

## **Rules of Procedure of the National Council of Bhutan 2011**

### **Preamble**

1. The National Council of Bhutan, in accordance with Article 10, Section 11 of the Constitution and National Council Act of the Kingdom of Bhutan 2008, hereby adopts the amended Rules of Procedure of the National Council of Bhutan at its 55<sup>th</sup> Plenary Session.

### **Chapter 1 Preliminary**

#### **Short Title and Commencement**

2. These Rules shall be called the Rules of Procedure of the National Council of Bhutan 2011.
3. It shall come into force on the 2<sup>nd</sup> day of the 6<sup>th</sup> month of the Iron Female Rabbit Year coinciding with 1<sup>st</sup> August 2011.

### **Chapter 2 Submission of Certificates and Oath of Office/Secrecy**

#### **Submission of Certificates**

4. Members who have been elected from their respective constituencies shall present their certificate of election and members who have been appointed by the Druk Gyalpo shall present copies of the kasho to the Secretary General before the day on which the National Council convenes for the first time following an election.

5. Certificates presented on a later date shall be inspected immediately and, thereupon, such member shall be administered an Oath or Affirmation of Office as prescribed below.

### **Oath or Affirmation of Office**

6. The day on which the National Council convenes for the first time, the members in the order specified in an announcement shall be administered an Oath or Affirmation of Office as provided for in Annexure 1.
7. The Chairperson and Deputy Chairperson of the National Council shall also take an Oath or Affirmation of Secrecy before assuming office as provided for in Annexure 2.

## **Chapter 3**

### **Session, Prorogation and Seating**

#### **Session**

8. The National Council shall assemble at least twice a year.
9. The Chairperson shall submit to the Druk Gyalpo the date of commencement of every session before issuing the Summoning Order to the members.
10. Whenever necessary, the Chairperson of the National Council shall convene an extraordinary sitting of the National Council on the command of the Druk Gyalpo.

11. The National Council shall consider only those matters for which it has been convened or otherwise have been presented to the National Council during an extraordinary sitting.

### **Prorogation**

12. Whenever the Chairperson finds it necessary to prorogue the session of the National Council, he/she shall issue a notice to this effect.

### **Attendance**

13. Before taking his/her seat in the National Council Hall, each member shall note his/her attendance in the roll of members.

### **Leave of Absence**

14. A member shall obtain the leave of the National Council for his/her absence through an application addressed to the Chairperson specifying the period of leave, indicating the date of commencement and the termination of such leave and the grounds for it.

### **Order of Seating**

15. Members shall sit in such order and at such place as the Chairperson may determine.

## **Chapter 4**

### **Opening and Closing Ceremony**

#### **Opening Ceremony**

16. The National Council shall commence its session with a zhugdrel phuensum tshogpai tendrel or marching ceremony.

#### **Closing Ceremony**

17. Each session of the National Council shall conclude with tashi-monlam.

## **Chapter 5**

### **Commencement and Adjournment**

18. The number of days for the sitting of the National Council shall be determined by the Chairperson based on the agenda of the National Council.
19. Unless the Chairperson otherwise directs, the sittings of the National Council shall ordinarily commence at 0930 hours and adjourn at 1300 hours.
20. The Chairperson shall announce the date of commencement and adjournment of the sittings.
21. In case of any change in the day, time and programme of the sitting of the National Council, the Secretary General shall serve notice to this effect to the members on the preceding day.

## **Chapter 6**

### **Chairperson and Deputy Chairperson**

#### **Election of Chairperson and Deputy Chairperson**

22. At the first sitting after any election, or when necessary to fill a vacancy, the National Council shall elect a Chairperson and Deputy Chairperson from among its members on such date as may be fixed by the Secretary General.
23. The Secretary General shall preside over such elections.
24. At any time before noon on the day preceding the date of elections, any member may submit a nomination of another member for the post of Chairperson to the Secretary General in Form 1(A) as provided for in Annexure 3. The nomination must be seconded by a third member and accompanied by a statement by the member whose name is proposed that he/she is willing to serve as Chairperson, if elected.
25. A member may not nominate or second more than one nomination.
26. Any candidate who does not wish to be considered for election shall at the time of announcement of the names of nominees, so inform the Secretary General in writing. Upon withdrawal, the election shall proceed as if the individual had not been nominated.

27. On the day of nomination at a venue and time specified by the Secretary General, all the nominees shall be allowed to address the National Council for a period not more than 10 minutes outlining their goals and strategies for the Council if elected as Chairperson.
28. A bio-data of each nominated candidate shall be circulated among Members of the National Council and also be read out in the House before the election.
29. The election of Chairperson shall be done through secret ballot where all members shall have one vote each.
30. On the day of election, the Secretary General shall announce the list of nominees for the post of Chairperson after which he/she shall call out the members one by one to the voting booth.
31. The candidate who receives majority of the votes cast shall be declared as Chairperson of the National Council. In the event of a tie among two or more candidates who secure the maximum number of votes, one more round of voting shall be conducted. In this round, only those candidates that secure equal votes shall be included. In the event of candidates still securing equal number of votes, the result shall be determined by draw of lots.

