

THE NATIONAL COUNCIL ACT OF THE KINGDOM OF BHUTAN 2008

Preamble

Whereas, the Constitution of Bhutan requires that there shall be a Parliament for Bhutan in which all legislative powers under the Constitution are vested and which shall consist of the Druk Gyalpo, the National Council and the National Assembly;

Whereas, the National Council, as a House of Review of Parliament, shall 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 legislation, and scrutiny of State functions;

Whereas, the National Council shall be established as a principal apolitical institution of a vibrant democracy that shall promote the wellbeing of the people while safeguarding the security and sovereignty of the Kingdom with integrity and credibility;

Parliament of Bhutan do hereby enact the National Council Act of the Kingdom of Bhutan at its First Session as follows:

Chapter 1

Preliminary

Short Title, Commencement and Extent

1. This Act shall:
 - (a) Be called THE NATIONAL COUNCIL ACT OF THE KINGDOM OF BHUTAN, 2008;
 - (b) Come into force on the Day, of the... Month of the Male Earth Rat Year of the Bhutanese Calendar corresponding to the...Day of the ...Month of 2008; and
 - (c) Extend to the whole of Bhutan.

Repeal

2. This Act shall hereinafter repeal all other laws in relation to the Royal Advisory Council.

Chapter 2

The National Council

3. There shall be a National Council for Bhutan in which, as one of the highest legislative bodies, all legislative powers under the Constitution are vested.
4. The National Council shall consist of twenty-five members, twenty of whom shall be elected by the voters in each of the twenty Dzongkhags and five of whom shall be eminent persons nominated by the Druk Gyalpo.
5. The election of the members of the National Council shall be governed by the provisions of the Election Act of the Kingdom of Bhutan.

The Independent Mandate

6. The National Council shall not be bound by voters or interest groups and shall function in a non-partisan manner in their Parliamentary work.

Functions

7. The National Council shall 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 legislation, and scrutiny of State functions.

8. 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 the people that need to be brought to the notice of the Druk Gyalpo, the Prime Minister or the National Assembly.
9. In exercising its legislative function, the National Council shall:
 - a) Initiate or prepare legislation except Money Bills and Financial Bills;
 - b) Review and amend existing laws; and
 - c) Consider, pass, amend or reject any legislation passed by the National Assembly in accordance with the provisions of this Act
10. In exercising its review function, the National Council shall:
 - a) Review and comment on the policies, plans and programmes of the government;
 - b) Review performance of the government;
 - c) Review implementation of resolutions and laws; and
 - d) Review issues of national importance.

Term of the Council

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

Re-constitution

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

Chapter 3

Members of the National Council

Qualifications of Members

~~12.~~13. ___ A person shall be qualified to be elected as a Member of the National Council, if he:

- (a) Is a citizen of Bhutan as evidenced by the citizenship identity card;
- (b) Is a registered voter of that constituency;
- (c) Is of the minimum age of twenty five years and maximum of sixty-five years at the time of filing the nomination;
- (d) Possesses a formal university degree.

~~13.~~14. ___ No person shall be a member of the National Council as well as the National Assembly or a Local Government at the same time.

~~14.~~15. ___ A member of the National Council shall not belong to any political party.

Disqualifications of Members

~~15.~~16. ___ A member of the National Council is liable to be disqualified, if during his tenure he:

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

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

Decision on Disqualification

~~16.~~17. A person declared ineligible under section 16 shall not be elected and returned as a member of the National Council.

~~17.~~18. The disqualification of a member under this Act shall be decided only upon a resolution passed by the National Council on a petition addressed to the Chairperson. If the member concerned is the Chairperson, the petition shall be addressed to the Deputy Chairperson.

~~18.~~19. Any disqualification under this Act shall be adjudicated by the High Court on an election petition with a right of appeal to the Supreme Court. A member shall not stand for election, while his disqualification is under appeal.

Resignation

~~19.~~20. Any person holding a seat in the National Council may resign through a declaration made in writing under the hand and seal of that person before two witnesses. Such a declaration shall be addressed and delivered to the Chairperson either during a session or an interval between two sessions of the National Council. If the member so resigning is the Chairperson, the letter of resignation shall be submitted to the Druk Gyalpo.

~~20.~~21. If a person holding a seat in the National Council tenders resignation of the seat in the manner provided under section 20 of this Act, such person is deemed to have vacated the seat and ceases to be a member of the National Council.

