

# **PARLIAMENT OF BHUTAN**



## **TWENTY-EIGHTH SESSION OF THE NATIONAL COUNCIL**

### **PROCEEDINGS AND RESOLUTIONS**

(22<sup>nd</sup> Day of the 10<sup>th</sup> Month to 20<sup>th</sup> Day of the 11<sup>th</sup> Month of  
Female Iron Ox Year corresponding to 26 November to 24  
December 2021)

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# PROCEEDINGS AND RESOLUTIONS OF THE TWENTY-EIGHTH SESSION OF THE NATIONAL COUNCIL

## A. OPENING CEREMONY

*Sitting 1 | Friday, November 26, 2021*

The 28<sup>th</sup> Session of the National Council commenced with traditional *marching* and *zhugdrel phuensum tshogpai* ceremony on November 26, 2021 coinciding with the auspicious day of 22<sup>nd</sup> Day of the 10<sup>th</sup> Month of Female Iron Ox Year of the Bhutanese Calendar.

### 1. Opening Address of the Hon'ble Chairperson

Today, on this auspicious day of the 22<sup>nd</sup> Day of the 10<sup>th</sup> Month of Female Iron Ox Year corresponding to November 26, 2021, the National Council conducts its 28<sup>th</sup> Session. For today's proceeding I warmly welcome Dy. Chairperson along with all Members, Secretariat's Secretary General, Director, officials and all reporters from media houses and I offer my gratitude to all who are watching the first sitting via BBS and other social media platforms.

The 28<sup>th</sup> session of National Council is able to start timely as per the set objective due to blessings from Triple Gem, guardian deities and furthermore due to the grace from His Majesty, a Dharma King.

In most parts of the world, COVID-19 pandemic is causing continuing threats to people's lives. However, for the past one month there was no positive case from the infection as His Majesty The King has cared for all Bhutanese like a parent, children and siblings with compassionate guidance and caring words of advice. From the initial day of the outbreak of the disease, about three years ago in 2019, He had tirelessly protected the lives of all Bhutanese by visiting every nook and

corner of high risk borders to provide strategic methods to contain the pandemic.

Everyone knew and witnessed that His Majesty instituted *De-suung* programme which was borne from His far-sighted vision and, *de-suups* had been coming forward in times of chronic crisis in the country, for instance, officials from Ministry of Health and other institutions had served in service of public benefit during the covid-19 pandemic. Similarly, in accordance with His Majesty's command, National Water Project has advantaged the needy communities immeasurably and *De-suung* Skilling Programme has been initiated to skill and train interested *de-suups* in various categories within a short period of time.

Moreover, I am proud and grateful to the Members of the National Council and Secretariat staff who have voluntarily served in borders to uphold security and, I render my gratitude to the civil servants in the country who have come forward to help construct quarantine facilities.

In changing times, it is important to respond to issues pertinent to mental health and, I offer my appreciation to Her Majesty the Gyaltsuen for starting the Royal Initiative called The Pema Center - a hospital for mental health and wellbeing within Jigme Dorji Wangchuck National Referral Hospital (JDWNRH) complex. Her Majesty had prioritized mental health issues as a national concern and recognizing its importance, the Social and Cultural Affairs Committee will submit a reviewed report on it.

The year 2021 is indeed auspicious as we celebrate 25 years of service of His Holiness Trulku Jigme Choeda the 70<sup>th</sup> Jekhenpo. His Holiness within the span of 25 years has consolidated the teachings of Buddha and provided spiritual services for the eternal peace of the King and the people.

Moreover, he strengthened religious institutions, initiated world peace prayers, gave countless oral transmissions and contributed an ample amount in saving lives. Therefore, on behalf of all Bhutanese, I offer my gratitude to His Holiness and pray for his long life.

As the second local government term has completed, I extend my appreciation to all Local Government leaders: *Gups*, *Mangmis* and *Tshogpas* in 205 Gewogs, as well as *Thrompons* and *Thromde Thuemis* for serving the *Tsa-Wa-Sum* with *Thadamtshi* and *Ley-judrey*. So I offer my best wishes and feel that the third local government elections will be successful with the blessings from the triple gem.

The 28<sup>th</sup> session of the National Council will deliberate on the following legislative issues:

- Anti-Corruption Commission (Amendment) Bill of Bhutan 2021
- United Nations Convention Against Corruption (UNCAC) Amendment
- Preferential Trade Agreement between the People's Republic of Bangladesh and Royal Government of Bhutan
- Review Report on Consolidation, Repeal, and Publication of legislations
- Review Report on Civil Liability Bill (Tort)

Money Bills presented to the House by the National Assembly:

- Customs Duty (Amendment) Bill of Bhutan 2021
- Tax (Amendment) Bill of Bhutan 2021
- Goods and Services Tax (Amendment) Bill of Bhutan 2021
- Fiscal Incentives Bill of Bhutan 2021

For re-deliberation:

- The Civil Society Organizations (Amendment) Bill of Bhutan 2021

Policy Issues:

- Review Report on State Owned Enterprises
- Review Report on Suicide and Mental Health Issues in Bhutan

Annual Report:

- Deliberation on the Anti-Corruption Commission Report 2020-2021

Further, Question Time with relevant ministries and Joint Sitting on:

- Review Royal Audit Authority Annual Audit Report 2020
- Performance Audit Report of the Public Accounts Committee
- Presentation of Annual Report on the state of the nation including legislations plans, annual plans and priorities of the Government by Prime Minister of Bhutan

I hope the agenda of the 28<sup>th</sup> Session will be thoroughly discussed and endorsed on time. I pray for the successful conclusion of this Session without any impediments. Together with a unity in mind, let the agenda translate into resolutions and Bills be passed as Acts and fulfill the aspirations of His Majesty and hopes of the people.

The Opening Session is adjourned. Thank You.

## **B. IMPLEMENTATION REPORTS ON THE RESOLUTIONS OF THE 27<sup>TH</sup> SESSION**

### **1. Follow-up Report on the Recommendations of Renewable Natural Resources (RNR) Marketing Policy**

*Sitting 1 | Friday, November 26, 2021*

The House deliberated on the follow up reports on resolutions passed on the RNR Marketing Policy, Agreement between the Government of the Kingdom of Bhutan and the Green Climate Fund on the Privileges and Immunities of the Green Climate Fund, and Implementation of Laws during the 27<sup>th</sup> Session. The Chairperson of the Natural Resources and Environment Committee presented to the House the responses received from the Ministry of Agriculture on RNR Marketing Policy as follows:

#### **Response on the Recommendations on RNR Marketing Policy**

1. Coordinate and conduct Multi-Sectoral Committee meeting as mandated by Terms of Reference, and

#### **Response**

Considering the need of convening a Multi-Sectoral Committee Meeting on implementation of RNR Marketing Policy, the Department (DAMC) has hosted the second round of Meeting on June 11, 2021. The meeting was held virtually amongst the committee Members following the COVID-19 protocols.

As recorded in the minutes of the meeting, the Department is due for hosting the Members meeting on a more regular basis. The minutes of the meeting held amongst the Members on 11th June is annexed herewith.



2. Study comprehensive marketing opportunities of Cardamom in third countries and explore the suitable variety to introduce in the countries that have market value.

### **Response**

The Department has carried out trial marketing of cardamom in third country markets in the Middle East lately. However, the trial was not successful due to lack of the suitable variety as per the consumer market demand. The department, in light of this, is due to conduct a comprehensive study on export and marketing of cardamom in the near future and as recommended by the National Council Session. Owing to various engagements and COVID-19 situations, the active study couldn't be initiated and the samples of cardamom will be sent to importers of Malaysia and Japan to study their market demand and potential for export.

### **2. Resolution on the Agreement between the Government of the Kingdom of Bhutan and the Green Climate Fund on the Privileges and Immunities of the Green Climate Fund**

1. In order to avoid ambiguity of *Sections 1 and 2 of Article 14* of this Agreement, any amendment has to be guided by *Article 10, Section 25* of the Constitution of the Kingdom of Bhutan.
2. In order to facilitate smooth passing in the Parliament, all International Conventions, Covenants, Treaties, Protocols, and Agreements will have to adhere to *Section 36* of the Rules of Procedure for Treaty Making 2016.

**Status:** *Did not receive any response*

### **3. Resolution for Implementation of Laws**

1. strictly enforce the applicable laws such as the Bhutan Electricity Act, the Labour and Employment Act, the Consumer Protection Act, etc. to avoid health and safety hazards to the general public; and
2. require the relevant law enforcement agencies to strictly implement the criminal provisions to hold the responsible individuals/agencies/companies accountable for the wrong committed.

**Status:** *Did not receive any response*

It was agreed that there was no need for responses for the Agreement on GCF and the Implementation of Laws as deliberated in the House Committee.

### **C. LEGISLATIVE ISSUES**

#### **1. Introduction of the Anti-Corruption (Amendment) Bill of Bhutan**

**Sitting 1 | Friday, November 26, 2021**

The Chairperson of the Good Governance Committee (GGC) introduced the Anti-Corruption (Amendment) Bill of Bhutan 2021. He pointed out that the Amendment is in line with the National Law Review Task Force's (NLRTF) recommendations to align laws with the Constitution and to consolidate and harmonize them. He informed the House, accepting most of the amendments of the National Assembly, that the Bill has a total of 61 provisions including the Committee's 19 additional ones.

During the review, the Committee held consultations with the Anti-Corruption Commission and other relevant stakeholders

on the Commission’s Human Resource and Independence; Anti-corruption Measures; Assets, Income and Liabilities Declaration; Research and Advocacy Programs; Abuse of Functions; Obstruction of Justice; and Prosecution Referral.

### **1.1. Adoption of the Anti-Corruption (Amendment) Bill of Bhutan 2021**

#### ***Sitting 2 | Monday, November 29, 2021***

The National Council deliberated extensively on the Anti-Corruption (Amendment) Bill 2021 on November 29, 2021 and especially on whether there is a need for human resource independence. The House, upholding Article 13 (7) of the Constitution of Bhutan, resolved to submit the Bill to the National Assembly for re-deliberation as per **ANNEXURE I**.

### **2. Introduction of the United Nations Convention Against Corruption (UNCAC)**

#### ***Sitting 3 | Tuesday, November 30, 2021***

The Minister for Foreign Affairs, introducing the United Nations Convention Against Corruption (UNCAC), informed the House that the Parliament of Bhutan ratified the Convention with reservation on paragraph 2 of Article 66 in 2015. He reported that while depositing the instrument with the United Nations Secretary General (UNSG), the Ministry of Foreign Affairs failed to register the reservation. However, an attempt was made to register the reservation, but a few countries objected to the late reservations.

He further added that in order to resolve the issue, the Ministry in consultation with the Anti-corruption Commission, Office of Attorney General and Home Ministry proposed two remedies of: a) Denunciation and re-acceding to UNCAC, or b)Revocation of Parliament’s earlier reservation.

Some Members stressed that those agencies and officials responsible for the failure should be held accountable, while others asked for the details of expenditure incurred on the various activities undertaken under the Convention. Some questioned whether the Ministry has rules or systems put in place to sign such Conventions.

Some Members emphasized that the Parliament's reputation and the country's sovereignty should precede international financial assistance, while others asked for the government's response to the National Council's resolution on revision of Rules of Procedures for treaty making by the Cabinet, the revision of the provisions were observed to be unconstitutional as the provisions authorize the Government in signing of international conventions and agreements without deliberation and ratification by the Parliament. The Minister, acknowledging the concerns shared by the Members, responded that the Ministry will submit a report to the House after a thorough assessment and review.

### **2.1. Adoption of United Nations Convention Against Corruption (UNCAC)**

The National Council deliberated on the United Nations Convention against Corruption (Amendment), UNCAC on November 30, 2021 and December 9, 2021 and resolved not to ratify it on the basis of the following objections and recommendations which will be submitted to the National Assembly for re-deliberation as per Article 13 (7) of the Constitution:

#### **Objections of the National Council to the United Nations Convention against Corruption (Amendment)**

1. Reject the amendment of the National Assembly to revoke the earlier reservation on Article 66 (2) of the UNCAC; and

2. Propose to denounce and Re-accede to the UNCAC with the Reservations on Article 66(2) to uphold national interest for the following reasons:
  - a) The decision will uphold the supremacy of the Parliament and set a strong precedent to show that decisions of the Parliament cannot and should not be revoked to cover the lapses of any kind.
  - b) The decision will enhance the Rule of Law and bring about transparency and accountability, thereby strengthening good governance in the country. This strong decision taken by the National Council will ensure that similar lapses never occur in future.
  - c) This strong and well considered decision taken by Parliament will cushion and protect the Executive, the Ministry of Foreign Affairs and the Government from any political and diplomatic pressure that the international community may exert on them. Therefore, this assertion of supremacy by the Parliament will protect Bhutan's sovereignty.
  - d) Acceding to UNCAC with reservations is also in keeping with the advice from the Technical Expert Team, the opinion of the Office of the Attorney General and the submissions of the Anti-Corruption Commission made to the House in the past with the main intent of protecting the long term national interest of the country.
  - e) The fact that over forty nations have acceded to UNCAC with similar reservations on Article 66(2) indicates that the reservation holds intrinsic value which must be protected.

- f) While the process of denouncement and re-accession to UNCAC could impose additional cost and may impact the image of the country (as opined by the MFA and ACC), this cost would be worth it to protect the integrity of parliamentary decision and long-term national interest with respect to international treaties.
  - g) The process of denouncing and re-acceding to international treaties is neither unforeseen nor unprecedented. Denouncing treaties with the sole intention of re-acceding with reservations to circumvent the prohibition of late formulation of reservations is enshrined in Article 19 of the Vienna Convention on the Law of Treaties. In fact, small countries like Trinidad and Tobago, Guyana and Switzerland have availed this provision to protect their national interest and denounced and re-acceded with the sole intent to register reservations.
3. Requiring the government to fix the accountability of all the relevant agencies and concerned personnel.

### **3. Review Report on Consolidation, Repeal and Publication of Legislations**

*Sitting 3 | Tuesday, November 30, 2021*

The Chairperson of the Legislative Committee, and the Hon'ble Member from Pemagatshel Dzongkhag introduced the review report on Consolidation, Repeal and Publication of Legislations to the House. They noted that an exact number of laws are still unknown in the country due to multifold proliferation of acts annually in which some acts are unimplemented and rest remain unidentified. According to their findings, they reported too many Acts have created confusion in executing and comprehending Laws, thus, causing numerous inconveniences

in the community. As per the recommendation from the National Law Review Task Force (NLRTF) to repeal unimplemented and unnecessary laws, the committee, therefore, had conducted research and consulted the relevant institutions like District, High and Supreme Court, Office of Attorney General and private legal firms. After consultation, the Committee presented their findings in an internal meeting that it is inconvenient to repeal the existing laws as it may be useful in future, though not implemented at present. It was resolved in the internal meeting for the committee to work on consolidating, repealing and publishing laws altogether as acts aren't codified and new acts and amendments are not published. Hence, the judiciary and pertinent institutions are unaware of the acts for implementation.

Therefore, to resolve such setbacks, the committee recommends reducing the number of laws, compiling and codifying all inconsistent, duplicative and ambiguous laws in one statute. Moreover, there is a need to identify institutions that can readily provide officially published laws and to repeal obsolete, unnecessary or superseded laws, or which no longer serve a useful purpose. In addition, so far, there are no in-charge agencies to ensure effective implementation of the acts. Therefore, the committee recommends recognizing related Ministries and Departments as in-charge of the relevant acts.

After the introduction, some Hon'ble Members supported the findings as multifold laws implicate their implementation and in communities, the complexities of laws perplex people, subsequently they cannot abide by the laws. In order to easily comprehend the provisions of laws, the Hon'ble Members recommended legislating and amending acts in Dzongkha.

