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## **PREAMBLE**

*Whereas*, the National Assembly comprising of elected representatives is one of the houses of the highest legislative body and the institution through which the interests of the nation and aspirations of the people are communicated, safeguarded and fulfilled;

*Whereas*, the Constitution of the Kingdom of Bhutan provides for the independence of the National Assembly, which is the institutional embodiment of Democratic Constitutional Monarchy; and

*Whereas*, the success, effectiveness and prestige of parliamentary institutions rest on its orderly functioning and the extent to which it adheres to standards of discipline, dignity and decorum, which are the foundational norms of parliamentary institution;

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

## **CHAPTER 1: PRELIMINARY**

### **Short Title, Commencement and Extent**

---

1. This Act shall:
  - (a) Be called the National Assembly Act of the Kingdom of Bhutan, 2008;
  - (b) Come into force on the 11<sup>th</sup> Day, of 6<sup>th</sup> Month of Male Earth Rat Year of the Bhutanese Calendar corresponding to 12<sup>th</sup> Day of the 8<sup>th</sup> Month of 2008; and

- (c) Extend to the whole of the Kingdom of Bhutan.

### **Procedure in Unprovided Cases**

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2. In all cases not provided for hereinafter, or by other Rules and Order of the House, procedural questions shall be decided by the Speaker, whose decisions shall be based on the usages, forms, customs and precedents of the National Assembly so far as they may be applicable to the House.

### **Interpretation clause**

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3. Words and expressions used in the Constitution and also in this Act shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution.

### **Repeal**

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4. This Act hereby repeals the Chathrim for the Elections of National Assembly Members, 1995 and any provisions of law, by-laws, rules or regulations which are inconsistent with this Act.

## **CHAPTER 2: THE NATIONAL ASSEMBLY**

5. The National Assembly 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 legislations, and scrutiny of State functions.

6. The legislative power shall be vested in the National Assembly with the power to pass laws with the Assent of the Druk Gyalpo subject, wherever applicable, to the provisions of the Constitution.
7. The activities of the National Assembly shall be based on the principles of political pluralism, free discussion of issues and their settlement by joint efforts.
8. The National Assembly shall continue for five years from the date of the first sitting. However, premature dissolution of the National Assembly may take place on the recommendation of the Prime Minister to the Druk Gyalpo or in the event of a motion of no confidence vote against the Government being passed in the National Assembly or when the National Assembly is dissolved under Article 15(12) of the constitution of Bhutan.

### **CHAPTER 3: MEMBERS OF THE NATIONAL ASSEMBLY**

9. The National Assembly shall have a maximum of fifty five members elected by each Dzongkhag in proportion to its population, provided that no Dzongkhag shall have less than two members and more than seven members, for which purpose Parliament shall, by law, provide for each Dzongkhag to be divided into constituencies through appropriate delimitation, and for the voters in each constituency to directly elect one member to the National Assembly.
10. A person shall not be a member of the National Council as well as the National Assembly or a Local Government at the same time.

11. The election of the members of the National Assembly shall be in accordance with the provisions of the Election Act of Bhutan.
12. A candidate for the election to the National Assembly shall be a minimum of twenty-five years and maximum of sixty-five years of age at the time of filing the nomination.
13. A member of the National Assembly shall have the minimum qualification of a formal university degree.

### **Disqualification**

---

14. A member of the National Assembly shall be disqualified if the member:
  - (a) Is married to a person who is not a citizen of Bhutan;
  - (b) Is terminated from Public Service;
  - (c) Is convicted for any criminal offence and sentenced to imprisonment;
  - (d) Is in arrears of taxes or other dues to the Government;
  - (e) Has failed to lodge accounts of election expenses within the time and in the manner required by law without good reason or justification;
  - (f) Holds any office of profit under the Government, public companies or corporations;
  - (g) Fails to give attendance in the House for more than one fourth of the number of days in a session, unless excused on that behalf by the permission of the House;

- (h) Commits willful violations of the laws of the country;
  - (i) Brings disrepute to the National Assembly by his or her personal conduct; or
  - (j) Persistently contravenes the Code of Conduct as laid down in this Act.
15. Nothing in Section 14 affects any power that the House has to disqualify a member of the House.

### **Election of Disqualified Persons**

---

16. A person who is disqualified by a judgment of a court of competent jurisdiction from being elected to or sitting in the House, by reason of any violation of any Act of Parliament relating to elections or to the trial of controverted elections of members of the Assembly, shall not be eligible for election as a member of the Assembly so long as such disqualification continues.
17. If any person by this Act disabled or declared to be incapable to carry out his or her responsibilities in the National Assembly is, nevertheless, elected and returned as a member, such election and return shall be declared to be void.

### **Resignation**

---

18. A member may, by writing under his or her hand, addressed to the Speaker, if the House is in session, or the Secretary General if the House is not in session, resign his or her seat therein, and upon the acceptance of such resignation by the Speaker, the seat of that member shall become vacant.

19. A member shall not tender resignation of the seat while the dispute related to election of that person as a member of the National Assembly is lawfully contested.

### **Vacancy**

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20. The seat of a member shall become vacant upon:
- (a) Resignation;
  - (b) Death;
  - (c) Disqualification or removal; or
  - (d) The expiration of the term of office.
21. If a member remains absent for more than one-fourth of the number of days in a session without the permission of the House, his or her seat shall be declared to be vacant. In computing the said period of absence, no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

### **By-Election**

---

22. When the office of a member of the National Assembly becomes vacant for any reason other than the expiration of term, a writ for an election to fill the vacancy shall be issued within one month after the vacancy occurs and an election of a member to fill the vacancy shall be held within ninety days as from the date of vacancy.
23. Section 22 shall not apply where a vacancy occurs within one hundred eighty days before the expiry of the time limited for the duration of the House by Section 8.

24. If the House is dissolved after the issue of a writ pursuant to Section 22, such writ shall thereupon be deemed to have been superseded and withdrawn.

## **CHAPTER 4: MEETING OF THE NATIONAL ASSEMBLY SUBSEQUENT TO GENERAL ELECTION**

### **Summons to Members**

---

25. The Secretary General shall issue summons to each member specifying the date and place for a session of the National Assembly.
26. When a session is called at short notice, an announcement of the date and place of the session may be made in the media and members may be informed by the Secretariat.
27. The Secretary General shall inform the Druk Gyalpo of the date of commencement of every session before issuing the summons.

