

PARLIAMENT OF BHUTAN



30th SESSION OF THE NATIONAL COUNCIL

PROCEEDINGS AND RESOLUTIONS

(11th Day of the 9th Month to 15th Day of the 10th Month of
Water Male Tiger Year corresponding to 4th November to 8th
December 2022)

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**PROCEEDINGS AND RESOLUTIONS OF THE 30th SESSION
OF THE NATIONAL COUNCIL**

A. OPENING CEREMONY

Sitting 1 | Friday, November 04, 2022

The 30th Session of the National Council commenced with traditional *Marchang* and *Zhugdrel Phuensum Tshogpai* ceremony on 4th November, 2022 coinciding with the auspicious 11th day of the 9th month of Water Male Tiger Year of the Bhutanese Calendar.

1. Opening Address of the Hon'ble Chairperson

Today, on this auspicious daylight of the 9th Month of 11th Day of Water Male Tiger Year of Bhutanese calendar, I welcome all the guests for the 30th Session; the last sitting of third Parliament of the National Council. Also, I would like to extend my greetings to those viewers across the country and beyond, who are watching the sitting at the moment of the National Council via televised broadcast and other social media platforms.

The 30th Session of the National Council may last more than a month, starting from 4th November. All the past Sessions of 5 years tenure of the National Council of third Parliament were prolific without any setbacks till date. The end-results of enacting the Acts, amending the policies and focusing any

deliberations in benefit of country and people were accomplished, with the blessings, guidance and wisdom of His Majesty the King.

Today, His Majesty the King also presided during the 8th Session of the third Parliament and had given an unforgettable advice for the forthcoming future of the country and people. Thereby, we are all privileged for this golden advice. Earlier this morning, the speech of His Majesty while presiding the opening ceremony of the Parliament was an in-depth guidance about future and a transformational way forward.

The tone and concerns in the consequential speech of His Majesty the King, still harks back in our hearts. So, when there is opportune chance to realize the aspiration of His Majesty, I hope all Hon'ble Members will partake the discussions without vested self-interest for the nation building and in founding the youths for future.

In this 30th Session, the forefront of discussion will be on Financial Bill, Legislative related Bills and Question-Time with relevant Ministers. And we are honored to deliberate on the historic Gyalsung Bill aligned with the National Transformation in this Session, which I received with the Royal decree of His Majesty the King.

Moreover, on behalf of all Bhutanese and Members of the National Council, I offer my boundless gratitude to His Majesty

the King for the unwavering efforts and may all the aspirations of His Majesty actualize without any hurdles. Also, I propose my gratitude to His Majesty the fourth King, Her Majesty the Queen, His two Royal Highness the Prince, Her Majesty the Queen Mothers, and all the Royal families for their continued service for the people of Bhutan.

Similarly, on my own behalf and as the spokesman of Hon'ble Members of the National Council, I am thankful to His Holiness the *Je Khenpo*, the *Lopon Lhengyes*, the *Lam Netens* of 20 district and other religious institutions for their untiring rites as and when, to bring peace and happiness in the country.

In a nutshell, with blessings from triple gems, protective deities and victorious ones, I pray for the smooth conduct of 30th Session of the National Council. And let all the legislations endorsed from the National Council, which were submitted for Royal assent be the foundation of harmony in the kingdom.

The Opening Session is adjourned. Thank You.

B. LEGISLATIVE ISSUES

1. Introduction of the Gyalsung Bill of the Kingdom of Bhutan 2022

Sitting 3 | Tuesday, November 08, 2022

Gyalsung Bill of the Kingdom of Bhutan 2022 was introduced by Dasho (Dr.) Sonam Kinga from National Service Core Working Group. During the introduction he said that like the two Majesties had consulted the Constitution of Bhutan across all the 20 districts, the historic Gyalsung Bill was consulted and discussed with the Parliament of Bhutan, the Council of Cabinet, 20 Districts, Leaders of Local Government, Armed Forces, few Schools and Youths.

He said that the ideal principle and objective of drafting the Gyalsung Bill was to safeguard independence of the country, to promote the wellbeing, happiness and prosperity of citizens, and to solidate the identity and promulgate the unanimity. It is also to develop the understanding among the youths, pick-up the sense of one national identity in youths, to make youth capable of serving the nation, to excel the life of youths, to groom the ability of youths with education and skills for the national development and to inculcate the gracious attributes of Bhutan. In addition, he said that it is to uphold the fundamental duty of rendering National Service as per the provision of Article 8.1 of the Constitution of Bhutan.

Few Hon'ble Members expressed their gratitude for an opportunity to deliberate the Gyalsung Bill 2022 in their tenure, which was born out of the mind of His Majesty the King. They also offered their prayer for the success of Gyalsung Programs as aspired and the House had unanimously adopted the Gyalsung Bill of Bhutan 2022.

1.1. Adoption of Gyalsung Bill of the Kingdom of Bhutan 2022

Sitting 3 | Tuesday, November 08, 2022

The National Council deliberated on the Gyalsung Bill of the Kingdom of Bhutan on 8th November 2022. As per the Article 13 (6) of the Constitution, the Bill was submitted for the Royal Ascent. *(No amendments or changes to Original Bill)*

2. Introduction of Forest and Nature Conservation Bill of Bhutan 2021

Sitting 4 | Wednesday, November 09, 2022

The Forest and Nature Conservation Bill of Bhutan 2021, after deliberation and being passed in the third Parliament's seventh sitting of the National Assembly, was introduced in the National Council for deliberation by the Minister for Agriculture and Forest. His Excellency informed the House that the Bill which the Ministry submitted to National Assembly had 11 chapters and 245 sections. However, the National Assembly inserted

three additional sections, therefore the Bill which is introduced to the National Council has total 248 sections.

His Excellency also reminded the Members to take into consideration the Civil Service Reforms and possibilities of change in roles and responsibilities due to the reforms and therefore to consider the reforms while deliberating the Bill. With regard to subsidized timber, He also clarified that it will not be available to people by including it in the Rules and Regulations of the Ministry but it is a Royal Prerogative as it connotes Kidu.

His Excellency requested the National Council to consider certain sections in the Bill which would benefit Bhutanese people in general and moreover people in rural and far-flung areas of the country. In order to mitigate harm to domestic animals and prevent damages to crop from wild animals, people would be allowed to clear the bushes and different types of grasses around the farm and houses. These sections are included in the Bill. However, it couldn't garner support from the National Assembly, therefore Hon'ble Minister asked the National Council to examine these issues carefully while deliberating the Bill.

During the deliberation at the National Assembly, although there was debate on the ownership, leasing and management of the *Sokshing*, it could not be stated clearly in the Bill. Therefore, His Excellency requested National Council to

consider deliberating on the subject in details. The Bill was introduced with hopes and prayers that when this Bill is well deliberated and passed as an Act, it will benefit all the farmers across Bhutan and Bhutanese people in general by inspiring measures for food security and prevent rural-urban migration.

After the introduction of the Bill, since there are issues of insufficient timber, some of the Hon'ble members sought clarifications and solutions on rural housing timber insufficiency, human-wildlife conflict and rural timber allotment. Hon'ble Members sought clarification on how the Bill outlines these solutions.

His Excellency in his response said that the insufficient timber issue is mainly due to lack of sufficient usable timber as per people's demand which is only 30% of the total trees in the forest and irregularly distributed across communities. The lack of enough timber in the wood production centers are due to 70% of trees in the forest being hard wood which are not demanded by people and not usable in production industries due to lack of expertise and technology. Therefore, to solve this issue there is a need to establish comprehensive wood industries in the country.

Like wildlife come in conflict with people's livelihood and crops, people also harm their place of dwelling, their food; different types of grass and trees. As a consequence, human wildlife conflict occurs. Therefore, it was also mentioned that Human

wildlife conflict should be addressed through Acts and Policies. The Government is also planning various measures to prevent wild animals from imposing harm and developed insurance schemes to people's belongings, domestic animals and crops to ensure coverage for loss.

Lastly, while reviewing the Bill in the National Council, His Excellency expressed his wish for the National Council to review the Bill and amend it to an Act which would benefit the country and people holistically.

2.1. Adoption of the Forest and Nature Conservation Bill of Bhutan 2021

Sitting 15 | Monday, November 28, 2022

The National Council widely deliberated on the Forest and Nature Conservation Bill of Bhutan 2021 from 10th and 14th November, 2022. The House, upholding, Article 13 (7) of the Constitution of Bhutan, endorsed to submit the Bill to the National Assembly for re-deliberation as per **ANNEXURE I**.