### **3.1. Adoption of Recommendations on Consolidation, Repeal and Publication of Legislations**

The House, deliberating widely on the report on December 1, 2021, adopted the following recommendations on December 13, 2021:

#### ***The National Council,***

Respecting His Majesty's concerns about the increasing number and complexity of laws,

Concerned about the fact that law is unfriendly, inaccessible and difficult to understand which undermines the institutions and values of democracy, justice and the Rule of Law,

Noting the existence of un-codified, unconsolidated and obsolete laws,

1. Calls upon the Government to designate an appropriate agency responsible for codification of laws;
2. Urges the Government to identify parent agency for each law to provide ownership and effective implementation, including consolidation, harmonization and repeal of obsolete laws;
3. Requests the Government to establish an official gazette either by an act or executive order as the official single window source of law to be treated as authoritative version;
4. Urges the Government to direct agencies to submit to the Parliament draft delegated legislations together with the Bill to ensure that they are within the provisions of the Bill.



#### **4. Introduction of Preferential Trade Agreement between the People’s Republic of Bangladesh and the Royal Government of Bhutan**

***Sitting 5 | Thursday, December 2, 2021***

The Hon’ble Minister of Economic Affairs, introducing the Preferential Trade Agreement (PTA) between Royal Government of Bhutan and People’s Republic of Bangladesh to the House, reported that the PTA was signed virtually in the respective capital on December 6, 2020. His Excellency highlighted that the two countries started trading since 1980s and Bangladesh is the second largest trading partner of Bhutan. He emphasized that the PTA was signed to promote bilateral trade, strengthen diplomacy, resolve existing barriers to trade and he informed the house that the agreement to develop river ways for water transportation (Boat Service) with Bangladesh is ready.

After the introduction, some Hon’ble Members expressed that as the trade route with Bangladesh is within the Indian borders, there exist some hurdles and so he was asked to explain as to how the agreement explores to resolve the issues. Members also asked about the government’s support to those who market domestically manufactured products and further questioned the export of resources from Bhutan for instance, as wheat and milk are still insufficient within the country. Hon’ble Members sought clarification about the identified locations and places for river ways and boat services.

In response, the Hon’ble Minister answered that the government is expanding trade routes and also taking measures to resolve issues about routes falling within the Indian borders through PTA by means of diplomatic interaction between private business, India and Bangladesh. However, he stated that at present, the main priority of the government is to augment markets and trade routes. He even mentioned that wheat and milk were in the export list, if in future a country

could produce surplus milk as PTA was intended for short and long term benefits, though at the moment, it is still insufficient within the country. Nevertheless, he stressed the PTA doesn't assert compulsion to any products for export and import.

The Hon'ble Minister responded that the river ways from our border will aid exports, and feasibility assessment and research is underway to connect river ways from Sunkosh. He further added that the Ministry prioritizes domestic production by endorsing fiscal incentives and subsidies to increase the production.

Some Hon'ble Members commented that besides trade enhancement, it is necessary to diversify trade routes (entry and exit) as most of the trade is limited only from Phuntsholing. They asked how ready the Ministry is, to face challenges while following PTA as there are possibilities of emergence of issues from individual country's political norms, economic crisis and order of laws.

The Hon'ble Minister responded that additional trade routes were established in Samtse Chengmari, Lhamozhingkha and Pasakha apart from Phuntsholing. He also informed that the risk and lapses of PTA can be resolved in annual meetings between the two nations, and he expressed his hope that the house would approve the PTA.

#### **4.1. Ratification of Preferential Trade Agreement between the People's Republic of Bangladesh and the Royal Government of Bhutan**

The National Council, comprehensively deliberating on the Agreement on December 2, 2021, ratified the Agreement on December 9, 2021 and resolved to submit it to His Majesty The Druk Gyalpo for the Royal Assent.

## **5. Introduction of Customs Duty (Amendment) Bill of Bhutan 2021, Tax (Amendment) Bill of Bhutan 2021 and Goods and Services Tax (Amendment) Bill of Bhutan 2021**

***Sitting 7 | Monday, December 6, 2021***

The Hon'ble Minister for Finance, in-charge of the bill, reported to the House that there were no drastic changes in content and on tax increment or decrement. He added that Bhutan joined as a member of the World Customs Organization (WCO) since 2007. As WCO amends the Harmonized Commodity Description and Coding System every five years with development and change in requirement to timely update new types and old inessential goods, he mentioned that, it is crucial for the country to amend Bhutan Trade Classification Coding in line with the Harmonized system.

The World Customs Organization did their 7<sup>th</sup> edition this year with total sets of 351 amendments to code new product streams and to outcast codes of unnecessary existing goods.

The Hon'ble Minister expressed that it was proposed for amendment in the House since codes of products are sub-categorized as annexure in previous Customs Duty Act, Tax Act and GST Act. He also highlighted that trade and goods were coded as per international standard so as to easily monitor the unfriendly products impacting the environment and by understanding the details of any products from codes worldwide. A country can either import or export at ease. Moreover, coded goods are convenient for taxation.

The Hon'ble Minister reported that during this amendment, the solar water heater was registered with codes although previously there wasn't a separate code for it. Further, with priority on the importance of climate change worldwide, he said that for solar water heating appliances, the tax was

downscaled to zero from 10% in the Customs Duty Bill amendment.

Deliberating on the Bills, Hon'ble Members said it was necessary to propose only the amendment of the coding system in the Parliament. They also shared their observations that even though the GST Act was amended twice, the date for implementation was deferred and hence, how prepared were they to execute the changes. In addition, some Hon'ble Members enquired the reasons for non-reduction of prices in commodities inspite of a reduction in tax from 30 to 10 and zero percent for third country products.

The Hon'ble Minister responded that the sole changes in the coding system can be done by the Ministry of Finance but the National Assembly was against it. He also stated that implementing amendments were delayed as the coding system should align with international changes and must ensure viable prospects for import and export in the future. With regard to non-reduction in price of commodities, he explained that it was due to increase in overall overhead costs in transportation caused by price inflation of petroleum products.

### **5.1. Adoption of Customs Duty (Amendment) Bill of Bhutan 2021**

After thorough deliberation on December 6, 2021, the House adopted the Customs Duty (Amendment) Bill 2021 on December 9, 2021 with the following amendments:

#### **Preamble**

#### **Retain as in Original Bill**

*(Justification: The Legislative Drafting Manual (LDM) 2016 provides that the form and style provided in it must be used in the preparation of bills to promote uniformity in style and to ensure consistency.*

*However, the House noted that the Customs Duty (Amendment) Bill of Bhutan 2021 adopted by the National Assembly does not conform to the requirements of the said manual.*

*As per section 6.1.1 of the LDM 2016, “A Bill is prepared in the exact form of the Act it is intended to become when enacted by Parliament”.*

*Further, section 9.1.3.1 of the LDM 2016 states that, “The Title is the name for the proposed Act that a bill is intended to become. Upon enactment the legislation is referred to by this name”.*

*And, section 9.1.3.2 of the LDM states that, “The title initially bears the year of the introduction of the bill, but if the bill is assented to by the Druk Gyalpo in a later year (i.e. it becomes law in a later year), the year in the title is replaced with the year in which assent was given”.*

*This means that apart from the main title and year of passing of the Bill which is subject to change upon Royal Assent, the contents of the Bill are prepared in the exact form of the Act it is intended to become when it is passed by Parliament and assented to by the Druk Gyalpo.*

*The LDM 2016 also provides for elements and layout of a free-standing legislation and elements and layout of an amending or repealing legislation in Schedule 1 and Schedule 3 respectively, which clearly outlines the standard format for legislation.*

*The National Assembly had in the past few sessions adopted Bills, both ordinary Bills and Money Bills, without uniformity and failed to ensure consistency in the adoption of the Bills as required by the LDM 2016 especially concerning the Title, Commencement, Extent provisions.*

For example:

**5<sup>th</sup> Session of the Third Parliament:**

1. Budget appropriation bill for FY 2021-22
2. Supplementary Budget appropriation bill for FY 2020-21

*(The provisions of Title, Commencement, and Extent were amended and adopted as “Bill” rather than accepting the original clause submitted by the government).*

3. Customs Duty Bill of Bhutan 2021 *(Adopted by the National Assembly as submitted by the government which has “Act” in provisions of Title, Commencement, and Extent)*
4. GST (Amendment) Bill 2021 *(Adopted by the National Assembly as submitted by the government which has “Act” in provisions of Title and Commencement)*
5. Tax Bill of Bhutan 2021 *(The provisions of Title, Commencement, and Extent were amended and adopted as “Bill” rather than accepting the original clause submitted by the government)*
6. Tobacco Control (Amendment) Bill of Bhutan 2021-  
Urgent Bill: *(The provisions of Title, Commencement, and Extent submitted by the government have “Bill” and the National Assembly adopted the same).*

*Likewise, the Entitlement and Service Conditions (Amendment) Bill for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2020 and The Lhengye Zhungtshog Bill of Bhutan 2019 which was passed by the National Council during the 24<sup>th</sup> Session have the word “Act” in the Title, Commencement, and Extent provisions and the provisions were adopted by the National Assembly during their 4<sup>th</sup> session without any amendments.*

*These are few examples where the National Assembly had adopted Bills without uniformity and consistency.*

*Therefore, the House recommends that all Bills, including the Money and Financial Bills, be drafted in accordance with the provisions of the said Manual hereafter).*

## **Section 1 Title**

**Retain as in original Bill**

## **Section 2 Commencement**

This ~~Act~~ Bill comes into force ~~on the day the Act~~ ~~Bill~~ is introduced by the Finance Minister in the National Assembly of Bhutan on.....Day....of the....Month of the..... Year corresponding to the....Day of .....20...**as per the Section 46B of the Public Finance (Amendment) Act of Bhutan 2012.**

*(Justification: As per the Section 46B of Public Finance (Amendment) Act 2012, “the imposition or increase of any tax or abolition, reduction or remission of any existing tax once passed as law by Parliament, shall be applied retroactively from the date it was initially tabled in the National Assembly”.*

*The Customs Duty (Amendment) Bill of Bhutan 2021 is already endorsed as Money Bill by the National Assembly, and the definition of Money Bill as per Section 46A(a) of PFAA 2012 is,*

*“A Bill which contains only provisions dealing with imposition or increase of any tax or abolition, reduction or remission of any existing tax”.*

*The commencement date of the Bill should therefore, be in accordance with Section 46B of PFAA 2012).*

## **5.2 Adoption of the Tax (Amendment) Bill of Bhutan 2021**

The House, deliberating widely on December 6, 2021, adopted the Bill on December 9, 2021 with the following amendments:

### **Preamble**

**Retain as in original Bill**

**(Justification:** *The Legislative Drafting Manual (LDM) 2016 provides that the form and style provided in it must be used in the preparation of bills to promote uniformity in style and to ensure consistency.*

*However, the House noted that the Tax (Amendment) Bill of Bhutan 2021 adopted by the National Assembly does not conform to the requirements of the said manual.*

*As per section 6.1.1 of the LDM 2016, “A Bill is prepared in the exact form of the Act it is intended to become when enacted by Parliament”.*

*Further, section 9.1.3.1 of the LDM 2016 states that, “The Title is the name for the proposed Act that a bill is intended to become. Upon enactment the legislation is referred to by this name”.*

*And, section 9.1.3.2 of the LDM states that, “The title initially bears the year of the introduction of the bill, but if the bill is assented to by the Druk Gyalpo in a later year (i.e. it becomes law in a later year), the year in the title is replaced with the year in which assent was given”.*

*This means that apart from the main title and year of passing of the Bill which is subject to change upon Royal Assent, the contents of the Bill are prepared in the exact form of the Act it is intended to become when it is passed by Parliament and assented to by the Druk Gyalpo.*

*The LDM 2016 also provides for elements and layout of a free-standing legislation and elements and layout of an amending or repealing legislation in Schedule 1 and Schedule 3 respectively, which clearly outlines the standard format for legislation.*



*The National Assembly had in the past few sessions adopted Bills, both ordinary Bills and Money Bills, without uniformity and failed to ensure consistency in the adoption of the Bills as required by the LDM 2016 especially concerning the Title, Commencement, Extent provisions.*

*For example:*

**5<sup>th</sup> Session of the Third Parliament:**

- 1. Budget appropriation bill for FY 2021-22*
- 2. Supplementary Budget appropriation bill for FY 2020-21*

*(The provisions of Title, Commencement, and Extent were amended and adopted as “Bill” rather than accepting the original clause submitted by the government).*

- 3. Customs Duty Bill of Bhutan 2021 (Adopted by the National Assembly as submitted by the government which has “Act” in provisions of Title, Commencement, and Extent)*
- 4. GST (Amendment) Bill 2021 (Adopted by the National Assembly as submitted by the government which has “Act” in provisions of Title and Commencement)*
- 5. Tax Bill of Bhutan 2021 (The provisions of Title, Commencement, and Extent were amended and adopted as “Bill” rather than accepting the original clause submitted by the government)*
- 6. Tobacco Control (Amendment) Bill of Bhutan 2021-Urgent Bill: (The provisions of Title, Commencement, and Extent submitted by the government have “Bill” and the National Assembly adopted the same).*

*Likewise, the Entitlement and Service Conditions (Amendment) Bill for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2020 and The Lhengye Zhungtshog Bill of Bhutan 2019 which was passed by the National Council during the 24<sup>th</sup> Session have*

*the word “Act” in the Title, Commencement, and Extent provisions and the provisions were adopted by the National Assembly during their 4<sup>th</sup> session without any amendments.*

*These are few examples where the National Assembly had adopted Bills without uniformity and consistency.*

*Therefore, the House recommends that all Bills, including the Money and Financial Bills, be drafted in accordance with the provisions of the said Manual hereafter).*

### **Section 1 Title**

This Act is Tax (**Amendment**) Act of Bhutan 2021

### **Section 2 Commencement**

This **Act** Bill—comes into force ~~on the day the Act Bill is introduced by the Finance Minister in the National Assembly of Bhutan on.....Day.....of the...Month of the..... Year corresponding to the....Day of .....20....~~**as per the Section 46B of the Public Finance (Amendment) Act of Bhutan 2012.**

**(Justification:** *As per the Section 46B of Public Finance (Amendment) Act 2012, “the imposition or increase of any tax or abolition, reduction or remission of any existing tax once passed as law by Parliament, shall be applied retroactively from the date it was initially tabled in the National Assembly”.*

*The Customs Duty (Amendment) Bill of Bhutan 2021 is already endorsed as Money Bill by the National Assembly, and the definition of Money Bill as per Section 46A(a) of PFAA 2012 is,*

*“A Bill which contains only provisions dealing with imposition or increase of any tax or abolition, reduction or remission of any existing tax”.*

*The commencement date of the Bill should therefore, be in accordance with Section 46B of PFAA 2012).*

### **5.3. Adoption of the Goods and Services Tax (Amendment) Bill of Bhutan 2021**

The House deliberating comprehensively on December 6, 2021, adopted the Bill on December 9, 2021 with the following amendments:

#### **Preamble**

##### **Retain as in original Bill**

*(Justification: The Legislative Drafting Manual (LDM) 2016 provides that the form and style provided in it must be used in the preparation of bills to promote uniformity in style and to ensure consistency.*

*However, the House noted that the Goods and Services Tax (Amendment) Bill of Bhutan 2021 adopted by the National Assembly does not conform to the requirements of the said manual.*

*As per section 6.1.1 of the LDM 2016, “A Bill is prepared in the exact form of the Act it is intended to become when enacted by Parliament”.*

*Further, section 9.1.3.1 of the LDM 2016 states that, “The Title is the name for the proposed Act that a bill is intended to become. Upon enactment the legislation is referred to by this name”.*

*And, section 9.1.3.2 of the LDM states that, “The title initially bears the year of the introduction of the bill, but if the bill is assented to by the Druk Gyalpo in a later year (i.e. it becomes law in a later year), the year in the title is replaced with the year in which assent was given”.*

*This means that apart from the main title and year of passing of the Bill which is subject to change upon Royal Assent, the*

*contents of the Bill are prepared in the exact form of the Act it is intended to become when it is passed by Parliament and assented to by the Druk Gyalpo.*

*The LDM 2016 also provides for elements and layout of a free-standing legislation and elements and layout of an amending or repealing legislation in Schedule 1 and Schedule 3 respectively, which clearly outlines the standard format for legislation.*

