordinate clearance for imported consignments.

v) Precinct & Physical facilities

- Ensure safety and security of the estate properties,
- Develop and maintain infrastructure facilities,
- Maintain healthy office environment including audio-visual equipment.

vi) House Keeping

- Ensure daily up-keep and cleanliness of office and its surrounding,
- Oversee proper management and maintenance of office equipment and furniture, and
- Arrange space and facilities for meetings.

B. Information & Communication Division

The Information & Communication Division manages and provides information and technical support pertaining to ICT, library, media and communication. It also promotes and creates awareness on parliament and democracy through public education/awareness programs.

i) Media

- Prepare and disseminate information;
- Provide assistance to media representatives;
- Prepare and issue press releases;
- Collect and distribute news clippings; and
- Develop and maintain audio-visual materials on important events.

ii) Library & Archive

- Maintain, develop and manage library resources;

- Develop and maintain archival and retrieval system;
- Catalogue library resources;
- Receive and archive records of parliamentary proceedings for reference;
- Preserve and maintain confidentiality of documents; and
- Collect news clipping from national and international newspapers, magazines, journals, etc.

iii) Information Communication Technology (ICT)

- Develop, maintain and implement computer-based information systems,
- Carry out systems analysis, designing, programming and documentation;
- Plan, coordinate, acquire and up-grade ICT hardware and software;
- Operate and maintain security of web-site; and
- Render ICT support to the parliamentarians and staff.

iv) Printing & Publication

- Prepare camera-ready copy of Agenda, Resolutions, laws, newsletter, magazines and other publications;
- Provide support services such as layout, design and binding; and
- Print, photocopy and distribute official documents.

v) Public Education & Linkages

- Develop and carry out parliament related educational and awareness programs;
- Generate and monitor discussion forums between parliamentarians and the general public;
- Co-ordinate parliamentary internship and training programs;
- Establish linkages with other parliaments and parliamentary bodies, both regional and international; and

- Extend travel and conference assistance to the parliamentarians, visiting dignitaries/delegations and other official guests.

C. Legislative & Procedural Division

The Legislative & Procedural Division facilitates the planning, organization and smooth conduct of the House session(s) and committee sittings, acts as the overall coordinating point for all committee works, provide professional advice and support services.

i) Procedural & Advisory role

- Oversee parliamentary procedures and provide advice as and when needed;
- Render opinion and legal advice on the constitutionality of Bills, resolutions, proposed legislative amendments, international conventions and executive orders,
- Coordinate between the two Houses of Parliament with regard to legislative matters; and
- Administer system of registration for ownership of Bills/Acts and other legislations passed by Parliament.

ii) Committee Support

- Co-ordinate parliamentary committee affairs with research services;
- Provide support services during committee meetings, public hearings and conferences;
- Prepare correspondence and committee reports, and
- Monitor and prepare status report on Acts/Bills/policies referred to the committees.

iii) Legislative Drafting

- Assist in promulgation of rules and regulations;
- Review and draft legislations, particularly, amendment and Private Member's Bills;

- Prepare and interpret contracts, deeds and instruments to which the Council is a party; and
- Represent the National Council and its Secretariat in legal proceedings.

B. Hansard & Research Division

The Hansard & Research Division plans, organizes and manages the following support services:

i) Hansard & Documentation

- Compile and distribute Agenda for the session;
- Prepare daily Order of Business;
- Compile Question & Answer (Q&A) records;
- Table documents during session;
- Transcribe verbatim records of the proceeding; and
- Prepare resolutions.

ii) Editorial, Translation & Interpretation

- Edit draft Resolution, publications, research papers and other documents;
- Translate agenda, Order of Business, minutes, resolutions, newsletters, research papers, journals, brochures, speeches, statutes, Bills, rules of procedure and other documents; and
- Provide/coordinate interpretation support services.

iii) Research

- Prepare and implement guidelines concerning research methodology, analysis and evaluation of research programs;
- Identify research needs related to legislations and policy issues in consultation with members and committees;
- Foster linkages/coordination with national/regional research centers and international institutions;

- Undertake research, policy analysis and present findings; and
- Review and follow-up on the resolutions passed by Parliament.

Sources of help and information for services and facilities provided by the National Council Secretariat

Members are encouraged to approach the Secretariat staff either in person, by phone or email at any time with questions they may have about any matter relating to the House and/or being a Member. The main contacts are:

- **Mr. Tshewang Norbu**, Secretary General (322376 or 17114275) – Advice on any matter
- **Mr. Phuntsho**, Director (322736 or 17607425) – Inquiry on any matter, particularly, administration and finance, management of plans, policies and programs
- **Mr. Dorji Gyaltshen**, Dzongkha Specialist (322339 or 17624841) – Inquiry on research, documentation, translation and interpretation
- **Mr. Sonam Gyamtsho**, Deputy Chief Administrative Officer (332253 or 17501700) – Inquiry on general administration including office accommodation, procurement, house-keeping, car parking, security and mail services
- **Mr. Kinely Tenzin, Senior Legal Officer** (325241 or 17609718) – Inquiry on procedures in the House and committees, Chamber support, drafting motions and amendments, private Member's Bills and petitions
- **Ms Sangay Wangmo**, Senior Accounts Officer (327883 or 17609073) – Inquiry on salary, allowances and other entitlements
- **Mr. Tshering Dhendup**, Program Officer (327461 or 17852030) – Inquiry on community outreach programs,

parliamentary linkages, delegations – incoming and outgoing, conferences, passports etc.

- **Mr. Sonam Tobgye**, IT Officer (324067 or 77248945) – Inquiry on IT equipment and services, internet and web publishing
- **Ms Tshering Wangmo**, Information & Media Officer (17832011) – Inquiry on media relations, publications (House Magazine), press conferences and releases, etc.
- **Mr. Kinley**, Language Development Officer (322816 or 17644883) – Inquiry on agenda, proceedings and resolutions of the House including voting records.
- **Mr. Phuntsho Wangdi**, Assistant Language Development Officer (17579388) – Inquiry on daily Business Order and Question Time.
- **Ms Sonam Yangzom, Ms Dechen & Ms Karma**, Committee Secretaries (17833219, 17631349, 17795405), respectively – Inquiry on committee room bookings, arrangement of committee meetings, minutes of committee meetings, tabling of papers etc.

Annexure – I

Pay and Allowances of a Member (as of May 2013)²²

Sl. #	Entitlements	Amount (Nu.)	Remarks
1	Salary²³		
	a) Chairperson	78,000/-	Per month
	b) Dy. Chairperson	63,000/-	Per month
	c) Members	50,455/-	Plus Nu. 5,045/- allowance per month
2	House Rent Allowance		
	a) Chairperson		In Minister's enclave
	b) Members		30% of basic pay
3	Transport Allowance		
	a) Chairperson		Chauffeur driven car
	b) Members	700,000/-	One time, lump sum
4	Driver Allowance	6,000/-	Per month, members only
5	Vehicle Maintenance Allowance	7,000/-	Per month, members only
6	Joining Allowance		
	a) Transportation charges		Two Trucks
	b) Travel expenses		DSA & Mileage
7	Telephone		
	a) Mobile Phone	5,000/-	One time
	b) Voucher Allowance	2,000/-	Per month
8	Discretionary Grant		
	a) Chairperson	200,000/-	Per annum
	b) Members	100,000/-	Per annum
9	Retirement Benefits		
	a) Provident Fund		As per NPPF rules
	b) Gratuity		1.5 times basic pay
	c) GIS		As per RICB rules
	d) Transportation charges		Two Trucks
	e) Travel Expenses		One month's basic pay
10	Others		
	Leave, LTC, Duty Free Shop, Executive Class/Lounge & MP Logo (2 cars)		

²² Pay Revision for MPs, Ministry of Finance, Thimphu, February 2009

²³ Pay Revision Notification, Ministry of Finance, Thimphu, January 2011

Annexure - II

FORM 1(A)

NOMINATION FORM FOR CHAIRPERSON OF NATIONAL COUNCIL

1. Name of the nominee:
2. Nominee's Constituency:
3. Name of the Nominator:
4. Nominator's Constituency:.....
5. Name of the Member seconding:
6. Constituency of the Member seconding:
7. Date of filing nomination:

(Signature of Nominator)

(Signature of Member Seconding)

I do hereby accept that I shall serve as the Chairperson, if elected.