3. Introduction on United Nations Convention against Transnational Organized Crime (UNTOC) and Protocol to Prevent, Suppress, and Punish Trafficking in Persons (TIP Protocol) Especially for Women and Children

Sitting 6 | Monday, November 14, 2022

His Excellency the Minister of Home and Cultural Affairs said that as globalization and technological boom greatly succors a society and economy, an increasing Trafficking in Persons and Organized Crime must be combated via diplomacy between the countries. He said that if this Convention and Protocol is endorsed, not only it shall fetch kudos at national level but also the Protocol on Trafficking in Persons was importantly mentioned to endorse among the nine recommendations in accordance to the internal revision of Global TIP Report in America. The Minister also said that the nation shall sustain despite being small, in case Bhutan abides by the international rule of law and Bhutan is one among few State Parties of United Nations that have not ratified this Convention and Protocol.

Hon'ble Minister reported that there are 41 sections in the Conventions and 20 sections in the Protocol. He stated that rather than endorsing all the sections, it also allows the proposed Text of Reservation accordingly to the Provision of Convention and Protocol. The Government have proposed two Text of Reservation on referring any disputes between the State Parties to the International Court of Justice and he said that with regard to the Extradition System, Government have to create the

separate system, notwithstanding with the Convention and Protocol. The Minister also said that Mutual Legal Assistance Act is under drafting process for the Legal Aid among the Contracting Parties as the few National Laws need to align with the Convention and Protocol; the Extradition Act 1991 and Child Care and Protection Act of Bhutan 2011 was even revised and amended.

However, the Hon'ble Members sought reasons for not submitting the drafted, revised and amended laws in country to the Parliament before endorsement, which required harmonization with the Convention. The Hon'ble Members also said that Bhutan ties no diplomatic relations with all countries where the Bhutanese travel abroad for a better income and the risk of Trafficking in Person is higher. Therefore, the Members asked about the status of pre-empt approach with the countries through Bilateral Relations based on Treaties and Memorandum of Understandings (MoU).

In response, Hon'ble Minister replied that there exists an option to submit the Convention for ratification before relevant laws are completely revised, amended and drafted. He said that Bhutan has been rated as Tier 2 (Watch List) in Global TIP Report of US State Department and if the ratification of Convention is delayed, Bhutan shall fall among Tier 3 (Watch List). Subsequently, the Minister said that there are risks of not receiving the international supports and loans. Additionally, he mentioned

that although the Mutual Legal Assistance Act was finalized, it is under an assessment in accordance with Governance System.

With regard to the questions on preventive approach for Trafficking in Persons, the Hon'ble Minister responded that Bhutan can't reach all the foreign countries where the Bhutanese reside to prevent Trafficking in Persons with Treaties and Memorandum and the Royal Government of Bhutan has no other tactics than establishing Consulate annually for the diplomatic relations with many more countries.

3.1. Adoption of the United Nations Convention against Transnational Organized Crime (UNTOC) and Protocol to Prevent, Suppress, and Punish Trafficking in Persons (TIP Protocol) Especially for Women and Children.

Sitting 12 | Wednesday, November 23, 2022

The House, widely deliberated on the United Nations Convention against Transnational Organized Crime (UNTOC) and Protocol to Prevent, Suppress, and Punish Trafficking in Persons (TIP Protocol) especially for Women and Children on 14th November, 2022 and upholding the Article 13 (7) of the Constitution, it was submitted to National Assembly. (*No amendments or changes in English*)

4. Introduction of the Civil Service Reform Bill of Bhutan 2022

Sitting 7 | Wednesday, November 16, 2022

The Hon'ble Prime Minister introduced the Civil Service Reform of Bhutan 2022 after the National Assembly had endorsed the Bill, which was accepted as the Urgent Bill by both the Houses. During the introduction, the Prime Minister said that, the Civil Service Reform is one the important among many transformations in the country. He said that excluding the Constitution of Bhutan, it brought changes to the sections and phrases in almost 46 existing Acts and entreated to change almost 4 Units and 38 sub-sections in the Bill. The Prime Minister also said that although the current Reform Bill was not inclusive of all the transformation, it shall continue to alter with time and conditions hereafter.

After the introduction, few Hon'ble Members asked clarifications on public service delivery as the Civil Service Reform Bill did requires amendments in almost 46 Acts and shall incur long period of time for the amendments. And enquired about the plans to strengthen the system of the civil servants from the reform, and strategies to retain the competent and adept civil servants. The Hon'ble Members even questioned on changes to the system of contract employment. Besides, the Members also said that section 31 (*The Office of the Attorney General shall compound petty offences*) was

contrary to the objective of the Civil Service Reform. They said that according to the Office of Attorney General, bailing an offence below 3 years of imprisonment maybe problematic as 63% of the offences under the law will be bailable.

In response, the Hon'ble Prime Minister clarified that it will not hinder the service delivery since the aim of the Civil Service Reform was for quality public service delivery on time. He said that competent and adept civil and public servants are in search of great privileges which are deficient in Bhutan and therefore, the reform is to create right opportunities; it shall aid in retaining them. With regard to the system of contract employment, the Bill provisions the recruitment of non-civil servants on contract from any spheres of work i.e., private or business on need-basis, if capable.

About the section 31, the Prime Minister said that although the compounding of petty misdemeanor by the Office of Attorney General was unrelated to the Civil Service Reform, he said that it was aimed to avoid the problems in the community from numerous changing laws due to current transformation. Thus, he said that it will help in reducing the court case and he mentioned that the Office of Attorney General must draft strong Rules and Regulations so as to curtail the conflict of interest while implementing. And, he said that Rules and Regulations must be approved by the Judiciary and related institutions

than by the Cabinet. The Prime Minister encouraged the House for sage amendment during the deliberation of the Bill.

4.1. Adoption of the Civil Service Bill of Bhutan 2022

Sitting 12 | Wednesday, November 23, 2022

The House, deliberating widely on the Civil Service Reform Bill 2022 on 17th November, 2022 and upholding Article 13 (7) of the Constitution, it has been submitted to National Assembly for re-deliberation as per **Annexure II**.

5. Introduction on the Tax Bill of Bhutan 2022

Sitting 10 | Monday, November 21, 2022

His Excellency the Finance Minister, as the in-charge of the Bill said that, the Tax Bill was drafted so as to resolve the economic struggles, in times of dollar appreciation, during the global inflationary pressure on the essential items and when the cornerstone of Bhutanese economy is weak after post-covid pandemic. He told that beginning 2005, the trade deficit had increased annually, whereby the negative trade balance blights the Foreign Currency Reserve. Therefore, he said that the Government will reduce an import by regulating the procurement of non-essential items for the momentary time-span.

The Finance Minister said that, the Tax Bill have been based on four principles: firstly to maintain the Foreign Currency Reserve

by reducing imports as much as possible, secondly to support the development of local industries by increasing the taxes on the inexpensive import-driven goods, as it hinders the market of Cottage and Small Industry (CSI) produce, thirdly to reduce the inorganic and packaged food items by levying the surtax as it is unhealthy, and fourthly to minimize the vehicles and petroleum imports by imposing double-fold tax on utility vehicles as well as the other motor vehicles, considering the damage to the environmental surroundings.

In general, the Tax Bill intends to limit the imports of domestically available resources within a country by increasing the tax, with the objective of self-sufficiency; for instance, cement, woodcraft stuffs, food commodities and list of meat products. Nonetheless, indispensable food items like rice, edible oils and milk powders will be exempted from the tax.

For this, many Hon'ble Members said that, excluding food stuffs, else raise in taxes to vehicles and numerous commodities will burden the people furthermore, when the brunt of pandemic is not over yet. They also shared the concern on a challenge the restaurants will face and about an unaffordability of nutrition by the low-income individuals, if the tax on meat varieties increases. In addition, Members asked about the mechanism to counter the domestic price escalation, after levying more taxes to the imported commodities. And, questioned about the reasons for

restricting the alcoholic beverages and packaged foods by imposing double-fold taxes, when the Government eased the accessibility of unhealthy alcohol, stating that consumers shall weigh the impacts of alcohol with their conscience. Also, some Hon'ble Members requested to reduce the Sales Tax (ST) of 30%, regarding the entertainment cinema tickets.

In response, the Hon'ble Minister said that, since surcharge taxes were to the non-essential commodities, it will not create a problem for the low-income people and clarified that the market price of the domestic produce shall not be haphazard but shall sell at the regulated price set by the Government. He also said that there was heavy taxation on alcohol yet he said that it won't transform the habitual behavior of consumers, even though if alcohol is made completely unavailable. The Minister added that, light compromises may come across, however the changes in the taxes were done importantly as the economy of the nation have been severely blemished and he elucidated that, the taxes were not increased, intending that the Government don't have any revenue. In terms of reducing the (ST) to the entertainment cinema tickets, he acknowledged that, it can be proposed as new recommendation in the Bill, although it may include under fiscal incentives.

5.1. Adoption of the Tax Bill of Bhutan 2022

Sitting 12 | Wednesday, November 23, 2022

After thorough deliberation on 21st November, 2022, the House adopted following recommendations and submitted for endorsement to the National Assembly as per **Annexure III**:

General Recommendations:

1. Cinema Halls

The additional note to the tariff schedule, Bhutan Trade Classification and Tariff Schedule 2022 states that Cinema halls are subject to 30% sales tax (Cinema tickets) on every movie ticket that is sold. As the local film industry plays an invaluable role in promoting our traditions, culture and national language, the National Council recommends the government to reduce the above sales tax.