### **Election Certificate**

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28. When the election of the members of the National Assembly is determined, the Chief Election Commissioner shall immediately notify the National Assembly of such list of elected members.
29. Upon the determination of the election of members of the National Assembly, the members shall present their election certificate to the National Assembly Secretariat for registration.



30. A member whose right to hold office has been questioned shall however, remain in office until declared ineligible for office.

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

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31. The members of the National Assembly shall take an Oath or Affirmation of Office as provided in the Third Schedule of the Constitution, before assuming their responsibilities.

### **Order of Sitting**

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32. The members shall sit in such order and at such place as the Speaker and the Secretary General may determine.

### **Roll of Members**

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33. There shall be a Roll of Members of the National Assembly which shall be signed in the presence of the Secretary General by each member before taking his or her seat.

## **CHAPTER 5: ARRANGEMENT OF BUSINESS**

### **Order of Business**

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34. The business of each sitting other than a sitting under Chapter 8 shall be in accordance with the Rules made under this Act.

## **Agenda**

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35. The Agenda of the House shall be decided by the Speaker in consultation with the Secretary General. All items of business for a sitting of which notice has been given shall be placed on the Agenda for that sitting in such order as prescribed by the Rules.
36. The Agenda shall be prepared by the Secretary General and a copy thereof shall be made available for the use of every member.

## **CHAPTER 6: SPEAKER AND DEPUTY SPEAKER**

### **Election of Speaker and Deputy Speaker**

---

37. At the first sitting after any general election, or when necessary to fill a vacancy, the National Assembly shall elect a Speaker and a Deputy Speaker from among its members. However, during an extraordinary session, the Speaker and Deputy Speaker of the immediately preceding regular session shall serve as Speakers.
38. The Druk Gyalpo shall, by warrant under His hand and seal, confer Dakyen to the Speaker.
39. The Speaker and the Deputy Speaker shall take an Oath or Affirmation of Secrecy as provided in the Fourth Schedule of the Constitution, before assuming office.

40. The Speaker's Act of the National Assembly of Bhutan, as enacted by Parliament shall govern the election, powers, functions, responsibilities and other matters relating to the Speaker and the Deputy Speaker.
41. The Speaker shall remain non-partisan in the fulfillment of his or her role.

## **CHAPTER 7: ROLE AND RESPONSIBILITY OF THE MEMBERS**

### **Dedication**

---

42. A member shall place highest importance to serving The Tsawa-Sum with utmost loyalty and dedication and fulfill his or her responsibilities by following the highest moral principles.
43. The members of the National Assembly shall be representative of all the people and shall in the performance of their duties be guided by the objectives of the Constitution, by the public interest and by their conscience.

### **Public Duty**

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44. Every member shall have duty to be faithful and bear true allegiance to the Druk Gyalpo, His heirs and successors.
45. The members shall have a 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 on all occasions in accordance with the public trust placed upon him or her.

## **Duty as a Representative**

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46. The members are accountable to the people at all times. They shall perform their legislative mandates with utmost competence, efficiency, effectiveness, integrity and fidelity to the people's welfare and the national interest.
47. Members shall have a duty to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously.

## **Official Secrecy**

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48. The members are bound by official secrecy in the event that, through their official activities, they acquire knowledge of information that must be kept secret or confidential in order to safeguard national interests.

## **Duty to Attend Meetings**

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49. The members are obliged to attend the meetings of the Assembly and committees.

## **Duties of Disclosure**

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50. On assuming office and at the start of every year, each member shall inform in writing to the Secretariat about his or her:
  - (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) Income, asset and liability as per Anti Corruption Act;
  - (e) Transfers of property to relatives or other persons by, or under arrangements made by him;
  - (f) Agreements pursuant to which, during or after his or her membership, a member is to be assigned certain activities or granted pecuniary benefits; and
  - (g) Activities pursued in addition to his or her occupation and mandate, in particular the delivery of expert opinions, writing and lecturing.
51. The Secretariat shall maintain a public register containing the information provided by the members.
52. The Secretariat shall take reasonable steps to make sure that the personal information they collect or use or disclose is accurate, complete and up to date.
53. If a member contravenes Section 50, the National Assembly may declare his or her seat vacant.
54. A member shall not resort to any form of fund raising from individuals or any agency.

55. Gifts of pecuniary value which a member receives either as guest or host in connection with his or her mandate shall be governed by the rules prescribed by Anti Corruption Commission.
56. The Secretary General shall, in consultation with the Speaker take a decision on the use of declared gifts which a member has received.

## **CHAPTER 8: SITTINGS OF THE NATIONAL ASSEMBLY**

### **Session**

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57. The National Assembly shall assemble at least twice a year.

### **Extraordinary Session**

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58. The Speaker shall convene an extraordinary sitting of the National Assembly on the Command of the Druk Gyalpo if the exigencies of the situation so demand.
59. During an extraordinary session, the National Assembly may consider only those matters for which it has been convened or matters that are connected thereto.

### **Opening and Concluding Ceremony**

---

60. 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 tsho-pai ten-drel and each session shall conclude with the Tashi-mon-lam.

## **Address by the Druk Gyalpo**

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61. The Druk Gyalpo may address or sit in the proceedings of the House as and when deemed expedient.
62. No motion for the adjournment of the House shall be made on the day the Druk Gyalpo addresses or sits in the House.

## **Quorum**

---

63. The presence of not less than two-thirds of the total number of members shall constitute a quorum for a sitting of the National Assembly.
64. If the number of members present falls short of the quorum as referred to in Section 63, the Speaker may declare an adjournment of the meeting.

## **Attendance**

---

65. Before taking his or her seat in the National Assembly, each member shall note his or her attendance in the Roll of Members.

## **Request for Leave and Absence**

---

66. A member who wishes to absent himself from sittings of the House, or any other Parliamentary forum of which he or she is a member, shall, before so absenting himself or herself, submit to the Speaker a written request for taking leave.

## **Language in the National Assembly**

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67. The proceedings and business in the National Assembly shall be conducted in Dzongkha.

## **Access of Public to Assembly Proceedings**

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68. The Proceedings of the National Assembly shall be conducted in Public. However the Speaker may exclude the media and the public from all or any part of the proceedings if there is a compelling need to do so in the interest of public order, national security or any other situation, where publicity would seriously prejudice public interest.
69. An individual who participates in a proceeding held *in camera* shall be obliged to preserve secrecy with regard to the proceedings thereof.
70. The use of sound or image broadcasts from the Assembly Hall, as well as the accreditation of the journalists shall be regulated by Rules made by the House on that behalf.