*The National Assembly had in the past few sessions adopted Bills, both ordinary Bills and Money Bills, without uniformity and failed to ensure consistency in the adoption of the Bills as required by the LDM 2016 especially concerning the Title, Commencement, Extent provisions.*

*For example:*

**5<sup>th</sup> Session of the Third Parliament:**

- 1. Budget appropriation bill for FY 2021-22*
- 2. Supplementary Budget appropriation bill for FY 2020-21*

*(The provisions of Title, Commencement, and Extent were amended and adopted as “Bill” rather than accepting the original clause submitted by the government).*

- 3. Customs Duty Bill of Bhutan 2021 (Adopted by the National Assembly as submitted by the government which has “Act” in provisions of Title, Commencement, and Extent)*
- 4. GST (Amendment) Bill 2021 (Adopted by the National Assembly as submitted by the government which has “Act” in provisions of Title and Commencement)*
- 5. Tax Bill of Bhutan 2021 (The provisions of Title, Commencement, and Extent were amended and adopted as “Bill” rather than accepting the original clause submitted by the government)*

6. *Tobacco Control (Amendment) Bill of Bhutan 2021-Urgent Bill: (The provisions of Title, Commencement, and Extent submitted by the government have “Bill” and the National Assembly adopted the same).*

*Likewise, the Entitlement and Service Conditions (Amendment) Bill for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2020 and The Lhengye Zhungtshog Bill of Bhutan 2019 which was passed by the National Council during the 24<sup>th</sup> Session have the word “Act” in the Title, Commencement, and Extent provisions and the provisions were adopted by the National Assembly during their 4<sup>th</sup> session without any amendments.*

*These are few examples where the National Assembly had adopted Bills without uniformity and consistency.*

*Therefore, the House recommends that all Bills, including the Money and Financial Bills, be drafted in accordance with the provisions of the said Manual hereafter).*

### **Section 1 Title**

**Retain as in original Bill**

### **Section 2 Commencement**

This ~~Act~~**Bill** comes into force ~~on the day the Act~~ **Bill** is introduced by the Finance Minister in the National Assembly of Bhutan ~~on.....Day.....of the....Month of the..... Year corresponding to the....Day of .....20....~~**as per the Section 46B of the Public Finance (Amendment) Act of Bhutan 2012.**

**(Justification:** *As per the Section 46B of Public Finance (Amendment) Act 2012, “the imposition or increase of any tax or abolition, reduction or remission of any existing tax once passed as law by Parliament, shall be applied retroactively from the date it was initially tabled in the National Assembly”.*

*The Customs Duty (Amendment) Bill of Bhutan 2021 is already endorsed as Money Bill by the National Assembly, and the definition of Money Bill as per Section 46A(a) of PFAA 2012 is,*

*“A Bill which contains only provisions dealing with imposition or increase of any tax or abolition, reduction or remission of any existing tax”.*

*The commencement date of the Bill should therefore, be in accordance with Section 46B of PFAA 2012).*

## **6. Introduction of the Fiscal Incentives Bill of Bhutan 2021**

### ***Sitting 8 | Tuesday, December 7, 2021***

The Hon'ble Finance Minister, introducing the Fiscal Incentives Bill 2021, stated that the provision of incentives through Fiscal Incentives Act 2017 was somewhat flawed as the incentives were not provided as required. For instance, Tax Holiday was not necessary, as it was misused and was treated as an entitlement. He informed the House that the new Bill is as per the needs of the present time, and would do away with the incentives that are not supplementary to the economy. He added that there is no possibility of the new Bill being politicized, and will provide incentives only to those who genuinely need them.

The Bill comprises two *Parts* and eight *Chapters*. Chapters 1 to 4 are related to Direct Tax Incentives, and Chapters 5 to 7 are about Indirect Tax Incentives. In terms of Direct Tax, seven businesses are identified for tax exemption, and four businesses are identified for concessionary tax rates. The Hon'ble Minister informed the House that the new Bill includes provisions of Capital expenditure investment allowance. Unlike the past, when profit from an investment was re-invested, there was a tax exemption of 25 percent, but with this new Bill, there would be 100 percent tax exemption. Moreover, small

and micro businesses located in the rural areas would be entitled to tax exemption till 2024. He also stated that the financial institutions will be provided tax exemptions so that identified businesses can avail loans at reduced interest rates. Further, those sectors employing Bhutanese youths will be provided more fiscal incentives.

Hon'ble Members stated that the fiscal incentives are provided to all, irrespective of whether they need or not, resulting in losses. So, they asked for the account of the losses, and also shared concerns of conflict of interest when the Finance Ministry provides incentives based on the needs. Some raised questions on monitoring of products procured through reduced tax, declaration of false losses to evade tax, amongst others.

The Hon'ble Minister responded that since the Fiscal Incentives Act 2017, the government had forgone Nu. 6.19 Billion in taxes. He clarified that the Ministry reserves the right to set the eligibility for the provision of incentives so as to avoid complexities and adapt to changing situations.

He informed the House that the Fiscal Incentives is a short-term measure based on the need of the time, and that the ministry is trying to come up with a new Bill to bring about reforms in the tax system.

### **6.1. Adoption of Fiscal Incentives Bill of Bhutan 2021**

The House after deliberating extensively on December 7-8, 2021 adopted the Bill on December 9, 2021 with the following amendments:

#### **Preamble**

#### **Retain as in original Bill**

*(Justification: The Legislative Drafting Manual (LDM) 2016 provides that the form and style provided in it must be used in*

*the preparation of bills to promote uniformity in style and to ensure consistency.*

*However, the House noted that the Fiscal Incentives Bill of Bhutan 2021 adopted by the National Assembly does not conform to the requirements of the said manual.*

*As per section 6.1.1 of the LDM 2016, “A Bill is prepared in the exact form of the Act it is intended to become when enacted by Parliament”.*

*Further, section 9.1.3.1 of the LDM 2016 states that, “The Title is the name for the proposed Act that a bill is intended to become. Upon enactment the legislation is referred to by this name”.*

*And, section 9.1.3.2 of the LDM states that, “The title initially bears the year of the introduction of the bill, but if the bill is assented to by the Druk Gyalpo in a later year (i.e. it becomes law in a later year), the year in the title is replaced with the year in which assent was given”.*

*This means that apart from the main title and year of passing of the Bill which is subject to change upon Royal Assent, the contents of the Bill are prepared in the exact form of the Act it is intended to become when it is passed by Parliament and assented to by the Druk Gyalpo.*

*The LDM 2016 also provides for elements and layout of a free-standing legislation and elements and layout of an amending or repealing legislation in Schedule 1 and Schedule 3 respectively, which clearly outlines the standard format for legislation.*

*The National Assembly had in the past few sessions adopted Bills, both ordinary Bills and Money Bills, without uniformity*



and failed to ensure consistency in the adoption of the Bills as required by the LDM 2016 especially concerning the Title, Commencement, Extent provisions.

For example:

**5<sup>th</sup> Session of the Third Parliament:**

1. Budget appropriation bill for FY 2021-22
2. Supplementary Budget appropriation bill for FY 2020-21

*(The provisions of Title, Commencement, and Extent were amended and adopted as “Bill” rather than accepting the original clause submitted by the government).*

3. Customs Duty Bill of Bhutan 2021 *(Adopted by the National Assembly as submitted by the government which has “Act” in provisions of Title, Commencement, and Extent)*
4. GST (Amendment) Bill 2021 *(Adopted by the National Assembly as submitted by the government which has “Act” in provisions of Title and Commencement)*
5. Tax Bill of Bhutan 2021 *(The provisions of Title, Commencement, and Extent were amended and adopted as “Bill” rather than accepting the original clause submitted by the government)*
6. Tobacco Control (Amendment) Bill of Bhutan 2021-Urgent Bill: *(The provisions of Title, Commencement, and Extent submitted by the government have “Bill” and the National Assembly adopted the same).*

*Likewise, the Entitlement and Service Conditions (Amendment) Bill for the Holders, Members and Commissioners of Constitutional Offices of Bhutan 2020 and The Lhengye Zhungtshog Bill of Bhutan 2019 which was passed by the National Council during the 24<sup>th</sup> Session have the word “Act” in the Title, Commencement, and Extent*

*provisions and the provisions were adopted by the National Assembly during their 4<sup>th</sup> session without any amendments. These are few examples where the National Assembly had adopted Bills without uniformity and consistency.*

*Therefore, the House recommends that all Bills, including the Money and Financial Bills, be drafted in accordance with the provisions of the said Manual hereafter).*

## **Section 1 Title**

### **Retain as in original Bill**

## **Section 2 Commencement**

~~This Act Bill comes into force ..... day of ..... month of the ..... corresponding to the ..... Day of ..... 20XX. as per the Section 46B of the Public Finance (Amendment) Act of Bhutan 2012~~

*(Justification: As per the Section 46B of Public Finance (Amendment) Act 2012, “the imposition or increase of any tax or abolition, reduction or remission of any existing tax once passed as law by Parliament, shall be applied retroactively from the date it was initially tabled in the National Assembly”.*

*The Fiscal Incentives Bill of Bhutan 2021 is already endorsed as Money Bill by the National Assembly, and the definition of Money Bill as per Section 46A(a) of PFAA 2012 is,*

*“A Bill which contains only provisions dealing with imposition or increase of any tax or abolition, reduction or remission of any existing tax”.*

*The commencement date of the Bill should therefore, be in accordance with Section 46B of PFAA 2012).*

**Section 3 Extent**  
**Retain as in original Bill**

**Section 4 Repeal**

Subject to section 5 of this **BillAct**, the Fiscal Incentives Act of Bhutan 2017 is repealed on.....Day of .....20XX.

**Section 5 Saving**

Notwithstanding section 4 of this **BillAct**;

1. Unless otherwise specified in this **BillAct**, businesses granted a tax holiday under the Fiscal Incentives Act of Bhutan 2017 shall continue to benefit for the remaining period of the tax holiday granted to them subject to the conditions imposed pursuant to the Fiscal Incentives Act of Bhutan 2017 and the Rules on the Fiscal Incentives Act of Bhutan 2017; and

The provisions of Chapters 7 and 8 under the Fiscal Incentives Act of Bhutan 2017 shall remain in force to the extent necessary to give effect to sub section ~~(a)~~(1).

**Section 6 Supersession**  
**Retain as in original Bill**

**Section 7**

For the avoidance of doubt, the provisions of the Rules on the Fiscal Incentives Act of Bhutan 2017 shall remain in force to the extent necessary to give effect to section 5 of this **BillAct**.

**Section 9 Concessionary rate**

The qualifying income derived by the Approved Business from any qualifying activity in the following High Priority Sectors carried out in Bhutan shall, subject to any conditions prescribed in the Rules and any conditions specified in the certificate of approval of the Approved Business, be subject to the concessionary tax rate of 5% for Newly Established

Businesses and 15% for Existing Businesses, in both cases for a qualifying period not exceeding 5 years:

- (1) Cottage and Small Industries (CSI);
- (2) Education, applicable to (1) Technical & Vocational Education and Training (TVET) schools; and (2) ~~higher secondary schools and above with science, technology, engineering and mathematics (STEM) subjects;~~ **all Schools including ECCD Centers**
- (3) Information and Communication Technology (ICT); and
- (4) Waste Management and Recycling Industries

### **Section 10**

An Approved Business under section 9 of this ~~Bill~~ **Act** is eligible to apply for an extension of the qualifying period (subject to sections 14 and 15) where it has fulfilled the qualifying conditions set out in its certificate of approval.

### **Section 11 Application to the Ministry for Approval**

Where a business is engaged in or desires to engage in any qualifying activity referred to in sections 8 and 9 of this ~~Bill~~**Act**, the business must apply between 1<sup>st</sup> January 2022 and 31<sup>st</sup> December 2026 in the prescribed form to the Ministry for approval as an Approved Business for that qualifying activity.

### **Section 12 Qualifying conditions for approval as Approved Business**

The Ministry may, if it considers it in the public interest to do so, approve an applicant under sections 8 and 9 of this ~~Bill~~ **Act**, as an Approved Business for a qualifying activity subject to any conditions prescribed in the Rules and any conditions specified in the certificate of approval, which shall include the following:

- (1) The business has not enjoyed any tax holiday under the Fiscal Incentives Act of Bhutan 2017 or the Fiscal

Incentives 2010 in respect of the qualifying income from the qualifying activity;

- (2) The employment of a minimum number of Bhutanese nationals during the qualifying period;
- (3) Minimum business spending to be incurred annually by the business during the qualifying period;
- (4) Minimum qualifying capital expenditure to be incurred by the business; and
- (5) Such other conditions as the Ministry thinks fit.

### **Section 13**

The Ministry shall specify in the certificate referred to in section 12 of this ~~Bill~~**Act**:

- (1) The tax rate applicable to the qualifying activity;
- (2) The qualifying period;
- (3) The qualifying activity; and
- (4) The qualifying income

### **Section 14 Qualifying conditions for extension of concessionary tax rate**

The Ministry may, upon application by an eligible Approved Business under section 10 of this ~~Bill~~**Act** and if the Ministry considers it in the public interest to do so, extend the qualifying period specified in the certificate of approval by a period not exceeding 5 years, subject to such conditions as the Ministry thinks fit.

### **Section 15**

The concessionary tax rate for the extended qualifying period approved by the Ministry under section 14 of this ~~Bill~~**Act** shall be 15%.

### **Section 16(1)**

“**Approved Business**” means any business which has been approved by the Ministry under section 12 of this ~~Bill~~**Act** for a qualifying activity;

### **Section 16(3)**

“**Existing Business**” means a business whose date of commencement of commercial operation is more than 24 months prior to the date of its application under section 11 of this ~~Bill~~**Act**;

### **Section 16(5)**

“**Newly Established Business**” means a business whose date of commencement of commercial operation is no more than 24 months prior to the date of its application under section 11 of this ~~Bill~~**Act**;

### **Section 17**

An investment allowance may be granted to a business (regardless of its date of commencement of commercial operation) by the Ministry under section 19 of this ~~Bill~~**Act** at a specified percentage not exceeding 100% of the amount of the fixed capital expenditure incurred for an Approved Project.

### **Section 23 Prohibition on disposal of asset**

A business shall not sell, lease out, or otherwise dispose of any asset in respect of which an investment allowance has been granted within 7 years from the commencement of its qualifying period referred to in section 19(3) of this ~~Bill~~**Act**, unless the business has obtained the written approval of the Ministry.

## **Section 24 Recovery of tax on disposal of asset**

Where, within 7 years from the commencement of its qualifying period referred to in section 19(3) of this ~~Bill~~**Act**, a business has sold, leased out, or otherwise disposed of any asset in respect of which an investment allowance has been granted, an amount equal to the aggregate of the investment allowance granted in respect of that asset shall be recovered by way of an assessment or reassessment to recover any tax in respect of any income that was not subject to tax because of the investment allowance.

## **Section 25 Definitions**

In this Chapter, unless the context otherwise requires:

- (1) **“Approved Project”** means a project approved by the Ministry under section 19 of this ~~Bill~~**Act**; and
- (2) **“Fixed capital expenditure”** means capital expenditure to be incurred on an Approved Project by a business on the following items that are used for carrying out the project —
  - (a) Any building or structure specially designed for carrying out the project;
  - (b) The acquisition of any know-how or patent rights;
  - (c) Any new productive equipment (and, subject to the approval of the Ministry, any second-hand productive equipment) to be used in Bhutan; and
  - (d) Any item prescribed in the Rules.

## **Section 27**

Tax exemption for small and micro businesses located in the rural areas

For purposes of section 26 of this ~~Bill~~**Act**, “rural areas” means:

- (1) For micro businesses holding a Registration Certificate, places located outside the Thromde boundaries of Thimphu, Phuentsholing, Gelephu and Samdrup Jongkhar; and

- (2) For small businesses, places outside the boundaries of the four major Thromdes and Dzongkhag Headquarter towns

**Section 29 Tax exemption on interest income from preferential lending**

For purposes of section 28 of this ~~Bill~~**Act**, “approved preferential lending schemes” means preferential lending schemes approved by the Royal Monetary Authority of Bhutan, including but not limited to preferential lending schemes for the purposes of education, skills development and overseas employment.