Date: ----- (Name & Signature of the Nominee)

Verified by:

Date: (Signature of the Secretary General)

Annexure - III

FORM 1(B)
NOMINATION FORM FOR DEPUTY CHAIRPERSON OF
NATIONAL COUNCIL

1. Name of the nominee:
2. Nominee's Constituency:
3. Name of the Nominator:
4. Nominator's Constituency:
5. Name of the Member seconding:
6. Constituency of the Member seconding:
7. Date of filing nomination:

(Signature of Nominator)

(Signature of Member Seconding)

I do hereby accept that I shall serve as the Deputy
Chairperson, if elected.

Date: ----- (Name & Signature of the Nominee)

Verified by:

Date: (Signature of the Secretary General)

Annexure - IV

Guidelines for Question Time in the National Council

Introduction

The Parliament of Bhutan consists of His Majesty the King, the National Council and the National Assembly. The functions of the National Council are to ensure that the government safeguards the interests of the nation and fulfills the aspirations of the people through public review of policies and issues, Bills and other legislations and scrutiny of state functions. In addition, the National Council is a House of Review on matters affecting the security and sovereignty of the country and interest of the nation and people that needs to be brought to the notice of the Druk Gyalpo, the Prime Minister and the National Assembly. It is mandated to review and comment on policies, plans and programme of the government, review performance of the government, implementation of resolutions and laws and issues of national importance.

In order to enable it discharge its functions, the National Council Act 2008 stipulates different parliamentary devices. One of the important devices is Interpellation which enables a member to question the government during the Question Time. The National Council shall plan the frequency and duration of the Question Time during each of its session. The following is an outline of the objectives of the Question Time, the nature of the questions to be asked, the procedures of asking questions and the framework in which Ministers would attend the Question Time.

Objectives

The Question Time will facilitate the National Council to fulfill its mandate of conducting public review of policies and issues. Since the National Council is a parliamentary institution of check and balance to ensure good governance, the Question Time is an important means of ensuring transparency and accountability, which are essential

elements of good governance. It is also a platform for members of the National Council and Ministers to engage in dialogue. Dialogue helps build confidence and enhance interaction between the government and the National Council. Besides, it provides an opportunity to the Ministers to explain government policies, its position on certain policy decisions and clarify doubts on concerns that the members and people might have on certain issues.

Categories of questions

Questions will be grouped into two categories. The Chairperson will admit the questions and decide on the categories in which they shall be grouped.

Category 1

Questions of national importance will be listed in category 1. It shall require written answers to be given. The answers will be distributed to the members and printed in the proceedings of the House except those answers mentioned under the section, 'Questions on Sensitive Issues' of these guidelines.

Category 2

All other questions will be listed in category 2. These are questions where the answers will be provided orally on the floor of the House during Question Time.

Modality of raising questions

- a) All questions should come as queries of the National Council and not from individual members.
- b) Ministers are collectively responsible and as such questions should be raised with the government and not with individual Ministers. All questions should be directed to the Prime Minister, who will direct individual Ministers to give appropriate replies.
- c) Questions should be submitted at least fifteen days ahead of the expected date of answer to the Secretary General and ten days ahead to the Government.

Type of questions

1. Questions will relate to matters of government policies and with issues arising from or related to specific policy decisions.
2. Members can also raise questions arising from the consequence of implementation or non-implementation of policies, plans and programmes.
3. Questions can also arise on the implementations of laws and resolutions.
4. Specific development matters should not be raised during Question Time. Clarifications may be given directly by Secretaries or other senior officials in writing.

Questions on sensitive issues

If there are questions on sensitive issues, the Chairperson will group them in Category 1 requesting for written answers. These answers however, will not be published in the proceedings. If the Ministers consider certain questions requesting for oral answers to be sensitive, they could indicate it to the Chairperson, who could exclude the press and the public during the Question Time. There should be no live coverage of sensitive issues.

Answering questions and introducing Bills

- i. Ministers will answer questions pertaining to government policies, strategies and issues of national importance.
- ii. Ministers will, as a special gesture, introduce Bills to give background information and intent of Bills.
- iii. Ministers will brief the National Council on policies and important national issues.

Debate in the Question Time

- a. There should be no debate during the Question Time following questions and answers.

- b. The Chairperson shall however, determine whether members may seek clarifications, express views or make recommendations after the answers provided by the Ministers.
- c. Views or recommendations of the National Council shall be taken very seriously and with respect as advice but will not be binding upon the Executive so as to ensure the separation of powers.

Officials to accompany a Minister

A Minister when attending the Question Time of National Council may bring along concerned sector officials for clarification as support. However, they shall not address the house.

Schedule of Question Time

Date of the Question Time

Question Time in the National Council is scheduled on every Wednesday and Friday as in the National Assembly during the session of the Parliament.

Timing of Question Time

The interaction time between National Council and Ministers shall not exceed one hour.

Avoiding coincidence of Question Times

In scheduling the Question Time, the Secretaries General of the respective houses shall ensure that the appearance of a Minister in the Question Time of the National Council shall not coincide with that in the National Assembly.

Appearance in Question Time

Protocol for appearance

- a. Before the commencement of the session or during the session of the National Council, the Chairperson will formally write to the Speaker of the National Assembly

seeking his grant of leave to the Ministers who will appear in the Question Time of the National Council on the scheduled dates and time.

- b. Minister should be received either by the Secretary General or the Deputy Chairperson and promptly escorted to the august hall.

Frequency of appearance

No Minister should attend the Question Time of the National Council more than once during a Parliament Session.

Withdrawal of questions

A member may, through a written notice to the Secretary General, withdraw a question at any time before the Question Time. Such withdrawal should be immediately informed to the concerned Minister.

Conclusion

The guidelines for Question Time constitute a part of the Rules of Procedure of the National Council. These are based on the provisions of 'interpellation' outlined in the National Council Act 2008.

Annexure - V

COMMITTEE RULES OF NATIONAL COUNCIL OF BHUTAN

Preamble

1. Article 10 (11) of the Constitution of the Kingdom of Bhutan provides for the establishment of Committees by both the Houses and determining their rules of procedure to carry out the business of Parliament. Similarly, Chapter 9, Section 145 of the National Council Act and the Rules of Procedure provide for the establishment of Committees to carry out the business of National Council.

Establishment of Committees

2. The National Council may establish such number of Committees as and when it deems necessary to discharge its functions.
3. The Committee shall work under the direction of the Chairperson of the National Council for such matters as the National Council may from time to time refer.

Types of Committees

4. The National Council may establish Standing Committees, *Ad hoc*/Special/ Select Committees and Joint Committees, as it deems necessary.
5. The Committees may further appoint Sub-Committees upon the approval granted by the Chairperson of the Committees.
6. Joint Committees shall be established by Parliament by orders of reference from both Houses.