2. Mobile Phones

Currently, there is neither sales tax nor customs duty imposed on import of mobile phones. In view of the large volume of import of mobile phones and possible deflection of such imports, the National Council recommends the government to impose a 10% sales tax on mobiles phones as covered under the following two BTC codes;

1. BTC- 8517.13.00
2. BTC- 8517.14.00

6. Introduction of the Property Tax Bill of Bhutan 2022

Sitting 12 | Wednesday, November 23, 2022

His Excellency the Minister of Finance mentioned that, although there existed the laws in all types of taxes, there is no law based on the Property Tax. Today, when the nation is transforming the system, he said that, the Government is grasping the opportunity to draft the Property Tax Bill. The Minister said that, the Property Tax is imperative element to curb the gaps between rich and poor and prevail the equality and justice in the country. He said that in accordance with the Revised Taxation Policy 1992, the tax was levied based on the area but not on the value for about three decades. However, the Minister said that the previous practice of property taxation is infeasible and unjust. Indeed, The Property Tax Bill 2022 is an ad valorem tax, where in the taxes are levied based on the value of the property.

The Minister said that, based upon the value of property, the tax rate was kept at 0.1% in the Property Tax Bill and mentioned that rate of the tax will be multiplied with the Property Assessment and Valuation Agency (PAVA) rate, which will be revised from time to time accordingly with types of the place. For the houses, he also said that the tax will be levied by multiplying tax rate of 0.1% with the annual rental value and existing rate of the currency.

As per the Minister, during the filing of rental Personal Income Tax (PIT), there are deductibles in both rural and urban areas to the loan's interest and the urban building tax in times of renovation, so as to avoid the two-fold taxes from the Property Tax and Rental Income Tax. He said that, the past Government had categorized urban areas into: 'A' and 'B', and 'Urban Center' and 'Satellite Town.' Aftermath, the people were imposed with urban tax, even though the categorized towns did not get the urban facilities, thus with the Property Tax Bill, he said that it shall resolve inconveniences hereafter.

The Minister mentioned that, with this Property Tax Bill, 90% of the amount of land tax payable on *Chhuzhing* land and 50% of the amount of building tax payable on traditional houses in both urban and rural shall be remitted. And for the Highland Communities, 90% of the amount of all tax payable shall be remitted. Thereby, for instance, an acre of *Chhuzing* will incur almost Nu. 185 as Land Tax in Thimphu and Paro. The Minister stressed that the Property Tax Bill will not cover domestic animal tax and vehicle tax, as it is not viable.

For this, many Hon'ble Members questioned about the background of fixing the tax rate at 0.1% and felt skeptical of 0.1% as high rate. They also asked why the uncultivated land in rurality are exempted from taxation? and is the Property Tax Bill inclusive of all other tax in the towns? In response, the Hon'ble

Minister said that, 0.1% is lowest tax rate in the world and with regard to tax exemption for the uncultivated land in rural areas, he said that it was unavoidable as there are no workforce due to *Gongtong*. He clarified that those numerous monetary collections in the towns must be considered as fee rather than as tax and must distinct between tax levy and service charge.

6.1. Adoption of the Property Tax Bill of Bhutan 2022

Sitting 15 | Monday, November 28, 2022

After thorough deliberation on 24th November, 2022, the House adopted the following recommendations and submitted for endorsement to the National Assembly as per **Annexure IV**:

7. Introduction of the Pay Structure Reform Bill of Bhutan 2022

Sitting 15 | Monday, November 28, 2022

The Finance Minister introduced the Pay Structure Bill of Bhutan 2022 in the National Council Hall. The Council had amended and endorsed the Bill, which was passed as the Money Bill in accordance with Public Finance (amendment) Act of Bhutan, 2012.

The Hon'ble Minister said that the Bill was not Pay Revision but a Pay Structure Reform and to importantly arbitrate on the hitches in the payment of civil and public servants till now. He

said that since the beginning of democracy in the country, structural setbacks had created payment variation during four times Pay Revision until now. And the principal objectives of this Pay Structure Reform is to set the robust foundation and principles to ease the Pay Revision in future.

The Minister said that current transformation was about the restructuring of wage system of civil and public servants and thereby, have no astronomical increment. He also clarified that doubts of people with regarding the more tax levy due to the Pay Structure Reform was invalid and elucidated that existing remuneration system will not dwindle.

The Minister said that the clean wage system was instituted in the current Pay Structure Reform as there are almost 30 types of allowances and benefits excluding the salary, which were unfair and unjust to all the civil and public servants. Moreover, he said that the sections on providing the transparent remuneration and treatment of allowances to the outstanding public and civil servants consequently with their discharge of responsibility are in the Bill. He further explicated about the fixed and variable pay in the Bill.

The Minister said that in times of inflation and high-cost livelihood, despite not being the Pay Revision, the Bill comprises One-off 5% payment based on the Minimum Pay

scale and One-off Fixed payment (Monthly) to P1-P4/SS4: (Nu. 1000); P5/SS4-S4: (Nu.1,500) and S5-O4: (Nu. 2,000).

The Hon'ble Minister informed that unnecessary and infeasible existing Vehicle Import Quota, Cash Handling Allowance, Red Scarf Allowance and Sitting Fee per Session (LG) were discontinued.

He said that the National Assembly had endorsed to discontinue the Lump-sum Vehicle Purchase Allowance, Driver Allowance (monthly), Vehicle Maintenance and Fuel Allowance (monthly) for the Members of Parliament but the Assembly had endorsed to designate the duty-vehicles for the Members of Parliament. However, the Minister said that entitling designated duty-vehicles to the Members of Parliament incurs more costs than entitlement of lump-sum vehicle purchase allowance and other allowances. In addition, he said that it contradicts with the Government policy of reducing the number of vehicles and strategizing the effective use of current vehicles. Thus, the Hon'ble Minister sought the reasonable recommendations of the National Council.

The Minister reported that the Bill shall commence as follows:

- For the National Council Members, it shall come into force with the election of the Members of the Fourth Parliament;

- For the civil servants and other public servants, it shall come into force with effect from 1st July 2023;
- For the National Assembly Members, it shall come into force with the election of the Members of the Fourth Parliament.

After the introduction, the Hon'ble Members asked few questions about research done on the clean wage system in other countries and the ways to roll-out Performance Based Incentives to civil and public servants so as to further motivate them. Moreover, the Minister was enquired regarding the harmonization of the Bill with other existing Acts on individual entitlements of Parliamentarians, Constitutional Office Holders and Local Governments. In response, the Minister said that the Pay Commission had well-researched the Pay Structure Systems in Singapore as well as in numerous countries. In terms of the Performance Based Incentives, he said that main objective was to incentive the civil and public servants in accordance with their responsibilities and outcomes, as many pull out of in search of higher salary and emoluments. About the harmonization of entitlement legislation, the Minister said that benefits of the person are similar with Entitlement Acts except the Vehicle Import Quota.

Also, he mentioned that the current Pay Structure Reform shall construct strong principles and base for any Government in

future to increase the pay scale of civil and public servants. He was hopeful that the National Council will provide the helpful recommendations.

7.1. Adoption of the Pay Structure Reform Bill of Bhutan 2022

Sitting 17 | Wednesday, November 30, 2022

After thorough deliberation, the House adopted the following recommendations and submitted for endorsement to the National Assembly as per **Annexure V**:

8. Disagreement between National Council of Bhutan and National Assembly of Bhutan on the Civil Liability Bill of Bhutan 2022

Sitting 19 | Friday, December 02, 2022

The Hon'ble Chairperson of Legislative Committee said that, the Civil Liability Bill of Bhutan 2022 was proposed during the 29th Session of the National Council as Private Members Bill by the Legislative Committee. Subsequently, he mentioned that the National Council had amended and endorsed the Bill, which was then submitted for the deliberation to the National Assembly. He said that the National Assembly had amended almost 170 sections of the Bill during the proceeding of 8th Session of 3rd Parliament and was re-submitted to the National Council for the re-deliberation. The Hon'ble Chairperson of Legislative Committee also said that the Committee had accepted many

amended sections from the National Assembly. However, the Committee had reservations on almost 101 amended sections of the National Assembly and the Committee had recommended to retain the sections as endorsed by the National Council.

The Chairperson of Legislative Committee had recommended to retain the sections related to compensation and claim for damages as submitted by the National Council, which the National Assembly had repealed. He said that sections on compensation and claim for damages was the pivotal and indispensable component of the Bill, since the Principles of Liability in Negligence was to provide reasonable compensation and claim for damages to the victims, by fixing the liable accountability to the tortfeasors, if there are risk of harm to person or the property from negligent actions. Also, he stressed that, if the words of sections were left as amended by the National Assembly, it shall change the meaning of the sections and recommended not to amend further.