**Section 30**

The exemption provided under section 28 of this ~~Bill~~**Act**, shall expire by 31<sup>st</sup> December 2026.

**Section 33**

No additional deduction shall be granted under section 32 of this ~~Bill~~**Act**, on any portion of the emolument which is borne by the government.

**Section 34**

No person shall be regarded as a relevant employee of a relevant business under section ~~32(a)~~ 32(1) of this ~~Bill~~**Act** if, at any time within the preceding year, he was employed by the relevant business or by an associated business.

**Section 35**

No additional deduction shall be granted under section 32 of this ~~Bill~~**Act** after 31<sup>st</sup> December 2026

**Section 37 Additional deduction for locally manufactured construction materials**

No additional deduction shall be granted under section 36 of this ~~Bill~~**Act** after 31<sup>st</sup> December 2026.



### **Section 39**

The exemption provided under section 38 of this ~~Bill~~**Act** shall expire by 31<sup>st</sup> December 2026.

### **Section 40 Effective period**

The incentives in Chapters 6 and 7 ~~of this Bill~~ **Act** shall have effect as follows:

- (1) Sales Tax (ST) incentives shall expire on 31<sup>st</sup> December 2026 or on the day the Goods and Services Tax Act of Bhutan 2020 is implemented, whichever is earlier; and
- (2) Customs Duty (CD) incentives shall expire on 31<sup>st</sup> December 2026.

### **Section 41 Ministry's power to prescribe items**

The incentives in Chapters 6 and 7 of this ~~Bill~~**Act** shall apply only to the items prescribed by the Ministry under the Rules

### **Section 60 Amendment**

The amendment of this Act by way of addition, variation or repeal shall be ~~effective~~**effected** by parliament

### **Section 61 Rule Making Power**

The Ministry of Finance shall frame rules **in consistent with the provisions of this Act** for the effective implementation of this Act.

### **Section 62 Authoritative Text**

In any instance of a difference in the meaning between the Dzongkha and English texts of this Act, ~~each text shall be regarded as equally authoritative and shall reconcile the two texts.~~ **Dzongkha text shall prevail.**

## **7. Review Report on the Civil Liability Bill/Tort Bill**

***Sitting 10 | Thursday, December 9, 2021***

As per the resolution of the 27<sup>th</sup> Session of the National Council, the Legislative Committee presented a review report for drafting a bill on Civil Liability. The Committee reported that the need for such a Bill is to prevent unfortunate incidents of negligent deaths, injuries as well as loss and damage of public properties and also to provide monetary compensation in the event of such mishaps in order to make an accountable society.

The committee reported that every year many unfortunate incidents of negligent deaths and injuries occur due to negligence of responsibilities by concerned officials and agencies and the victims are not compensated timely or at all.

The committee stated that there is no comprehensive law governing compensation or civil liability though there are several provisions spread across many existing acts. The committee informed the House that unlike other legislations, tort law is very technical and complex, hence a review report is presented prior to drafting a Bill. The Committee stated that for the review, the Committee referred to relevant domestic and international laws and also consulted relevant agencies. The committee presented the background for the need for tort law, perspectives, observations, challenges, and the committee's way forward.

Acknowledging the report, the Hon'ble Members shared their opinions, recommendations, as well as concerns for the benefit of the Committee while drafting the Bill. The Committee informed the House that research and consultations will be continued for the drafting of the Bill.

## **8. Re-deliberation on the Civil Society Organizations (Amendment) Bill of Bhutan 2021**

***Sitting 12 | Monday, December 13, 2021***

The Chairperson of Legislative Committee, presenting the Civil Society Organizations (Amendment) Bill 2021 to the House for re-deliberation, reported that the National Council had forwarded the Bill with 34 amendments to the National Assembly in the 27<sup>th</sup> Session. The National Assembly had accepted 10 amendments, and made a total of 63 amendments including 10 sections with changes in wordings and 40 additional amendments.

Out of 63 amendments, the Committee accepted 39 amendments with changes in wordings, while retaining 12 amendments of the National Council. The Committee Chairperson reported that the two Houses could not come to a consensus on sections related to the Authority's Chairperson and Members, Small-scale CSOs and Person Disqualified from being Board Members.

### **8.1. Adoption of Civil Society Organizations (Amendment) Bill of Bhutan 2021**

The National Council, after a thorough deliberation on December 13, 2021, resolved to submit the Civil Society Organizations (Amendment) Bill 2021 to His Majesty The King for Royal Command to convene a Joint Sitting as per Article 13 (8) of the Constitution to deliberate and vote on the Bill. The disputed clauses of the Bill are as per **ANNEXURE II**.

## **D. POLICY REVIEW ISSUES**

### **1. Review Report on State Owned Enterprises**

***Sitting 4 | Wednesday, December 1, 2021***

The Chairperson of the Natural Resources and Environment Committee (NREC) informed the House that, from the total of 38 SOEs in the country, 14 are under the Ministry of Finance (MoF) and 22 are under the Druk Holding Investment (DHI). He added that the review was undertaken to understand the operation and management of SOEs under the MoF for effective and efficient service delivery; and the adverse impact of SOEs to the private sector.

He informed the House that the Committee consulted all the 14 SOEs under the MoF, relevant Ministries and the Bhutan Chamber of Commerce and Industry for the review. The committee proposed five recommendations viz: a) reformation of SOEs; b) transfer of farm shops from FCBL to gewogs; c) establishment of Petroleum, Oil and Lubricants (POL) stations within gewogs; d) possibility of waiving off certain portion or reducing Non Performing Loan (NPL) related to agriculture and livestock; and e) legislation compliance.

Moreover, he reported that, though the Companies Act requires SOEs to maintain a separate budget as Corporate Social Responsibility (CSR) Fund, they have failed to maintain such a Fund. So, he emphasized that the SOEs should comply and maintain the CSR Fund.

#### **1.1. Adoption of Recommendations on State Owned Enterprises**

Deliberating extensively on the report on December 1, 2021, most Members showed reservations on the proposed

recommendations of transferring farm shops to Gewogs, and waiving off of NPL outstandings.

The House, after thorough deliberation, adopted the following recommendations on December 13, 2021:

**Resolution on the Review Report of the State-Owned Enterprises under the Ministry of Finance**

In line with Section 10 of the National Council Act of Kingdom of Bhutan and as per the directives of the House, the Natural Resources and Environment Committee has reviewed the State Owned Enterprises (SOE) under the Ministry of Finance to understand their operations and managements for effective and efficient service delivery and presented the final report on 28th Session. The House after thorough deliberation has come up with the following observations and recommendations:

***The National Council,***

*Affirming* the capital injection requirement for divestment of commercially oriented SOEs as reflected in the Review Report conducted by the eight member task force in 2019;

*Noting* the decision of the Government to further review SOE by outsourced consultant and the review to be completed by 18th February 2022;

*Bearing in mind* the opinion of Bhutan Chamber of Commerce and Industry in privatizing the SOEs through divestment;

*Recognizing* the need of exit plan for effective functioning of SOE as reflected in the stakeholder meeting;

*Acknowledging* the benefit of farm shops for the accessibility and price stabilization of essential food items;

*Desiring* the better Petroleum, Oil and Lubricant (POL) services in the rural areas of the country;

*Concerned* that the Non-Performing Loan (NPL) is above the international acceptable level of 10%; and

*Stressing* that SOEs have to strengthen the implementation of legislations

**Hereby**, calls the attention of the Government on the followings:

1. Inject the required capital to those commercially oriented SOEs for expediting the divestment and privatize those manufacturing and services that are in direct conflict with the private sector by incorporating the exit plan in the Article of Incorporation.
2. Make farm shops viable by incorporating farm inputs and product marketing channel systems and upscale them to remote areas.
3. Establish reliable POL stations at the appropriate locations to stimulate rural development at Gewog level.
4. Explore and formalize appropriate mechanisms to resolve NPL.
5. Strengthen the implementation of legislations:
  - a) Develop and implement the Charter or Bylaws for Bhutan Broadcasting Service Corporation Limited as per the Information, Communication and Media Act of Bhutan 2018 for smooth operation
  - b) Harmonize the Corporate Governance Guidelines 2019 of Ministry of Finance and Corporate Governance Rules

and Regulations 2020 of Royal Monetary Authority to avoid confusion

- c) Maintain Corporate Social Responsibility Fund as per the Companies Act of Bhutan 2016 to deliver the required social services

## **2. Review Report on Suicide and Mental Health Issues**

### ***Sitting 11 | Friday, December 10, 2021***

The Chairperson of the Social and Cultural Affairs Committee (SCAC) introduced the Review Report on Suicide and Mental Health Issues including the background, findings, observations, conclusions and recommendations. She reported that the review was based on the mandates provided by Article 10.2 of the Constitution to revise policy and system for public benefit. She highlighted that it is a national emphasis to develop a countermeasure to these issues. She also expressed concerns of Her Majesty about the brunt to individuals and family, peace and economy of country from many mishaps of suicide whilst increasing domestic violence and mental illness due to addiction to narcotic drugs and alcohol during groundbreaking ceremony for establishment of Pema Center on 3<sup>rd</sup> March, 2021 under the leadership of Her Majesty The Gyalsuen.

According to the report from the Ministry of Health, a total of 36,608 mental disorder cases were recorded for the past five years. Within a year's span, from April 1, 2020 to March 31, 2021, the National COVID-19 Mental Health and Psychological Response Team (NC19MHPRT) received a total of 1,578 calls, out of which 60% were related to mental disorders. According to the United Nation Organization (UNO), amongst the six factors causing numerous deaths in world, suicide leads to 800,000 deaths per year.

She mentioned that it was a blessing for all Bhutanese when His Majesty established NC19MHPRT, Druk Gyalpo's Kidu, *De-suung* trainings and special vocational skilling programs. The issues on mental disorder and suicide would have been worrisome when the youth unemployment had elevated in times of pandemic.

The Committee had consulted the Ministry of Health, Ministry of Education, and National Commission for Women and Children, Royal Bhutan Police, Bhutan Narcotics Control Authority, National Covid-19 Mental Health and Psychological Response Team, Thimphu Dzongkhag Administration, *Thromde* Authority, schools and colleges while reviewing. The committee also sought views from *Dratshang Lhentshog* and personnel from various religious institutions. In addition, the committee discussed with local government leaders, teachers and students in numerous districts and did virtual meetings with relevant international foreign agencies.

According to the Committee, the prevention of issues related to suicides is within legal content, yet there aren't any preventive approaches and policy mentioned comprehensively within the National Health Policy. As per the statistical data, mental illness mostly impact children aged 10-14 years and for the past six years, with 43%, the highest suicide rate was with farmers, followed by students with 15%. Thus, it was observed that suicides are mostly due to mental disorder and disharmony in the family. Further, limited number of Rehabilitation Service Centers also caused suicide cases to those who are victimized with mental disorders. The Committee proposed recommendations of instituting enough Regional Rehabilitation Service as there are only three Rehabilitation Service Centers in Thimphu. Besides, the country lacks ample psychiatrists and counselors. Nonetheless, spiritual programs to ensure emotional resilience and various initiatives in schools to fight mental disorder are an immense boon.



## **2.1. Adoption of Recommendations on Suicide and Mental Health Issues**

The House after extensively deliberating on Suicide and Mental Health Issues on December 10, 2021, adopted the following recommendations on December 13, 2021:

### **Resolution on the Mental Health Issues and Suicide**

#### ***The National Council,***

*Upholding* the following Articles of the Constitution of the Kingdom of Bhutan:

- Article 10(1) that 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**”*
- Article 10(2) states, “*Parliament shall ensure that the Government safeguards the interests of the nation and fulfils the aspirations of the people through public review of policies and issues, Bills and other legislations, and scrutiny of State functions*”;
- Article 11(2) that states, “*Besides its legislative functions, the National Council shall act as the **House of review** on matters affecting the security and sovereignty of the country and the interests of the nation and people that need to be brought to the notice of the Druk Gyalpo, the Prime Minister and the National Assembly*”;
- Article 9 (2), “*The state shall strive to promote those conditions that will enable the pursuit of Gross National Happiness*”,

- *Article 9(20), “The State shall strive to create conditions that will enable true and sustainable development of a good and compassionate society rooted in Buddhist ethos and universal human values”, and*
- *Article 9(21), “The State shall provide free access to basic public health services in both modern and traditional medicines”.*

*Respecting Her Majesty The Gyaltshen’s Patronage and Royal Initiative to establish The Pema Centre which greatly benefit the people of Bhutan in promoting mental health and wellbeing; and*

*Concerned that*Mental health and suicide will continue to have grave social and economic implications on the country,

*Hereby calls on the Royal Government of Bhutan to:*

1. Continue to render steadfast support for the Royal Initiative in improving policies, allocating resources, strengthening intersectoral partnerships and conducting research and improving data collection to create a more robust and responsive system.
2. Prioritize training of school counselors in various specialized fields.
3. Recruit and allocate a minimum of one counselor at all levels of schools and provide additional counselors in schools with bigger populations.
4. Improve the counseling room facilities in schools across the country to create a more conducive environment to de-stigmatize and encourage open discussions about feelings and problems.

5. Encourage regular spiritual programs in the educational institutes.
6. Establish Help centers and publicize uniform helplines for people at both the Dzongkhag and national level as well as conduct timely awareness programs, so persons suffering from any mental disorders or suicidal thoughts can avail immediate assistance.
7. Prioritize care for those who have attempted suicide, by ensuring they avail follow up counseling sessions for themselves and for their families.
8. Implement the Narcotic Drugs Psychotropic Substances and Substance Abuse Act 2015 (Sections 34 & 36) on treatment and rehabilitation by establishing rehabilitation centers in the regions for substance and alcohol users to access treatment and counseling facilities.
9. To facilitate and ensure meaningful engagement of youth during leisure times:
  - a) Allow free access for children and youth in the existing government owned sports facilities such as parks, school grounds and institutional facilities.
  - b) Establish youth parks and recreational facilities targeted for youths in urban and rural areas.

## **E. ANNUAL REPORT**

### **1. Review Report on Anti-Corruption Commission Annual Report 2020- 2021**

***Sitting 4 | Wednesday, December 1, 2021***

The Chairperson of the Good Governance Committee (GGC), while presenting the review report on the Annual Report 2020-2021 of the ACC, informed the House that the report encompasses performance for the period of 18 months, from January 2020 to June 2021. This was due to the change of the reporting period of the ACC's annual report from the calendar year to the financial year. The Committee structured the report on Performance of the ACC; Organizational Outlook; Implementation Status of Resolutions of the Parliament; and Issues and Recommendations.

For the purpose of general public awareness, the committee reported that the commission held a total of 24 interactive and thematic sessions with participants from schools and Civil Society Organizations, and also developed Information, Education and Communication (IEC) Materials.

Further, through Media engagement and Youth Integrity Programs, instituted Integrity Club in ten more schools taking the total to 20 clubs, one in each Dzongkhag.

The review highlighted that, during the 18-month reporting period, the ACC received 451 complaints, which was 24% less as compared to 2019. Abuse of function was alleged to be the major corruption offence constituting 160 complaints. In terms of place of occurrence, gewog administration constituted the highest number of complaints. The ACC completed 27 cases, and the average Turnaround Time (TAT) to complete each case during the period was approximately 73 working days.

The retention of staff continues to be a major challenge for the ACC. The Commission instituted the voluntary program called the 'Innovation Dumra Initiative' to nurture talents, ingenuity, and innovation in staff through promotion of self-exploration and in-depth research.

The committee proposed the ACC to advocate and share model codes of conduct and advise other agencies for adoption and subsequent implementation; conduct a review to understand if there is need to enact a separate Witness Protection Act; assess the efficacy of the integrity clubs in schools either on its own or outsource its impact assessment to a relevant agency to avoid biases; and explore a systematic process that would help institutionalize any ACC related trainings and programs within the LG institutions for their sustainability.