32. The number of votes received by each candidate shall be displayed before the members present and voting.
33. Where there is only one candidate for the office of Chairperson, an uncontested election shall be held. The election shall be done based on “Yes” and “No” votes and decided by a simple majority of votes cast by the members present and voting. Should the votes be divided equally between “Yes” and “No”, one more round of voting shall be held. In the event if there is a tie even in the second round, fresh nominations shall be invited.
34. The same process shall be followed for the election of the Deputy Chairperson three days after the election of the Chairperson. The nomination form for the Deputy Chairperson, Form 1 (B) is as provided for in Annexure 4.
35. The Chairperson shall hold office until the expiration of the term of the National Council but in the case of death, resignation or removal during the term of the National Council, a new Chairperson shall be elected without undue delay.
36. In the event of re-electing the Chairperson, the Deputy Chairperson can contest for the office of Chairperson only after his/her resignation from the position of Deputy Chairperson.
37. Subsequent to the election, the Druk Gyalpo shall confer Dakyen to the Chairperson, by warrant under His hand and seal.

## **Election Code of Conduct**

38. The election of the Chairperson shall be conducted strictly in accordance with the above rules of procedure.
39. The candidates shall, in order to maintain a healthy electoral system and to ensure that the election is carried out in a lawful, peaceful and orderly manner for a free and fair election, abide by the Code of Conduct as prescribed in the Election Act of the Kingdom of Bhutan. In particular, every candidate shall:
- a) Strive to maintain the highest standards of integrity, truthfulness, selflessness, loyalty and patriotism;
  - b) Avoid discrimination and not dispense special favors to any person or group of persons on grounds of gender, religion or any other reason;
  - c) Not indulge in any activity, which may create ill-will, differences or cause tension between different communities, religious or linguistic groups; and
  - d) Ensure that their supporters do not indulge in any unlawful act or corrupt practice.
40. Any act of electoral offence as defined in Chapter 21 of the Election Act of the Kingdom of Bhutan shall be dealt with in accordance with the relevant laws.



## **Powers and Duties of the Chairperson**

41. The Chairperson shall conduct the sessions of the National Council and have the sole authority to call members to debate in accordance with these Rules.
42. The Chairperson shall preserve the dignity and decorum in the National Council Hall and maintain discipline among members.
43. When the Chairperson is of the opinion that a member is deliberately contravening the provisions of these Rules, or that a member is in contempt of or is disregarding the authority of the Chairperson or that a member's conduct is grossly disorderly, the member shall be made to leave the National Council Hall, immediately.
44. The Chairperson shall sign Bills, resolutions, recommendations and other decisions passed by the National Council.
45. The Chairperson shall represent the National Council.
46. The Chairperson shall nominate Members of the National Council to various bodies and committees where the National Council needs to be represented.
47. The Chairperson shall guide and lead the members.
48. The Chairperson shall, with support from the Deputy Chairperson and members, strive to strengthen the National Council.

49. In addition to the specific powers and functions provided under these Rules, the Chairperson of the National Council shall enforce its rules for the orderly conduct of the proceedings.

### **Duties of the Deputy Chairperson**

50. Whenever the Chairperson, from illness or other cause, finds it necessary to leave the chair during any part of the sitting of the National Council, the Deputy Chairperson shall preside over such sittings, until the Chairperson resumes the chair.
51. During the unavoidable absence of the Chairperson or resignation thereof, the Deputy Chairperson shall preside over the sittings during such absence, until the Chairperson resumes the chair or the National Council elects another Chairperson.
52. The Deputy Chairperson presiding over the sittings during the period of the Chairperson's absence shall enjoy the same powers of the Chairperson. He/she shall also perform the duties of the Chairperson and every such act performed by him/her shall have the same effect and validity as if the Chairperson had performed the act.
53. The Deputy Chairperson shall be the ex-officio Chairperson of the House Committee.

### **Removal of the Chairperson or Deputy Chairperson**

54. The motion for the removal of the Chairperson or Deputy Chairperson shall be moved by not less than one-third of the total Members of the National Council.

55. The Secretary General shall fix the date for the National Council to debate the removal of the Chairperson or Deputy Chairperson within ten days of registering the motion.
56. The Chairperson shall preside over the sitting of the National Council while the motion for the removal of Deputy Chairperson is taken up for consideration. The Deputy Chairperson shall preside over the motion for the removal of the Chairperson.
57. After the motion for removal of the Chairperson or Deputy Chairperson has been announced by the Secretary General, the motion shall be debated and then put to vote.
58. The Deputy Chairperson of the House Committee shall preside over the sitting in the event that the motion moved is for the removal of both the Chairperson and the Deputy Chairperson at the same time.
59. The motion for removal, if passed by two-third of the total Members of the National Council, shall require the Chairperson to be removed by the Druk Gyalpo, and in case of the Deputy Chairperson by the Chairperson.