Committee Services

7. The Committees of the National Council shall be supported by Committee Secretariats.
8. The National Council Secretariat shall dedicate adequate staff for each Committee Secretariat.

9. The National Council Secretariat shall provide adequate resources to enable the Committees discharge their functions.

Membership to Committees

10. A Committee shall comprise of members from the National Council which may vary from time to time.
11. Except for the Chairperson of the National Council, all other members shall be a member of one or more Committees.
12. The members on a Committee shall be appointed by the Chairperson of the National Council with due consideration being given to the suitability of the member to be on the Committee.
13. Membership to *Ad hoc*, Special, Select and Joint Committees shall be determined by the National Council.
14. During a period of prorogation of a session of the National Council or when the term of members of the Committee expires, their membership shall continue until new members are appointed by the Chairperson of the National Council.

Chairperson and Deputy Chairperson

15. The Chairperson and Deputy Chairperson of a Committee shall be elected at the first sitting of the Committee.
16. The Committees' meetings shall be chaired by a Chairperson or by a Deputy Chairperson in the absence of the Chairperson.
17. The Chairperson of a Committee may invite members of other Committees to attend its sittings as special invitees.

Tenure of Committees and Members

18. Standing Committees shall be constituted for a full term of the National Council.
19. A Standing Committee may be dissolved by the National Council.
20. An *Ad hoc*/Select/Special Committee shall be constituted for a particular purpose and shall be dissolved after it completes the assigned task.
21. The tenure of a member in a Standing Committee shall be as determined by the National Council.
22. The tenure of a member in a Joint Committee shall be as determined by the Rules of Procedure of Joint Committees.

Powers of Committees

23. A Committee has the power to:
 - a. Examine and enquire into all matters as the National Council may refer.
 - b. Ask for public officials and other persons to appear before it.
 - c. Ask for papers or records.
 - d. Communicate directly with government agencies, autonomous bodies, non-governmental organizations and any other organizations.
 - e. Print papers, evidences and documents.
 - f. Delegate powers to sub-committees.
 - g. Broadcast its proceedings.
 - h. Hire experts, professional, technical and clerical staff.
 - i. Conduct consultative meetings, seminars and workshops.

- j. Commission research studies.
- k. Conduct field visits and site investigations.

Sessions and proceedings

Sittings

- 24. A Chairperson shall convene a Committee Sitting.
- 25. A Chairperson shall determine the frequency and time of Committee Sitting.
- 26. A Committee shall sit whether the National Council is in session or not.
- 27. The Committee shall consider only those matters for which the Committee Sittings have been convened or those inseparably connected thereto.

Quorum

- 28. The quorum to constitute a sitting of a Committee shall be simple majority of the total number of members of the Committee.

Agenda

- 29. Before each sitting, the agenda shall be drawn up by the Chairperson.
- 30. The Committee Secretary shall distribute the agenda at least one day before the Committee Sitting.

Proceedings of a Committee

- 31. The proceedings of the Committees shall be conducted in Dzongkha.
- 32. The Chairperson may intervene if a member, while addressing the Committee deviates from the subject matter.
- 33. In certain cases the proceedings of the Committee shall be treated confidential. Committee members or affiliated

persons shall not communicate the proceedings decisions and documents to media or any other entities in the interest of the Nation or public order.

34. The proceedings of the Committee shall be open to public. In the event of compelling necessity, the Chairperson may, however, exclude the press and the public from all or any part of the proceedings in the interests of public order, national security or any other situation, where publicity would seriously prejudice public interest.
35. Visitors shall be permitted to witness the Committee proceedings and shall be assigned seating places in the visitors' designated place.

XI. Record of Proceedings

36. When the deliberations have concluded, the Chairperson shall present a summary of the deliberations. When an objection is offered to the summary and the Chairperson considers the objection justified, he/she shall rectify the summary.
37. The Committee Secretary shall draw up minutes of the proceedings based on the rectified summary.
38. The Committee Secretary shall circulate the draft of the minutes to the members within three days.
39. The members shall confirm the minutes within two working days.
40. After confirmation, the Chairperson shall sign to adopt the minutes.
41. In the event the members do not confirm the minutes, it shall be deemed adopted.
42. The Committee Secretary shall circulate the adopted minutes to the members within three days of their adoption.

43. In the event the adopted minutes are found to include decisions other than those taken by the Committee, a member may raise the issue in the next Committee Sitting.

Consensus

44. The decisions of the Committee shall be made by unanimous consent.

Voting

45. In the event there is no consensus, the matters under consideration shall be decided by voting.

46. Only members shall have the right to vote. Invitees shall not have the right to vote.

47. A member is entitled to one vote per proposal and the right to vote shall not be exercised by proxy.

48. The decision of the Committee shall be reached by a simple majority of votes.

49. In the event of a tie, the Chairperson shall cast his/her vote.

Record of Votes

50. The Chairperson shall cause the votes cast of each member to be recorded and disclose such records.

Dissenting Opinion

51. Any member who does not concur with a decision shall have the right to enter his/her dissenting opinion in the minutes. However, no further debate on such an opinion shall be permitted.

Protocol of absence

52. It shall be the responsibility of every member to attend the Committee Sittings.

53. In the event a member is unable to attend Committee Sittings, he/she shall inform the Chairperson.

54. In the event a member willfully remains absent for consecutive Committee Sittings, the Chairperson shall require the member to explain his/her absence.

Scrutiny of Bills

55. The National Council shall refer Bills to relevant Committees.

56. A Committee shall scrutinize the Bill.

57. A Committee may limit the time it will spend on consideration of a Bill.

58. A Committee may require relevant officials and agencies to participate in consultative meetings as and when it deems necessary.

59. A Committee shall make recommendations on a Bill to the National Council.

Public Hearings

60. A Committee shall conduct public hearings while discharging its functions.

61. A Committee shall conduct public hearings as and when it deems necessary.

62. A Committee member shall not participate in public hearings where he/she has a conflict of interest.

63. Except for closed door hearings, a public hearing shall be held subsequent to the issue of a public notification.

64. Public hearings shall be conducted to obtain expert opinions, gather evidences, seek and verify information, review regulations and hold public officials, entities and other persons to account.

65. A Committee shall require public officials, entities and other persons to appear for public hearing.
66. Failure to appear for public hearing shall constitute 'contempt of the National Council.'
67. A Committee may require witnesses to appear for public hearing.
68. The Chairperson or the Deputy Chairperson in absence of the Chairperson shall conduct public hearings.
69. An oath or solemn affirmation or declaration may be administered to a public official, entity or another person and witness at the proceedings of any Committee thereof.
70. Any oath or solemn affirmation or declaration made under these Rules shall be administered by the Chairperson or by such person as may be appointed for that purpose either by the Chairperson or by a standing order of the National Council.
71. Members may question public officials, entities, other persons and witnesses.
72. A verbatim recording of the proceedings shall be kept when public officials, entities, other persons and witnesses are examined by the Committee.
73. The Committee may take written or oral evidence from public officials, entities, other persons and witnesses.
74. A Committee shall submit the findings of public hearings to the National Council.

Code of Conduct

75. The Code of Conduct for members shall be the same as those enshrined in the National Council Act 2008.
76. A member of a Committee having personal or pecuniary interest in any matter that is to be considered by the

Committee shall state his/her interest therein to the Chairperson of the Committee.

77. A member of a Committee shall not divulge, either in the minutes or on the floor of the National Council, any matter circulated to him/her as confidential, without the prior approval of the Chairperson of the National Council. Where such approval has been obtained, any restriction imposed with regard to the manner in which or the extent to which such information may be divulged, shall be strictly observed.