Some Members questioned whether there is a need to enact a separate Witness Protection Act as this concern is already taken care of by chapter seven of the Anti-corruption Act. The Hon'ble Member of Pema Gatsel Dzongkhag said that if the issue is not covered in the Act, it would be more beneficial to enact an Act to protect witnesses in general and not just related to corruption.

Most Members suggested that in order to combat corruption in the local government, awareness trainings should be provided every five years in accordance with the electoral procedures, at least to the LG Chairpersons.

Moreover, the Hon'ble Member of Lhuntse Dzongkhag said that in terms of movable and immovable properties, due to seizure or temporary restriction of ownership, an individual or an agency involved gets impacted. So he suggested that it would be convenient if the Commission maintains an escrow account.

### **1.1. Adoption of Recommendations on Anti-Corruption Commission Annual Report 2020- 2021**

The House, after extensively deliberating on the proposed recommendations on December 2, 2021, adopted the following recommendations on December 13, 2021:

#### **Resolution on the Anti-Corruption Annual Report 2020-2021**

##### ***The National Council,***

*Acknowledging* the need to fix accountability and promote integrity among the public servants given the report's indication of the highest rate of alleged corruption within the LG functionaries in the form of abuse of functions;

*Noting* that Section 24 of the Anti-Corruption Act 2011, stipulates the Commission to publish manuals of guidance and develop model codes of conduct and advise public or private bodies as to the adoption of such codes as may be suited to such bodies;

*Further Noting* that the ACC, although aware of this provision and has developed one, such manual has not been adequately advertised and shared with other agencies for adoption and subsequent implementation;

*Concerned* that the trend and percentage of anonymous complaints received by the Commission in comparison to known sources implies the requirement of security and safety of the complainants, informers, whistleblowers, and witnesses;

*Affirming* that Chapter 7 of the ACAB 2011 is dedicated to the protection of witnesses and informers, it is also imperative to understand the adequacy and comprehensiveness of the provisions of the Act and Guidelines there under;

*Recognizing* the Commission's endeavor to inculcate ethics and values through Integrity Clubs in schools, and considering the

need to assess the efficacy of such programs among schools and students;

*Observing* that Integrity Clubs could be extended to more schools across the country and its assessment is hampered due to lack of adequate human resources in the Commission, it is an opportunity to extend and outsource such programmes to other relevant entities;

*Reiterating* the highlight of the Report on the abuse of functions by Local Government functionaries, and realizing its importance in preventing, mitigating, and combating corruption;

*Cognizant of* the Third Local Government election and significance of imparting corruption mitigation trainings and awareness programmes to the LGs and vulnerable groups;

*Considering* the importance of institutionalizing the anti-corruption measures at the LG levels and conducting orientation programmes and training or sensitization workshops at the beginning of their tenure,

***Hereby, recommends the Anti-Corruption Commission to:***

1. Create awareness of the need to follow the model code of conduct and avert the risk of agencies developing and using their own models.
2. Consider creating awareness on the provisions of the Act and Guidelines on the protection of witnesses/informers and consequences of false complaint, and conduct a review on the adequacy of the provisions of the Act and Guidelines to understand if there is a need to enact a separate Witness Protection Act.

3. Assess the efficacy of the integrity clubs in schools either on its own or outsource its impact assessment to a relevant agency to avoid biases.
4. Explore a systematic process that would help institutionalize any ACC related training and programmes within the LG institutions for their sustainability and explore conducting such programs at the beginning of the LG tenure.

## **F. PROCEEDINGS OF QUESTION TIME**

### **1. Hon'ble Minister for Agriculture**

***Sitting 4 | Wednesday, December 1, 2021***

Hon'ble Member Kesang Chuki Dorjee highlighted that despite the aim of ensuring nutritional security for all Bhutanese from domestic agriculture and livestock production, the issues of inflation and innutrition arise every year. In order to address these issues, she asked the following questions to the Minister:

1. How does the MoAF intend to provide affordable nutritious and safe foods for all sections of Bhutanese society and in particular, for the poorer sections of society?
2. What role does the MoAF play in ensuring that prices are not controlled by middle men and that fair prices for the farmers and consumers for locally produced vegetables, fruits and dairy products are maintained?

The Hon'ble Minister responded that the Ministry is working towards not only attaining self-sufficiency in nutritional agricultural products but also exporting them, and he also mentioned that there is a need to explore measures to store the products for longer durations and distribute them.



He said that the increase in expenditure due to the import of raw materials and resources inflates the prices of agriculture and livestock products. He added that in order to curb the issue, the Department of Agriculture and Department of Livestock are collaboratively working towards producing raw materials domestically. He also informed the House that the ministry with relevant agencies has worked out measures to control prices of commodities.

Hon'ble Member of Haa Dzongkhag raised the issue of delayed implementation of lease of *Tsamdro* and *Sokshing* despite the enactment of the Land Act in 2007. In this regard, he asked the following questions to the Hon'ble Minister:

1. Why did it take too long to lease *tsamdro* and *sokshing*?
2. When will the government start implementing provisions of the land act with regard to *tsamdro* and *sokshing* lease?
3. Whether or not the government can mention a specific timeline to lease *tsamdro* and *sokshing*?

The Hon'ble Minister responded, despite transferring the ownership of *tsamdro* and *sokshing* to the state from private individuals while enacting the Land Act 2007, problems still persisted. He reported that, in 2017, His Majesty The King commanded enactment of rules and regulations, and accordingly enacted one. He informed the House that the lease of *tsamdro* and *sokshing* is being piloted in *Merak* and *Sakteng* gewogs in Trashigang. He added that if the implementation proved successful, it will be replicated throughout Bhutan. However, most of the *sokshing* holdings are still being used by private individuals like before and some are used through due applications. He said that these will be handed over to the state soon for harmonious implementation of the new rules and regulation.

Hon'ble Member of Punakha Dzongkhag shared the issue of the farmers incurring huge losses to natural calamities and asked what measures the government has put in place to address the issue towards ensuring the national food security and self-sufficiency.

The hon'ble minister responded that as agricultural productions depend on weather, the Ministry with relevant agencies provide weather forecasts so that farmers can plan accordingly. He added that in order to compensate farmers during such disasters, an Endowment Fund has been established. However, he informed the House that the Fund currently has only Nu. 1 billion against the required Nu. 17 billion, and that the ministry is working towards seeking additional financial assistance from international organizations.

He informed the House that the ministry in collaboration with the Royal Insurance Corporation Limited (RICBL) has worked on insurance schemes. He added that the scheme requires a minimum budget of Nu. 26 Billion and the ministry is seeking financial support from international partners. He further added that His Majesty The King also grants *Kidu* to those affected by such disasters, and the ministry has signed a Memorandum of Understanding with the RICBL regarding insurance and submitted it to the HM Secretariat for further instructions.

He said that the factors affecting agricultural productions such as farm road, irrigation channel, green house, electric fence, hybrid seeds and land management systems are being explored for improvement.

## **2. Hon'ble Minister for Economic Affairs**

***Sitting 11 | Friday, December 10, 2021***

The Hon'ble Member of Trashhi Yangtse Dzongkhag asked the following questions to the Hon'ble Minister for Economic Affairs:

1. Kholongchhu Project was started in 2009, yet more than a decade later, all that can be seen are construction of roads and power lines and some housing colonies with no major works on the project.

The much-anticipated economic benefits through business opportunities and employment are yet to pick up as with other projects. This is due to major differences of views and opinions between the Shareholders (DGPC and SJVNL) and no hard decisions taken at the Board meetings. This could be attributed to the Membership of the Board being 50:50, and a Chairman who has no voting right as per the Companies Act of Bhutan 2000, and also other management issues. In this regard, questions were asked on whether the government has any concern over the lack of progress of the project, and what plans and strategies are thought of to address the existing problems.

The Hon'ble Minister responded that the project was due to complete by 2020, however due to certain problems, it got delayed and the government and the Ministry of Economic Affairs in particular are very concerned over the situation.

He added that the Chairperson of the Project was asked to convene a Board meeting to resolve the issues concerning the project, however, a meeting could not be held due to the ongoing Parliamentary Session in India. He said that once a Board meeting is held, the existing issues could be resolved,

and if not, a certain way forward could be reached. However, he assured that the problems would, by any means, be resolved during the current government's tenure.

2. During the 22<sup>nd</sup> Session of the National Council, the Hon'ble Minister stated unless the Mines and Mineral Bill of Bhutan, 1995 is amended, the existing license and issuance of permit will be restrained. Nonetheless, as per the order of Hon'ble Minister with announcement from the Ministry, the works related to mines and minerals were started again. Even during the question-answer in BBS, Hon'ble Minister mentioned that the Regulations of Mines and Minerals are under revision.

The Hon'ble Minister was enquired whether to let the mining business continue or halt its operation while revising the regulations as Mines and Minerals Act contradicts with the Constitution. He was further asked what are the guarantee, idea, policy and strategy to align with the provisions of the Constitution while amending the revised regulations.

In response, the Hon'ble Minister reported that according to the year 2021 fiscal account, the internal revenue was reduced to almost 10.7% and prohibition of mines and mineral trade was one of the causes. Thus, discontinuity of Mine's business won't benefit people and the economy. He also responded that while the time for the enactment of the act is uncertain, the regulations will be framed within the provision of the Constitution to advantage the nation through comprehensive discussion with related agencies and as per the findings of the National Council and the concerns of the National Assembly and the people of Bhutan.

## **G. CLOSING CEREMONY**

***Sitting 15 | Friday, December 24, 2021***

The 28<sup>th</sup> Session of the National Council which commenced on November 26, 2021 successfully concluded on December 24, 2021 corresponding to the 20<sup>th</sup> Day of the 10<sup>th</sup> Month to 20<sup>th</sup> Day of the 11<sup>th</sup> Month of Female Iron Ox Year of the Bhutanese Calendar. After the closing address of the Hon'ble Chairperson, the House offered *Zhabten* and *Tashi Moenlam* for the wellbeing of the King, Country and People.

### **1. Closing Address of the Hon'ble Chairperson**

Today, 20<sup>th</sup> Day of the 11<sup>th</sup> Month of Female Iron Ox Year corresponding to December 24, 2021 is an auspicious day for the National Council as the 28<sup>th</sup> Session which started from November 26 is able to successfully conclude.

I welcome the Deputy Chairperson, all the Hon'ble Members, Secretary General, Director and Secretariat staff and reporters from Media Houses in the Closing Ceremony of the 28<sup>th</sup> Session of the National Council. Also, I extend my warm greetings to all viewers who are watching the ceremony on BBS and various media platforms.

Firstly, all Bhutanese people were honored to offer prayer for longevity of the Wangchuck Dynasty, and fortunate to express gratitude during the celebration of the 114<sup>th</sup> National Day at the sacred *Tashi Choedzongon* December 17, 2021.

The House is well aware that the National Council Session was fruitful that concluded without any hindrance due to the blessings of His Majesty The King. The 28<sup>th</sup> Session ended with ease due to the mystical power of the triple gem, guardian deities, merits of His Majesty the Fourth King and Royal family

and sacred bestowment of His Holiness the Je Khenpo, prayers of the monastic body and other religious institutions, and the unwavering support from the people. Moreover, on behalf of the National Council, I express my heartfelt gratitude to His Majesty The King who cares for His citizens with indefinite love. The Session came to end without any hitches due to the solemn blessings, wise advice and deepest compassion of His Majesty The king.

In a nutshell, I would like to share some of the important issues deliberated during 28<sup>th</sup> Session:

**Legislative Issues:**

- Anti-Corruption Commission (Amendment) Bill of Bhutan 2021,
- United Nations Convention Against Corruption (UNCAC) Amendment,
- Preferential Trade Agreement between the People’s Republic of Bangladesh and Royal Government of Bhutan,
- Review Report on Consolidation, Repeal, and Publication of legislations, and
- Review Report on Civil Liability Bill (Tort).

**Money Bills passed to the House by the National Assembly:**

- Customs Duty (Amendment) Bill of Bhutan 2021,
- Tax (Amendment) Bill of Bhutan 2021,
- Goods and Services Tax (Amendment) Bill of Bhutan 2021, and
- Fiscal Incentives Bill of Bhutan 2021.

**Re-deliberation:**

- The Civil Society Organizations (Amendment) Bill of Bhutan 2021.

**Policy Review Issues:**

- Review Report on State Owned Enterprises, and
- Review Report on Suicide and Mental Health Issues in Bhutan.

As it is popularly said, outcomes are provisioned by participation, all issues related to legislative and policy reviews as well as whatever agenda, the Chairpersons, Deputy Chairpersons and Members of committees had shouldered their responsibilities to hold discussions and consultations with relevant stakeholders for the past many months. Moreover, every individual member had done effective research on every agenda motioned in the Session and all discussions in the House were comprehensive with an intact mindset for the wellbeing of the country and the people. Further, Members had studied thoroughly while enquiring and seeking clarifications during the Annual Report presentations and the Question-Time with the Cabinet Ministers. Hence, I offer my heartfelt gratitude to all the Hon'ble Members for the successful results of the 28<sup>th</sup> Session.

I am grateful to the Secretariat Office for the preparation of the 28<sup>th</sup> Session and provision of general services without any failure.

I am thankful to the BBS and other media houses for broadcasting news and information to the public during the Session and I also thank the Royal Bhutan Police, the Department of National Property and all other stakeholders who made the session successful.

Henceforth, as per the resolution of the 28<sup>th</sup> Session, we have a huge workload ahead in preparation for 29<sup>th</sup> Session by studying documents and conducting research on Royal Bhutan Police (Amendment) Bill 2021, Biodiversity Bill of Bhutan 2021

and Framework Agreement on the establishment of International Solar Alliance passed by the National Assembly.

I extend my gratitude to the Election Commission of Bhutan for successfully coordinating the Third Local Government Election and to all contestants for their participation. I offer my prayers and good wishes to the elected leaders, I am hopeful that they will fulfill the mandates bestowed on them and serve the needs of the people who elected them.

As the New Year 2022 has approached, I wish Happy New Year to His Majesty The king and Her Majesty The Gyaltsuen, His Majesty the Fourth King, the Royal Family Members, His Holiness the Je Khenpo, the Prime Minister and Cabinet Ministers, Members of Parliament, Government Bureaucrats, Armed Forces, Teachers and Students and to all fortunate Bhutanese. May the glorious sun shine from the east; may the cool moon shine overhead; and let good merits flourish in Bhutan forever and ever.

Thank you. The Closing Ceremony of the 28<sup>th</sup> Session is now concluded.



(Tashi Dorji)  
**Chairperson**  
**National Council of Bhutan**



## **ANNEXURES**

### **I: Amendments on the Anti-Corruption (Amendment) Bill of Bhutan 2021**

#### **Preamble**

~~An Act~~~~Bill~~ to amend the Anti - Corruption Act of Bhutan 2011.

The Parliament of the Kingdom of Bhutan hereby enacts as follows:

#### **Short Title**

This ~~Act~~~~Bill~~ is the Anti-Corruption (Amendment) ~~Act~~~~Bill~~ of Bhutan, 2021.

#### **Commencement**

This ~~Act~~ ~~Bill~~ Comes into force on the .....Day of the .....Month of ~~the Earth Female Pig~~..... Year of the Bhutanese Calendar corresponding to the .....Day of .... Month 2021.

#### **Extent**

This ~~Act~~~~Bill~~ extends to the whole of the Kingdom of Bhutan.

#### **Section 8 (1)**

##### **8. Security and independence of adequate human resources**

(1) The Commission shall determine its organizational structure ~~in consultation with the Royal Civil Service Commission~~ and administer it independently.

#### **Section 8 (2)**

(2) The Commission shall have independence and powers to regulate appointments, management and dismissal of its staffs other than a Member ~~in accordance with the Civil Service Act~~.