~~21.~~22. A person holding a seat in the National Council shall not tender resignation of the seat while the election of that person as a member of the National Council is lawfully contested.

Removal

~~22.~~23. Membership of the National Council shall be terminated upon violation of the provisions of this Act.

Vacancy

~~23.~~24. The seat of a member of the National Council shall become vacant upon:

- (a) Resignation;
- (b) Disqualification or removal;
- (c) The expiration of the term of office; or
- (d) Death.

Issue of writ in case of vacancy

~~24.~~25. 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 the remainder of the term is not less than one hundred and eighty days.

~~25.~~26. The member elected or nominated under section 25 of this Act shall serve only the remaining term of office.

Duties

~~26.~~27. A member of the National Council shall serve the interest of the nation and the people at all times.

~~27.~~28. A member shall have the duty to be faithful and bear true allegiance to the Druk Gyalpo, His heirs and successors.

~~28.~~29. A member shall have the duty to be faithful and bear true allegiance to the Kingdom of Bhutan and to preserve, protect and defend the Constitution and to uphold the laws and act at all times in accordance with the public trust placed upon him.

~~29.~~30. A member is obliged to attend the sessions of the National Council and its Committees and take active part in the issues being raised in those fora.

Declaration

~~30.~~31. On assuming office and at the start of each year, a member shall inform the Secretariat in writing about his:

- a) Bio-data and educational qualifications;
- b) Occupation, trade, profession or vocation;
- c) Positions (whether remunerated or not) held in, or membership of corporations, associations or other institutions and bodies;
- d) Agreements pursuant to which, during or after his membership, a member is to be assigned certain activities or granted pecuniary benefits; and
- e) Activities pursued in addition to his occupation and mandate, in particular the delivery of expert opinions, writing and lecturing.

~~31.~~32. A member shall declare his income, asset and liability and that of his spouse and dependents in accordance with the guidelines contained in the Anti-Corruption Act of the Kingdom of Bhutan.

~~32.~~33. Gifts of pecuniary value which a member receives in connection with his duties shall be governed by the rules prescribed by the Anti-Corruption Commission.

~~33.~~34. Any reference as to whether a member has willfully contravened any provisions of section 31 of this Act shall be made only on a written complaint lodged with the Chairperson by any Bhutanese citizen and if it is against the Chairperson, such complaint shall be lodged with the Deputy Chairperson.

Election Certificates

~~34.~~35. The elected members shall present their Certificates of Election to the Secretary General before the day on which the National Council convenes for the first time following an election.

~~35.~~36. Certificates submitted under section 35 of this Act shall be inspected by the Secretary General to determine whether it has been issued by a competent official and whether it is in the prescribed form.

~~36.~~37. Changes in the composition of the National Council shall be entered in the list to be maintained by the Secretariat.

Privileges and Immunities

~~37.~~38. 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.

~~38.~~39. 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 parliamentary mandates.

~~39.~~40. A member 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 his 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.

~~40.~~41. Without prejudice to the provisions of section 40 of this Act, a member shall not be prosecuted or arrested for an offence when the National Council is in session, without first informing the Chairperson.

~~41.~~42. The immunities under section 40 shall not cover corrupt acts by any member in connection with the discharge of his duties or cover other acts of accepting money or any other valuables in consideration to speak or to vote in a particular manner.

~~42.~~43. A member of the National Council shall lose his right of immunity with the concurrence of not less than two-thirds of the total number of members.

~~43.~~44. 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 without the prior permission of the Chairperson.

~~44.~~45. No legal process shall be served or arrest made within the precincts of the National Council without obtaining the permission of the Chairperson, whether the National Council is in session or not.

~~45.~~46. 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.

Remuneration

~~46.~~47. The salary, allowances, benefits, and other emoluments for a member shall be as determined under the provisions of the Parliamentary Entitlement Act of the Kingdom of Bhutan.

Chapter 4

Chairperson and Deputy Chairperson

Election of Chairperson and Deputy Chairperson

~~47.~~48. 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.

~~48.~~49. The election of the Chairperson and Deputy Chairperson shall be conducted in accordance with the Rules of Procedure framed under this Act.

~~49.~~50. The Chairperson and Deputy 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 or Deputy Chairperson shall be elected without undue delay.