## **Power of the House to compel attendance and Production**

---

71. The House may at all times command and compel the attendance before the House, or before any committee, of such persons and the production of such papers and items as the House or committee deems necessary for any of its proceedings or deliberations.
72. Whenever the House requires the attendance of any person before the House or before any committee, the Speaker may issue a warrant, directed to that person named in the order of the House, requiring the attendance of such person before the House or committee, and the production of such papers and items as are ordered.



## **CHAPTER 9: MESSAGES**

### **Message from the Druk Gyalpo**

---

73. The Druk Gyalpo may send messages to the National Assembly as and when deemed expedient.
74. Where a message from the Druk Gyalpo is received by the Speaker, he or she shall read the message to the House and give necessary directions in regard to the procedure that shall be followed for the consideration of matters referred to in the message.
75. The House shall, as early as possible, consider the matter referred to in the message and submit its opinion to the Druk Gyalpo.
76. For the purpose of this Chapter, the Speaker shall be empowered to suspend or vary any provisions of this Act and any Rules made there under to such extent as may be necessary.

### **Motion of Thanks**

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77. At the conclusion of His Majesty's address or message, a member each from either party shall move a motion of thanks.
78. The communication from the National Assembly to the Druk Gyalpo shall be made by formal address through the Speaker.

### **Message from the National Council**

---

79. A message from the National Council shall, at the first convenient opportunity be communicated to the House by the Speaker.

80. In case of special urgency, any business in progress, on the receipt of such message, may be interrupted to consider the message so received.
81. If a message from the Council requires any action to be taken or any matter referred by the Assembly, it shall be immediately set down on the Agenda and shall be considered thereafter.

## **CHAPTER 10: RULES OF DEBATE AND MAINTENANCE OF ORDER IN THE HOUSE**

### **Member to Address Chair**

---

82. Members shall speak standing at their places and shall address their remarks solely and directly to the Chair. They may not address other members, individuals in the gallery, or persons who might be observing through the media.

### **Calling of Members**

---

83. Every member desiring to speak on an issue shall notify the Speaker in advance and obtain his or her permission.
84. A member shall be called in a debate by the Speaker in accordance with the list of members who are to speak in the debate.
85. A member who has not received a notification to speak may do so only with the permission of the Speaker.
86. Every member desiring to speak shall raise their hand and when called upon shall address his or her observations to the Chair.

87. If two or more members raise their hands at the same time, the Speaker shall call upon the member who first catches his or her eye.

### **Time Limit for Speeches**

---

88. The time limit for speeches shall be regulated by the Rules.

### **Reference to Member by Name**

---

89. Members shall refer to other members by constituency and not by name.

### **Reflections upon Judges and Others**

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90. No member shall reflect upon the competence or honour of a judge of the High Court and the Supreme Court, or of the holder of a constitutional office whose removal from such office is dependent upon a decision of the House, except upon a substantive motion alleging facts, which, if true, would in the opinion of the Speaker *prima facie* warrant such a decision.
91. Members shall refrain from referring to individual members of the National Council, characterizing the action or inaction of the National Council, or quoting National Council proceedings, except to make legislative history on a measure then under debate.
92. Members shall at all times refrain from speaking disrespectfully of His Majesty the Druk Gyalpo.

### **Matters Sub Judice**

---

93. Members shall refrain from referring to any matter in relation to which legal proceedings are active.

### **Irrelevance or Repetition**

---

94. The Speaker, after having called attention to the conduct of a member who persists in irrelevance or repetition of arguments, may direct the member to discontinue his or her speech.

### **Order at Adjournment**

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95. When a meeting adjourns, members shall rise and remain in their places until the Speaker has left the Chamber.

### **Withdrawal of Member**

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96. If the Speaker is of the opinion that a member is deliberately contravening a provision 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 the House for the remainder of the day's sitting.

### **Suspension of Member**

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97. If the Speaker is of the opinion that a contravention committed by a member is of a serious nature and that an order to withdraw from the House for the day's sitting is inadequate, the Speaker may suspend the member.

## **Period of Suspension**

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98. The suspension of a member shall on the first occasion during a session continue for five working days, on the second occasion for ten working days, and on any subsequent occasion for twenty working days.

## **Expression of Regret**

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99. A member who has been suspended may submit to the Speaker a written expression of regret, and if the Speaker approves such expression of regret, the member shall be permitted to take his or her seat, and the Speaker shall inform the House accordingly.
100. An expression of regret approved by the Speaker shall be recorded in the Minutes of Proceedings.

# **CHAPTER 11: MOTIONS**

## **Nature of Motions**

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101. A member may propose a subject for discussion, or a draft resolution for approval as a resolution of the House.
102. No matter shall be proposed for discussion which is the same in substance as a matter that has been discussed during the same session.

### **Notice of Motions**

---

103. Every motion shall require notice. When giving a notice of motion, a member shall read it aloud and deliver at the Table a signed copy of the notice or deliver to the Secretary General a signed copy of the notice for placing on the Agenda of the second sitting day.
104. Except with the unanimous concurrence of all the members present, no motion shall be moved on the day on which notice thereof is given.

### **Acting for Absent Member**

---

105. A member may give notice of a motion on behalf of an absent member, provided he or she has been authorized to do so in writing by the absent member.

### **Withdrawal of Motion**

---

106. A member who has moved a motion may move without notice that it be withdrawn.

## **CHAPTER 12: QUESTIONS**

### **Time of Question**

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107. The asking and answering of questions shall be at such times and for such duration as the National Assembly deems expedient.

## **Notice of Questions**

---

108. A member who wishes to ask a question shall give not less than two days notice of his or her intention and shall, together with the notice, submit a copy of the question he or she wishes to ask, unless the Speaker with the consent of the Minister concerned allows the question to be asked at shorter notice.
109. Notice of question shall be given in writing to the Secretary General and shall specify the official designation of the Minister to whom the question is addressed.
110. Questions may be put to a member, not being a Minister, relating to any Bill, motion, or other public matter connected with the business of the House.

## **Questions to Speaker**

---

111. Questions without notice may be put to the Speaker relating to any matter of administration for which the Speaker is responsible.

## **Rules for Questions**

---

112. The questions should not contain:
- (a) imputations;
  - (b) epithets;
  - (c) defamatory statements;
  - (d) hypothetical matter; and
  - (e) proceedings in committee not reported to the House.