78. A member of a Committee or anyone having access to its proceedings shall not communicate directly or indirectly to the press any information regarding its proceedings including its report.

79. Members of Committees shall observe the following decorum during Committee Sittings:

- a. Committee Sittings within the National Council precinct shall be conducted formally;
- b. A member shall not display any disorderly conduct during Committee Sittings; and
- c. Laptops, mobile phones, newspapers, magazines and books shall be used only with the permission of the Chairperson.

Miscellaneous Provisions

Amendment

80. Amendments to these rules shall be made by the members subject to the approval of the National Council.

Authoritative text

81. Dzongkha text shall be the authoritative text in case of conflicting provisions in Dzongkha and English.

ANNEXURE - VI

Legislative Rules of Procedure 2011

Preamble

Whereas, the Constitution of the Kingdom of Bhutan provides for a Joint Sitting of the two Houses of Parliament to pass Bills on which the two Houses have disagreements;

Whereas, pursuant to the Royal Message granted to Parliament by the Druk Gyalpo Jigme Khesar Namgyel Wangchuck to effectively resolve disputes arising between the two Houses of Parliament;

Recognizing, the need to provide a forum for the creation of as much consensus as possible on a Bill by bringing together different views of the two Houses of Parliament to facilitate the passing of Bills;

Therefore, it is expedient to hereby adopt the Legislative Rules of Procedure 2011 as follows:

Chapter 1 Preliminary

Short Title, Commencement and Extent

1. This Procedure shall:
 - (a) Be called the Legislative Rules of Procedure 2011;
and
 - (b) Come into force on the 25th Day of the 3rd Month of the Iron Female Rabbit Year of the Bhutanese Calendar corresponding to the 27th Day of May, 2011, upon endorsement by two third majority of the Members of Parliament in the Joint Sitting.

Chapter 2

General

Types of Bills

2. Bills shall generally be classified as:
 - i. Government Bills; and
 - ii. Private Members' Bills.
3. Government Bills shall be introduced by a Minister and Private Members' Bills shall be introduced by a member.
4. The mode of passage for both Government Bills and Private Members' Bills shall be the same as provided for in the Constitution and the relevant laws.

Chapter 3

Urgent Bills

Criteria for Urgent Bills

5. A Bill shall be declared as "Urgent" when it is required to prevent or address threats to the security and sovereignty of the country.
6. The term security used herein above shall cover national political security, economic security and social security.
7. An "Urgent Bill" may also be declared when the government is required to respond instantly to the effects and impacts of unforeseen natural or manmade calamities.

Procedure for Declaration

8. An Urgent Bill may be proposed by the Government or either House of Parliament.
9. The Prime Minister, on behalf of the Government, or a Member, on behalf of either House, shall submit the proposal to declare a Bill as Urgent to the Speaker of the National Assembly.

10. The proposal shall provide justifications for declaring a Bill as Urgent, and also clarify the legislative intent, purpose, scope and specific provisions of the concerned Bill.
11. The Speaker of the National Assembly shall consult the Chairperson of the National Council on the proposal. The Speaker and the Chairperson shall consult the Legislative Committees or other relevant Committees of the respective Houses to determine the urgency of the proposed legislation.
12. Upon fulfillment of the above conditions, the Speaker of the National Assembly shall declare the Bill as “Urgent”.

Chapter 4

Passing of Bills

Ordinary Bills

- 13.A Bill introduced in either House of Parliament shall be subjected to the stages and procedures as elaborated in the Acts and the Rules of Procedure of the respective Houses and the Legislative Rules of Procedure 2011.

Urgent Bills

- 14.While an ordinary Bill passed by one House may be passed by the other House during the next session of Parliament, Urgent Bills shall be passed in the same session.
- 15.Other Bills shall be put aside to give priority for deliberations on an Urgent Bill.
- 16.The Speaker of the National Assembly and the Chairperson of the National Council may reduce the stages and procedures for deliberation of an Urgent Bill within their respective Houses though the overall procedure for adoption by the two Houses and the Joint Sitting, if required, shall be the same as for ordinary Bills.

Withdrawal of Bills

17. A Bill being discussed in a House may be withdrawn at any stage if leave is granted by the House upon the member in charge moving a motion to withdraw the Bill.
18. A Bill passed by one House may be withdrawn by the other House on the grounds of, but not limited to, the legislative proposal covered in the Bill being dropped or a more comprehensive Bill on the same subject being proposed at a later date.
19. Where a Bill has been passed by the National Assembly and is pending before the National Council, the National Council may recommend to the National Assembly that leave be granted to withdraw the Bill.
20. After the motion is adopted by the National Council, a message to that effect shall be sent to the National Assembly where the member in-charge moves for leave to withdraw the Bill.
21. If leave is granted by the National Assembly to withdraw the Bill, the message of concurrence shall be transmitted to the National Council upon which the Bill shall be treated as withdrawn.
22. The same procedure shall be followed where the National Assembly wishes to withdraw a Bill passed by the National Council.
23. If leave is not granted by the other House for withdrawal of the Bill, the Bill shall then follow the procedures outlined for Disputed Bills.

Chapter 5

Procedure for Disputed Bills

Consensus

24. Parliament shall be guided in its legislative function by the principle of consensus and shall endeavour to adopt laws through the process of reconciliation.
25. To this end, Parliament shall seek to create spaces that will facilitate consensus building process in the form of Joint Committee(s).
26. The Joint Committee(s) shall review disputed portions of a Bill and propose amendments and formulate text that will be acceptable to all parties and groups involved.
27. Parliament shall respect the recommendations proposed by the Joint Committee(s) to the extent that members shall not seek to make further amendments during the joint sitting as this may enhance the possibility of the Bill getting rejected. However, the Members of Parliament shall be permitted to express their approval or disapproval of the Committee's recommendations through voting on the Bill.

Establishment of Joint Committee(s)

28. Pursuant to the Constitution, a Joint Committee(s) of Parliament shall be established from time to time in order to review and resolve disputes between the two Houses on any Bill.
29. Prior to the Joint Sitting of Parliament, the House in which the Bill originated may propose the establishment of a Joint Committee to resolve the differences.
30. The request for the Joint Committee(s) shall be transmitted to the other House by message which shall contain an outline of the purpose of the Committee and propose the number and names of members to represent the House.

31. The House receiving the message shall in turn propose a proportional number of members to the Joint Committee(s) and appoint the time and place for holding the Committee meetings.
32. Once the originating House has been informed of the agreement of the other House, the Committee shall be established by orders of reference from both Houses.
33. Bills shall be referred to the Joint Committee(s) which shall be authorized by the Speaker of the National Assembly in consultation with the Chairperson of the National Council.

Membership of Joint Committee(s)

34. The Joint Committee(s) shall comprise of five members from the National Council and seven members from the National Assembly.
35. Upon the motion for reference of a Bill to a Joint Committee, both the Houses of Parliament shall nominate/elect and appoint members to the Joint Committee(s).
36. The Minister in -charge of the Government Bill or Member - in- charge of the Private Bill may be included as a member of the Joint Committee(s) as his/her presence shall be necessary for explanation and clarification.
37. A Chairperson and a Vice-Chairperson for the Joint Committee(s) shall be elected at the first sitting of the Committee and, as necessary, during the course of the session.
38. The Chairperson of the Committee may invite member(s) who are non-members of the Joint Committee(s) to attend its sittings as a special invitee.
39. The Joint Committee(s) shall be assisted by staff from the respective Secretariats.