~~50.~~51. The Druk Gyalpo shall confer *Dakyen* to the Chairperson, by warrant under His hand and seal. The remaining members of the National Council shall from their first sitting after taking oaths of office and secrecy don the blue scarf without fringe.

~~51.~~52. 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.

~~52.~~53. During the unavoidable absence of the Chairperson or resignation thereof, the Deputy Chairperson shall preside over sittings during such absence, until the Chairperson resumes the chair or the National Council elects another Chairperson.

~~53.~~54. The Deputy Chairperson presiding over the sittings during the period of the Chairperson's absence shall enjoy the same powers of the Chairperson. He shall also perform the duties of the Chairperson and every such act performed by him shall have the same effect and validity, as if the Chairperson himself had performed the act.

Powers of the Chairperson

~~54.~~55. The Chairperson shall conduct the sessions of the National Council and have the sole authority to call members to the debate in accordance with the Rules framed under this Act.

~~55.~~56. During the deliberation, if discussions emerge, which may not be in accordance with the Rules of Procedure, the Chairperson may stop the same or direct that the matter be forwarded to the appropriate ministry.

~~56.~~57. 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 defined in the Rules of Procedure.

~~57.~~58. The Chairperson may intervene if a member, while addressing the Council, deviates from the subject matter.

~~58.~~59. 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.

~~59~~.60. ___ If the Chairperson is of the opinion that a member is deliberately contravening the provisions of this Act, or that a member is in contempt of or is disregarding the authority of the Chair, or that a member's conduct is grossly disorderly, the member shall be made to withdraw immediately from such a sitting of the House.

Removal of the Chairperson and Deputy Chairperson

~~60~~.61. ___ 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.

~~61~~.62. ___ 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 the case of the Deputy Chairperson, by the Chairperson.

Chapter 5

Sittings of the National Council

Summoning Order

~~62~~.63. ___ The Chairperson shall inform the Druk Gyalpo on the date of commencement of every session before issuing the Summoning Order.

~~63~~.64. ___ The National Council shall assemble at least twice a year.

~~64~~.65. ___ Whenever necessary, the Chairperson of the National Council shall convene an extraordinary sitting of the National Council on the command of the Druk Gyalpo.

~~65~~.66. ___ During an extraordinary sitting, the National Council shall consider only those matters for which it has

been convened or otherwise have been presented to the National Council.

Oath or Affirmation

~~66~~.67. The day on which the National Council convenes for the first time following an election, the members in the order specified in an announcement shall be administered oath or affirmation.

~~67~~.68. The Chairperson and the members of the National Council shall take an Oath or Affirmation of Office as provided for in the Third Schedule of the Constitution before assuming their responsibilities.

~~68~~.69. The Chairperson and Deputy Chairperson of the National Council shall also take an Oath or Affirmation of Secrecy as provided for in the Fourth Schedule of the Constitution before assuming office.

Opening Ceremony of the National Council

~~69~~.70. At the commencement of each session of Parliament, the Druk Gyalpo shall be received in a joint sitting of Parliament with Chibdrel Ceremony. Each session shall be opened with a Zhug-drel-phunsum tshog-pai ten-drel.

Address and Message by the Druk Gyalpo

~~70~~.71. The Druk Gyalpo may address or sit in the proceedings of the National Council as and when deemed expedient.

~~71~~.72. 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.

Prorogation

| ~~72.~~73. Whenever the Chairperson finds it necessary to prorogue the session of the National Council, he shall announce a notice to this effect.

Open Proceedings

| ~~73.~~74. 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.

Conclusion of the National Council

| ~~74.~~75. Each session of the National Council shall be concluded with Trashi mon-lam.

Chapter 6

Conduct of Business

Language of Proceedings

| ~~75.~~76. The proceedings of the National Council shall be conducted in Dzongkha.

Examination of witness

| ~~76.~~77. An oath or solemn affirmation or declaration may be administered to a witness at the proceedings of the National Council or any Committee thereof.

| ~~77.~~78. Any oath or solemn affirmation or declaration made under this Act 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.

Exclusion of Matters

~~78.~~79. 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 shall state the grounds for his refusal in writing.

~~79.~~80. The National Council shall not in its proceedings refer to any matter in relation to which legal proceedings are active

Attendance

~~80.~~81. Before taking his seat in the National Council, each member shall note his attendance in the Roll of Members.

~~81.~~82. A member remaining absent from the sittings of the National Council thereof must make an application in writing to the Chairperson seeking the permission of the National Council.