### **Questions for Oral Reply**

---

113. A member who wants an oral reply to a question must write the words “for oral reply” on the notice of the question delivered to the Secretary General under Section 109 and if the member does not distinguish the question, it shall be placed on the list of questions for written answers.

### **Admissibility of Questions**

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114. The Speaker shall decide on the admissibility of a question and may disallow any question or a part thereof, which in his or her opinion, is in contravention of this Act.

### **Alteration of Question**

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115. The Speaker may direct that the language of a question be changed if it seems to the Speaker unbecoming or not in conformity with this Act.

### **Time for Reply**

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116. The Speaker shall give adequate time to the concerned ministry or organization, as the case may be, for furnishing the reply to the questions.

### **Supplementary Questions**

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117. When a question has been answered, any member may ask such supplementary questions as may be necessary for the elucidation of the answer.



## **Call for Debate**

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118. If a member is not satisfied with the answer, he may, with the permission of the Speaker, call a debate in the National Assembly.

## **CHAPTER 13: CALLING ATTENTION**

119. A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance.
120. The Minister may make a brief statement or ask for time to make a statement at a later hour or date.
121. No member shall give more than two such notices for any one sitting.

## **CHAPTER 14: STATEMENTS BY CABINET MEMBERS AND ASSEMBLY MEMBERS**

122. The Speaker, in consultation with the Prime Minister, the Leader of the Opposition Party and the Secretary General shall allot three sittings in a week to take statements from the Cabinet members and Assembly members.

### **Statements by Members**

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123. A member, other than a Minister, may be recognized by the Speaker to make a statement on any matter for such duration as the Speaker may determine.

124. Members of each party shall be entitled to make a number of statements but the members of the Opposition Party shall be given preference to participate in a manner consistent with democracy.
125. At the conclusion of statements by members, a Minister present may be given an opportunity to respond to any statement directed to that Minister or made in respect of that Minister's portfolio.
126. In the absence of a Minister who may respond to a statement as envisaged in Section 125, a Minister from the Lhengye Zhungtshog may be given an opportunity to respond on behalf of the absent Minister.

### **Executive Statements**

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127. A Cabinet member may make a factual or policy statement relating to government policy, any executive action or other similar matter of which the Assembly should be informed.
128. Whenever possible, a copy of an executive statement must be delivered to the Leader of the Opposition Party at or before the time the statement is made in the Assembly.
129. Following any executive statement, a member or members of each of the parties may comment on the executive statement, commencing with the Opposition Party.

## **CHAPTER 15: MOTION OF NO-CONFIDENCE AGAINST THE GOVERNMENT AND COUNCIL OF MINISTERS**

130. A motion of no confidence against the Government may be moved by not less than one-third of the total number of members of the National Assembly.
131. The motion of no confidence shall not be voted on until ten days after it has been moved.
132. A vote of no confidence against the Government, if passed by not less than two-thirds of the total number of members of the National Assembly, shall require the Government to be dismissed by the Druk Gyalpo.
133. A motion of no confidence against the Minister shall be moved by not less than one-third of the total members of the National Assembly by a written notice to the Secretary General.
134. The vote of no confidence on a Minister should be explicit, direct and on the basis of well founded reasons.
135. The Speaker shall read the motion to the House. If the House is in favour of leave being granted to introduce the motion, the Speaker shall declare that leave is granted and shall appoint a day or days, not being more than seven days from the date on which the leave is asked, for the discussion of the motion.
136. During the debate, the Speaker shall put every question necessary to determine the decision of the House on the motion

137. If the House passes a two-third majority of vote of no confidence in a Minister thereof, the Prime Minister shall recommend the removal of that Minister to the Druk Gyalpo.
138. A Minister who has resigned may, with the consent of the Speaker, make a personal statement in explanation of his or her resignation on any day during the session in which the resignation has been accepted by the Druk Gyalpo.
139. There shall be no debate on such statement.

## **CHAPTER 16: RESOLUTIONS**

### **Right to Move Resolution**

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140. A member may move a resolution relating to a matter of general public interest.

### **Notice of Resolution**

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141. A member who wishes to move a resolution shall give not less than three day's notice of his or her intention, and shall submit, together with the notice, a copy of the resolution which he or she intends to move.

### **Form of Resolution**

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142. A resolution may be:
- (a) in the form of a declaration of opinion, or a recommendation;

- (b) in the form so as to record either approval or disapproval by the House of an act or policy of the Government;
- (c) a request for an action;
- (d) a call to attention to a matter or situation for consideration by the Government; or
- (e) such other form as the Speaker may consider appropriate.

### **Admissibility of Resolutions**

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143. The Speaker may disallow any resolution or a part thereof, if, in his or her opinion, it does not comply with this Act or is an abuse of the right of moving a resolution.

### **Scope of discussion**

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144. The discussion on a resolution shall be strictly limited to the subject-matter of the resolution.

### **Copy of the resolution passed to Ministers concerned**

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145. A copy of every resolution which has been passed by the House shall be forwarded to the Minister concerned.
146. The Minister concerned shall inform Parliament in the next Session, if not earlier, of the action, if any, taken by Government on a resolution passed by the House.

## CHAPTER 17: PETITIONS

### Form and content of Petitions

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147. A petition may be presented or submitted to the House by a member, and must show on its face the name of the member by whom it is presented.
148. A petition may also be forwarded to the Secretary General who shall report it to the House.
149. Petitions must be submitted for approval by the Secretary General at least one sitting day prior to the petition being presented in the Assembly.
150. Petitions shall contain and refer to:
  - (a) any matter connected with the business pending before the House;
  - (b) a matter which is within the power of the House to address;
  - (c) any matter of general public interest provided that it is not one for which remedy is available under the law, including Royal Prerogatives, rules, regulations, bye-laws made by the Government; or
  - (d) a request for the House to take one or more specified actions.
151. Every petition shall be in original and printed or type written on paper.

152. A member presenting a petition shall confine himself or herself to a brief statement of the persons from whom it comes, the number of signatures attached to it and the material submissions contained in it, and to reading the request of the petition.
153. A member shall not present a petition for himself.
154. Every petition shall be properly addressed to the House, shall be respectful, and temperate in its language, and shall conclude with a request setting forth the specific object of the petition, or the nature of the relief sought.
155. The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by his or her signature.
156. No letter, affidavit or other document shall be attached to a petition, and no erasure or interlineations shall be made to a petition.
157. No petition shall be received which requests that provision be made for imposing, increasing or reducing any tax or for imposing, increasing or reducing any charge on the revenue or the Consolidated Fund of Bhutan.