8.1. Adoption Disagreement between National Council of Bhutan and National Assembly of Bhutan on the Civil Liability Bill of Bhutan 2022

Sitting 17 | Wednesday, November 30, 2022

The National Council, after a thorough deliberation on December 13, 2021, resolved to submit Civil Liability Bill of Bhutan 2022 to His Majesty the King for Royal Command to convene a Joint Sitting as per Article 13 (8) of the Constitution to deliberate and

vote on the Bill. The disputed clauses of the Bill are as per

ANNEXURE VI

C. PROCEEDINGS OF QUESTION TIME

1. Hon'ble Minister for Agriculture and Forests

Sitting 7 | Wednesday, November 16, 2022

Hon'ble Anand Rai of Sarpang Dzongkhag asked the Hon'ble Minister on the production trend of cereal crops. He said that considering cereals like paddy and maize are the staple crops of the country and acknowledging that self-sufficiency in cereals (Paddy, Maize, Wheat, Barley, Millet, Buckwheat and Quinoa) was identified as thrust area in Agriculture Sector development by the Ministry. He said that the National Council has tried to understand the growing area and production trend of cereals within 3 years from 2019 to 2021 in the published Agriculture Statistics by the Department of Agriculture. As per the statistical records, he reported that there was decrease in the sown area, harvest area and production quantity of the cereals by 19,577 acres (24%), 21,032 acres (28%) and 25,733MT (25%) respectively. The average 3 years difference between the sown and harvest area was 7056 acres (11%) and the average productivity was 1398 kg/acre, which is only 3% increase from the year 2019.

Having noticed such yearly decreasing trend in both sown and harvest area and there is very low productivity increase, it is a concern and therefore, he said that the National Council would

like to know the various interventions undertaken by the Ministry in order to:

- (1) Reverse the decreasing trend of sown area of cereals.
- (2) Increase the harvest area of cereals.
- (3) Improve the productivity of cereals.

Responding to the question, Hon'ble Minister informed the House that the productivity has increased despite a drop in production. While there are some errors in the statistics, he said that, some of the reasons for decreasing production are Water Scarcity, Human Wildlife Conflict (HWC), Rural-Urban Migration, Labor Shortage, Land Fragmentation and lack of Stable Market.

In order to address the problems, he said that the Ministry has prioritized on the Market Assurance, Land Management and Development, Electric and Chain Link Fencing, Wildlife Alert and Surveillance System, procurement of High Yield Seed, and implementation of specific projects amongst others.

Some Hon'ble Members also asked supplementary questions on hiring charge for Power Tillers, distribution of Wildlife Alert and Surveillance System, accessibility to market, and regulations concerning leasing of land and management of land.

2. Hon'ble Minister for Work and Human Settlement

Sitting 15 | Monday, November 28, 2022

Hon'ble Member, Lhaki Dolma asked what were the reasons behind the policy of disallowing construction and infrastructure development in the Red and Green Zone areas, as it is a concern for the people owning land in these zones, while there is an exception for Government structures. Moreover, she added that Parliament had also passed a Resolution, but there was no change in policy.

Therefore, why hasn't the Government upheld and implemented the Resolutions of Parliament? Why has the Government not considered other alternatives, if it is not feasible due to financial constraints, and what are the plans and programs discussed to solve the issues?

Responding to the queries, the Hon'ble Minister said that since the issues require Scientific Assessments, it will be difficult to address within a year or two. The Ministry of Works and Human Settlement with the Ministry of Agriculture and Forest, and the National Land Commission are working to solve the issue. Regarding the red zones, an individual or Government Agency can construct structures after assuring the place is secure according to the prescribed rules. However, the unprecedented incidents of Jasabi are likely to happen, and the individuals/public are not allowed to use their land at their own risk.

Hon'ble Member, Lhatu asked why the Samdrup Jongkhar-Trashigang Road widening for 180 kms is not complete even after 15 years. He asked if the Government is aware of the issues and the measures being taken by DANTAK to expedite the completion of the widening works.

On this, Lyonpo said that DANTAK has reported periodically to the Ministry, and the Ministry is equally concerned and aware of the issues. Project DANTAK has assured to complete the project within two years, but it has been delayed owing to the pandemic. However, the project is expected to complete within mid of next year.

D. Annual Report

1.1 Introduction of Annual Anti-Corruption Commission's Report 2021-2022

Sitting 11 | Tuesday, November 22, 2022

In line with the Constitution of Bhutan and according to the Anti-Corruption Commission Act 2011's Section 169(1), the Good Governance Committee introduced the overview of the Anti-Corruption Commission's Annual Report to the National Council.

According to the committee, the report covered seven chapters; the Prevention of Corruption; Complaints and Referrals; Investigation of Corrupt Acts; Overall Performance and a Look

inside the ACC; the Implementation Status of Resolutions of the National Council; Challenges and Way Forward; and Issues and Recommendations. The Committee also highlighted the strategies and activities carried out by the Anti-Corruption Commission for the prevention of corruption. Some of the public education programs and preventive measures implemented by the Commission in the reporting period was also mentioned.

The Committee presented the Complaints and Referrals and Investigation of Corrupt Acts and reported that ACC received a total of 435 complaints with an average of about 36 complaints per month, and most of the complaints were received through webmail. He further reported that the number of known (219) complaints surpassed anonymous complaints (216) for the first time.

According to the Report presented by the Committee, out of 435 complaints, 261 (60%) complaints warranted further action with the complaint against management (65) of resources being highest followed by award of contract (30) and natural resources (29).

Among 11 broad categories of corruption categorized under Anti-Corruption Act of Bhutan 2011, the maximum complaints pertain to the Abuse of Function (151). The majority of

complaints on Abuse of Function is in area of Resources (46) followed by Contract (25), Natural Resources (21) and Personnel (20).

Complaints on Abuse of Function has been in consistent rise which indicates the weakness in ethic, integrity and professionalism of public servants.

It was reflected in the report that Local Government (107) constitutes highest number of complaints amongst agencies followed by Ministries (34) and Dzongkhag Administrations (24). Complaints from local government the highest is from the Gewogs under Paro Dzongkhag (16) followed by Gewogs under Punakha Dzongkhag (13) and followed by Gewogs from Thimphu (12).

The highest number of complaints received pertained to occurrences in Thimphu with 73 complaints. The least number of complaints pertained to Haa (2) and Samtse Dzongkhags (1). Despite numerous programs and activities to prevent and combat corruption, trend of complaint against abuse of functions tops the allegation.

Therefore, the Commission recommends Parliament to consider reviewing the effectiveness of legal provisions related to offences against law enforcement authorities and amend them accordingly.

Lastly, the Committee presented the Commission's challenges with attrition and retention of staff and security issues which attributes to the work pressure and nature of work with the inherent risk of reprisal and social backlash in a small society, besides better remuneration elsewhere. The Committee also reported on Commission's way forward and future plans.

1.2 Adoption of the Anti-Corruption Commission's Annual Report 2021-2022

Sitting 17 | Wednesday, November 30, 2022

The House, extensively deliberated the Review Report by Good Governance Committee on November 22, 2022, **Annexure VII:**

E. CLOSING CEREMONY

Sitting 23 | Thursday, December 08, 2022

The 30th Session of the National Council which commenced on 4th November, 2022 successfully concluded on 8th December, 2022. After the closing address of the Hon'ble Chairperson, the House offered *Zhabten* and *Tashi Moenlam* for the wellbeing of the King, Country and People.

1. Closing Address of the Hon'ble Chairperson

In the closing remarks, His Excellency the Hon'ble Chairperson Tashi Dorji said that, although it is the last session for the Members of the third Parliament of National Council, the

Members have time and opportunity until 9th May, 2023, to continue to serve the people and the nation. He gave his assurances that, the House will continue to fulfill its mandates and serve the nation until the last day.

On behalf of the Members and people of Bhutan, the Hon'ble Chairperson expressed his profound gratitude to His Majesty the King for His selfless efforts to keep all Bhutanese safe during the Covid pandemic. He stated that, in order to make the Bhutanese youths who are the backbone of our country competent and capable of competing in the international world, His Majesty has initiated an important reform in the Information Technology and Educational Sector.

The Chairperson said that, as the Parliamentarians, it was an honor to be part of the introduction and passing of the sacred Gyalsung Act; an Act that will have far reaching positive impact for all the Bhutanese youth.

Regarding the Transformation Initiatives, he said that as the success of developmental activities depends on skills, commitment and the conduct of the civil servants, the Civil Service Reform Bill of Bhutan 2022 was introduced as an Urgent Bill and passed during this session following an extensive deliberation in both the Houses.

The Hon'ble Chairperson also offered tribute and gratitude to His Majesty the King for deploying the Royal Bhutan Army Personnel as an UN Peacekeeping Contingent.

Finally, the Hon'ble Chairperson also expressed gratitude to His Majesty the Fourth *Druk Gyalpo*, Her Majesty the *Gyaltsuen, Gyalseys* and the Members of the Royal Family for complimenting and supporting His Majesty in pursuing the Royal Visions.