~~82.~~83. A deduction equivalent to a day's daily allowances shall be made from the salary every time a member remains absent during the sitting of the National Council without the permission of the House for any reason including suspension under this Act.

Order of Sitting

~~83.~~84. The members shall sit in such order and at such place as the Chairperson may determine.

Quorum

| ~~84.~~85. ___ The presence of not less than two-thirds of the total number of members of the National Council shall constitute a quorum for a sitting of the National Council.

| ~~85.~~86. ___ Notwithstanding anything contained in Section 85, at least three-fourths of the total number of members must be present at the voting of a Bill, an amendment to a Bill or any other question before the National Council.

| ~~86.~~87. ___ If there is no quorum at any time during a meeting of the National Council, it shall be the duty of the Chairperson or any person presiding in his absence, either to adjourn the sitting of the National Council or to suspend the meeting until there is a quorum.

Adjournment

| ~~87.~~88. ___ The Chairperson shall announce the date of commencement and adjournment of the National Council.

| ~~88.~~89. ___ The sitting of the National Council shall be determined by Rules of Procedure made in that behalf.

| ~~89.~~90. ___ 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.

Manner of Voting

| ~~90.~~91. ___ Only members have a right to vote in the decisions of the National Council.

| ~~91.~~92. ___ A member is entitled to one vote per proposal and the right to vote shall not be exercised by proxy.

| ~~92.~~93. ___ When debate has been formally concluded, the Chairperson shall present a summary of the proposal. If an objection is offered to the summary and the Chairperson considers the objection justified, he shall rectify the summary.

| ~~93.~~94. ___ If there are several proposals for the decision, one shall be presented for voting against another, until all the proposals have been thus voted on.

| ~~94.~~95. ___ The Chairperson presiding over the proceedings of the National Council shall not vote in the first instance, but he:

- (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.

Dissenting Opinion

| ~~95.~~96. ___ Any member who does not concur with a decision shall have the right to enter his dissenting opinion in the minutes. However, no further debate on such an opinion shall be permitted.

Protocol about absence

| ~~96.~~97. ___ A member who was not present when the decision on a matter was made shall have the right to enter into the minutes that he has not participated in the making of the decision, but shall not have the right to object to the decision.

Chapter 7

Passing of Bills

~~97.~~98. A Bill passed by both the National Council and the National Assembly shall come into force upon Assent of the Druk Gyalpo.

~~98.~~99. Money Bills and financial Bills shall not originate in the National Council.

~~99.~~100. A Bill pending in the National Council shall not lapse by reason of the prorogation of the National Council.

~~100.~~101. 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

~~101.~~102. A Bill shall be introduced by a member with the concurrence of the National Council.

~~102.~~103. 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.

~~103.~~104. The opposition of the motion to introduce the Bill must be notified before the day on which the motion is included in the agenda. The Chairperson may allow a member who opposes the introduction of the Bill and the member who introduced the Bill to make explanatory statements.

~~104.~~105. 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.

~~105.~~106. 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.

~~106.~~107. 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.

~~107.~~108. 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.

~~108.~~109. 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.

~~109.~~110. 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.

~~110.~~111. 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

- | ~~111.~~112. 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.
- | ~~112.~~113. 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.
- | ~~113.~~114. 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.
- | ~~114.~~115. 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.
- | ~~115.~~116. 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

~~116.~~117. Notices of Constitutional Amendment Bills shall not be admitted if the Bill does not contain a title indicating that it is a Constitutional Amendment Bill.

~~117.~~118. 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

~~118.~~119. The annual budget shall be presented to the National Assembly for discussion and after being passed by the National Assembly, it shall be presented to the National Council by the Finance Ministry.

~~119.~~120. The Royal Audit Authority and the Anti-Corruption Commission shall submit their Annual Reports to the National Council.

~~120.~~121. 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.

CHAPTER 8

Parliamentary Devices

~~121.~~122. A member may secure an action sought by him through:

- (a) Parliamentary initiative;
- (b) Motion;
- (c) Resolution;

- (d) Postulate;
- (e) Calling attention;
- (f) Interpellation;
- (g) Adjournment Motion ; and
- (h) Motion of censure.

Parliamentary initiative

~~122.~~123. A member of the National Council may either submit a Bill or general proposal seeking amendment of a section of law, or a decision.

~~123.~~124. 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.