### **Action by the House**

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158. No discussion on the subject matter of a petition shall be allowed at the time of presentation.
159. Every petition shall, after presentation by a member or report by the Secretary General as the case may be, stand referred to a committee.

160. The committee shall examine the petition and if the petition complies with this Act, the committee may direct that it be circulated.
161. It shall be the duty of the committee to report to the House on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures to prevent such cases in future.
162. The Minister responsible for the administration of the matter which is the subject of the petition may respond to the petition.

## **CHAPTER 18: ADJOURNMENT MOTIONS**

163. A member may rise in his or her place and ask leave to move adjournment of the business of the House for the purpose of discussing a definite matter of public importance.
164. A member who wishes to ask leave to move the adjournment of the business of the House shall, before the commencement of the sitting and before 10.00 hours, hand to the Speaker a written notification of the matter which he or she wishes to discuss.
165. The right to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions:
  - (a) the matter proposed for discussion must be one that calls for immediate and urgent consideration;



- (b) not more than one such motion shall be made at the same sitting;
  - (c) not more than one matter shall be discussed on the same motion;
  - (d) the motion shall be restricted to a specific matter of recent occurrence involving the responsibility of the Government;
  - (e) the motion shall not revive discussion on a matter which has been discussed in the same session;
  - (f) the motion shall not raise a question of privilege; and
  - (g) the motion shall not deal with any matter which is under adjudication by a court of law.
166. The Speaker may refuse to grant leave unless he or she is satisfied that the matter is definite, and of urgent public importance and may properly be raised on a motion for the adjournment of the House.
167. In determining whether a matter should have urgent consideration, the Speaker shall have regard to:-
- (a) the extent to which it concerns the administrative responsibilities of the Government or could come within the scope of Ministerial action; and
  - (b) the probability of the matter being brought before the House within a reasonable time by other means.
168. The motion shall not be subject to debate or amendment.
169. A motion for the adjournment of the business of the House under this Chapter must be supported by not less than half of total members of the National Assembly.

170. If the leave is granted, any proceedings on which the House is engaged on that day shall be postponed until the motion for the adjournment is disposed.
171. No adjournment motion shall be taken up on the day of the Druk Gyalpo's Address. Notices received for that day shall be treated as notices for the next sitting.
172. Any proceeding which has been postponed under this Chapter shall be continued for a period of time equal to the duration of the proceedings upon a motion under this Chapter and may be resumed and proceeded with or after the time fixed for the adjournment of the House.

## **CHAPTER 19: DECISION AND VOTING**

173. A matter requiring the decision of the House shall be decided by means of a question put by the Speaker on a motion made by a member.
174. Except as otherwise prescribed by the Constitution and this Act, all questions proposed for decision of the House shall be determined by a majority of votes of the members present and voting.
175. A member having any interest in any matter before the House shall declare the nature of his or her interest in the matter and shall not vote on any question relating to that matter.

176. Only members have a right to vote in the decision of the National Assembly.
177. A member is entitled to one vote per proposal and the right to vote shall not be exercised by proxy.

### **Putting the Question**

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178. On the conclusion of the debate, the Speaker shall put the question and first call upon those members who are in favour of the question to raise their hand, and shall then call upon those who are against the question to raise their hand.
179. The Speaker shall then, on account being taken, state whether or not he or she thinks the required majority of the members present are in favour of the question and, subject to any challenges, the Speaker shall declare the question to have been so decided. In such a case, the names of the voters shall not be recorded.
180. If the opinion of the Speaker as to the decision of a question is challenged by claiming a division, the Speaker shall order the House and committees to proceed to a division. The division bell shall be rung to alert and summon the members for the division.

### **Division**

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181. When a division has been ordered, the Clerk shall supply to each member at his or her seat, a “**YES**”, “**NO**” and “**ABSTAIN**” slips, according to the choice indicated by the member. A member shall sign and record his or her vote on the slip.

182. After the members have recorded their votes, the Clerk shall collect the slips and bring them to the Table in the presence of the Assembly members where the votes shall be counted and the results shall be presented to the Speaker.
183. The result of the division shall be announced by the Speaker and it shall not be challenged.

### **Use of Electronic Voting System**

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184. Unless the Speaker otherwise directs, where an electronic system of voting is provided in the House, it shall be put into operation and the members shall cast their votes from the seats respectively by pressing the buttons provided for the purpose.
185. After the result of the voting appears on the indicator board, the result of the division shall be announced by the Speaker and it shall not be challenged.

### **Dissenting Opinion**

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

## **CHAPTER 20: LEGISLATIVE PROCEDURE**

### **General Provisions**

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187. A Bill passed by Parliament shall come into force upon Assent of the Druk Gyalpo.

188. A Bill pending in either House shall not lapse by reason of the prorogation of either House.
189. A Bill shall be passed by a simple majority of the total number of members of the National Assembly.
190. At any stage of a Bill which is under discussion in the House, the member in charge of a Bill may move for leave to withdraw the Bill.
191. The Secretary General shall publish a notice in the Gazette stating that the proposed legislation has been withdrawn.
192. All Bills before the Assembly or any committee on the last sitting day of a term of the Assembly or when the Assembly is dissolved shall lapse at the end of that day.
193. When a Bill has been passed or has been rejected during a session in any year, no Bill of the same substance may be introduced in the Assembly in that year except by leave of the Assembly.

## **Bills Originating in the Assembly**

### **Forms and notice of Bills**

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194. Any member may move for leave to introduce a Bill of which he has given notice.
195. The period of notice of a motion for leave to introduce a Bill shall be one month unless the Speaker allows the motion to be made at shorter notice.

196. The member shall submit to the Secretariat a copy of the Bill along with the Statement of Objects and Reasons, Memorandum regarding delegated legislation and Financial Memorandum.
197. The Bill must be signed by the member introducing it and may also be signed by any other member or members who support the Bill.
198. A member presenting a Bill shall be known throughout the subsequent proceedings on the Bill as the member in charge of the Bill. In the case of a Bill introduced jointly by more than one member, these members shall designate among themselves a member as the member in charge of the Bill at the time of presenting the Bill.
199. The Bill shall be placed on the Agenda of the Assembly for first reading.