## **Chapter 7**

### **Proceedings of the National Council**

#### **Conduct of Proceedings**

60. The proceedings of the National Council shall be conducted in public. In the event of compelling necessity, the Chairperson may, however, exclude the press and the public from all or any part of the proceedings in the interests of public order, national security or any other situation, where publicity would seriously prejudice public interest.
61. The proceedings of the National Council shall be conducted in Dzongkha.
62. A member shall obtain the leave of the Chairperson before addressing the National Council. The Chairperson shall ensure that the member's address is limited to the time limit defined prior to the start of discussions on the issue or as permitted by the Chairperson.
63. The Chairperson may intervene if a member, while addressing the National Council, deviates from the subject matter.
64. The Chairperson may summon any person to attend the proceedings of the National Council for the purpose of giving evidence, provide information or produce documents in that person's custody or control.

## **Exclusion of Matters**

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

## **Quorum**

67. The presence of not less than two-third of the total number of Members of the National Council shall constitute a quorum for a sitting of the National Council.
68. At least three-fourths of the total numbers of members must be present at the voting of a Bill, an amendment to a Bill or any other question before the National Council.
69. If there is no quorum at any time during a meeting of the National Council, it shall be the duty of the Chairperson or any person presiding in his/her absence, either to adjourn the sitting of the National Council or to suspend the meeting until there is a quorum.

## **Examination of witness**

70. An Oath or Solemn Affirmation or Declaration may be administered to a witness at the proceedings of the National Council or any Committee thereof.
71. Any Oath or Solemn Affirmation or Declaration made under these Rules shall be administered by the Chairperson or by such person as may be appointed for that purpose either by the Chairperson or by a standing order of the National Council.

## **Lapse of Business**

72. On prorogation of the National Council session, all pending notices shall be given for the next session.
73. On prorogation, Bills which have been introduced shall be carried over to the pending list of business of the next session. If the member who introduced the Bill moves no motion in regard to the Bill during two consecutive sessions, the Bill shall lapse, unless the National Council, on a motion by the member who introduced the Bill in the next session, grants special leave for the continuance of the Bill.
74. On expiry of the term of the National Council, all pending businesses shall lapse.

## **Chapter 8**

### **Records of Proceedings and Resolutions**

#### **Record of Proceedings**

75. The Secretariat shall draw up records of proceedings at each sitting of the National Council and it shall ensure that the records of the proceedings are verbatim. These records shall be known as Official Report of the National Council.
76. The Official Report of the National Council shall contain all the items of business taken up by the National Council and it shall be recorded according to the agenda.
77. The Secretary General shall submit the report of resolutions to the National Council for endorsement wherein a member may bring to the notice of the National Council any patent error, which shall stand corrected but such resolutions once adopted shall not be permitted for deliberation.

#### **Distribution of the Resolutions**

78. The Secretariat shall distribute within thirty days of the adoption of the resolutions, copies of such resolutions among members and other concerned officials, ministries, departments and agencies.

## **Chapter 9**

### **Parliamentary Devices**

#### **Parliamentary Initiative**

79. A Member of the National Council may either submit a Bill or general proposal seeking amendment of a section of law or a decision.
80. The Chairperson shall notify the National Council of the receipt of government proposals and resolutions or ministerial decisions presented for review by the National Council and also notify the National Council of the withdrawal of any such government proposals and resolutions or ministerial decisions.
81. After the National Council admits introduction of a Bill or general proposal seeking amendment of a section of a law or a decision, such Bill or general proposal will then be debated and put to vote in the National Council.

#### **Motion**

82. A motion shall be a formal proposal made by any member requesting the National Council to carry out an act, order an act to be done or express an opinion with regard to some matter.



83. Any member wishing to propose a motion shall give the notice of a motion to the Secretary General to that effect at least two days before the day allotted for the motion.
84. In order that a motion may be admissible, it shall satisfy the following conditions:
- a) It shall raise substantially one definite issue;
  - b) It shall not refer to the conduct or character of persons except in their public capacity;
  - c) It shall not revive discussion of a matter which has been discussed in the same session; and
  - d) It shall not ordinarily relate to matters which are under consideration of a Parliamentary Committee.
85. The Chairperson shall decide on the admissibility of a motion and may disallow a motion or a part thereof when, in his/her opinion, it does not comply with these Rules.
86. The Chairperson may after considering the state of business in the National Council allot a day or part of a day for the discussion of any such motion.

## **Resolution**

87. A resolution shall be a self-contained, independent proposal by any member for the approval of the National Council. Such a proposal must express the decision of the National Council.