Moreover, he thanked the Central Monastic Body headed by His Holiness the *Je Khenpo* and other religious communities for the conduct of *Kurims* to bring peace and prosperity in the country.

Over the past four years and eight months, the Chairperson said that the House passed fifteen Legislations, ten International Instruments, thirty-one Money Bills, and numerous Policy Recommendations.

Finally, the Hon'ble Chairperson said that, the next Chairperson and Members should strive to uphold the sacred duties and safeguard national interests. He prayed that the National Council as a House of Review will continue to serve the King, Country and People with full dedication and commitment.

The Hon'ble Prime Minister, Speaker of the National Assembly, Opposition Leader, Cabinet Ministers, Heads of the Armed Forces, Heads of the Constitutional Offices and other

Resolution of the 30th Session of National Council

dignitaries representing various offices attended the closing ceremony of the 30th Session of National Council.

The session ended with offering of *Tashi Moenlam*.



A handwritten signature in blue ink, which appears to read "Tashi Dorji".

Tashi Dorji
Chairperson
National Council of Bhutan

ANNEXURES

I: Forest and Nature Conservation Bill of Bhutan 2021

After thorough deliberation in the House on 09/11/2022, 10/11/2022 and 14/11/2022, the National Council of Bhutan adopted the Forest and Nature Conservation Bill of Bhutan 2021 on 28/11/2022 with the amendments and changes as follows;

Preamble

WHEREAS ENSHRINED in the Constitution of the Kingdom of Bhutan **mandates the Government** to ~~maintain at least 60 percent of the country's geographical area under forest cover for all time;~~ **ensure that a minimum of sixty** percent of the country's **Bhutan's total land is** geographical area under forest cover for all time;

WHEREAS RECOGNIZING recognition of the value of protection, conservation, and preservation of areas of natural landscape and cultural heritage of national importance; sustainable management of forest, **and** conservation of flora, ~~and fauna;~~ and natural resources as an integral conservation regime ~~to enable~~ **for** sustainable development, ~~mitigation,~~ and **as mitigation and** adaptation to the impacts of climate change;

WHEREAS BEARING in mind, **accordance with** Bhutan's commitment as a member ~~to~~ **of** the International Conventions and Treaties ~~on~~ ecological and biological diversity;

WHEREAS CONVINCED that a **it is crucial to integrate the management of** representative ecosystems, habitats, traditional knowledge, natural and cultural landscape; ~~and integrating their management into protected areas~~ and other forest management regimes **is crucial** for the effective conservation, ~~preservation~~ and protection of biodiversity;

WHEREAS ENSURING it is essential to ensure sustainable

use of natural resources for the benefits of National, Regional and Global Communities, by developing various management regimes and through an effective governance of the State Reserved Forest Land;

The Parliament of the Kingdom of Bhutan hereby enacts the Forests and Nature Conservation Act of Bhutan, 20... as follows:

CHAPTER 1 PRELIMINARY

Section 1

Title and Commencement

The This Act shall is:

- (1) Be called the Forest and Nature Conservation Act of Bhutan...
- (2) Come into force with effect from >>> day of the >>> Month of.....corresponding to >>> Day of the >>> Month of the Year.....of the Bhutanese calendar.

New section 1 2 after section 1

Commencement

This Act comes into force with effect from on the >>> day, of the >>> Month of the Year corresponding to the >>> Day of the >>> Month of >>> the Year.....of the Bhutanese calendar.

New section 2 3 after section 1

Amended in Dzongkha Text

Section 2

Repeal

This Act shall repeals:

- (1) The Forest and Nature Conservation Act of Bhutan, 1995;
- (2) The provisions of all existing Acts, Rules and Regulations; and administrative instruments which are inconsistent with this Act.

New sub-section after Section 2(1)

This Act shall repeals:

- (2) Sections 490, 491, 492, and 493 of **the** Penal Code of Bhutan, 2004; and
- (3) Sections 30 (k)(i) and (k)(ii) of **the** National Environment Protection Act of Bhutan, 2007.

Section 3

Transitional and Saving

Any permit, forestry clearance or certificate that ~~have~~ has been issued or granted under the Forest and Nature Conservation Act of Bhutan, 1995 shall ~~continue in~~ effect until the expiry of the term.

Section 4

Amended in Dzongkha Text

Section 5

Guiding Principle Objects

The ~~implementation~~ objects of this Act are to ~~shall be guided~~ by the following principles:

- (2) Ameded in Dzongkha Text
- (5) Restore, protect and improve watershed and wetland ~~and watershed~~ for sustained **environmental** flows ~~of water~~.

CHAPTER II 2

POWERS AND FUNCTIONS OF THE AUTHORITY

Ministry of Agriculture and Forests

The Ministry shall exercise the following powers and functions for sustainable management of forest and forest produce in Bhutan:

- (2) ~~Approve Rules formulated under this Act.~~
- (6) Approve designation of the Management Authority and the Scientific Authority to regulate import, export or re-export of wild ~~fauna and flora~~ **and fauna** specimen.

- (7) Approve forestry and biodiversity research.
- (8) Amended in Dzongkha Text
- (9) Propose to ~~National Environment Commission as required by the National Environment Protection Act, for recommendation to the Parliament for declaring any part of the country to be a National Park, Wildlife Reserve, Nature Reserve, Protected Forests, Biosphere Reserve, Critical Watershed, Biological Corridor, significant wetland of international importance and any~~ **such** other categories meriting protection **in consultation with relevant agencies**.

Section 7

Department of Forests and Park Services

The Department as a custodian of forest and forest produce, shall be responsible to:

- (3) Prepare conservation and management plan for State Reserved Forest Land based on its functionality **including Tsamdro and Sokshing**.
- (9) Carry out national inventory on forest, wild ~~fauna and flora~~ **and fauna**; and wetland as per the international standard with support from relevant agency within the Ministry, in accordance with the technical guidelines.

New sub-section after section 7(9)

Ameded in Dzongkha Text

- (11) Ameded in Dzongkha Text
- (12) Ameded in Dzongkha Text

Section 8

The Department shall constitute expert group as the Scientific Authority to advise the Management Authority on:

- (1) Whether import, export or re-export of wild ~~fauna and flora~~ **and fauna** specimen is detrimental to the survival of the species in the wild; and
- (2) Other scientific matters related to wild ~~fauna and flora~~ **and fauna** conservation and management.

Section 9

The Department shall designate the Management Authority to grant permit and certificate for import, export or re-report of wild ~~fauna and flora~~ **and fauna** specimen in consultation with the Scientific Authority.

Section 12

Power to Arrest

The forestry official may arrest without warrant any person ~~based upon~~ **reasonable suspicion of commission of an offence following** the information received or on sighting commission of an offence related to protected species listed in Schedule I under this Act.

Section 13

Any forestry official making an arrest under Section 12 shall produce the suspect before the Court of competent jurisdiction within twenty-four hours of arrest **exclusive of the time necessary for journey and government holidays** to seek remand order.

Section 15

Power to Search with Warrant

The forestry official shall have the right to enter into any ~~private~~ premises in search of evidence related to forest produce or product with Court warrant ~~upon showing probable cause~~.

Section 16

Power to Search without Warrant

Any forestry official ~~shall~~ may conduct search in the Forest-Based Industry including construction site without Court warrant in presence of the proprietor or management upon **reasonable suspicion** ~~receipt of information or sighting commission of an offence~~.

Section 23

Amended in Dzongkha Text

Section 24

Amended in Dzongkha Text

CHAPTER III 3 STATE RESERVED FOREST LAND

Section 37

Section 38

Amended in Dzongkha Text

Section 40

Declaration of Protected Area and Other Management Regimes

The Parliament may by law, declare any part of the country to be a National Park, Wildlife Reserve, Nature Reserve, Protected Forest, Biosphere Reserve, Critical Watershed, ~~Biological Corridor, significant wetland of international importance,~~ and such other categories meriting protection ~~upon the recommendation of National Environment Commission~~ based on the proposal of the Ministry.

Section 41

Amended in Dzongkha Text

Section 42

Amended in Dzongkha Text

Section 43

Amended in Dzongkha Text

Section 46

Any forest produce found within the road right of way or transmission line corridor shall belong to the State and shall be disposed of ~~by the Department~~ as per the **Road Act of Bhutan, Electricity Act of Bhutan** and the procedure prescribed in the Rules.

Section 47

The allotment of timber from any State Reserved Forest Land within ~~600~~ **500** feet uphill and ~~300~~ **200** feet downhill or 100

feet on both sides of the flat land from the centre of the national highway; 400 **350** feet uphill and 200 **150** feet downhill or 70 feet on both sides of flat land from the centre of the Dzongkhag Road and 200 **175** feet uphill and 100 **75** feet downhill or 50 feet on both sides of flat land from the centre of the farm road and other roads shall not be permitted except in forest road as per the Management Plan.