### **Presentation and First Reading**

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200. When a motion for leave to introduce a Bill is opposed, the Speaker may permit an explanatory statement from the member who moves and from the member who opposes the motion. The Speaker shall, without further debate put to question the motion to introduce the Bill.
201. If leave to introduce the Bill is given, an order shall be made for its second reading on such sitting day as the member presenting it shall name and the Bill shall be ordered to be printed.
202. An interval of not less than five days shall elapse between the first and second readings of a Bill, unless the House on motion made agree to proceed with the Bill at any earlier date.

## **Printing and Circulation of Bills**

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203. The Secretary General shall be responsible for the printing of Bills. As soon as possible after the printing of a Bill, the Secretary General shall circulate a copy to every member, together with any explanatory statement provided by the member in charge of the bill.
204. The Secretary General shall as soon as possible cause every Bill to be published in the Official Gazette.

## **Second Reading of Bills**

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205. No Bill shall be read a second time until it has been printed and circulated to members and has been published in the Official Gazette.
206. On a motion that the Bill be read a second time being made, the general merits and principle of the Bill may be discussed but the details of the Bill shall not be discussed further than is necessary to explain the principles.
207. When a Bill has been read a second time it shall be referred to the Legislative Committee or some other committee, unless the Assembly, on a motion which may be moved without any notice by any member, otherwise orders.
208. The Assembly may, while committing the Bill to the Committee, fix the date for commencement of the proceedings in the committee and for submitting its report to the Assembly.

## **Committee Stage**

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209. The Committee to which the Bill is referred shall not discuss the merits of the Bill, but only its details.

210. The Committee shall examine every clause thereof and it shall have the power to make such amendments to the Bill as the Committee thinks fit, but the amendments must be relevant to the subject matter of the Bill and consistent with its nature and purpose.
211. When all the proceedings upon the Bill have been concluded, the Committee shall report the Bill to the House with or without amendments as the case may be.

### **Third Reading**

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212. When a Bill has been reported from the Committee, the Assembly shall be deemed to have ordered the Bill to be set down for third reading and the notice of motion for third reading shall not be required to be given by the member in charge of the Bill.
213. If any member desires to delete or amend any provision contained in a Bill as reported from the Committee, the member may move that the Bill be recommitted either wholly or in respect only of some particular amendment or amendments.
214. The consideration of the Bill as reported from the Committee shall commence upon the lapse of three days following the day on which such report is laid on the Table of the Assembly.
215. Every member may, by giving one day notice, hand in to the Secretariat a copy of any amendment he may wish to move thereto.
216. Such amendments proposed to be moved by a member shall be within the scope of the Bill and shall not relate to grammatical and clerical errors.



217. The Speaker may refuse to propose an amendment which is, in his or her opinion, frivolous or meaningless.
218. The Secretariat shall, if time permits, make available to the members from time to time lists of amendments of which notices have been received.
219. During the debate on the Bill, the Speaker may submit the Bill to the House clause by clause and put questions on the clauses and amendments severally. However, in order to save time and repetition of arguments, a single discussion may be allowed to cover series of clauses and amendments.
220. When the debate has concluded and amendments to the Bill has been incorporated, the member in charge may move a motion that the Bill be passed. However, the motion shall not be moved on the same day on which debate on the Bill is concluded.

### **Passing of Bills**

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221. The debate on a motion that the Bill be passed shall be confined to the submission of arguments either in support or for the rejection of the Bill. The members shall not refer to the details of the Bill further than is necessary for the purpose of his or her arguments.
222. Where a Bill is passed by the House, the Speaker shall have the power to correct patent, clerical or typographical errors in the Bill.
223. When a Bill other than money Bill is passed by the National Assembly, it shall be presented to the National Council within thirty days from the date of passing.

## **Further Proceedings upon Bills**

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224. If a Bill passed by the Assembly and transmitted to the Council is neither passed nor returned to the Assembly by the end of the next session, the Bill shall be deemed to have been passed by the Council which shall then be presented to the Druk Gyalpo for Assent within fifteen days.
225. If a Bill other than money Bill passed by the Assembly and transmitted to the National Council is passed by the Council without amendment, the message received from the Council to that effect shall be reported to the House.
226. If a Bill other than money Bill passed by the Assembly and transmitted to the Council is returned with amendments, the member in charge of the Bill may move for the consideration of the said amendments forthwith or on future date.
227. Upon consideration of the amendments, the House may agree, or disagree or make amendments thereto, or may propose amendments in lieu thereof. However, only those amendments which are relevant and consequential to the subject matter of an amendment made by the Council shall be proposed or moved.
228. If the Assembly agrees to the amendments made by the Council, a message to that effect shall be sent to the Council. However, if the Assembly disagrees or refuses to incorporate the amendments, the Bill shall be submitted to the Druk Gyalpo who shall then command the Houses to deliberate and vote on the Bill in a joint sitting.

## **Assent of Bills Passed**

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229. When a Bill is passed by the Houses and is in possession of the Assembly, the Bill shall be signed by the Speaker and submitted to the Druk Gyalpo for Assent within fifteen days from the date of passing of the Bill.
230. One copy of the Bill so Assented to by the Druk Gyalpo shall be preserved for verification and record and shall not be allowed to pass out of the House without the permission of the Speaker.

## **Bills Received From the National Council**

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231. Where a Bill has been presented to the Assembly after it has been introduced and passed by the National Council, the National Assembly may pass that Bill no later than the next session of the National Assembly. In case of Urgent Bills, they shall be passed in the ongoing session of the National Assembly.
232. A Bill originating in the National Council and presented to the Assembly shall, as soon as possible, be laid on the Table and set down in the Agenda.
233. Once the Bill is set down in the Agenda, the proceedings on the Bill shall be as provided in Sections 200 to 223 of this Act.

## **Money Bills**

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234. Money Bills and Financial Bills shall originate only in the National Assembly.
235. Only the Finance Minister may introduce a Money Bill in the Assembly.

236. The Finance Minister shall deliver an introductory speech in the Assembly on the appointed day.
237. When a Money Bill passed by the National Assembly is presented to the National Council, the Speaker shall endorse that it is a Money Bill.
238. If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker thereon shall be final.

## **CHAPTER 21: FINANCIAL PROCEDURE**

239. Except as otherwise specifically provided in this Chapter, the procedure in regard to Appropriation Bill and Supplementary Appropriation Bill shall be the same as for Bills generally with such modifications as the Speaker may consider necessary.
240. The Budget, Appropriation Bill and Supplementary Appropriation Bill shall not be referred to any committee.