~~124.~~125. After the National Council admits introduction of a Bill or general proposal seeking amendment of a section of the law or a decision, such Bill or general proposal seeking amendment of a section of the law or decision is then debated and put to vote of the National Council.

Motion

~~125.~~126. 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.

Resolution

~~126.~~127. 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.

Postulate

~~127.~~128. A postulate shall request the government to examine the necessity of a law, decision or a measure in a particular case.

Calling attention

~~128.~~129. The National Council may call the attention of a minister to any matter of urgent public importance.

Interpellation

~~129.~~130. 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.

~~130.~~131. An interpellation requires the government to present an opinion either orally or in writing.

~~131.~~132. Any member of the National Council may submit a question orally or in writing worded in precise terms to the Chairperson.

~~132.~~133. 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.

~~133.~~134. The Chairperson may admit the questions submitted under section 130 of this Act, if such questions are in accordance with the Rules of Procedure made in that behalf.

~~134.~~135. The Chairperson shall give adequate time to the concerned ministry or organization, as the case may be, for furnishing the reply to the questions.

~~135.~~136. 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.

~~136.~~137. If the interpellator is not satisfied with the answer, he may, with the permission of the Chairperson call a debate in the National Council, in which the appropriate authority of the government shall participate.

Adjournment motion

~~137.~~138. The 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.

~~138.~~139. A motion for adjournment of the business of the National Council under section 138 of this Act shall be made with the consent of the Chairperson.

Motion of Censure

~~139.~~140. The National Council may challenge government policy through a motion of censure.

~~140.~~141. The motion of censure must be proposed by not less than half of the total number of members of the National Council.

~~141.~~142. The motion of censure may not be voted until 10 days after it has been submitted. During the first seven days of this period, alternative motions may be submitted.

~~142.~~143. 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 the National Council.

~~143.~~144. 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.

Chapter 9

Committees

~~144.~~145. The National Council may appoint Committees to carry out the business of the National Council.

~~145.~~146. The rules of the National Council besides others shall provide for:

- (a) The establishment, composition, powers, functions, procedures and duration of its Committees; and
- (b) Participation in the proceedings of the National Council and its Committees, in a manner consistent

with the principles of the National Council Act of the Kingdom of Bhutan.

Standing Committees

~~146.~~147. The National Council shall appoint Committees composed of members of the Council to examine any matter within the jurisdiction assigned to them by the House and to carry out any mandate given to them by the House.

Select or Ad hoc or Special Committees

~~147.~~148. If any matter cannot be resolved for want of adequate knowledge, a Committee may be constituted for this purpose through a Standing Order or a Resolution passed by the House specifying the Committee's composition, responsibilities, terms of reference and powers.

~~148.~~149. The Committee constituted under section 148 of this Act shall, as soon as may be, place before the National Council its opinion and recommendation on the matter referred to it and such opinion and recommendation shall guide the National Council.

Joint Committees

~~149.~~150. A Joint Committee composed of members from both Houses may be established by an Act of Parliament or by concurrent resolution of both Houses.

Procedure in the Committees

- | ~~150.~~151. Each Committee shall elect a Chairperson from amongst its members.
- | ~~151.~~152. The members on a Committee shall be appointed by the Chairperson of the National Council with due consideration being given to the suitability of the member to be on the Committee.
- | ~~152.~~153. The Committee shall work under the direction of the Chairperson of the National Council for such matters as the National Council may from time to time refer.

- | ~~153.~~154. During a period of prorogation of a session of the National Council or when the term of members of the Committee expires, their membership shall continue for the purpose of this Act until new members are appointed by the Chairperson of the National Council.
- | ~~154.~~155. A member of a Committee having personal or pecuniary interest in any matter that is to be considered by the Committee shall state his interest therein to the Chairperson of the National Council through the Chairperson of the Committee.
- | ~~155.~~156. A member of a Committee shall not divulge, either in the minutes of dissent or on the floor of the National Council, any matter circulated to him as confidential, without the prior approval of the Chairperson of the National Council, and where such approval has been obtained, any restriction imposed with regard to the manner in which or the extent to which such information may be divulged, shall be strictly observed.

~~156.~~157. A member of a Committee or anyone having access to its proceedings shall not communicate directly or indirectly to the press any information regarding its proceedings including its report.

Financial Provision

~~157.~~158. Prior to each fiscal year, the Secretariat shall prepare an estimate of the budget that will be required for the payment of the charges and expenses of the National Council and the members thereof during the fiscal year and such expenses shall be met from State funds.