Functions of Joint Committee(s)

40. The Joint Committee(s) shall review the texts of the Bill which shall be confined to the clauses on which the two Houses of Parliament do-not agree.
41. The Joint committee(s) studying a Bill may report it with or without amendments.
42. The Joint Committee(s) shall not suggest an amendment to any words of the Bill to which both Houses have already agreed, unless the words are directly affected by the disagreement.

Sitting/venue/quorum

43. In general, the Joint Committee(s) shall hold its sittings prior to the Joint Sitting.
44. The Joint Committee(s) shall be empowered to sit at the conclusion of one session and/or before the commencement of the next session.
45. A sitting of a Joint Committee or a sub-Committee(s), whether formal or informal, shall invariably be held within the House(s).
46. Meetings of the Joint Committee(s) shall be *in camera* and shall not be made open to public.
47. Whenever necessary, the Joint Committee(s) may travel for collecting evidence, consultation or site visits related to subject matters on the authorization of the two Houses.
48. The quorum to constitute a sitting of a Joint Committee shall be three fourth of the total number of members of the Joint Committee(s).

Proceedings of Joint Committee(s)

49. Only one Bill shall be referred to one Joint Committee.

50. In case Joint Committee(s) are established to resolve differences between the two Houses over any Bill, a recess may be declared during which period the Joint Committee(s) shall review the disputed clauses and prepare their report.
51. The proceedings of Joint Committee(s) shall be conducted in the same manner as in the Houses of Parliament but in a more intimate and informal atmosphere.
52. During the course of the proceedings of Joint Committee, the members shall report back to their respective Houses on the status of disputed provisions of the bill for their comments.
53. The proceedings and decisions of the Joint Committee(s) shall be treated as confidential. Committee members or affiliated persons shall not communicate the proceedings, decisions and documents to the media or any other entities.
54. The Joint Committee(s) may summon any person or relevant agency including a Member –in-charge of the Bill to provide clarification in connection with matters under discussion.
55. While considering the disagreements on a Bill, a member shall be guided by the best interest of the nation and the people and to this end, shall seek to arrive at a consensus.
56. A Minister who desires to address the committee, may be permitted to do so.
57. The Staff of the Secretariat assisting the Joint Committee(s) shall draw up the records of the proceedings of the each sitting of the Committee(s).

Report to Parliament

- 58.A Joint Committee shall make recommendations to Parliament related to a Bill that has been referred to it by way of a separate report.
59. Once the Joint Committee(s) has arrived at consensus, it shall produce and submit a report to the Speaker and Chairperson of National Assembly and National Council respectively.
60. At the Joint Sitting, the Chairperson of the Joint Committee shall present its report.
61. If the motion moved by a member to amend the Joint Committee's recommendation is supported by a simple majority of the members present and voting, the House shall refer the proposal to the Joint Committee for its review and recommendation.
62. The final report shall not be open for further amendment at the Joint Sitting and after the report has been submitted by the Chairperson/Member, the Bill shall be put to vote by the Speaker. It shall be passed if endorsed by not less than two-thirds of the total number of Members of both the Houses present and voting.
63. Where the Bill fails to obtain the endorsement of not less than two-thirds of the total number of members of both the Houses present and voting, it shall be declared a Dead Bill and no Bill of the same substance may be introduced in Parliament in that year.

Tenure and Dissolution of Joint Committee(s)

64. Once the Bill has been either passed or rejected by the Joint Sitting of Parliament, the Joint Committee shall stand dissolved.
65. Where the Joint Committee(s) has not completed its work by the end of the session, it ceases on prorogation, but it may be revived in a subsequent session by Parliament.

Chapter 6

Voting in Joint Sitting

General Principles

66. No item placed on the final agenda for vote shall be passed without voting.
67. Unless a matter is in contravention to the provisions of the Constitution of the Kingdom of Bhutan, a resolution of Parliament or any laws in force, the Speaker shall not refuse to take up such matter for voting. Where the Speaker refuses to take up any matter for voting, he/she shall state the grounds for refusal.
68. No vote shall be held on separate sections or articles of a Bill which has been resolved by the Joint Committee(s).
69. The required two-thirds shall be calculated on the total number of 'Yes' and 'No' votes cast. Members who vote "Abstain" are treated as present in the House but not voting.
70. In case the number works out to a decimal figure, the next whole number shall be taken as the number of votes required.
71. Members who cast 'abstain' votes shall be considered as present to constitute the quorum for voting.

Voting Procedure

72. Once the Speaker has ordered that the Members be called in for a recorded vote, the voting machine will be prepared and the Members shall vote.
73. A bell shall be rung to call in the members for voting.
74. After the vote has been cast and counted, the result of the vote shall be shown on the screen at the order of the Speaker. The Speaker shall then declare the motion carried or defeated.

Deciding vote of the Speaker

75. Where the results of a vote are short of attaining the two-thirds majority, the Speaker may cast the deciding vote.
76. However, in the case where the Speaker casts the deciding vote, the required two-thirds majority shall be recalculated and Sections 69 and 70 of this rule shall apply.

Record of Votes

77. The Speaker shall cause the votes cast of each member to be recorded and disclose such records, except in the case of voting through secret ballot.
78. The names of the members voting for and against a Bill shall be entered in the published proceedings of the Joint sitting of Parliament.

Chapter 7 Miscellaneous Provisions

Amendment

79. Amendments to the Legislative Rules of Procedure shall be made upon the approval by the presiding officers of the two Houses of Parliament after due consultation with their respective Houses.

Authoritative text

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

Annexure - VII

Oath or Affirmation of Office

“I,, do solemnly swear/affirm that I shall uphold the sovereignty and integrity of Bhutan faithfully, conscientiously discharge my duties in the service of the **Tsa-Wa-Sum** and perform the duties of my office without fear or favour to the best of my ability, and that I shall bear true faith and allegiance to the Constitution of Bhutan.”

(Name & Signature)

Annexure - VIII

Oath or Affirmation of Secrecy

“I, , do solemnly swear/affirm that I shall not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Chairperson/Deputy Chairperson of National Council of Bhutan except as may be required for the due discharge of my duties as”

(Name & Signature)

Annexure - IX

Order of Precedence for Chipdrel

The *chibdrel* (ceremonial procession) of the Druk Gyalpo on the opening session of the Parliament shall be conducted in the following order of precedence:

- i) One Banga;
- ii) One Ting Ting;
- iii) Two Jalings;
- iv) One Chhogdar (directional flag);
- v) One Tsendar (flag associated with a deity);
- vi) One Rudar (coy flag);
- vii) Dar Na'nga (five kinds of scarves);
- viii) One Gyaldar (victory banner)
- ix) Two Dza Nga (ritual drums);
- x) Two Chabshubs (cloth containers used by monks);
- xi) Five Phozhey;
- xii) Five Mozhey;
- xiii) Seven Dranyen Choezhey;
- xiv) Rabjam;
- xv) Drangpon;
- xvi) Dzongdag;
- xvii) Secretary General of National Council;
- xviii) Secretary General of National Assembly;
- xix) Ministers;
- xx) Opposition Leader;
- xxi) Chairperson of National Council;
- xxii) Prime Minister;
- xxiii) Speaker of National Assembly;
- xxiv) One Gelong as Poephor (Incense carrier);
- xxv) Two Gelongs as Jalings (Clarinet players);
- xxvi) One Thrikheb carrier (Throne cover);
- xxvii) One Chagsil Jandop carrier;
- xxviii) One Doma Bathra carrier;
- xxix) One Kudrung;
- xxx) Gyalpoi Zimpon;
- xxxi) Druk Gyalpo; and
- xxxii) Commanders and other attendants.

Annexure -X

How to be a successful Member

As important as the technical detail included is for Members, the information means little if Members are not effective in their dealings with constituents, staff, other Members, the media, and their families.