88. A member who wishes to move a resolution shall give a notice in writing to the Secretary General to that effect at least two days before the day allotted for resolution.
89. A resolution may be in the form of a declaration of opinion by the National Council or in such other form as the Chairperson may consider appropriate.
90. Subject to the provisions of these Rules, any member may move a resolution anytime relating to a matter of urgent public interest.
91. In order that a resolution may be admissible, it shall satisfy the following conditions:
  - a) It shall raise substantially one definite issue;
  - b) It shall not refer to the conduct or character of persons except in their public capacity;
  - c) It shall not revive discussion of a matter which has been discussed in the same session; and
  - d) It shall not ordinarily relate to matters which are under consideration of a Parliamentary Committee.
92. The Chairperson shall decide on the admissibility of a resolution, and may disallow a resolution or a part thereof when in his/her opinion it does not comply with these Rules.

93. A member in whose name a resolution stands on the list of business shall, except when he/she wishes to withdraw it, when called on, move the resolution.
94. If a member, when called upon is absent, any other member authorized by him/her in writing on his/her behalf may, with the permission of the Chairperson, move the resolution standing in his/her name.
95. After a resolution has been moved and deliberated upon, any member may move an amendment to the resolution.
96. A member in whose name a resolution stands on the list of business may, when called upon, withdraw the resolution in which case he/she shall confine himself/herself to a mere statement to that effect.
97. A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the National Council.
98. When a resolution has been either passed or withdrawn with the leave of the National Council, the same issue shall not be moved during the same session.
99. When any resolution involving several points has been discussed, the Chairperson may divide the resolution, and put each or any point separately to vote as he/she may think fit.

100. A copy of every resolution which has been passed by the National Council shall be forwarded to the Ministers and heads of agencies concerned.

### **Postulate**

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

### **Calling Attention**

102. The National Council may call the attention of a minister to any matter of urgent public importance.

### **Interpellation**

103. A member shall question the Government during the Question Time, which shall be held such number of times and for such duration during each session, as the National Council deems expedient.
104. Any Member of the National Council may submit a question orally or in writing worded in precise terms to the Chairperson.
105. An interpellation requires the government to present an opinion either orally or in writing.

106. The question must refer to specific fields for which the government is responsible. It must be concise, brief and must not contain subjective statements or evaluations.
107. The Chairperson may admit the questions submitted under these Rules and shall give adequate time to the concerned ministry or organization, as the case may be, for furnishing the reply to the questions.
108. Questions of national importance shall be listed in Category I and shall require written answers to be given. All other questions shall be listed in category II and oral answers shall suffice.
109. If the interpellator is not satisfied with the answer, he/she may with the permission of the Chairperson call a debate in the National Council, in which the appropriate authority of the government shall participate.
110. The guidelines for the Question Time are as provided for in Annexure 5.

### **Adjournment Motion**

111. An adjournment motion shall be moved by giving a written notice stating reasons for submitting the motion, supported by not less than half of total Members of the National Council.
112. A motion for adjournment of the business of the National Council shall be made with the consent of the Chairperson.

## **Motion of Censure**

113. The National Council may challenge a government policy through a motion of censure.
114. The motion of censure must be proposed by not less than half of the total number of Members of the National Council.
115. The motion of censure may not be voted until ten days after it has been submitted. During the first seven days of this period, alternative motions may be submitted.
116. The motion of censure shall be deemed to have been passed by the National Council if passed by a two-third majority of the total number of Members of the National Council.
117. If the National Assembly does not pass the motion of censure as passed by the National Council by a two-third majority, the same shall be null and void.

## **Point of Order**

118. A point of order shall relate to the interpretation or enforcement of these Rules or such Articles of the Constitution to regulate the business of the House.
119. A point of order may be raised in relation to the business before the National Council at the moment or the Chairperson may permit a member to raise such a point of order during the interval between the termination of one item of business and the commencement of another.

120. A member may raise a point of order and the Chairperson shall decide whether the point raised is a point of order and if so, the decision given by him/her shall be final.
121. No debate shall be allowed on a point of order, but the Chairperson may, if he/she thinks necessary, hear members before giving his/her decision.

## **Chapter 10**

### **Classes of Business and Orders of the Day**

#### **Classes of Business**

122. Business of the National Council shall be classified as:
- a) Government Business; or
  - b) Private Members' Business
123. Government Business shall consist of Bills including Budget and Appropriation Bill, Resolutions, Amendments and other motions introduced or initiated by a Minister.
124. Private Members' Business shall consist of Bills, Resolutions, Amendments and other motions introduced or initiated by Private Members.

125. In the event that the government or any agency wishes the National Council to originate a Bill, it must be submitted to the National Council three months before a session commences in order to provide adequate time for scrutiny and stakeholders' consultations.

### **Submission of Agenda**

126. Every motion, question, matter or agenda item to be presented to the National Council for consideration or decision shall be brought forward through a notice addressed to the Secretary General and signed by the member giving the notice, which may be deposited with the Secretary General's office between such hours as may be decided from time to time.

127. Notices left at the Secretary General's office after the designated time shall be treated as given on the next day.

128. The agenda shall be submitted to the Chairperson through the Secretary General of the National Council.

129. All such motions, notices or agenda items shall be either admitted or disallowed by the Chairperson of the National Council depending on the relevance.