### **Section 28 (1)**

(1) The appointment, terms and conditions of service of staff of the Commission shall be in accordance with the ~~Civil Service Act.~~ **Service condition adopted by the Commission.**

### **Section 36 (2)**

(2) The Commission shall monitor the implementation of such anti-corruption measures **adopted by the Commission** ~~by public agencies~~ and may require **the head of** such public **agency** ~~agencies~~ to report to it on its implementation status. **Any anti-corruption measures prepared by a public agency shall be approved by the Commission.**

### **Section 38 (4)**

(4) Without prejudice to subsection (5), where public servants or other individuals using public resources who ~~is~~ **are** required by this Act to file their declaration, without reasonable justifications, fail to do so within ~~thirty days from the expiry of~~ the due date **shall be considered as late declarant and**, shall be levied a fine equivalent to one day's minimum wage for each day **till** such failure subsists, **only up to thirty days from the day of expiry of due date.**

### **Section 42 (3)**

(3) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 43(3)**

(3) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in~~

~~the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

**Section 44(4)**

(4) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

**Section 45 (3)**

(3) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more~~

**Section 46 (2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

**Section 47 (2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 48 (2)**

(2) An offence under this section shall be a felony of fourth degree or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 49 (2)**

(2) An offence under this section shall be a felony of fourth degree or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or 5 the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 50 (2)**

(2) An offence under this section shall be a felony of fourth degree or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 51(2)**

(2) An offence under this section shall be a felony of fourth degree or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 52(2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the~~

~~felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

**Section 53(2)**

(2) An offence under this section shall be a petty misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

**Section 54(2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

**Section 55(2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

**Section 56(2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 57(2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 58 (1)**

(1) A public servant who ~~knowingly~~ abuses functions or position by performing an act ~~amounting to favouritism, nepotism or patronage, etc~~ in violation of laws, in discharge of his or her functions to obtain advantage for himself or herself or for another person **or cause loss to the State** shall be guilty of an offence.

### **Section 58(2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 59 (1)**

(1) A public servant who ~~knowingly~~ abuses functions or position by omitting to perform an act, in violation of laws, in the discharge of his or her functions, to obtain any advantage for himself or herself or for another person **or cause loss to the State** shall be guilty of an offence.

### **Section 59 (2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or 8 the amounts involved~~

~~in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 63 (2)**

(2) A public servant who fails to comply with subsection (1) of this section ~~and by doing so,~~ **causes a person to get an advantage or disadvantage by that decision** shall be guilty of an offence.

### **Section 66 (2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan,** whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 67(2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan,** whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 68(2)**

(2) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan,** whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

### **Section 69(2)**

(2) An offence under this section shall be a petty misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan,** whichever is higher. ~~subject to a maximum of the~~

~~felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

**Section 70(2)**

(2) An offence under this section shall be a felony of third degree or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

**Section 71(2)**

(2) An offence under this section shall be a felony of third degree or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

**Section 72(2)**

(2) An offence under this section shall be a felony of third degree or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~

**Section 73(3)**

(3) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher. ~~subject to a maximum of the felony of second degree if the value or the amounts involved in the crime exceed the total amount of minimum wage at the time of the crime for a period of 35 years or more.~~



## **New Section after Section 74 as Section 74A**

### **74A. Active or passive bribery of witness**

- (1) A person shall be guilty of an offence if he or she directly or indirectly, promises, offers or gives an advantage to any person to:
  - (a) Influence the testimony of such person as a witness, before the court of law or Commission or any lawful authority; or
  - (b) Influence such person to remain absent himself or herself from giving testimony as witness before the court of law or Commission or any lawful authority.
- (2) A person shall be guilty of an offence if he or she directly or indirectly, solicits or accepts an advantage from another person for:
  - (a) being influenced in testimony as a witness before the court of law or Commission or any lawful authority; or
  - (b) absenting himself or herself from giving testimony before the court of law or Commission or any lawful authority.
- (3) For a person to be guilty under this section, it does not matter whether or not the advantage promised, offered or given or the advantage solicited or accepted:
  - (a) Is for the benefit of such person who testify or remains absent from testifying as witness or for another person; or
  - (b) Has actually influenced a testimony of such person as witness or influenced to remain absent from testifying as witness.
- (4) An offence under this section shall be a misdemeanor or value based sentencing, **as defined in the Penal Code of Bhutan**, whichever is higher.

### **New Sub-section after section 79(1)**

(1A) The Commission may refer a complaint to relevant agencies or authority ~~for them to act upon it~~ if the complaint

~~received by the Commission constitutes no elements of an offense under this Act or is of administrative nature.~~

**New sub section after section 104 (3) as section 104 (4)**

Any moveable property which is frozen, seized or confiscated under this Act may be allowed to use, or operate ~~or lease~~ pending the outcome of the investigation or auction by the Commission with approval from the Court, as per the Rules adopted by the Commission.

**New sub section after section 108 (2) as section 108 (3)**

108 (3) Any immoveable property or Developmental works which ~~is~~ are frozen, seized or confiscated under this Act may be allowed to use, operate, lease or resume, pending outcome of the investigation and prosecution with approval from the Court, as per the Rules adopted by the Commission.

**Section 113 (1) (e)**

(e) Fails to produce to, or conceals ~~or attempts to conceal~~ from, the Commission any book, document, or article, in relation to which the Commission has reasonable grounds for suspecting that an offence under this Act has been or is being committed, or which is liable to seizure under this Act;

**Section 113 (1) (j)**

(j) Interferes with, puts fear into, ~~or threatens or abducts or attempts to interfere with, put fear into, threaten or abduct~~ any person involved in an investigation under this Act, ~~shall be guilty of an offence.~~

**New Sub-section after 113 (1) (j) as 113 (1) (k)**

**Abducts any person involved in an investigation under this Act.**

### **Section 113 (2)**

(2) An offence under this section shall be a petty misdemeanor **except that the offence under subsection (1) (k) of this section which shall be felony of fourth degree.**

### **New sub-section after section 119 (6) as 119 (7)**

(7) Immunity under this section shall be effected by entering into agreement with the Commission or lawful authority ~~authorized by the Commission~~ at any stage of investigation or any other proceedings.

### **Section 128 (3)**

(3) Notwithstanding subsection (2), the Commission may carry out its own prosecution of a person charged with an offence under this Act or take over the prosecution process from the Office of Attorney General **only** when the case is:

- (a) Delayed, **returned, withdrawn or not appealed** without a valid reason;**or**
- (b) Manipulated; or
- (c) Hampered by interference.

### **Section 138(1)**

(1) The Commission may, when referring a matter under sections **79 (1A), and 137,**~~(137) and 79 (1A),~~ require the relevant public agency to submit to the Commission a report in relation to the matter and the action taken by the relevant authority.

### **Section 139 (1)**

(1) If the Commission is not satisfied that a relevant authority has duly and properly taken action in connection with a matter referred under sections **79 (1A) and 137,**~~(137) and 79 (1A),~~ the Commission shall inform the relevant public agency of the grounds of the Commission's dissatisfaction and shall give the relevant authority an opportunity to comment within a specified time.

## **Section 165 (2)**

(2) A legal person shall be guilty of an offence, when persons with the highest level managerial authority of such legal person:

(a) Directly or indirectly, offers, promises or gives a bribe to another person **or engages in commission or attempted commission of corruption;**

(b) Directs or authorises a lower level person to offer, promise or give a bribe to another person **or to engage in commission or attempted commission of corruption;** or

(c) ~~Knowingly~~ **F**ails to prevent a subordinate from bribing an official **or commission or attempted commission of corruption**, including through a failure to supervise him or her due to non implementation of internal controls, ethics and compliance programmes or measures.

## **Section 176 (1) (kk)**

(kk) **“Public servant”** means a person who is a member, an officer, an employee of a public agency, whether appointed or elected, whether permanent or temporary, whether paid or unpaid and includes a person:

(i) Who is a civil servant within the meaning of the Civil Service Act, as amended; or

(ii) Receiving salary, allowances, benefits, or emoluments from public funds; or

**(iii) Who is a member/commissioner of a Statutory Authority or Board or a Commission that uses or regulates or controls public property or public resources; or**

**(iv) A member of a Board of a publicly listed company.**

**II: Disagreement between National Council and National Assembly on the Civil Society Organizations (Amendment) Bill of Bhutan 2021**

Section	Original Section	National Council's Amendment	National Assembly's Amendment
Preamble		<p><b>An Act to amend the Civil Society Organization Act of Bhutan 2007.</b></p> <p><b>The Parliament of the Kingdom of Bhutan do hereby enact as follows:</b></p>	<p>An Act <b>A Bill</b> to amend the Civil Society Organizations Act of Bhutan 2007.</p> <p>The Parliament of the Kingdom of Bhutan do hereby enact as follows:</p>
Title		<p><b>This Act is the Civil Society Organizations (Amendment) Act of Bhutan 2021.</b></p>	<p>This Act <b>Bill</b> is the Civil Society Organizations (Amendment) Act <b>Bill</b> of Bhutan 2021.</p>
Comment		<p><b>This Act comes into force on the.....Day of the.....Month of the.....of the Bhutanese Calendar corresponding to the..... Day of.....2021.</b></p>	<p>This Act <b>Bill</b> comes into force on the.....Day of the.....Month of the.....of the Bhutanese Calendar corresponding to the.....Day of.....2021.</p>

<b>Extent</b>		<b>This Act extends to the whole of the Kingdom of Bhutan.</b>	This Act <del>Bill</del> extends to the whole of the Kingdom of Bhutan.
Section 4	<p>For the purpose of this Act, there are two types of CSOs, distinguished by their differing objectives:</p> <p>(a) Public Benefit Organizations (“PBOs”) are CSOs, which are established in order to benefit a section or the society as a whole.</p> <p>(b) Mutual Benefit Organizations (“MBOs”) are CSOs which are established in order to advance the shared interests of their Members or supporters, such as to advance the shared interests of people working in a particular profession, the</p>	<b>Retain as in Original</b>	<p>For the purpose of this Act, there are two types of CSOs, distinguished by their differing objectives:</p> <p>(a) <del>Public Benefit Organizations (“PBOs”) are CSOs, which are established in order to benefit a section or the society as a whole.</del></p> <p>(b) <del>Mutual Benefit Organizations (“MBOs”) are CSOs which are established in order to advance the shared interests of their Members or supporters, such as to advance the shared interests of people working in a particular profession, the businesses engaged in a particular industry, youth studying in a university, or people who are interested in a particular cultural activity, sport or hobby.</del></p> <p><b>For the purpose of this Act, there are two types of CSOs;</b></p>

	<p>businesses engaged in a particular industry, youth studying in a university, or people who are interested in a particular cultural activity, sport or hobby.</p>		<p><b>(a) Public Benefit Organizations (“PBOs”)</b>  <b>(b) Mutual Benefit Organizations (“MBOs”)</b></p>
<p><b>In the Civil Society Organization Act 2007, new section is inserted after section 7(i) as 7(j):</b></p>		<p><b>violate this Act or any other laws in force.</b></p>	<p><del>violate this Act or any other laws in force.</del></p>

<p>Section 9</p>	<p>The Authority shall consist of :</p> <p>(a) A senior official from the Ministry of Finance appointed by the Finance Minister;</p> <p>(b) An eminent lawyer with knowledge and experience of laws relating to CSOs, who is recommended by the Attorney General;</p> <p>(c) Two eminent Members representing the CSOs; and</p> <p>(d) A senior official from the Ministry of Home and Cultural Affairs, appointed by the Home Minister, who shall be the member</p>	<p>The Authority shall consist of :</p> <p><del>(a) A senior official from the Ministry of Finance appointed by the Finance Minister;</del></p> <p><del>(b) An eminent lawyer with knowledge and experience of laws relating to CSOs, who is recommended by the Attorney General;</del></p> <p><del>(c) Two eminent Members representing the CSOs; and</del></p> <p><del>(d) A senior official from the Ministry of Home and Cultural Affairs, appointed by the Home Minister, who shall be the member secretary of the Authority.</del></p> <p><b>The Authority shall have seven Members consisting of:</b></p> <p><b>(1) the Secretary, the Ministry of Home and Cultural Affairs who shall be its ex-officio Chairperson;</b></p> <p><b>(2) a representative in executive positions from the:</b></p> <p><b>(a) Ministry of Foreign Affairs;</b></p>	<p>The Authority shall consist of :</p> <p><del>(a) A senior official from the Ministry of Finance appointed by the Finance Minister;</del></p> <p><del>(b) An eminent lawyer with knowledge and experience of laws relating to CSOs, who is recommended by the Attorney General;</del></p> <p><del>(c) Two eminent Members representing the CSOs; and</del></p> <p><del>(d) A senior official from the Ministry of Home and Cultural Affairs, appointed by the Home Minister, who shall be the member secretary of the Authority.</del></p> <p>The Authority shall have seven Members consisting of:</p> <p>(1) the Secretary<del>Minister</del>, the Ministry of Home and Cultural Affairs who shall be its ex-officio Chairperson;</p> <p>(2) a representative in executive positions from the:</p> <p>(a) Ministry of Foreign Affairs; <b>and</b></p> <p>(b) Gross National Happiness Commission;</p>
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	secretary of the Authority.	<p><b>(b) Gross National Happiness Commission;</b></p> <p><b>(c) Department of Law and Order;</b></p> <p><b>(3) two representatives from the CSOs; and</b></p> <p><b>(4) the Executive Director of the Authority as the member secretary.</b></p>	<p>(c) Department of Law and Order;</p> <p>(3) <del>two</del><b>three</b> representatives from the CSOs; and</p> <p>(4) the Executive Director of the Authority, <b>who shall also be</b> the member secretary.</p>
Section 10	The Members of the Authority shall elect a Chairperson from among themselves.	<p><del>The Members of the Authority shall elect a Chairperson from among themselves.</del></p> <p><b>The respective agencies shall appoint Members other than the member secretary and the two representatives from the CSOs.</b></p>	<p><del>The Members of the Authority shall elect a Chairperson from among themselves.</del></p> <p>The respective agencies shall appoint Members other than the member secretary and the <del>two</del><b>three elected</b> representatives from the CSOs.</p> <p><i>(To be moved under section 9)</i></p>
Section 16	<b>Endowment Fund Limit</b> The Authority shall prescribe endowment fund limit for the MBO from time to time.	<b>Endowment Fund Limit</b> The Authority shall prescribe endowment fund limit for the MBO <b>or PBO</b> from time to time.	<b>Endowment Fund Limit</b> The Authority shall <b>determine</b> prescribe endowment fund <del>limit</del> for the MBO <del>or PBO</del> <b>CSOs</b> from time to time.