In 2003, Deputy Clerk Patrick Gichohi of the Kenya Parliament drafted a guide designed to help Members of Parliament in these very practical areas. Mr. Gichohi presented a summary of the booklet in the two pilot SADC PF seminars in 2003. His sessions proved to be very popular, and much of what follows is excerpted from his booklet²⁴.

Honour the Parliament as an institution

Great institutions grow out of men and women of great character. To work well, government requires a bond of trust between citizens and their representatives. It behooves every member of the house to grow and develop this trust. Developing trust calls for understanding, patience and a realization of a common purpose and destiny. Every member should try to appeal to the best instincts in colleagues, talk about what they stand for and what they intend to do during their term, and work as hard as possible to achieve their goals.

Know the standing orders

Being an effective legislator depends on knowing the standing orders. In a game of netball or football, a brilliant player who does not know and respect the rules of the game will lose. The same applies to parliament. You need to know the rules of the game.

²⁴ MP's Orientation Handbook, SADC Parliamentary Forum, Professional Performance and Development for Parliamentarians 2004

First-time Members are well advised to carry the standing orders book with him or her at all times. In the case of Bhutan, it is very important to be familiar with the Rules of Procedures of the house. Knowledge of the rules of the house will make a difference in legislative careers, whether it is just beginning or is several years old. Get acquainted with experienced parliamentarians and seek their advice, routinely.

Adhere to the code of ethics

When one becomes a member of the house one receives the title, “Honourable.” and becomes responsible for conducting oneself in a manner that befits the title. Every Member shares responsibility for the way parliament and its Members are viewed. The public demands a higher standard of conduct of those individuals upon whom they confer such an honour.

Understanding legislative etiquette and ethical responsibilities is vital, not only to the institution and the constituents, but also to every Member’s career. *“If it won’t appear good tomorrow, don’t do it today.”* That’s the advice a veteran American legislator gave in judging those instances that are perfectly legal, but could raise questions about a member’s behavior and character. Make sure one understands and adheres to the code of ethics and good conduct. Politicians are rarely prepared for close scrutiny of their behavior. Ask yourself, “Would I be embarrassed to see my actions reported in the newspaper?” When in doubt, seek expert advice on the code of ethics/conduct and then make your judgment.

It is sometimes hard to be sure how to act but there are two important pointers: Avoid anything that could be interpreted as a conflict of interest. Even the appearance of impropriety would be disastrous for one’s career as a parliamentarian. Secondly, adhering to rules and agreed upon practices and norms is cardinal to every parliamentarian for effective

leadership/debate. Always keep in mind that your “enemies” are watching and waiting to strike.

Get legislative help: A Member cannot be an expert in everything. Pursue committee assignments in one’s areas of interest and be ready to help negotiate an issue even if you are not the major sponsor. As you become expert on specific issues, you will be the member colleagues turn to for help and information. This will assist you in developing your negotiating skills and in building your reputation among your colleagues and the larger citizenry among your colleagues and the larger citizenry as a serious lawmaker.

Parliament has facilities to assist in building a legislative career. Seek advice, knowledge and experience freely. Members are important resource people. The legislature also has staff in which members can trust. Every member should consider the benefits of specialized staff. Be sure to take advantage of their assistance for research and briefings before every committee meeting. You should also take time to review the bills or motions on the agenda with legislative staff. You will be more effective and your point of view will influence the decision of the committee and parliament at large.

Engaging the media

The media are the link between the public and their representatives in government, and are thus an integral part of any democracy. Reporters have a responsibility to keep the public informed and should take that charge seriously. Members of Parliament have a duty to contact reporters regularly to inform them of their position on issues and what they are doing.

Maintaining a good working relationship with the media is as important as maintaining any other complementary partnership. There are instances when the media do a good job and deserve acknowledgement and praise, and there are

times they might cross the line and deserve constructive criticism. The legislature needs to develop a rapport with the media, just as one must develop an open channel of communication in a partnership with a spouse, siblings, business or professional colleagues. The media serve as the barometer of public opinion, so you need to keep a keen eye on the issues they raise.

Watch out for overexposure by the media. Media hype has been known to build one up and also to bring one's career crashing down. A reasoned response to media reports is essential in building and sustaining a legislative career. Consider when and how to react to media reports. This discretion will earn you respect and confidence.

Manage your time

There are few careers as time demanding as that of an honorable member. A legislator is on call 24 hours a day. Time is a scarce resource that must be well managed. Organize, prioritize and commit yourself to those things you consider important and you will always be one step ahead in legislative work. An effective legislator is always punctual, gets to the floor on time, keeps appointments, and gets to committee meetings on time. The manner in which you manage your time reflects on you as an individual. The parliamentary calendar is very strict; if you miss a date to introduce a bill or motion, it could be a whole year before you get another chance to do so.

Every legislator also has a personal private life that demands time. Just as it is crucial to attend to your duties as a legislator, it is equally important to attend to your non-legislative responsibilities. You cannot afford to ignore these duties and break links with family and other colleagues; at the end of your term, when you revert to private life, you will need these links.

Know when to take the microphone

A great part of a legislator's job involves making speeches. Prepare before you speak. Some great speakers have stated that it takes ten times as much time to prepare a speech as to deliver it. A person's character is revealed by their speech. A powerful speech is not measured by its length; be brief and to the point and don't try to speak on everything. Always do your assessment before speaking on the floor. Speaking on every bill or going to the microphone too often will diminish your effectiveness.

Civility in speech is not only decorous and befitting an honourable member; it indicates that the speaker is prepared. A well-balanced speech is more likely to be listened to by all sides than an inflammatory one full of innuendos or insults.

Be part of the solution

There is a common saying, "If you are not part of the solution, you are part of the problem." Controversial, even inflammatory issues will often be brought up in parliament, and some will occur in your constituency. Do not assume that all people will be affected by or benefit from laws, policies and programmes in a uniform manner. As an elected leader, many people will be watching how you react to such situations and many will take their cue to speak or act from you. You must always consider the consequences of whatever course of action you choose.

Jumping on an issue to enhance your visibility is politics at its worst. Use your skills and your office as a parliamentarian to help find solutions. Whether it is a new bill in parliament or a community project, work with local agencies and government to find the best solutions. Ask questions, do research and show that you can be a positive influence both on your fellow parliamentarians and on the community at large.

Being a solution seeker sometimes means working with people with whom you might not agree politically. Seeking solutions entails building consensus and being willing to compromise. It helps to approach issues with an open mind rather than with a set position; adopting a new position as a result of new insights is a mark of strength and not weakness. Leadership demands a levelheaded, non-emotional approach to issues, and accepting that you may be wrong. The politician driven by a desire to use his or her position and influence to solve the problems faced by the country and mankind in general becomes a statesman or stateswoman.

Don't burn bridges

There are neither permanent enemies nor permanent friends in politics. At times you will be upset with or even loathe certain colleagues, but remember that today's adversary may be tomorrow's ally. As long as members separate the individual from the issue, it will be possible to debate and discuss rationally and decently. You should develop a reputation for being forthright and honest, and expect to be treated as you treat those with whom you disagree. No matter where you are in your parliamentary career, you will need good relations with your colleagues.

Vote your conscience

Be careful about measures you choose to support. History is replete with examples of members who sign on to bills and motions only to renounce them when they come up for debate on the floor. Scrutinize bills and motions beforehand to avoid the embarrassment of having to vote against a bill or motion you have signed on to.

There are instances when, after you have promised to vote a certain way, you get fresh insight or information that leads you to change your mind. When this occurs, make your new position known to all. Credibility is the golden coin of any parliamentarian.