### **Budget**

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241. The Finance Minister shall, in respect of each financial year, present to the House the annual budget along with a report on the budget of the previous fiscal year.
242. The Budget shall be presented to the House in such form as the Finance Minister may consider suitable.
243. On the day to be appointed by the Speaker, in consultation with the Leader of the House and for such times as the Speaker may allot for this purpose, the House shall be at liberty to discuss the budget as a whole

or any principles of Government policy and administration as indicated in and by the budget.

244. The Finance Minister shall have the right of reply at the end of the discussion.
245. The Speaker shall allot so many days as may be compatible with the public interest for the discussion and voting on the budget.
246. The Finance Minister may, from time to time, introduce in the House a Supplementary Appropriation Bill which shall be discussed and voted on by the National Assembly.

## **CHAPTER 22: REPORTING OF PROCEEDINGS AND RESOLUTION**

### **Record of Proceeding**

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

## **Distribution of the Copies of the Resolution**

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250. Soon after the adoption of the resolution, the Secretariat shall distribute copies of the resolution to the members and other officials, ministries and departments.

## **Record of Votes**

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251. The Secretary General shall cause the votes of each member to be recorded and disclose such records, except in the case of voting through a secret ballot.
252. The casting of votes to elect, remove or give approval to a person for holding office shall be through a secret ballot.

# **CHAPTER 23: PRIVILEGES, IMMUNITIES AND SALARIES**

## **Freedom of Speech and debate**

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253. There shall be freedom of speech and debate in or before the National Assembly and any committee thereof, or any joint committee of Parliament, subject only to the restrictions placed on such freedom in terms of or under the Constitution and this Act.

## **Right to Information**

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254. A member shall have the right to be provided with information by the Government and to inspect documents on any matter of relevance to the exercise of his or her Parliamentary mandates.

## **Guarantee of Attendance at Sessions**

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255. The members of the National Assembly or any Committee thereof 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 vote cast and no person shall be liable in respect of any report, paper or proceedings made or published under the authority of National Assembly.
256. The immunities herein granted shall not cover corrupt acts committed 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.
257. Without prejudice to Section 256, no member shall be liable to arrest or detention during any session of the National Assembly, or during the fifteen days preceding or the fifteen days following such session without the permission of the Speaker.
258. Section 257 shall not apply to a precautionary arrest due to a risk of absconding or in the event of the member being caught in the act of committing a felony.
259. A member shall be exempted from appearing as a witness in court or before any body or person empowered to summon witnesses while the Assembly or a committee or sub-committee in whose work he or she is taking part is sitting, and during the two preceding and two following days.

260. The Speaker may exempt personnel of the National Assembly Secretariat from appearing as a witness in a court, or before any body or person empowered to summon witnesses where he considers his or her presence is required for the proper functioning of the Assembly and its services.

### **Salary, Allowance and Travel Expenses**

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261. Salary, Allowances, benefits and other emoluments of the members of the National Assembly shall be in accordance with the Parliamentary Entitlements Act of the Kingdom of Bhutan.

262. If a member does not arrive in time for a parliamentary session or if, without the permission of the Speaker, fails to appear and has no acceptable excuse, the National Assembly may impose as a sanction the forfeiture of the whole or a part of his or her salary or allowance.

### **Breach of Privileges**

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263. When any individual or authority disregards any of the privileges, either of the members or of the National Assembly, an offence of breach of privilege is committed.

264. Breach of privileges and contempt shall include:

- (a) Refusing to comply with an order of the Assembly or a committee;
- (b) Giving false or incomplete testimony before the Assembly or a committee;
- (c) Presenting a false document to the Assembly or a committee with intent to deceive;



- (d) Publication of false or distorted report of the proceedings of the Assembly;
- (e) Forging, falsifying or altering any document of the Assembly or a committee or any document tabled or presented before it;
- (f) Creating disturbance liable to disrupt the course of parliamentary proceedings;
- (g) Using or threatening to use force or using undue pressure to have a sitting cancelled or suspended;
- (h) Assaulting, interfering with, bullying or threatening the members of the Assembly in the carrying out of their parliamentary duties or members of the personnel of the Assembly in the carrying out of their parliamentary duties;
- (i) Bribing or attempting to bribe a member of the Assembly or a member of the personnel of the Assembly;
- (j) Misconduct in the Assembly or committee;
- (k) Attempting to influence the vote, opinion, judgment or action of a member by means of deceit, threat or undue pressure;
- (l) Suborning or attempting to suborn or threatening a person in regard to any evidence to be given by him before the Assembly, a committee or a subcommittee; or
- (m) Performing an act contrary to the parliamentary immunity conferred on a member.

265. The punishment for breach of privilege shall be as provided in Chapter 27 of this Act.

## **CHAPTER 24: CODE OF CONDUCT**

### **Conduct of Members**

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266. Members shall at all times conduct themselves in a courteous and respectful manner and shall respect the authority of the Speaker. In particular, members shall not speak or stand when the Speaker is speaking.
267. Members shall clad themselves in the national dress with *Tshoglam* and *Kabney* and members conferred with *Dhar* and *patang* shall, in addition, wear their *patang*.
268. Members shall refrain from eating, smoking or using electronic equipment, including cellular phones or lap top computers on the floor of the House.
269. Members shall refrain from loud laughter, clapping or using profane, offensive, vulgar or unparliamentary expression.
270. A member shall not read any book, newspaper or other documents except in connection with the business of the House;
271. Members shall refrain from engaging in conversation or walking in the House when a member is speaking.

272. If a member has to leave the National Assembly Hall under compelling situation, the member shall fold down his or her *Kabney* while leaving and re-entering as a gesture of respect to the House.
273. Every member shall subscribe to maintaining the decorum and dignity of the House and shall desist from acts of defamation and use of physical force.
274. A member shall not indulge in any activity that adversely affects the National Assembly, national sovereignty and integrity of Bhutan and shall be accountable to the National Assembly for his or her actions.
275. A member shall at all times conduct himself or herself in a manner which will tend to maintain and strengthen public trust and confidence in the integrity of the National Assembly and never undertake any action which would bring the House into disrepute.
276. A member shall not use information which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties to further the member's private interests or those of a member of his or her family, or to further another person's private interests.
277. A member shall ensure that his or her personal conduct is consistent with the dignity, reputation and integrity of the National Assembly.
278. No member shall impose threat, intimidation or use individual influence to encourage another member to make any remarks in the National Assembly.