<p>Section 21</p>	<p>The Authority shall be supported by administrative machinery staffed by civil servants as per the Civil Service Rules and Regulations. The Authority may incur expenditures that are required for carrying out its functions and responsibilities under this Act.</p>	<p><del>The Authority shall be supported by administrative machinery staffed by civil servants as per the Civil Service Rules and Regulations. The Authority may incur expenditures that are required for carrying out its functions and responsibilities under this Act.</del></p> <p><b>The Secretariat of the Authority shall have executive director as its head and such other required staff whose appointment, terms and conditions of service shall be in accordance with the Civil Service Act of Bhutan.</b></p>	<p><del>The Authority shall be supported by administrative machinery staffed by civil servants as per the Civil Service Rules and Regulations. The Authority may incur expenditures that are required for carrying out its functions and responsibilities under this Act.</del></p> <p>The Secretariat of the Authority shall have executive Director as its head and such other required staff whose appointment, terms and conditions of service shall be in accordance with the Civil Service Act of Bhutan.</p>
<p><b>New section after section 22</b></p>		<p><b>Retain as in Original</b></p>	<p><b>New section after section 22</b></p> <p><b>Small-scale CSOs</b></p> <p><b>A small-scale CSO does not need to be formally registered but it shall be allowed to legally operate upon obtaining written permission from the Authority as per the rules and regulations framed by the Authority.</b></p>

<p>Section 27</p>	<p><b>Register</b></p> <p>The office established under the Authority shall maintain:</p> <p>(a) A register recording all CSOs, which shall be made available for viewing by any member of the public during regular business hours at the Authority's office or on the internet, listing all CSOs that are or were operating or authorized to operate in Bhutan, and stating each CSO's name, address and telephone number, the names of the Members of its governing board and its chief executive officer, the CSO's</p>	<p><b>Retain as in Original</b></p>	<p><del><b>Register</b></del><b>Record of CSOs</b></p> <p><del>The office established under the Authority shall maintain:</del></p> <p>(a) <del>A register recording all CSOs, which shall be made available for viewing by any member of the public during regular business hours at the Authority's office or on the internet, listing all CSOs that are or were operating or authorized to operate in Bhutan, and stating each CSO's name, address and telephone number, the names of the Members of its governing board and its chief executive officer, the CSO's general purposes, the total amount of the CSO's current assets, liabilities, income and expenditures, and the date of its dissolution or of its loss, termination or cancellation of registration; and</del></p> <p>(b) <del>An annual record of the total amount of contributions received and made to each CSO.</del></p> <p><b>The Secretariat shall maintain records of the CSOs as follows:</b></p>
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	<p>general purposes, the total amount of the CSO's current assets, liabilities, income and expenditures, and the date of its dissolution or of its loss, termination or cancellation of registration; and</p> <p>(b) An annual record of the total amount of contributions received and made to each CSO.</p>		<p>(a) <b>Name and contact address;</b>                  (b) <b>Purposes;</b>                  (c) <b>Members of its Board;</b>                  (d) <b>Executive Director;</b>                  (e) <b>Current Assets, loss incurred, liabilities, income and expenditure;</b>                  (f) <b>Date of dissolution or termination or cancellation of registration; and</b>                  (g) <b>An annual record of the total amount of contributions received and made to each CSO</b></p> <p><b>The above records shall be available for public viewing.</b></p>
<p>Section 32</p>	<p><b>Cancellation of Registration Due to Cessation of Activities</b></p> <p>If a CSO has ceased for a period of at least two years to carry out the purposes and activities set forth in its Article of Association, its</p>	<p><del><b>Cancellation of Registration Due to Cessation of Activities</b></del></p> <p><del>If a CSO has ceased for a period of at least two years to carry out the purposes and activities set forth in its Article of Association, its registration shall be cancelled.</del></p>	<p><b>Cancellation of Registration Due to Cessation of Activities</b></p> <p>If a CSO has ceased for a period of at least two years to carry out the purposes and activities set forth in its Article of Association, its registration shall be cancelled.</p>

	<p>registration shall be cancelled.</p>	<p><b>Removal from the Register</b></p> <p><b>A CSO shall be removed from the register, if:</b></p> <p>(1) <b>it has ceased for a period of at least two years to carry out the purposes and activities set forth in its Article of Association;</b></p> <p>(2) <b>its money or property is used for purposes and activities not set forth in the Article of Association;</b></p> <p>(3) <b>it so requests for voluntary removal;</b></p> <p>(4) <b>it fails to report:</b></p> <p style="padding-left: 20px;">(a) <b>cessation of its existence; or</b></p> <p style="padding-left: 20px;">(b) <b>change in its purpose or information; and</b></p> <p>(5) <b>it violates this Act or any other laws in force.</b></p>	<p><b>Removal from the Register</b></p> <p>A CSO, <b>including a Foreign CSO</b>, shall be removed from the register, if:</p> <p>(1) it has ceased for a period of at least two years to carry out the purposes and activities set forth in its Article of Association;</p> <p>(2) its money or property is used for purposes and activities not set forth in the Article of Association;</p> <p>(3) it so requests for voluntary removal;</p> <p>(4) fails to report:</p> <p style="padding-left: 20px;">(a) cessation of its existence; or</p> <p style="padding-left: 20px;">(b) change in its purpose or information; and</p> <p>(5) it violates this Act or any other laws in force.</p>
<p>Section 60</p>	<p><b>Person Disqualified from being Board Members</b></p> <p>Subject to the provisions of</p>	<p><b>Person Disqualified from being Board Members</b></p> <p><del>(e) —Currently holds any senior office or</del></p>	<p><b>Section 60</b></p> <p><b>Persons Disqualified from being Board</b></p>

<p>this Act, a person shall be disqualified from being a member of the Board of a CSO if he:</p> <ul style="list-style-type: none"> <li>(a) Has been terminated from Public Service;</li> <li>(b) Has been removed from any office on the ground of any misconduct or mismanagement in the administration of any CSO or other corporate bodies;</li> <li>(c) Has been convicted for any criminal offence and sentenced to imprisonment;</li> <li>(d) Has been found to be in arrears of taxes or other dues to the Government for a substantial period and in a substantial amount;</li> <li>(e) Currently holds any</li> </ul>	<p><del>position in a Government-controlled company or organization, unless otherwise exempted by law; or</del></p>	<p><b>Members</b></p> <p>Subject to the provisions of this Act, a person shall be disqualified from being a member of the Board of a CSO if he:</p> <ul style="list-style-type: none"> <li><del>(a) Has been terminated from Public Service;</del></li> <li><del>(b) Has been removed from any office on the ground of any misconduct or mismanagement in the administration of any CSO or other corporate bodies;</del></li> <li><del>(c) Has been convicted for any criminal offence and sentenced to imprisonment;</del></li> <li><del>(d) Has been found to be in arrears of taxes or other dues to the Government for a substantial period and in a substantial amount;</del></li> <li><del>(e) Currently holds any senior office or position in a Government-controlled company or organization, unless otherwise exempted by law; or</del></li> <li><del>(f) Is disqualified under any law.</del></li> </ul>
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	<p>senior office or position in a Government controlled company or organization, unless otherwise exempted by law; or</p> <p>(f) Is disqualified under any law.</p>		
<p>Section 61</p>	<p>CSOs operating in Bhutan shall seek the approval of the Authority before employing any person, who is not a citizen of Bhutan, whether as paid employees or as volunteers. However, they shall ensure that such employment is in compliance with all related laws and regulations of the country including labour and immigration laws. CSOs shall bear all responsibility for the actions of such employees and volunteers in their</p>	<p><b>Retain as in Original</b></p>	<p><b>Section 61</b></p> <p><del>CSOs operating in Bhutan shall seek the approval of the Authority before employing any person, who is not a citizen of Bhutan, whether as paid employees or as volunteers. However, they shall ensure that such employment is in compliance with all related laws and regulations of the country including labour and immigration laws. CSOs shall bear all responsibility for the actions of such employees and volunteers in their organization.</del></p> <p><b>CSOs employing a non-Bhutanese shall comply with the Labour and Immigration laws of the country.</b></p>

	organization.		<i>(To be moved after section 43)</i>
Section 62	A CSO shall ensure observe all the norms and criteria for operations in Bhutan with regard to the fair and objective hiring, employment and human resource and personnel management of local employees as per the standards and guidelines established by the relevant public authorities, and it shall refrain from arbitrary or other unfair business practices failing which, the concerned CSO shall be dealt in accordance with this Act and with other relevant laws of the Country.	<b>Retain as in Original</b>	<p><b>Section 62</b></p> <p><del>A CSO shall ensure observe all the norms and criteria for operations in Bhutan with regard to the fair and objective hiring, employment and human resource and personnel management of local employees as per the standards and guidelines established by the relevant public authorities, and it shall refrain from arbitrary or other unfair business practices failing which, the concerned CSO shall be dealt in accordance with this Act and with other relevant laws of the Country.</del></p> <p><b>A CSO shall ensure human resource and personnel management in accordance with this Act and other relevant laws of the Country.</b></p> <p><i>(To be moved after section 43)</i></p>



Title of section 73	<b>Change of Purpose</b>	<b>Retain as in Original</b>	Change of Purpose <b>of collection</b>
Section 82(a)	<p><b>Dissolution</b></p> <p>If the objectives or activities of the CSOs are in contravention of the provisions of the laws of the Country;</p>	<p><b>Retain as in Original</b></p>	<p><b>Dissolution</b></p> <p>If the objectives or activities of the CSOs are in contravention of the provisions of the laws of the Country;</p>
Section 89	<p><b>Profit upon Dissolution</b></p> <p>If upon the dissolution of any a CSO registered under this Act, after the satisfaction settlements of all its debts and liabilities, any property whatsoever is left, the same shall not be paid to or distributed among the Board Members or employees of the said CSO but it shall be utilized for project with similar activities in consultation</p>	<p><b>Retain as in Original</b></p>	<p><b>Profit upon Dissolution</b></p> <p>If upon the dissolution of any a CSO registered under this Act, after the satisfaction settlements of all its debts and liabilities, any property whatsoever is left, the same shall not be paid to or distributed among the Board Members or employees of the said CSO but it shall be utilized for project with similar activities in consultation with the Authority.</p> <p><b>Upon the dissolution of a CSO, any property left whatsoever shall be utilized for projects with similar activities in</b></p>

	with the Authority.		<b>consultation with the Authority.</b>
Section 102	<p><b>Breach of Trust</b></p> <p>A Board member or officer of a CSO may not set off a profit accruing from a breach of trust against a loss or depreciation in value resulting in another.</p>	<b>Retain as in Original</b>	<p><b>Breach of Trust</b></p> <p><del>A Board member or officer of a CSO may not set off a profit accruing from a breach of trust against a loss or depreciation in value resulting in another.</del></p> <p><b>A Board member or an official of a CSO shall compensate an equivalent value of loss or depreciation resulting from the profit accrued through conduct of Breach of Trust.</b></p>
Section 107	If a Board member or officer of a CSO commits a breach of trust at the instigation, at the request with the concurrence of a beneficiary, the Court may impound all or part of the beneficiary's interest by way of indemnity to the Board member or officer of	<b>Retain as in Original</b>	<i>Amended in Dzongkha text</i>

	a CSO or any person claiming through him.		
Sub-heading of Section 116	<b>Enforcement of Judgment</b>	<b>Retain as in Original</b>	Enforcement of Judgment
<b>In the Civil Society Organization Act 2007, new section is inserted after section 123 as 123A:</b>		<p><b>Criminal actions not barred</b></p> <p><b>Where any conduct described in this Act also constitutes a criminal offence, which is punishable under any other laws, it shall not be considered as a limitation to the criminal prosecution.</b></p>	<p>Criminal actions not barred</p> <p>Where any conduct described in this Act also constitutes a criminal offence, which is punishable under any other laws, it shall not be considered as a limitation to the criminal prosecution.</p>
New Section after section		<b>Retain as in Original</b>	<p><b>Definition</b></p> <p><b>For the purpose of this Act unless the context indicate otherwise, the words, phrases and acronym are defined as</b></p>

126			<p><b>follows:</b></p> <p>(1) <b>“Mutual benefit organizations” are CSOs which are established in order to advance the shared interests of their Members or supporters, such as to advance the shared interests of people working in a particular profession, the businesses engaged in a particular industry, youth studying in a university, or people who are interested in a particular cultural activity, sport or hobby.</b></p> <p>(2) <b>“Public benefit organizations” are CSOs, which are established in order to benefit a section or the society as a whole.</b></p>
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### III: Voting Details

#### 1. Ratification of the Preferential Trade Agreement between the People's Republic of Bangladesh and the Royal Government of Bhutan

Date: 09/12/2021

**Result:** Passed    **Yes:** 20    **No:** 0    **Abstain:** 0    **Total:** 20

Sl. No	Name	Delegate	Voting
1.	Hon'ble Phuntsho Raptan	Delegate	Yes
2.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
3.	Hon'ble Ugyen Tshering, EM	Delegate	Yes
4.	Hon'ble Anand Rai	Delegate	Yes
5.	Hon'ble Ugyen Namgay	Delegate	Yes
6.	Hon'ble Karma Gyeltshen	Delegate	Yes
7.	Hon'ble Lhatu	Delegate	Yes
8.	Hon'ble Tirtha Man Rai	Delegate	Yes
9.	Hon'ble Choining Dorji	Delegate	Yes
10.	Hon'ble Nima	Delegate	Yes
11.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
12.	Hon'ble Dorji Khandu	Delegate	Yes
13.	Hon'ble Lhaki Dolma	Delegate	Yes
14.	Hon'ble Pema Dakpa	Delegate	Yes
15.	Hon'ble Surjaman Thapa	Delegate	Yes
16.	Hon'ble Ugyen Tshering	Delegate	Yes
17.	Hon'ble Tashi Samdrup	Delegate	Yes
18.	Hon'ble Tempa Dorji	Delegate	Yes
19.	Hon'ble Sangay Dorji	Delegate	Yes
20.	Hon'ble TshewangRinzin	Delegate	Yes

**2. Adoption of the Custom Duty (Amendment) Bill of Bhutan 2021**

Date: 09/12/2021

**Result:** Passed    **Yes:** 20    **No:** 0    **Abstain:** 0    **Total:** 20

<b>Sl. No</b>	<b>Name</b>	<b>Delegate</b>	<b>Voting</b>
1.	Hon'ble Phuntsho Rapten	Delegate	Yes
2.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
3.	Hon'ble Ugyen Tshering, EM	Delegate	Yes
4.	Hon'ble Anand Rai	Delegate	Yes
5.	Hon'ble Ugyen Namgay	Delegate	Yes
6.	Hon'ble Karma Gyeltshen	Delegate	Yes
7.	Hon'ble Lhatu	Delegate	Yes
8.	Hon'ble Tirtha Man Rai	Delegate	Yes
9.	Hon'ble Choining Dorji	Delegate	Yes
10.	Hon'ble Nima	Delegate	Yes
11.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
12.	Hon'ble Dorji Khandu	Delegate	Yes
13.	Hon'ble Lhaki Dolma	Delegate	Yes
14.	Hon'ble Pema Dakpa	Delegate	Yes
15.	Hon'ble Surjaman Thapa	Delegate	Yes
16.	Hon'ble Ugyen Tshering	Delegate	Yes
17.	Hon'ble Tashi Samdrup	Delegate	Yes
18.	Hon'ble Tempa Dorji	Delegate	Yes
19.	Hon'ble Sangay Dorji	Delegate	Yes
20.	Hon'ble TshewangRinzin	Delegate	Yes

**3. Adoption of the Tax (Amendment) Bill of Bhutan 2021**

Date: 09/12/2021

**Result:** Passed      **Yes:** 20      **No:** 0      **Abstain:** 0      **Total:** 20

<b>Sl. No</b>	<b>Name</b>	<b>Delegate</b>	<b>Voting</b>
1.	Hon'ble Phuntsho Rapten	Delegate	Yes
2.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
3.	Hon'ble Ugyen Tshering, EM	Delegate	Yes
4.	Hon'ble Anand Rai	Delegate	Yes
5.	Hon'ble Ugyen Namgay	Delegate	Yes
6.	Hon'ble Karma Gyeltshen	Delegate	Yes
7.	Hon'ble Lhatu	Delegate	Yes
8.	Hon'ble Tirtha Man Rai	Delegate	Yes
9.	Hon'ble Choining Dorji	Delegate	Yes
10.	Hon'ble Nima	Delegate	Yes
11.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
12.	Hon'ble Dorji Khandu	Delegate	Yes
13.	Hon'ble Lhaki Dolma	Delegate	Yes
14.	Hon'ble Pema Dakpa	Delegate	Yes
15.	Hon'ble Surjaman Thapa	Delegate	Yes
16.	Hon'ble Ugyen Tshering	Delegate	Yes
17.	Hon'ble Tashi Samdrup	Delegate	Yes
18.	Hon'ble Tempa Dorji	Delegate	Yes
19.	Hon'ble Sangay Dorji	Delegate	Yes
20.	Hon'ble TshewangRinzin	Delegate	Yes