Stay in touch with constituents

It is easy as a member of the House to be consumed by the grandeur of the position and forget that all Members are responsible to citizens. Constituents will not always agree with their leader, but they will respect such a leader for thinking through the issues and consulting them before arriving at a decision. Remember to return phone calls, answer letters, have meetings and do whatever it takes to ensure that the constituents know what you are doing. It is difficult to build a strong bond with your constituents simply through press releases. However, if you are a skilled writer, consider writing a weekly column for your constituents and the general public.

Annexure - XI

Glossary of Parliamentary Terms

The terminology and abbreviations used during parliamentary work is often a cause of confusion to members. Learning all relevant words and what they mean during experience alone not only takes time, but is also not an effective way of approaching work in the office. To help members, we have prepared a list below that contains and explains many of the words and terms used both internationally as well as in the Bhutanese Parliament.

There is always a disposition on the part of the members to use in their speeches parliamentary words and phrases. But such words and phrases are scattered over in various books on Parliamentary Procedure and are not to be found in one single book and at one place. The following is a non-exhaustive list of such expressions. We have focused on including those we have found most important and commonly used, and a note has been added to each expression explaining as briefly as possible its meaning and implication:

1. **Act** - A Bill passed by both the Houses of Parliament and Assented to by the Druk Gyalpo.
2. **Adjournment of the debate** - Adjournment on a motion adopted by the House, of the debate on a Motion/Resolution/Bill on which the House is then engaged to a future day or sine die as specified in the motion.
3. **Adjournment of the House** - An adjournment terminates the sitting of the House which meets again at the time appointed for the next sitting. An adjournment also signifies brief break of the sitting of the House which re-assembles at the appointed time on the same day.

4. **Adjournment sine die** - Termination of a sitting of the House without any definite date being fixed for the next sitting.
5. **Agenda paper** - This is equivalent to the List of Business issued and contains items of business to be taken up by the House in the order in which they stand in it.
6. **Appropriation Bill** - A Bill passed annually (or at various times of the year) providing for the withdrawal or appropriation from and out of the Consolidated Fund of Bhutan of moneys by National Assembly and moneys charged on the Consolidated Fund for the services of a financial year or a part thereof.
7. **Ballot** - A method applied to determine the relative precedence of Private Members' Bills and Resolutions, Questions, Adjournment Motions, Calling Attention, or any other notice given by more than one Member simultaneously on the same subject for being taken up at the same sitting.
8. **Bill** - The draft of a legislative proposal which, when passed by both the Houses of Parliament and assented to by the Druk Gyalpo, becomes an Act.
9. **Budget** - Annual financial statement of the estimated receipts and expenditure of the Government of Bhutan in respect of a financial year. The Budget is presented in the National Assembly for discussion and after being passed by the National Assembly, it shall be presented to the National Council by the Finance Minister.
10. **Bulletin** - Bulletin means the Bulletin of the House containing a brief record of the proceedings of the House at each of its sittings and information on any matter relating to or connected with the Business of the House or Committees or other matter which in the opinion of the Chairperson may be included therein.

11. **Calendar of Sittings** - A provisional Calendar of Sittings circulated to Members along with the summons for a session showing the days on which the National Council is to sit and the nature of business to be transacted by it.
12. **Casting Vote** - The vote cast by the Chairperson, or person acting as such in the House and by the Chairperson or person acting as such in a Committee in the case of an equality of votes on a matter. The Chairperson in giving his/her casting vote may state his/her reasons for taking the side in whose favour he/she votes but he/she is not bound to give such reasons. He/she almost always votes in such a way as to maintain the status quo or to postpone the settlement of the question.
13. **Category I Question** - A question placed on the List of Questions for written answer. The written answer to such a question is deemed to have been laid on the Table at the end of the Question Time.
14. **Category II Question** - A question to which a member wishes to have an oral answer on the floor of the House and which is distinguished by an asterisk.
15. **Contingent Notice** - Notice of a motion or resolution or Bill which if admitted, may be included in the List of Business with a suitable footnote that it would be taken up only after the conclusion of the business on which that notice is contingent.
16. **Crossing the floor** - Passing between the member in possession of the House and the Chair. To cross the floor, is a breach of Parliamentary etiquette.
17. **Division** - The mode of arriving at a decision on a proposed measure or question by recording votes for or against it.
18. **Expunction** - Deletion of words, phrases or expressions from the proceedings or records of the House by an order

of the Chairperson or from the proceedings or records of a Committee by an order of the Chairperson of the Committee or the Chairperson as being defamatory or indecent or un-parliamentary or undignified.

19. **Gazette** - The Gazette of Bhutan
20. **Hansard** - The traditional name for the printed transcripts of parliamentary debates in the Westminster system of government.
21. **Maiden Speech** - This is the first speech of a member elected for the first time in a new House. Such a member is, as a matter of courtesy, called upon by the Chairperson to make his maiden speech in preference to others rising to speak at the same time. This privilege is, however, not extended by the Chair unless claimed within the term of the House to which the member was first returned.
22. **Member** - Means a member of the National Council.
23. **Member-in-charge of a Bill** - The member who has introduced the Bill and any Minister in the case of a Government Bill.
24. **Message** - A communication from the Druk Gyalpo to the National Council.
25. **Motion** - It is a formal proposal made to the House by a member that the House do something, order something to be done or express an opinion with regard to some matter, and is so phrased that, if adopted with purport to express the judgment or will of the House.
26. **Motion of Thanks** - A formal motion moved in the House expressing its gratitude for the Address delivered by the Druk Gyalpo.
27. **Naming a Member** - The drawing of attention of the House by the Chairperson to the conduct of a member

who disregards the authority of the Chair or abuses the rules of the House by persistently and willfully obstructing the business thereof, with a view to action being taken to suspend him from the service of the House for a period not exceeding the remainder of the session.

28. **Oath or Affirmation of Office** - An Oath of office is a verbal promise to tell the truth whereas an Affirmation of office is a solemn and formal declaration in place of an oath, which is made by every member before assuming responsibilities or office. The oath or affirmation of office is provided for in the 3rd Schedule of the Constitution.
29. **Oath or Affirmation of Secrecy** - An Oath or Affirmation of Secrecy is a verbal promise or a solemn and formal declaration, which is made by the Chairperson and Deputy Chairperson before assuming responsibilities or office not to divulge official secrets. The Oath or Affirmation of Secrecy is provided for in the 4th Schedule of the Constitution.
30. **Ordinance** - A law made by the Druk Gyalpo.
31. **Papers laid on the Table** - Means the papers or documents laid on the Table of the House for the purpose of bringing them on the record of the House by a Minister or by a private member or by the Secretary with the permission of the Chairperson.
32. **Point of order** - A point relating to the interpretation or enforcement of the Rules of Procedure as regulate the business of the House, raised in the House for the decision of the Chair.
33. **Private Member** - Means a member other than a Minister.
34. **Prorogation** - The termination of a session of the House.

35. **Putting the Question** - When debate on a question is closed, the Chairperson, rising from the Chair, states or reads the question to the House.
36. **Question Time** - A sitting of the House normally allotted for asking and answering of questions.
37. **Question of Privilege** - A question involving a breach of privilege either of a member or of the House or of a Committee thereof or contempt of the House.
38. **Quorum** - The minimum number of members required to be present at a sitting of the House or the Committee for valid transaction of its business. The quorum to constitute a sitting of the House is one-tenth of the total number of members of the House and in respect of a Committee it is one-third of the total number of members of the Committee.
39. **Resolution** - A self-contained independent proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House. A resolution may be in the form of a declaration of opinion; or a recommendation; or may be in a form so as to record either approval or disapproval by the House of an act or policy of Government; or convey a message; or commend urge or request an action; or call attention to a matter or situation for consideration by Government; or in such other form as the Chairperson may consider appropriate.
40. **Roll of Members** - A register in which newly elected members sign, after making and subscribing the oath or affirmation and before taking their seats for the first time in the House.
41. **Session** - A session of National Council comprises the period commencing from the date and time summoning the National Council, and ending with the day on which the National Council prorogues.