Chapter 10

Reporting of Proceedings and Resolutions

Record of Proceeding

~~158.~~159. The Secretariat shall draw up records of proceedings at each sitting of the National Council and it shall ensure that the reports of the proceedings are verbatim. This report shall be known as Official Report of the National Council.

~~159.~~160. 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.

~~160.~~161. 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 copies of the Resolution

~~161.~~162. The Secretariat shall distribute, within 30 days of the adoption of the resolution, copies of such resolutions among the members and other concerned officials, ministries and departments.

Record of Votes

~~162.~~163. 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.

~~163.~~164. The casting of votes to elect or give approval to a person for holding office shall be through a secret ballot.

CHAPTER 11 Code of Conduct

Dedication

~~164.~~165. A Member shall place the highest importance to serving the Tsa-Wa-Sum with utmost loyalty and dedication, and fulfill his responsibilities by following the highest moral principles.

Responsibility

~~165.~~166. A member shall not indulge in any activity that adversely affects the National Council, national sovereignty and integrity of Bhutan and shall be responsible to the Druk Gyalpo and the National Council for his actions.

Integrity

~~166.~~167. A member shall not be influenced in any manner whatsoever by any individual or body of individuals in the discharge of his duties.

Selflessness

~~167.~~168. A member shall always uphold first and foremost the national interest, in discharging his duties and functions.

Conflict of Interest

~~168.~~169. A member shall refrain from casting his vote on any issue where he has a conflict of interest.

General Code of Conduct

~~169.~~170. Parliament shall from time to time make laws to regulate conduct of the members of the National Council which shall include the following:

- (a) A member shall ensure that his personal conduct is consistent with the dignity, reputation and integrity of the National Council;
- (b) A member shall at all times conduct himself in a courteous and respectful manner and shall respect the authority of the Chairperson. In particular, he shall not speak or leave the House when the Chairperson is speaking and shall speak standing at his place while addressing the Chairperson and the National Council;
- (c) A member shall not conduct himself in a manner that would constitute a criminal offence or contempt of the National Council;
- (d) A member shall not display any disorderly conduct in the National Council Hall;
- (e) Foul language, loud laughter and clapping are not permitted in the National Council Hall;

- (f) A member shall address the National Council one by one and they shall avoid using improper language in expressing their views during the deliberation;
- (g) Under compelling circumstances, if a member has to leave the National Council Hall, he shall lower his Kabney and bow while leaving and re-entering as a gesture of respect to the House;
- (h) No member shall unduly influence the Government officials or Ministers in a case in which he is financially or personally interested nor elicit information from the Government in an unauthorized manner;
- (i) A member shall not appear before a Minister or a Government official in his capacity as a lawyer, legal advisor, counsel or a solicitor;
- (j) A member shall not recommend any of his relations or other persons with whom he has direct or indirect interest for employment or business contracts to Government officials;
- (k) A member who has the floor under proper procedure shall not be interrupted by other members; and
- (l) No member shall impose threat, intimidation or use individual influence to encourage another member to make any remarks in the National Council.

Incompatibility

~~170.171.~~ A member of the National Council shall not:

- (a) Purchase or lease any government property even if the sale or lease thereof has been offered in public auction;

- (b) Simultaneously belong to different Committees, commissions or boards except as otherwise provided by law made by Parliament;
- (c) Be assigned any responsibility that may be reasonably construed to have conflict of interest;
- (d) Undertake private employment or perform any function, which is liable to impair public confidence;
- (e) Misuse official status, power or public property;
- (f) Indulge in illegal or improper means; or
- (g) Hold office of profit.

Other Obligations

~~171.~~172. A member shall not accept decorations from foreign countries and shall before receiving international awards inform the National Council. The National Council shall decide whether the international award in question can be accepted by the member.

~~172.~~173. A member shall not maintain or operate bank accounts in any country outside Bhutan.

~~173.~~174. No member shall during Parliamentary delegations to foreign countries give press statements regarding the visit, such briefings of the press shall be done by the leader of the delegation.

~~174.~~175. A member shall respect the apolitical nature of Public Service.

Chapter 12

Offences and Penalties

~~175.~~176. Except for any criminal offence which shall be dealt with in accordance with the Penal Code of Bhutan, any other offence under this Act shall be dealt with in accordance with this Act.