130. The Secretary General shall circulate to each member a copy of every notice, motion and agenda item.



## **Order of the Day**

131. A list of business for the day shall be prepared by the Secretary General and after it has been approved by the Chairperson, a copy shall be made available for the use of every member. This list thus prepared shall be called Order of the Day.
132. The business of the House shall be conducted in accordance with the Order of the Day.
133. No business which is not included in the Order of the Day shall be conducted on any day without the special leave of the Chairperson.
134. The Secretary General shall arrange Government Business and Private Members Business in such order as the Chairperson may determine.
135. The relative precedence of notices of Bills shall be determined by the Chairperson.

## **Chapter 11 Passing of Bills**

136. A Bill passed by both the National Council and the National Assembly shall come into force upon Assent of the Druk Gyalpo.
137. Money Bills and Financial Bills shall not originate in the National Council.
138. A Bill pending in the National Council shall not lapse by reason of the prorogation of the National Council.

139. A Bill shall be passed by a simple majority of the total number of Members of the National Council.

### **Bills Originating in the National Council**

140. A Bill shall be introduced by a member with the concurrence of the National Council

141. Statements of Objects and Reasons, Memorandum regarding delegated legislation and Financial Memorandum, whenever necessary, shall be appended to the text of the Bill and submitted to the Secretariat.

142. The opposition against the motion to introduce the Bill must be notified before the day on which the motion is included in the agenda. The Chairperson may allow a member who opposes the introduction of the Bill and the member who introduced the Bill to make explanatory statements.

143. Once the Bill is introduced, it shall be referred to the Legislative Committee for necessary opinion and recommendations. The Chairperson of the Legislative Committee shall submit the opinion and recommendation on the Bill so scrutinized within the time prescribed. If the member who introduced the Bill accepts any recommendation of the Committee, he shall submit official amendments.

144. After the member who introduced the Bill submits the recommendation of the Committee to the National Council, the discussion on each clause takes place and members may offer amendments to the clauses of the Bill which is put to vote of the National Council, thereafter the member who introduced the Bill shall move a motion that the Bill be passed.
145. Where a Bill has been introduced and passed by the National Council, it shall present the Bill to the National Assembly within 30 days from the date of passing.
146. Where the Bill is subsequently passed by the National Assembly, the Bill shall be submitted to the Druk Gyalpo for Assent within fifteen days from the date of passing such Bill.
147. Where the National Assembly does not pass the Bill, it shall return it to the National Council with amendments or objections for re-deliberation. If the Bill is then passed, it shall be presented to the Druk Gyalpo for Assent within fifteen days from the date of passing of such Bill.
148. Where the National Council refuses to incorporate such amendments or objections of the National Assembly, it shall submit the Bill to the Druk Gyalpo, who shall then command the Houses to deliberate and vote on the Bill in a joint sitting.

149. Where the National Assembly neither passes nor returns the Bill by the end of the next session from the date of presentation, the Bill shall be deemed to have been passed by it and the National Council shall present the Bill within fifteen days to the Druk Gyalpo for Assent.

### **Bills Received from the National Assembly**

150. Where a Bill has been presented to the National Council after it has been introduced and passed by the National Assembly, the National Council may pass that Bill no later than the next session of the National Council. In case of Budget or Urgent Bills, they shall be passed in the ongoing session of the National Council.
151. Where a Bill is subsequently passed by the National Council after it has been introduced and passed by the National Assembly, the Bill shall be submitted to the Druk Gyalpo for Assent within fifteen days from the date of passing such Bill.
152. Where the National Council does not pass the Bill that has been introduced and passed by the National Assembly, the National Council shall return it to the National Assembly with amendments or objections for re-deliberation.

153. Where the National Assembly refuses to incorporate such amendments or objections of the National Council, it shall submit the Bill to the Druk Gyalpo, who shall then command the Houses to deliberate and vote on the Bill in a joint sitting.
154. Where the National Council neither passes nor returns the Bill by the end of the next session from the date of presentation, the Bill shall be deemed to have been passed by it.

### **Constitutional Amendment Bills**

155. Notice of a Constitutional Amendment Bill shall not be admitted if the Bill does not contain a title indicating that it is a Constitutional Amendment Bill.
156. Parliament shall have the power to amend by way of addition, variation or repeal the provisions of the Constitution. A motion to amend the Constitution shall be initiated by a simple majority of the total number of Members of Parliament at a joint sitting and, on being passed by not less than three-fourth of the total number of Members of Parliament, the Constitution shall stand amended on Assent being granted by the Druk Gyalpo.

## **Budget and Annual Reports**

157. The Government's Annual Budget and Appropriation Bill shall be presented to the National Council by the Finance Minister for discussion after being passed by the National Assembly.
158. The Budget and Appropriation Bill shall be presented no later than five days preceding the budget year.
159. The Royal Audit Authority and the Anti-Corruption Commission shall submit their Annual Reports to the National Council.
160. The National Council shall monitor and review the fiscal performance and position of the government in accordance with the principles of fiscal sustainability and transparency.