**4. Adoption of the Goods and Services Tax (Amendment)  
Bill of Bhutan 2021**

Date: 09/12/2021

**Result:** Passed    **Yes:** 20    **No:** 0    **Abstain:** 0    **Total:** 20

<b>Sl. No</b>	<b>Name</b>	<b>Delegate</b>	<b>Voting</b>
1.	Hon'ble Phuntsho Rapten	Delegate	Yes
2.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
3.	Hon'ble Ugyen Tshering, EM	Delegate	Yes
4.	Hon'ble Anand Rai	Delegate	Yes
5.	Hon'ble Ugyen Namgay	Delegate	Yes
6.	Hon'ble Karma Gyeltshen	Delegate	Yes
7.	Hon'ble Lhatu	Delegate	Yes
8.	Hon'ble Tirtha Man Rai	Delegate	Yes
9.	Hon'ble Choining Dorji	Delegate	Yes
10.	Hon'ble Nima	Delegate	Yes
11.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
12.	Hon'ble Dorji Khandu	Delegate	Yes
13.	Hon'ble Lhaki Dolma	Delegate	Yes
14.	Hon'ble Pema Dakpa	Delegate	Yes
15.	Hon'ble Surjaman Thapa	Delegate	Yes
16.	Hon'ble Ugyen Tshering	Delegate	Yes
17.	Hon'ble Tashi Samdrup	Delegate	Yes
18.	Hon'ble Tempa Dorji	Delegate	Yes
19.	Hon'ble Sangay Dorji	Delegate	Yes
20.	Hon'ble TshewangRinzin	Delegate	Yes



**5. Adoption of the Fiscal Incentives Bill of Bhutan 2021**

Date: 09/12/2021

**Result:** Passed    **Yes:** 16    **No:** 1    **Abstain:** 3    **Total:** 20

<b>Sl. No</b>	<b>Name</b>	<b>Delegate</b>	<b>Voting</b>
1.	Hon'ble Phuntsho Rapten	Delegate	Yes
2.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
3.	Hon'ble Ugyen Tshering, EM	Delegate	Yes
4.	Hon'ble Anand Rai	Delegate	Yes
5.	Hon'ble Ugyen Namgay	Delegate	No
6.	Hon'ble Karma Gyeltshen	Delegate	Yes
7.	Hon'ble Lhatu	Delegate	Abstain
8.	Hon'ble Tirtha Man Rai	Delegate	Yes
9.	Hon'ble Choining Dorji	Delegate	Yes
10.	Hon'ble Nima	Delegate	Yes
11.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
12.	Hon'ble Dorji Khandu	Delegate	Yes
13.	Hon'ble Lhaki Dolma	Delegate	Yes
14.	Hon'ble Pema Dakpa	Delegate	Abstain
15.	Hon'ble Surjaman Thapa	Delegate	Yes
16.	Hon'ble Ugyen Tshering	Delegate	Yes
17.	Hon'ble Tashi Samdrup	Delegate	Yes
18.	Hon'ble Tempa Dorji	Delegate	Yes
19.	Hon'ble Sangay Dorji	Delegate	Abstain
20.	Hon'ble TshewangRinzin	Delegate	Yes

**6. Adoption of the Anti-Corruption (Amendment) Bill of Bhutan 2021**

Date: 09/12/2021

**Result:** Passed    **Yes:** 18    **No:** 0    **Abstain:** 2    **Total:** 20

<b>Sl. No</b>	<b>Name</b>	<b>Delegate</b>	<b>Voting</b>
1.	Hon'ble Phuntsho Rapten	Delegate	Yes
2.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
3.	Hon'ble Ugyen Tshering, EM	Delegate	Yes
4.	Hon'ble Anand Rai	Delegate	Yes
5.	Hon'ble Ugyen Namgay	Delegate	Abstain
6.	Hon'ble Karma Gyeltshen	Delegate	Abstain
7.	Hon'ble Lhatu	Delegate	Yes
8.	Hon'ble Tirtha Man Rai	Delegate	Yes
9.	Hon'ble Choining Dorji	Delegate	Yes
10.	Hon'ble Nima	Delegate	Yes
11.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
12.	Hon'ble Dorji Khandu	Delegate	Yes
13.	Hon'ble Lhaki Dolma	Delegate	Yes
14.	Hon'ble Pema Dakpa	Delegate	Yes
15.	Hon'ble Surjaman Thapa	Delegate	Yes
16.	Hon'ble Ugyen Tshering	Delegate	Yes
17.	Hon'ble Tashi Samdrup	Delegate	Yes
18.	Hon'ble Tempa Dorji	Delegate	Yes
19.	Hon'ble Sangay Dorji	Delegate	Yes
20.	Hon'ble TshewangRinzin	Delegate	Yes

**7. Adoption of United Nations Convention Against Corruption**

Date: 10/12/2021

**Result:** Not Passed    **Yes:** 0    **No:** 19    **Abstain:** 3    **Total:** 22

<b>Sl. No</b>	<b>Name</b>	<b>Delegate</b>	<b>Voting</b>
1.	Hon'ble Jigme Wangchuk	Delegate	No
2.	Hon'ble Phuntsho Raptan	Delegate	No
3.	Hon'ble Kesang Chuki Dorjee	Delegate	No
4.	Hon'ble Ugyen Tshering, EM	Delegate	No
5.	Hon'ble Anand Rai	Delegate	No
6.	Hon'ble Ugyen Namgay	Delegate	No
7.	Hon'ble Karma Gyeltshen	Delegate	No
8.	Hon'ble Lhatu	Delegate	No
9.	Hon'ble Tirtha Man Rai	Delegate	No
10.	Hon'ble Choining Dorji	Delegate	No
11.	Hon'ble Nima	Delegate	Abstain
12.	Hon'ble Dhan Kumar Sunwar	Delegate	No
13.	Hon'ble Dorji Khandu	Delegate	No
14.	Hon'ble Lhaki Dolma	Delegate	No
15.	Hon'ble Pema Dakpa	Delegate	No
16.	Hon'ble Surjaman Thapa	Delegate	No
17.	Hon'ble Ugyen Tshering	Delegate	No
18.	Hon'ble Tashi Samdrup	Delegate	No
19.	Hon'ble Tempa Dorji	Delegate	Abstain
20.	Hon'ble Sangay Dorji	Delegate	No
21.	Hon'ble Sonam Pelzom	Delegate	No
22.	Hon'ble TshewangRinzin	Delegate	Abstain

**8. Adoption of the Recommendations on Consolidation, Repeal and Publication of Legislations**

Date: 13/12/2021

**Result:** Passed    **Yes:** 22    **No:** 0    **Abstain:** 0    **Total:** 22

<b>Sl. No</b>	<b>Name</b>	<b>Delegate</b>	<b>Voting</b>
1.	Hon'ble Jigme Wangchuk	Delegate	Yes
2.	Hon'ble Phuntsho Raptan	Delegate	Yes
3.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
4.	Hon'ble Ugyen Tshering, EM	Delegate	Yes
5.	Hon'ble Anand Rai	Delegate	Yes
6.	Hon'ble Ugyen Namgay	Delegate	Yes
7.	Hon'ble Karma Gyeltshen	Delegate	Yes
8.	Hon'ble Lhatu	Delegate	Yes
9.	Hon'ble Tirtha Man Rai	Delegate	Yes
10.	Hon'ble Choining Dorji	Delegate	Yes
11.	Hon'ble Nima	Delegate	Yes
12.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
13.	Hon'ble Dorji Khandu	Delegate	Yes
14.	Hon'ble Lhaki Dolma	Delegate	Yes
15.	Hon'ble Pema Dakpa	Delegate	Yes
16.	Hon'ble Surjaman Thapa	Delegate	Yes
17.	Hon'ble Ugyen Tshering	Delegate	Yes
18.	Hon'ble Tashi Samdrup	Delegate	Yes
19.	Hon'ble Tempa Dorji	Delegate	Yes
20.	Hon'ble Sangay Dorji	Delegate	Yes
21.	Hon'ble Sonam Pelzom	Delegate	Yes
22.	Hon'ble TshewangRinzin	Delegate	Yes

**9. Adoption of the Civil Society Organizations (Amendment) Bill of Bhutan 2021**

Date: 13/12/2021

**Result:** Passed **Yes:** 22 **No:** 0 **Abstain:** 0 **Total:** 22

<b>Sl. No</b>	<b>Name</b>	<b>Delegate</b>	<b>Voting</b>
1.	Hon'ble Jigme Wangchuk	Delegate	Yes
2.	Hon'ble Phuntsho Rapten	Delegate	Yes
3.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
4.	Hon'ble Ugyen Tshering, EM	Delegate	Yes
5.	Hon'ble Anand Rai	Delegate	Yes
6.	Hon'ble Ugyen Namgay	Delegate	Yes
7.	Hon'ble Karma Gyeltshen	Delegate	Yes
8.	Hon'ble Lhatu	Delegate	Yes
9.	Hon'ble Tirtha Man Rai	Delegate	Yes
10.	Hon'ble Choining Dorji	Delegate	Yes
11.	Hon'ble Nima	Delegate	Yes
12.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
13.	Hon'ble Dorji Khandu	Delegate	Yes
14.	Hon'ble Lhaki Dolma	Delegate	Yes
15.	Hon'ble Pema Dakpa	Delegate	Yes
16.	Hon'ble Surjaman Thapa	Delegate	Yes
17.	Hon'ble Ugyen Tshering	Delegate	Yes
18.	Hon'ble Tashi Samdrup	Delegate	Yes
19.	Hon'ble Tempa Dorji	Delegate	Yes
20.	Hon'ble Sangay Dorji	Delegate	Yes
21.	Hon'ble Sonam Pelzom	Delegate	Yes
22.	Hon'ble TshewangRinzin	Delegate	Yes

**10. Adoption of the Recommendations on Anti-Corruption Commission Annual Report 2020-2021**

Date: 13/12/2021

**Result:** Passed **Yes:** 22 **No:** 0 **Abstain:** 0 **Total:** 22

<b>Sl. No</b>	<b>Name</b>	<b>Delegate</b>	<b>Voting</b>
1.	Hon'ble Jigme Wangchuk	Delegate	Yes
2.	Hon'ble Phuntsho Raptan	Delegate	Yes
3.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
4.	Hon'ble Ugyen Tshering, EM	Delegate	Yes
5.	Hon'ble Anand Rai	Delegate	Yes
6.	Hon'ble Ugyen Namgay	Delegate	Yes
7.	Hon'ble Karma Gyeltshen	Delegate	Yes
8.	Hon'ble Lhatu	Delegate	Yes
9.	Hon'ble Tirtha Man Rai	Delegate	Yes
10.	Hon'ble Choining Dorji	Delegate	Yes
11.	Hon'ble Nima	Delegate	Yes
12.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
13.	Hon'ble Dorji Khandu	Delegate	Yes
14.	Hon'ble Lhaki Dolma	Delegate	Yes
15.	Hon'ble Pema Dakpa	Delegate	Yes
16.	Hon'ble Surjaman Thapa	Delegate	Yes
17.	Hon'ble Ugyen Tshering	Delegate	Yes
18.	Hon'ble Tashi Samdrup	Delegate	Yes
19.	Hon'ble Tempa Dorji	Delegate	Yes
20.	Hon'ble Sangay Dorji	Delegate	Yes
21.	Hon'ble Sonam Pelzom	Delegate	Yes
22.	Hon'ble TshewangRinzin	Delegate	Yes

**11. Adoption of the Recommendations on State-owned Enterprises**

Date: 13/12/2021

**Result:** Passed **Yes:** 22 **No:** 0 **Abstain:** 0 **Total:** 22

<b>Sl. No</b>	<b>Name</b>	<b>Delegate</b>	<b>Voting</b>
1.	Hon'ble Jigme Wangchuk	Delegate	Yes
2.	Hon'ble Phuntsho Raptan	Delegate	Yes
3.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
4.	Hon'ble Ugyen Tshering, EM	Delegate	Yes
5.	Hon'ble Anand Rai	Delegate	Yes
6.	Hon'ble Ugyen Namgay	Delegate	Yes
7.	Hon'ble Karma Gyeltshen	Delegate	Yes
8.	Hon'ble Lhatu	Delegate	Yes
9.	Hon'ble Tirtha Man Rai	Delegate	Yes
10.	Hon'ble Choining Dorji	Delegate	Yes
11.	Hon'ble Nima	Delegate	Yes
12.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
13.	Hon'ble Dorji Khandu	Delegate	Yes
14.	Hon'ble Lhaki Dolma	Delegate	Yes
15.	Hon'ble Pema Dakpa	Delegate	Yes
16.	Hon'ble Surjaman Thapa	Delegate	Yes
17.	Hon'ble Ugyen Tshering	Delegate	Yes
18.	Hon'ble Tashi Samdrup	Delegate	Yes
19.	Hon'ble Tempa Dorji	Delegate	Yes
20.	Hon'ble Sangay Dorji	Delegate	Yes
21.	Hon'ble Sonam Pelzom	Delegate	Yes
22.	Hon'ble TshewangRinzin	Delegate	Yes

**12. Adoption of the Recommendations on Suicide and Mental Health Issues**

Date: 13/12/2021

**Result:** Passed **Yes:** 21 **No:** 0 **Abstain:** 1 **Total:** 22

<b>Sl. No</b>	<b>Name</b>	<b>Delegate</b>	<b>Voting</b>
1.	Hon'ble Jigme Wangchuk	Delegate	Yes
2.	Hon'ble Phuntsho Rapten	Delegate	Yes
3.	Hon'ble Kesang Chuki Dorjee	Delegate	Yes
4.	Hon'ble Ugyen Tshering, EM	Delegate	Yes
5.	Hon'ble Anand Rai	Delegate	Yes
6.	Hon'ble Ugyen Namgay	Delegate	Yes
7.	Hon'ble Karma Gyeltshen	Delegate	Yes
8.	Hon'ble Lhatu	Delegate	Yes
9.	Hon'ble Tirtha Man Rai	Delegate	Yes
10.	Hon'ble Choining Dorji	Delegate	Yes
11.	Hon'ble Nima	Delegate	Yes
12.	Hon'ble Dhan Kumar Sunwar	Delegate	Yes
13.	Hon'ble Dorji Khandu	Delegate	Abstain
14.	Hon'ble Lhaki Dolma	Delegate	Yes
15.	Hon'ble Pema Dakpa	Delegate	Yes
16.	Hon'ble Surjaman Thapa	Delegate	Yes
17.	Hon'ble Ugyen Tshering	Delegate	Yes
18.	Hon'ble Tashi Samdrup	Delegate	Yes
19.	Hon'ble Tempa Dorji	Delegate	Yes
20.	Hon'ble Sangay Dorji	Delegate	Yes
21.	Hon'ble Sonam Pelzom	Delegate	Yes
22.	Hon'ble TshewangRinzin	Delegate	Yes



**IV: Hon'ble Members of the National Council**

1. His Excellency Tashi Dorji, Chairperson, Wangduephodrang Dzongkhag
2. Hon'ble Jigme Wangchuk, Deputy Chairperson, SamdrupJongkhar Dzongkhag
3. Hon'ble (Dasho) Tashi Wangyal, His Majesty's Nominee
4. Hon'ble Tashi Wangmo, His Majesty's Nominee
5. Hon'ble Phuntsho Rapten, His Majesty's Nominee
6. Hon'ble Kesang Chuki Dorjee, His Majesty's Nominee
7. Hon'ble Ugyen Tshering, His Majesty's Nominee
8. Hon'ble Nima, Bumthang Dzongkhag
9. Hon'ble Sangay Dorji, Chhukha Dzongkhag
10. Hon'ble Surjaman Thapa, Dagana Dzongkhag
11. Hon'ble Dorji Khandu, Gasa Dzongkhag
12. Hon'ble Ugyen Namgay, Haa Dzongkhag
13. Hon'ble Tempa Dorji, Lhuentse Dzongkhag
14. Hon'ble Sonam Pelzom, Mongar Dzongkhag
15. Hon'ble Ugyen Tshering, Paro Dzongkhag
16. Hon'ble Choining Dorji, Pemagatshel Dzongkhag
17. Hon'ble Lhaki Dolma, Punakha Dzongkhag
18. Hon'ble Tirtha Man Rai, Samtse Dzongkhag
19. Hon'ble Anand Rai, Sarpang Dzongkhag
20. Hon'ble Karma Gyeltshen, Tashiyangtse Dzongkhag
21. Hon'ble TshewangRinzin, Thimphu Dzongkhag
22. Hon'ble Lhatu, Trashigang Dzongkhag
23. Hon'ble Tashi Samdrup, Trongsa Dzongkhag
24. Hon'ble Dhan Kumar Sunwar, Tsirang Dzongkhag
25. Hon'ble Pema Dakpa, Zhemgang Dzongkhag