New section after Section 47

~~Where any tree that endangers or obstructs the passage of vehicles or pedestrians or interferes with the view of drivers, the Department may facilitate to trim or cut it to remove the cause of the danger, obstruction or interference.~~

Section 50

Forestry clearance shall not be issued for any activity in State Reserved Forest Land which fall in:

- (1) Amended in Dzongkha Text
- (2) High forest, **and** declared wetland, within 600 feet uphill and 300 feet downhill or 100 feet on both sides of the flat land from the centre of the national highway, 400 feet uphill and 200 feet downhill or 70 feet on both sides of flat land from the centre of the Dzongkhag Road and 200 feet uphill and 100 feet downhill or 50 feet on both sides of flat land from the centre of the farm road and other roads, inside forest plantation with more than 25 percent survival rate, outside 200 meters of existing settlement or slope greater than 45 degrees except for national developmental activity;
- (3) Retain as in the Original Bill
- (5) Retain as in the Original Bill
- (6) Amended in Dzongkha Text

Section 51

Payment for Ecosystem Services

~~The Department may institute mechanisms for realizing resilience against climate change impacts, payment for ecosystem services, green accounting and financial plough-back through public participation and partnership for~~

~~conservation and sustainable management of forest resources and ecosystem services.~~

Payment for Ecosystem Services

The Department through public participation and partnership for conservation and sustainable management of forest resources and ecosystem services may institute mechanisms for:

- (i) **(1)** realizing resilience against climate change impacts;
- (ii) **(2)** payment for ecosystem services; and
- (iii) **(3)** green accounting and financial plough-back

CHAPTER IV 4 FOREST MANAGEMENT AND PROTECTION

Section 52

Amended in Dzongkha Text

Section 54

Amended in Dzongkha Text

Section 56

The right of Community Forest Management Group members is limited to use and management of trees and non-wood forest produce and shall have no ownership over the ~~land~~, water ~~resources~~, soil, sand, stone, boulder and riverbed materials in the Community Forest.

Section 59

Retain as in the Original Bill

Section 62

Amended in Dzongkha Text

Section 66

Amended in Dzongkha Text

Section 69

Amended in Dzongkha Text

Section 72

The Department or any authorized agency or Community Forest Management Group shall carry out reforestation ~~and afforestation~~ after harvesting of the timber **or afforestation wherever necessary** as per the Technical Guidelines.

CHAPTER V 5 NATURE CONSERVATION

Section 88

Amended in Dzongkha Text

Section 89

All wild ~~fauna and~~ flora **and fauna** in Bhutan, which warrants protection shall be listed under Schedule I, II and III of this Act.

Section 90

Any species of wild ~~fauna and~~ flora **and fauna** newly discovered that warrants protection shall be categorized under Schedule III until the species warrants upgradation to Schedule I or II under this Act.

Section 93

Amended in Dzongkha Text

Section 95

Retain as in the Original

New sub-section after section 96

Amended in Dzongkha Text

Section 98

Amended in Dzongkha Text

Section 99

Amended in Dzongkha Text

Section 100

Conservation Breeding

The conservation breeding for wild ~~fauna and~~ flora **and fauna** shall be carried out by the Department or any other authorized

agency approved by the Ministry as per the procedures prescribed in the Rules on the recommendation of the Scientific Authority for population management, research and education; and *ex-situ* conservation.

Section 101

Species Conservation

The Department may collaborate with relevant agency or conservation support group to carry out species conservation to protect, preserve, manage and restore wild ~~fauna and flora~~ **and fauna**; and their natural habitat.

Section 105

Introduction of invasive, alien or exotic species

A person shall not introduce any invasive or alien or exotic species of ~~fauna and flora~~ **and fauna** in the State Reserved Forest Land.

Section 106

The Department shall adopt appropriate measure to manage spread of invasive or alien or exotic species of ~~fauna and flora~~ **and fauna**.

Section 108

Amended in Dzongkha Text

Section 109

Amended in Dzongkha Text

Section 110

Any confiscated wild flora specimen listed in Schedule II and III of this Act; ~~fauna specimen listed in Schedule III~~; and wild fauna specimen ~~whether alive or dead~~ listed in Schedule III of this Act shall be disposed off by the ~~Chief Forestry Officer~~ Forest Office as per the procedure prescribed in the Rules.

Section 111

Any confiscation of wild ~~fauna or flora~~ **or fauna** specimen shall be carried out with issuance of seizure memo in compliance to

the requirement prescribed in the Rules.

Section 112

Any wild ~~fauna and~~ flora **and fauna** specimen seized by other relevant agency shall be handed over to the Department upon completion of their internal procedures.

Section 116

Retain as in the Original Bill

New section after section 120

Notwithstanding to ~~Section~~ **Section 97** of this Act, laying of trap or snare may be allowed on the farm land to protect crops, livestock, private property, and threat to human life **as prescribed in the Rules and Regulation.**

New section after section ~~97~~ 120

CHAPTER VI ~~6~~ SOIL, WATER AND WASTE MANAGEMENT

Section 121

Section 124

Amended in Dzongkha Text

Section 126

Amended in Dzongkha Text

Section 127

Amended in Dzongkha Text

CHAPTER VII ~~7~~ ALLOTMENT OF TIMBER AND NON-WOOD FOREST PRODUCE

Section 130

Section 134

The Department may allot commercial timber in standing form for any construction ~~in remote location~~ if the following criteria are fulfilled:

- (1) Construction site is in remote location ~~with no road access~~;

New sub-clause after National Assembly's new sub-clause after section 134(1)

If the authorized agency couldn't supply the required timber;

Section 136

Allocation of Forest Produce for Other Use

The Department may allot firewood, ~~and~~ fencing post ~~in rural areas~~, ~~and~~ pyre wood, flag poles, timber for construction of livestock shelters, ~~and~~ makeshift shack **and other use** in rural areas at ~~commercial~~ rural royalty rate as per the quantity and allotment procedure prescribed in the Rules.

Section 140

~~Non-Wood Forest Produce for Rural and Commercial Use~~

Section 143

Any Non-Wood Forest Management Group failing to comply with Non-Wood Forest Produce ~~m~~Management ~~p~~Plan shall be suspended and re-instated or terminated as per the procedure prescribed in the Rules.

Section 144

Harvest and collection of Non-Wood Forest Produce from State Reserved Forest Land except for the wild flora listed in Schedule I shall be allowed upon payment of fees and royalty at commercial rate for commercial use **as prescribed in the Rules.**

CHAPTER VIII 8 FOREST BASED INDUSTRY

Section 147

Section 148

The Department ~~shall prescribe classification of wood based industry into primary and secondary wood based industry in the Rules according to the types of raw material used.~~

Section 152

Establishment of ~~primary and secondary~~ wood-based industry under this Act shall not require forestry clearance from the Department for obtaining business license.

CHAPTER IX 9 TRADE AND TRANSPORT OF FOREST PRODUCE

Section 156

Section 159

Amended in Dzongkha Text

Section 162

Amended in Dzongkha Text

Section 163

Amended in Dzongkha Text

Section 164

Any timber from dismantled structure shall be allowed for ~~export~~ **transport and sale within the country** except the timber from religious structure.

CHAPTER X 10 OFFENCES AND PENALTIES *Civil Offence*

Section 169

Illegal fishing

Any person fishing without the valid permit in any river, stream, lake or natural pond is an offence under this Act and shall be liable for ~~payment of~~ fines and confiscation of fishing gears prescribed in the Rules.

Section 170

Any person fishing in restricted area of river, stream, lake or natural pond is an offence under this Act and shall be liable for ~~payment of~~ fines and confiscation of fishing gears prescribed in the Rules.

Section 171

Amended in Dzongkha Text

Section 172

Any person fishing in river, stream, lake or natural pond in prohibited months and days is an offence under the Act and shall be liable for ~~payment of~~ fines and confiscation of fishing gears as prescribed in the Rules.

Section 173

Illegal mining, quarrying and developmental activity

Any person carrying out mining, quarrying and developmental activity without forestry clearance in State Reserved Forest Land is an offence under this Act and shall be liable for ~~payment of~~ fines and compensation as prescribed in the Rules.

Section 174

Amended in Dzongkha Text

Section 175

Amended in Dzongkha Text

Section 176

Amended in Dzongkha Text

Section 178

Introduction of invasive, alien or exotic species

Any person introducing invasive, alien or exotic wild ~~fauna or~~ flora **or fauna** species in the country that pose risk to the native species or spread pest and disease in State Reserved Forest Land is an offence under this Act and shall be liable to pay fines and destroy the species as per the procedure prescribed in the Rules.

Section 179

Release of exotic fish in water body

Any person releasing exotic fish species in any water body across the country is an offence under this Act and shall be liable for ~~payment of~~ fines as prescribed in the Rules.

Section 180

Risking of wild fauna species

Any person killing, injuring, destroying, collecting, breeding or raising wild fauna listed under Schedule II and III is an offence except in accordance with this Act and shall be liable for ~~payment of~~ fines, confiscation of the specimen and equipment as prescribed in the Rules.