## **Statutory Reports**

161. All statutory reports submitted to the National Council shall be referred to relevant Committees for review.

## **Chapter 12** **Druk Gyalpo's Address and Message**

162. The Druk Gyalpo may address or sit in the proceedings of the National Council as and when deemed expedient.

163. The Druk Gyalpo may send messages to the National Council. The National Council upon receiving the message shall, as early as possible, consider the matter and submit its opinion to the Druk Gyalpo.
164. At the conclusion of Druk Gyalpo's address, members shall move a motion of thanks.

### **Chapter 13**

#### **Decorum in the National Council**

#### **Decorum for Members**

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

- g) not leave the National Council Hall when the Chairperson is addressing the National Council;
- h) not obstruct proceedings, hiss or interrupt when speeches are being made in the National Council.

166. A member shall rise to speak only after he/she is called to do so by the Chairperson.

167. A member while speaking shall not:

- a) deliberate upon on any matter of fact on which a judicial decision is pending;
- b) make a personal charge against a member;
- c) use offensive expressions or defamatory words;
- d) express treasonable and seditious statements;
- e) use his/her right of speech for the purpose of obstructing the business of the National Council.

### **Decorum for Visitors**

168. Visitors shall be permitted to witness the National Council session and shall be assigned seating places in the visitors' gallery which shall be divided into sections for the Royal Family, honoured guests, foreign diplomats, public officials, the general public and the media.

169. Visiting badges or admission tickets shall be issued to the visitors which shall be valid throughout the session or for a particular sitting.



170. Visitors shall be in the national dress along with kabney/rachu. Foreigners shall be in formal suits and tie or in their own national dresses.
171. Except for official patangs, visitors shall not carry arms, sticks, or umbrellas in the National Council Hall.
172. Visitors shall fold down their kabney/rachu while sitting and maintain silence. Unruly behaviour, laughter, clapping or disturbance of any nature shall not be allowed in the National Council Hall.
173. The Security Officer may, if he/she deems necessary, cancel the validity of a visiting badge or admission ticket issued to a person for unruly behaviour.
174. If any visitor disregards the decorum of the National Council, the Chairperson shall:
- a) in the first instance, issue a warning to such a visitor;
  - b) dismiss such a visitor from the public gallery for a specified period if the warning goes unheeded; or
  - c) not allow such a visitor in the gallery for the whole session.

## **Restriction on the use of National Council Hall**

175. The National Council Hall shall not be used for any purpose other than the sitting of the House.

## **Chapter 14 Responsibilities of Members**

### **Responsibilities**

176. A member of the National Council shall strive to fulfill the national goals and objectives to serve the interest of the nation and the people.

177. A member shall take active part in the issues being raised in the National Council.

178. A member shall visit his/her constituency in order to gauge the constraints and problems confronting the nation and the people.

179. A member shall not indulge in any activity that adversely affects national security, sovereignty and integrity of Bhutan.

180. A member shall not indulge in any activity that undermines the dignity, reputation and integrity of the National Council.

## **Chapter 15**

### **Privileges and Immunities**

#### **Privileges**

181. Any member who has the right to speak or otherwise take part in the proceedings of the National Council or any Committee thereof, shall have the right to freedom of speech.
182. A member shall have the right to be provided with information by the Government and to inspect any official document on any matter of relevance in the exercise of his/her parliamentary mandates.

#### **Immunities**

183. Members of the National Council shall be immune from any inquiry, arrest, detention or prosecution on account of any opinion expressed in the course of the discharge of their functions or votes cast in the National Council or joint sitting and no person shall be liable in respect of any report, paper or proceedings made or published under the authority of the National Council.
184. The immunities under Section 183 shall not cover corrupt acts by the members in connection with the discharge of their duties or cover other acts of accepting money or any other valuables in consideration to speak or to vote in a particular manner.

185. A member of the National Council shall lose his/her right of immunity with the concurrence of not less than two-thirds of the total number of members.
186. A member or officer of the National Council shall not be compelled to give evidence or produce documents in courts of law, relating to the proceedings of the National Council.
187. No legal process shall be served or arrest of members made within the precincts of the National Council without obtaining the permission of the Chairperson.
188. The National Council has the right to receive immediate information of the arrest, detention, bail, conviction, imprisonment or release of a member from the concerned authority.