42. **Sitting of the House** - A sitting of the House is duly constituted when it is presided over by the Chairperson or Deputy Chairperson or any other member competent to preside over a sitting of the House under the Rules of Procedure and Conduct of Business in the National Council.
43. **Short Notice Question** - A question relating to a matter of public importance of an urgent character asked with notice shorter than ten clear days.
44. **Statutory Resolution** - A resolution in pursuance of a provision in the Constitution or an Act of Parliament.
45. **Subordinate Legislation** - Rules, regulations or orders having the force of law, framed by the executive or other subordinate authority in pursuance of the power conferred on it by the Constitution or delegated to it by an Act of Parliament.
46. **Summons** - An official communication issued by the Chairperson of National Council to the members informing them of the place, date and time of commencement of a session of National Council.
47. **Withdrawal of member from the House** - The Chairperson in exercise of his disciplinary powers may direct any member guilty of disorderly conduct to withdraw from the House.

Bibliography

1. MPs Orientation Handbook, SADC Parliamentary Forum, Professional Performance and Development for Parliamentarians, 2004
2. John K. Johnson & Robert T. Nakamura: The World Bank Institute Orientation Handbook for Members of Parliaments, 2006
3. The Constitution of the Kingdom of Bhutan, 2008
4. National Council Act of Bhutan, 2008
5. National Assembly Act of Bhutan, 2008
6. Election Act of Bhutan, 2008
7. Parliamentary Entitlement Act of Bhutan, 2008
8. Rules of Procedure of the National Council, 2009
9. Guidelines on the Question Time of the National Council of Bhutan, 2009
10. Pay Revision for MPs, Ministry of Finance, Thimphu, February 2009
11. Parliamentary Entitlement Rules & Regulations, 2009
12. Handbook for Members of Rajya Sabha, Rajya Sabha Secretariat, New Delhi, January 2010
13. Pay Revision Notification, Ministry of Finance, Thimphu, January 2011
14. Organizational Development Plan, National Council Secretariat, Thimphu, 2011
15. Legislative Rules of Procedure, Parliament of Bhutan, 2011
16. Revised Rules of Procedure of the National Council, 2011
17. Committee Rules of the National Council of Bhutan, 2011
18. 43rd Parliamentary Handbook of the Commonwealth of Australia, 2011 (32nd Edition)
19. Common Parliamentary Vocabulary, National Council Secretariat, Thimphu, 2011
20. Articles on the Making of the Constitution of Bhutan by His Excellency Lyonpo Sonam Tobgye, Chief Justice of Bhutan, Supreme Court of Bhutan, 2012
21. Parliament's Role in the Budget Process, Parliamentary Centre, Canada (*n.d.*)

བགྲིས་སྒྲོན་ལམ།

བདེ་གཤེགས་སྒྲོན་པའི་བསྟན་པ་མཚོག་གི་མཚོ། །སྒྲོན་པའི་འབྲུག་སྐྱེས་སྒྲོན་པའི་སྤྱིན་ཐེང་གིས།།
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 བསྟན་འཛིན་པད་མོའི་གཙོ་བོ་ཅི་ཡང་གིས། །ཡངས་པའི་རྒྱལ་ཁམས་ཐམས་ཅད་གང་གྲུར་ཅིག།
 རྟེན་དང་བཀྲུང་སྟེའི་ཚུ་གྲུང་རྣམས་འབབ་ཅིང་། །པན་དང་བདེ་བའི་རིན་ཆེན་སྐྱེ་བའི་གནས།།
 ཚོས་འཁོར་གསར་པ་གསར་པའི་དཔལ་རྒྱ་མཚོས། །ཡངས་པའི་རྒྱལ་ཁམས་ཐམས་ཅད་གང་གྲུར་ཅིག།
 འགོ་ལ་པན་བདེ་འབྱུང་བའི་གཞི་གཅིག་ལྷ། །དཔལ་ལྷན་འབྲུག་པའི་བསྟན་པ་རིན་པོ་ཆེ།།
 མྱོགས་དུས་ཀྱན་ཏུ་དར་ཞིང་རྒྱས་པ་དང་། །འགོ་ཀྱན་ཐབས་མཁས་དེ་ཡིས་མྱོལ་གྲུར་ཅིག།
 ལུལ་ལྡོངས་སྤྱི་དང་བྱེ་བྲག་འབྲུག་ལུལ་འདིར། །མི་མཐུན་ཉེར་འཚའི་མིང་ཡང་མི་གསལ་ཤིང་།།
 དཔལ་ལྷན་སྤྱི་མའི་སྐྱེ་ཆེ་བརྟན་པ་དང་། །དགེ་འདུན་སྤྱི་རྣམས་དར་ཞིང་རྒྱས་པར་ཤོག།
 ས་སྤྱི་མི་དབང་ཆབ་སྲིད་བརྟན་པ་དང་། །འབངས་རྣམས་དགེ་བཅུའི་དཔལ་ལ་འོངས་སྤྱོད་ཅིང་།།
 ལུགས་གཉེས་བསྟན་སྲིད་འཕྲིན་ལས་དར་ཞིང་རྒྱས། །ལྡོངས་འདི་འཇོམ་གྱིང་རྒྱུ་དུ་མཛེས་པར་ཤོག།
 འདི་ཡི་དགེ་བས་བསྟན་པ་རྒྱས་པའི་གོགས། །བདུད་རིགས་རྣམས་དང་དེ་ཡིས་ཡིད་བསྐྱོད་པས།།
 འོག་པ་བསྐྱབ་པ་མཐའ་དག་ཚར་བཅད་ནས། །བསྟན་པའི་རྒྱལ་མཚན་མྱོགས་བཅུར་སྐྱེང་བར་ཤོག།
 གནས་འདིར་དཔལ་འབྱོར་བྱིན་རྒྱབས་མི་ཉམས་ཤིང་། །བསམ་སྦྱོར་ངན་པའི་གདུག་རྩུབ་ཞི་བ་དང་།།
 བསྐྱབ་གསུམ་རྣམ་དག་བསྟན་པ་གཅེས་འཛིན་པའི། །དགེ་འདུན་ཚོགས་གྲིས་གང་བའི་བཀྲ་ཤིས་ཤོག།
 གནས་འདིར་ཉེན་མོ་བདེ་ལེགས་མཚན་བདེ་ལེགས། །ཉི་མའི་གྲང་ཡང་བདེ་ལེགས་ཤིང་།།
 ཉེན་མཚན་རྟག་ཏུ་བདེ་ལེགས་པའི། །དཀོན་མཚོག་གསུམ་གྱི་བཀྲ་ཤིས་ཤོག།
 སྒྲོན་པ་འཛིག་རྟེན་ཁམས་སུ་བྱོན་པ་དང་། །བསྟན་པ་ཉི་འོད་བཞིན་དུ་གསལ་བ་དང་།།
 བསྟན་འཛིན་དཔོན་སྟོབ་བཞིན་དུ་མཐུན་པ་ཡིས། །བསྟན་པ་ལུན་རིང་གནས་པའི་བཀྲ་ཤིས་ཤོག།