Section 181

Illegal possession of wild fauna specimen listed under Schedule II and III

Any person who possesses wild fauna specimen listed under Schedule II and III is an offence under this Act except in accordance with this Act and shall be liable for ~~payment of~~ fines and confiscation of specimen as prescribed in the Rules.

Section 182

Illegal felling and extraction of trees

Any person illegally felling and extracting special class timber listed under Schedule II from **State Reserved Forest Land** without valid permit and hammer impression is an offence under this Act; and shall be liable for ~~payment of~~ fines, compensation at fair market value and confiscation of the timber as prescribed in the Rules.

Section 183

Any person illegally felling and extracting other class timber listed under Schedule II and III from State Reserved Forest Land without valid permit and hammer impression is an offence under this Act; and shall be liable for ~~payment of~~ fines, compensation at fair market value, cost at fair market value and release of timber; or payment of fines, compensation at fair market value and confiscation of the timber as prescribed in the Rules.

Section 184

Any person illegally felling tree within the stipulated distance from the bank or edge of the water body and road as specified under Section 50 is an offence under this Act and shall be liable for ~~payment of~~ fines and compensation at fair market value and

confiscation; or payment of fines, compensation at fair market value, cost at fair market value and release of timber.

Section 185

Any person illegally felling tree in core zone of protected area and critical watershed is an offence under this Act and shall be liable for ~~payment of~~ fines and compensation at fair market value and confiscation; or payment of fines, compensation at fair market value, cost at fair market value and release of timber.

Section 186

Feeding of wild fauna in State Reserved Forest Land

Any person feeding wild fauna except in enclosure and for scientific research is an offence under this Act and shall be liable for ~~payment of~~ fines as prescribed in the Rules.

Section 187

Disturbance to wild fauna

Any person disturbing wild fauna in State Reserved Forest Land by use of electronic device, call playback or flushing is an offence under this Act and shall be liable for ~~payment of~~ fines and confiscation of equipment as prescribed in the Rules.

Section 188

Release of rescued domestic animal

Any person or agency releasing rescued domestic animal in State Reserved Forest Land except in the leased area is an offence under this Act and shall be liable for ~~payment of~~ fines as prescribed in the Rules.

Section 189

~~Illegal extraction and harvest of timber~~

~~Any illegal extraction or harvest of special class timber listed under Schedule II from State Reserved Forest Land is an offence under this Act; and shall be liable for payment of fines, compensation at fair market value and confiscation of the timber as prescribed in the Rules.~~

Section 190

~~Any illegal extraction or harvest of other class timber listed under Schedule II and III from State Reserved Forest Land is an offence under this Act; and shall be liable for payment of fines, compensation at fair market value, cost at fair market value and release of timber; or payment of fines, compensation at fair market value and confiscation of the timber as prescribed in the Rules.~~

Section 191

Illegal extraction and harvest of Non-Wood Forest Produce other than timber

Any person illegally extracting or harvesting Non-Wood Forest Produce other than timber listed under Schedule II and III from State Reserved Forest Land is an offence under this Act; and shall be liable for ~~payment of~~ fines, compensation at fair market value, cost at fair market value and release of produce; or payment of fines, compensation at fair market value and confiscation of produce as prescribed in the Rules.

Section 192

Setting of forest fire

Any person setting State Reserved Forest Land or State Land on fire is an offence under this Act and shall be liable for ~~payment of~~ fines as prescribed in the Rules and payment of restoration cost determined based on the acreage of forest damaged by fire.

Section 193

Research on State Reserved Forest Land

Any person conducting research in State Reserved Forest Land without **prior** approval from the Ministry is an offence under this Act and shall be liable for ~~payment of~~ fines as prescribed in the Rules and confiscation of research materials.

Section 194

Trade of wild ~~fauna and flora~~ **and fauna specimen listed under Schedule II and III**

Any person involved in trade of wild ~~fauna and flora~~ **and fauna**

specimen listed under Schedule II and III is an offence except in accordance with this Act and shall be liable for ~~payment of~~ fines and confiscation of specimen as prescribed in the Rules.

Section 195

Any person involved in trade of wild flora specimen of special class timber listed under Schedule II is an offence under this Act and shall be liable for ~~payment of~~ fines and compensation at fair market value and confiscation of specimen as prescribed in the Rules.

Section 196

Any person involved in trade of wild flora specimen other than special class timber listed under Schedule II and III is an offence except in accordance with this Act and shall be liable for ~~payment of~~ fines and compensation at fair market value, cost at fair market value and release of specimen; or payment of fines, compensation at fair market value and confiscation of the specimen as prescribed in the Rules.

Section 197

Killing or injuring of wild fauna listed under Schedule II and III

Any person killing, injuring, destroying, capturing, collecting, breeding, and raising of wild fauna species listed under Schedule II and III of this Act is an offence except in accordance with this Act and shall be liable for ~~payment of~~ fines and confiscation of specimen and equipment as prescribed in the Rules. ~~Except for approved fishing, scientific research, population management, defense against attack or imminent threat on human life or livestock, damage to crop or other private property.~~

Section 198

Use of animal to transport illegal forest produce

Any person using animal for transportation of illegal forest produce is an offence under this Act and shall be liable for ~~payment of~~ fines as prescribed in Rules and animal shall be released upon completion of registration of an offence.

Section 199

Laying of trap and snare

Any person laying trap or snare in State Forest Reserved Land, State Land or private registered land to kill or capture wild fauna species is an offence under this Act and shall be liable for ~~payment of~~ fines and confiscation of equipment as prescribed in the Rules.

Section 200

Import, export, transit or re-export of wild fauna and flora and fauna specimen

Any person importing, exporting, ~~transacting~~ **transiting** or re-exporting wild fauna specimen listed under Schedule II and III of this Act without valid permit is an offence under this Act and shall be liable for ~~payment of~~ fines as prescribed in the Rules in addition to confiscation of specimen.

Section 201

Any person importing, exporting, ~~transacting~~ **transiting** or re-exporting wild flora specimen listed under Schedule II and III of this Act without valid permit is an offence under this Act and shall be liable for ~~payment of~~ fines, compensation at fair market value, cost at fair market value and release of specimen; or payment of fines, compensation at fair market value and confiscation of the specimen as prescribed in the Rules.

Section 202

Illegal activity in State Reserved Forest Land

Any person carrying out any activity in the State Forest Reserved Land without forestry clearance from the Department is an offence under this Act and shall be liable for ~~payment of~~ fines as prescribed in the Rules and payment of restoration cost determined based on the acreage of area damaged.

Section 203

Removal of Timber ~~forest produce~~ from private registered land
Any person removing timber ~~forest produce~~ from private registered land without authentication of *Thram* from the concerned Gewog or Thromde and verification of timber by the

~~forest field office valid permit and hammer marking impression in case of timber or without valid permit for non wood forest produce is an offence under this Act and shall be liable for payment of fines as prescribed in the Rules.~~

Section 204

Illegal operation of Forest based Industry

~~Any person operating Forest based Industry without valid business license and registration certificate is an offence under this Act and shall be liable for payment of fines as prescribed in the Rules. and confiscation of machinery and equipment.~~

Section 205

Illegal use of timber in Forest based Industry

~~Any Forest based Industry involved in sawing, processing or utilizing illegal timber is an offence under this Act and shall be liable for payment of fines, compensation at fair market value, and confiscation of the timber and cancellation of registration certificate as prescribed in the Rules.~~

Section 206

Misuse of subsidized timber and forest produce allotted for other purpose

~~Any person misusing subsidized timber granted under Section 131 of this Act and or forest produce allotted as firewood, fencing post, flag pole or for handicraft items under Sections 136 to 138 of this Act other than for intended purpose is an offence under this Act and shall be liable for payment of fines and compensation at fair market value and confiscation as prescribed in the Rules.~~

Section 207

Non-declaration of forest produce

~~Any person transporting forest produce without declaration at the check gates is an offence under this Act and shall be liable for payment of fines as prescribed in the Rules.~~

Section 208

Transport of timber without hammer impression

Any person transporting or transiting timber without valid hammer impression is an offence under this Act and shall be liable for ~~payment of~~ fines as prescribed in Rules.

Section 209

Non registration of Mobile Machinery

Any person using mobile machinery in Forest based Industry or inside State Forest Reserved Land without registration certificate is an offence under this Act and shall be liable for ~~payment of~~ fines as prescribed in the Rules and confiscation of the mobile machinery.

Section 210

Subsequent Offence

Any person who commits an offence listed under Sections 169 to 209 of this Act for second time shall be liable for ~~payment of~~ 50% additional fine on the fine component imposed for commission of that offence, additional fine of 100% and 200% for commission of an offence for three and more times.