### **Breach of Privileges**

189. When any individual or authority disregards any of the privileges either of the members or of the National Council, an offence of breach of privilege is committed.
190. Breach of privileges and contempt may include:
- a) Reflection on the character and partiality of the Chairperson in the discharge of his/her duty;

- b) Publication of false or distorted report of the proceedings of the National Council;
- c) Publication of proceedings of the closed door sittings without the permission of the Chairperson;
- d) Intimidation of members to influence them in their conduct;
- e) Offering bribes to members to influence them in their conduct;
- f) Deliberately giving false or misleading evidence or information to the National Council or Committee thereof, by a member or witness;
- g) Disobedience to orders of the Chairperson;
- h) Obstructing or molesting any person summoned for his/her attendance in the National Council or its Committees;
- i) Misconduct in the National Council or its Committees;
- j) Presenting false or forged or fabricated documents to the National Council or its Committees;
- k) Obstructing or molesting Members of the National Council, officials or ancillary staff of the National Council in the execution of their parliamentary duties; or,

- l) Tampering with documents presented to the National Council or its Committees.

### **Question of Privilege**

191. Subject to the provisions of these rules, a member may, with the consent of the Chairperson, raise a question involving a breach of privilege either of a Member or of the National Council or of a Committee thereof.
192. A member wishing to raise a question of privilege shall give notice in writing to the Chairperson of the House Committee.
193. The right to raise a question of privilege shall be governed by the following conditions:
  - a) The question shall be restricted to a specific matter; and
  - b) The matter requires the intervention of the National Council.
194. The House Committee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.
195. The report of the House Committee shall be presented to the National Council by the Chairperson of the Committee or in his/her absence by any member of the Committee.

196. The Chairperson of the House Committee or any member may move a motion that the National Council agrees or disagrees with the recommendations contained in the report.
197. The National Council may issue such directions as it may consider necessary for appropriate actions.

### **Penalty for Contempt and Breach of Privilege**

198. Except for criminal offences which shall be dealt with in accordance with the Penal Code of Bhutan, any other cases of contempt or breach of privilege may result in members being reprimanded or temporarily suspended by the Chairperson.
199. Any person other than a member who performs any act or makes any omission contemplated in Section 198 is guilty of an offence and liable to a maximum fine of five years daily minimum wage.

## **Chapter 16**

### **Voting in the National Council**

#### **Voting Process**

200. Only members have the right to vote in the decisions of the National Council.

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



207. The Chairperson presiding over the proceedings of the National Council shall not vote in the first instance, but he/she:
- a) shall cast a deciding vote when there is an equality of votes; and
  - b) may cast a deliberative vote when a question must be decided with a supporting vote of at least two-thirds of the Members of the National Council.
208. Pressing the ‘abstain’ button on the voting machine tantamount to a spoilt vote. The ‘abstain’ votes shall not be clubbed with either ‘Yes’ or ‘No’ votes.
209. The ‘abstain’ vote will only register the presence of the member when the vote is cast. The presence of the member thus registered will be counted to determine the quorum of the house. The ‘abstain’ vote has no other purpose.

### **Record of Votes**

210. The Chairperson shall cause the votes cast of each member to be recorded and disclose such records except in the case of voting through secret ballot.
211. The casting of votes to elect or give approval to a person for holding office shall be through a secret ballot.

## **Voting by Electronic Voting Machine**

212. When votes are cast on the electronic voting machines, the Chairperson shall direct that the votes be recorded.
213. After the result of the voting appears on the Indicator Board, the Secretary General shall present the total of "Yes" and "No" to the Chairperson.
214. The result of a vote shall be announced by the Chairperson.
215. A member who is not able to cast his/her vote by pressing the button provided for the purpose due to any reason considered sufficient by the Chairperson may, with the permission of the Chairperson, have his/her vote recorded verbally or by indicating on a voting slip whether he/she is in favour of or against the motion.

## **Voting through Voting Slips**

216. Whenever it becomes necessary to hold a vote by using voting slips, members shall be supplied at their seats with voting slips printed with "Yes" and "No" for recording their votes. These may be printed in different colours for easy identification.
217. After the votes have been recorded, a clerk shall collect the voting slips from each member and hand them over to the Secretary General who will count the votes recorded and compile the result.

218. The result so arrived at shall then be announced by the Chairperson and thereafter incorporated in the resolutions.

### **Dissenting Opinion**

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

## **Chapter 17 Resignation and Removal**

### **Resignation**

220. A member may resign through a declaration made in writing under the hand and seal of that person before two witnesses. Such a declaration shall be addressed and delivered to the Chairperson either during a session or an interval between two sessions of the National Council.

221. A member may withdraw his/her letter of resignation any time before it is accepted by the Chairperson.

222. The Chairperson shall, as soon as may be, after he/she has accepted the resignation of a member, inform the National Council that the member has resigned his/her seat in the National Council and he/she has accepted the resignation.

## **Removal**

223. Membership of the National Council shall be terminated based on disqualification provisions stipulated in the National Council Act.

## **Vacation of Office**

224. A member of the National Council shall vacate office upon:

- a. Resignation;
- b. Disqualification or removal;
- c. Expiry of term of office; or
- d. Death.

## **Issue of Writ in case of Vacancy**

225. Where a vacancy occurs in the National Council for any reason before the expiry of its term, the Chairperson shall without delay on being informed of the vacancy by any Member of the National Council, address a warrant to the Chief Election Commissioner for the issue of a writ for elections to fill such vacancy or submit a letter to the Druk Gyalpo in the case of nominated members, provided that the remainder of the term is not less than six months.