~~176.~~177. A member who contravenes any provision of this Act shall be guilty of an offence and be liable to one or more of the following penalties, as determined by the National Council:

- a) A reprimand;
- b) A fine;
- c) The refund of any illicit profit;
- d) The refund of the indemnities, allowances or other sums he received as a member while the offence continued;
- e) A temporary suspension; or
- f) The loss of his seat as a member.

Breach of Privileges

~~177.~~178. 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.

~~178.~~179. Breach of privileges and contempt may include:

- (a) Reflection on the character and impartiality of the Chairperson in the discharge of his duty;
- (b) Publication of false or distorted report of the proceedings of the National Council;

- (c) Publication of proceedings of the close door sittings, without the permission of the Chairperson;
- (d) Intimidating of members to influence them in their conduct;
- (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 attendance in the National Council or its Committee;
- (i) Misconduct in the National Council or its Committees;
- (j) Presenting false or forged or fabricated documents to the National Council or its Committee;
- (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 Committee.

| ~~179.~~180. On any inquiry concerning the privileges, immunities and powers of the National Council, any

copy of the journals of the National Council shall be admitted as evidence.

Suspension

- | ~~180.~~181. The Chairperson may call to order any member resorting to disorderly behaviour, disregarding the authority of the chair or contravening the prescribed Code of Conduct, whereby he willfully obstructs the business of the National Council, and if the member fails to heed such call, the Chairperson may order him to leave the National Council Hall and he shall not be entitled to attend the sittings of the National Council for the rest of the day.
- | ~~181.~~182. A member persistently obstructing the business of the National Council by deliberately indulging in disorderly behaviour or intentionally contravening the prescribed Code of Conduct shall be barred from attending the sittings of the National Council for the next fifteen days.
- | ~~182.~~183. If a member attempts to use force which is derogatory to the dignity of the National Council, the Chairperson may suspend him for the whole or any part of the session as he may deem fit.
- | ~~183.~~184. A member barred from attending the sitting of the National Council under sections 182 and 183 of this Act, shall not return to the Session until the period of suspension has been completed. Thereafter, any future violation of the Code of Conduct by that member shall lead to removal from the National Council and such member shall be barred from contesting in future elections to the House.

~~184.~~185. If a member uses physical force in the House, then that member shall be permanently removed from the National Council and barred from contesting in future elections to the Council.

Chapter 13

The Secretariat

~~185.~~186. The National Council shall have a Secretariat headed by a Secretary General to aid and assist the National Council in discharge of its parliamentary duties.

~~186.~~187. The Druk Gyalpo shall, by warrant under His hand and seal, appoint the Secretary General of the National Council on the recommendation of the Royal Civil Service Commission.

Functions

~~187.~~188. The Secretary General shall, under the supervision of the Chairperson, manage the affairs of the National Council and be responsible for the administration of the Secretariat.

~~188.~~189. The Secretariat shall ensure:

- a) that proper training and orientation in parliamentary procedure, discipline and decorum are given to the new members of the National Council;
- b) the safekeeping of the records of decisions and proceedings of the National Council and of the Committees.

c) that a register called the Register of Declaration of Assets and Liabilities of Members is maintained based on information supplied by members pursuant to section 31 of this Act.

~~189.~~190. The Secretariat shall keep proper record of proposals and their date of receipt.

~~190.~~191. The agenda shall be submitted to the Chairperson through the Secretary General of the National Council. The agenda for the joint sittings of Parliament shall be decided jointly by the Speaker of the National Assembly and the Chairperson of the National Council.

~~191.~~192. The Secretariat shall perform such other functions as may be determined by this Act or any other rules made under this Act.

Chapter 14

Rule Making, Amendment and Authoritative Text

Rule Making

~~192.~~193. The National Council may determine its Rules of Procedure and the Chairperson shall conduct the proceedings of the National Council in accordance with the rules.

Amendment

~~193.~~194. The amendment of this Act by way of addition, variation, or repeal shall be effected by a simple majority of the respective Houses or vote of no less than two-thirds of the total members of Parliament present and voting on a motion submitted by one-third of the members of either House, provided that the amendment does not undermine the functions and effectiveness of the National Council.

Authoritative Text

| ~~194.~~195. In any instance of a difference in meaning between the Dzongkha and the English texts of this Act, Dzongkha text shall be regarded as the authoritative text.