279. A member shall declare all gifts and benefits received in connection with their official duties, in accordance with the rules prescribed by Anti Corruption Commission.
280. A member shall not accept decorations from foreign countries and shall before receiving international awards inform the national assembly. The national assembly shall decide whether the international award in question can be accepted by the member.
281. A member shall not maintain or operate bank account in any country outside Bhutan.

### **Incompatible Offices**

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282. A member shall not hold any office under the Government, public companies or corporations.
283. Any office to which remuneration from a non-profit international organization is attached is also incompatible with the office of member.
284. A member shall not simultaneously belong to different committees, commissions or Boards except as otherwise provided by law made by Parliament.
285. A member who, when elected, is in an incompatible office shall, before making the oath, resign from the incompatible office.
286. If an office incompatible with parliamentary duties devolves upon a member during his or her term, he or she must resign from one or the other within thirty days. The member shall not sit in the Assembly during such time.

287. Section 282 does not include the office of a member of the Lhengye Zhungtshog or any office that is held by a member of the Lhengye Zhungtshog as such a member.

### **Conflicts of Interest**

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288. A member must avoid putting himself in situations where his or her personal interest may influence the carrying out of his or her duties.
289. Members whose personal interests are directly affected by any matter being considered shall indicate and declare their personal interest when making a statement in the House or in the Committees.
290. No member shall solicit, accept or receive any remuneration, benefit or profit whatever in exchange for taking a position on a Bill, a resolution or any question put or to be put to the Assembly or a committee.

### **Complaints**

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291. A member may bring a complaint before the Assembly accusing another member of holding or having held an incompatible office or having been in a situation of conflict of interest.
292. The bringing of a complaint before the Assembly by a member against another member without a serious reason constitutes a breach of the privileges of the Assembly.

## **CHAPTER 25: COMMITTEES**

### **Standing Committees**

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293. The National Assembly shall appoint committees, composed of members of National Assembly, 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.
294. A committee may sit whilst the House is sitting provided that on a division being called in the House, the Chairman of the committee shall suspend the proceedings in the committee for such times as will in his or her opinion enable the members to vote in a division.

### **Select or Ad Hoc or Special Committees**

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295. The National Assembly may appoint or select ad hoc or special committees at any time by issuing a Standing Order or by passing a Resolution specifying the committee's composition, responsibilities, terms of reference and powers.
296. Such committees shall cease to exist at the end of a session or at the dissolution of the House or after the presentation of its report to the House.

### **Joint Committees**

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

## **Proposal by Committee**

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298. A committee may introduce legislative Bills and other agenda with respect to matters which fall under the jurisdiction of the Committee.

## **Procedure in the Committees**

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299. The National Assembly Committees Act as enacted by Parliament of Bhutan shall govern any matters related to the Committees under the National Assembly.

## **CHAPTER 26: ADMINISTRATION OF THE NATIONAL ASSEMBLY**

300. In order to support the activities and to manage the administrative affairs of the National Assembly, the Secretariat of the National Assembly shall be established in the National Assembly.
301. The Secretariat shall assist the National Assembly in the fulfillment of its duties.
302. The Secretariat shall be an independent and non-partisan institution headed by the Secretary-General.
303. The Druk Gyalpo shall, by warrant under his or her hand and seal, appoint the secretary general of the national assembly on the recommendation of the Royal Civil Service Commission.
304. The Secretary General shall, under the supervision of the Speaker, manage the affairs of the National Assembly and be responsible for the administration of the National Assembly Secretariat.

305. The Secretariat's budget shall be approved by Parliament as a part of the National Annual Budget. If the decision of Parliament on National budget is delayed, the Ministry of Finance shall provide the Secretariat with interim funds, which shall be at least equal to the previous year's current budget.
306. No deed, document or writing shall bind the National Assembly or may be attributed to the Speaker unless it is signed by him and by the Secretary General or by another officer designated by the Secretary General.
307. The Secretariat may allow the required signature to be affixed by means of an automatic device to such documents.
308. The Secretary General shall have custody of the records of the Assembly.

## **CHAPTER 27: OFFENCES AND PENALTIES**

309. Except for any criminal offence which shall be dealt in accordance with the Penal Code of Bhutan, any other offences under this Act shall be dealt in accordance with this Act.
310. Any person other than a member who performs any act or makes any omission contemplated in Sections 264 and 265 is guilty of an offence and liable to a maximum fine of five years daily minimum national wage rate.



311. Every member who contravenes any provision of this Act is guilty of an offence and liable to one or more of the following penalties, as determined by the National Assembly:
- (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 or her seat as a Member.

### **Decision of Disqualification**

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312. The decision of the House to disqualify a member under this Act shall require a two-thirds majority of the members present.
313. Where the House has decided to relieve a member of his or her duties, the Speaker shall declare forthwith that the member is no longer qualified for his or her office.

### **Competence of the Assembly**

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314. The Assembly is fully competent to judge any offence provided for in this Act and to apply the penalties prescribed therein.

## **Homologation**

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315. Where the Assembly directs a person to pay or reimburse an amount for an offence against this Act, it may, in default of payment, have its decision homologated by High Court, according to the amount involved.
316. The decision thereby shall become executory as a judgment of the High Court.
317. Every sum received under this chapter shall be paid into the Consolidated Fund.

## **CHAPTER 28: MISCELLANEOUS**

### **Continuation of Matters**

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318. If the consideration of a matter has not been concluded by the end of a session, it shall be continued in the following session, unless parliamentary elections have been held in the interim. However, the consideration of a report from the Government and the Finance Minister shall not be continued into the following session, unless otherwise decided by the National Assembly.
319. On the prorogation of the House, all pending notices, other than notices of intention to move for leave to introduce a Bill shall lapse.

## **Reports**

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320. The Royal Audit Authority and the Anti-Corruption shall submit their Annual Reports before the National Assembly for taking such action as deemed appropriate.
321. In all regular sessions, a report shall be presented to the National Assembly on the measures the Government has undertaken on the basis of the resolutions of the National Assembly, as well as on other matters of significance in State administration.

## **Rule Making Power**

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322. The Assembly may make rules for the conduct of proceedings and for effective implementation of this Act.

# **CHAPTER 29: AMENDMENT AND AUTHORITATIVE TEXT**

## **Amendment**

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323. 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 Assembly.

## **Authoritative Text**

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