226. The member elected or nominated under Section 225 of the Rules shall serve only the remaining term of office.

## **Chapter 18**

### **The Secretariat**

227. The Secretary General shall ensure the safekeeping of the records of decisions and proceedings of the National Council and of its Committees.
228. The Secretariat shall keep proper record of proposals and their date of receipt.
229. The Secretariat shall perform such other functions as may be determined by these Rules or any other rules made under the National Council Act.
230. The Secretariat shall take necessary steps to ensure that proper training and orientation in parliamentary procedure, discipline and decorum are given to new Members of the National Council.
231. Changes in the composition of the National Council shall be entered in the list to be maintained by the Secretariat.
232. In addition to the functions mentioned under these Rules, the Secretary General shall be entitled to enter into the meetings of the National Council or any of its Committee to give directions to or to exercise control over the Secretariat or Officers assigned to the meetings or to render advice on matters of procedure sought by the meeting.

## **Chapter 19**

### **Interpretation, Amendment and Authoritative Text**

#### **Interpretation**

233. The Chairperson shall have the powers to interpret these Rules and his/her decisions shall be final.

#### **Residuary Powers of the Chairperson**

234. When no specific provision exists in these Rules on any matter arising in connection with the business of the National Council, the decision of the Chairperson shall be final.

#### **Amendment**

235. Any addition, variation, or repeal of these Rules shall be made by the National Council provided that they do not undermine the functions and effectiveness of the National Council.

236. A member may give a notice for a motion for amendment of these Rules and the notice shall be accompanied by the amendments proposed.

237. The motion shall be presented during the plenary session of the National Council.

238. When a new rule or an amendment of the Rules is passed by the National Council, it shall come into force at once.

### **Suspension of Rules**

239. Whenever any inconsistency or difficulty arises in the application of these Rules, any member may, with the consent of the Chairperson move a motion that the rule may be suspended in its application and if such a motion is carried, the rule in question shall stand suspended.

### **Authoritative Text**

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

## **Annexure 1**

### **Oath or Affirmation of Office**

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

(Name & Signature)



**Annexure 2**

**Oath or Affirmation of Secrecy**

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

(Name & Signature)

**Annexure 3**

**FORM 1(A): NOMINATION FORM FOR CHAIRPERSON OF  
NATIONAL COUNCIL OF BHUTAN**

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

(Signature of nominator)

(Signature of the member seconding)

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

Date: -----

(Name & signature of the nominee)

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Verified by:

Date: .....

(Signature of the Secretary General)

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**Annexure 4**

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

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

(Signature of nominator)

(Signature of the member seconding)

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

Date: -----

(Name & signature of the nominee)

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Verified by:

Date: .....

(Signature of the Secretary General)

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## **Annexure 5**

### **Guidelines for Question Time in the National Council**

#### **Introduction**

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

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

## **Objectives**

The Question Time will facilitate the National Council to fulfill its mandate of conducting public review of policies and issues. Since the National Council is a parliamentary institution of check and balance to ensure good governance, the Question Time is an important means of ensuring transparency and accountability, which are essential elements of good governance. It is also a platform for Members of the National Council and Ministers to engage in dialogue. Dialogue helps build confidence and enhance interaction between the government and the National Council. Besides, it provides an opportunity to the Ministers to explain government policies, its position on certain policy decisions and clarify doubts on concerns that the members and people might have on certain issues.

## **Categories of questions**

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

### **Category 1**

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

## **Category 2**

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

### **Modality of raising questions**

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

### **Type of questions**

1. Questions will relate to matters of government policies and with issues arising from or related to specific policy decisions.

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

### **Questions on sensitive issues**

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

### **Answering questions and introducing Bills**

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

- iii. Ministers will brief the National Council on policies and important national issues.

### **Debate in the Question Time**

- a. There should be no debate during the Question Time following questions and answers.
- b. The Chairperson shall however, determine whether members may seek clarifications, express views or make recommendations after the answers provided by the Ministers.
- c. Views or recommendations of the National Council shall be taken very seriously and with respect as advice but will not be binding upon the Executive so as to ensure the separation of powers.

### **Officials to accompany a Minister**

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

### **Schedule of Question Time**

#### **Date of the Question Time**

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



## **Timing of Question Time**

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

## **Avoiding coincidence of Question Times**

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

## **Appearance in Question Time**

### **Protocol for appearance**

- a. Before the commencement of the session or during the session of the National Council, the Chairperson will formally write to the Speaker of the National Assembly seeking his grant of leave to the Ministers who will appear in the Question Time of the National Council on the scheduled date and time.
- b. Minister should be received either by the Secretary General or the Deputy Chairperson and promptly escorted to the august hall.

### **Frequency of appearance**

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

## **Withdrawal of questions**

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

## **Conclusion**

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