Section 212

Grading of killing of wild fauna listed in Schedule I (Inserted New Section Heading)

Section 213

Illegal collection, harvesting, capturing or destroying of wild fauna and flora and fauna listed in Schedule I

A defendant shall be guilty of an offence of illegal collection, harvesting, capturing or destroying of wild ~~fauna or flora~~ **or fauna** species or specimen listed in Schedule I of this Act except in accordance with this Act, if the defendant knowingly or intentionally collects, harvest, captures or destroys wild ~~fauna or flora~~ **or fauna** species or specimen listed under Schedule I of this Act.

Section 214

Grading of illegal collection, harvesting, capturing or destroying of wild fauna listed in Schedule I (Inserted New Section Heading)

Section 215

Grading of illegal collection, harvesting, capturing or destroying of wild flora listed in Schedule I
(Inserted New Section Heading)

(Shifted Section 215 before Section 214)

Section 216

Illegal trade of wild ~~fauna or flora~~ or fauna specimen listed in Schedule I

A defendant shall be guilty of an offence of illegal trade of wild ~~fauna or flora~~ or fauna specimen listed under Schedule I of this Act except in accordance with this Act, if the defendant transacts or deals in sale of wild ~~fauna or flora~~ or fauna specimen listed under Schedule I of this Act.

Section 217

Grading of illegal trade of wild fauna specimen listed in Schedule I

The offence of illegal trade of wild fauna specimen listed in Schedule I shall be a felony of fourth degree and the specimen shall be confiscated.

Section 218

Grading of illegal trade of wild flora specimen listed in Schedule I

The offence of illegal trade of wild flora specimen listed in Schedule I shall be a misdemeanor and the specimen shall be confiscated.

(Shifted Section 218 before Section 217)

Section 219

Illegal possession of wild ~~fauna or flora~~ or fauna specimen listed in Schedule I

A defendant shall be guilty of an offence of illegal possession of wild ~~fauna or flora~~ or fauna specimen listed under Schedule I of this Act except in accordance with this Act, if the defendant without the certificate of possession from the Department

possess specimen of wild ~~fauna or flora~~ **or fauna** specimen listed under Schedule I of this Act.

Section 220

Grading of illegal possession of wild fauna specimen listed in Schedule I

The offence of illegal possession of wild fauna specimen listed in Schedule I shall be a misdemeanor and the specimen shall be confiscated.

(Inserted New Section Heading)

Section 221

Grading of illegal possession of wild flora specimen listed in Schedule I

The offence of illegal possession of wild flora specimen listed in Schedule I shall be a petty misdemeanor and the specimen shall be confiscated.

(Inserted New Section Heading)

(Shifted Section 221 before Section 220)

Section 222

Causing injury to wild fauna species listed in Schedule I

A defendant shall be guilty of an offence causing injury to wild fauna species listed in Schedule I of this Act **except in accordance with this Act**, if the defendant knowingly or intentionally causes injury to wild fauna species listed under Schedule I of this Act.

Section 223

Grading of causing injury to wild fauna species listed in Schedule I

The offence of causing injury to wild fauna species listed in Schedule I shall be a misdemeanor.

(Inserted New Section Heading)

Section 225

Grading of illegal breeding or raising of wild fauna species listed in Schedule I

The offence of illegal breeding or raising of wild fauna species listed in Schedule I shall be a misdemeanor.

(Inserted New Section Heading)

Section 226

Amended in Dzongkha Text

Section 227

Grading of illegal cultivation of wild flora species listed in Schedule I

The offence of illegal cultivation of wild flora species listed under Schedule I of this Act shall be petty misdemeanor.

(Inserted New Section Heading)

Section 229

Grading of illegal fishing by use of poison, explosive or electrical device

The ~~grading offence~~ of illegal fishing by use of poison, explosive or electrical device shall be ~~petty~~ misdemeanor shall be liable to:-

- (1) Fourth degree felony, if use of explosive; or**
- (2) Misdemeanor, if use of poison and electrical device.**

(Inserted New Section Heading)

Section 231

Grading of illegal manufacture, possession or use of false forestry hammer

The ~~grading offence~~ of illegal manufacture, possession or use of false forestry hammer shall be petty misdemeanor.

(Inserted New Section Heading)

Section 232

Smuggling of wild flora or fauna ~~or flora~~ specimen

A defendant shall be guilty of an offence of smuggling wild flora and fauna ~~and flora~~ specimen under this Act, if the defendant discretely or illegally imports or exports or re-export wild ~~fauna~~ and flora **and fauna** specimen listed in Schedule I, ~~II and III~~ of this Act; or import, export or re-export wild flora and fauna ~~and flora~~ specimen not native to the country.

Section 233

Grading of smuggling of wild flora or fauna specimen

The ~~grading offence~~ of smuggling of wild ~~fauna or flora~~ **or fauna** specimen shall be value-based sentencing and the specimen shall be confiscated.

(Inserted New Section Heading)

New section after section 233

Grading of reporting of false information

The ~~grading offence~~ of reporting of false information on commission of offence under this Act shall be petty misdemeanor.

(Inserted New Section Heading)

CHAPTER XI 11 MISCELLANEOUS

Section 234

Immunity

No legal proceeding or suit shall be brought against any official **in respect of their official duties done in good faith** of the Department that carries out its duty in ~~while exercising~~ **se its one's** official function.

Section 235

The immunity granted under Section 234 shall not cover corrupt acts committed by any official ~~of the Department~~ in connection with **the** discharge of their **official** duties.

Sub-title of Section 236

Amended in Dzongkha Text

Section 237

~~Intelligence, Information and Informant~~

Reporting of false information

An informer reporting the information on commission of forestry offence shall be done in good faith and shall not report false information to a harass the other person.

(This section will be inserted after section 233)

Section 238

Fees and Service Charges

~~The Ministry may levy appropriate and proportionate fees and service charges as prescribed in the Rules for delivering services to the public and other agencies under this Act, which shall be revised periodically; and as and when necessary.~~

Section 240

The Ministry may approve and revise **the records of species under** Schedule II and III from time to time.

New Section after Section 241

Rules of Construction

In this Act, the singular includes the plural and the feminine includes the masculine, and vice versa.

Section 242

Rule Making Power

The Ministry shall make Rules **consistent with the provision** of this Act **within 6 months from the date of coming into force in consultation with the relevant stakeholders** ~~in consultation with the relevant stakeholder.~~

Section 244

Authoritative Text

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

Section 245

Amended in Dzongkha Text

Section 245 (1)

“Act” shall mean the Forest and Nature Conservation Act of Bhutan, ..., ~~as may be amended from time to time~~ **including any amendments made thereto.**

New Section after Section 245 (1)

“Afforestation” shall mean the establishment of trees by sowing, planting or natural regeneration on an area from which trees have always or for very long been absent.

Section 245(4)

~~“Biological Corridor” shall mean an area set aside to connect one or more Protected Areas.~~

Section 245(5)

Amended in Dzongkha Text

Section 245(13)

“Confiscation” shall mean ~~s~~ forfeiture of seized forest produce or goods ~~machineries and equipment~~ to the Royal Government. The process of confiscation shall be ~~affected~~ effected only upon completion of Court adjudication in criminal case and after settlement of offence with the Department in civil case.

Section 245(17)

“Core Zone” shall mean an area within a protected area undisturbed by significant human activity having high conservation values for the persistence of ~~fauna and flora~~ **and fauna** of international, national or local importance including resident or migratory fauna.

Section 245(18)

Retain as in the Original Bill

Section 245(19)

“Department” shall mean the Department of Forests and Park Services **or any other Department that may become responsible for Forest and Park Services.**

Section 245(22)

“Exotic Species” shall mean any wild ~~fauna and flora~~ **and fauna** that is introduced outside its natural past or present distribution; and includes any part, gametes, seeds, eggs, or propagules of such species that might survive and subsequently reproduce.

Section 245(27)

Retain as in the Original Bill

Section 245(29)

Retain as in the Original Bill

Section 245(30)

“Forest Road” shall mean the road constructed primarily for the purpose of harvesting timber from area identified by the Department of ~~Forests and Park Services~~.

Section 245(31)

“Forestry Uniform Code” shall mean a document adopted by the Department of ~~Forests and Park Services~~ detailing the design, colour, manner of wearing and frequency of issuance of uniform, rank insignia and associated articles for forestry officials.

Section 245(32)

“Forestry Official” shall mean any forestry personal trained as a forester and appointed as a civil servant under Department of ~~Forests and Park Services~~ to enforce any provisions of this Act.

Section 245(35)

Retain as in the Original Bill

Section 245(36)

Retain as in the Original Bill

Section 245(38)

“Invasive Alien Species” shall mean any wild flora or fauna ~~or flora~~ that are non-native to a particular ecosystem and its ~~whose~~ introduction may cause economic or environmental harm or adversely affect human health.

Section 245(42)

“Management Authority” shall mean a designated authority by the Ministry of ~~Agriculture and Forests~~, competent to issue

permits and certificates on behalf of the country for import, export and re-export of wild ~~fauna and~~ flora **and fauna**.

Section 245(45)

Amended in Dzongkha Text

Section 245(48)

Amended in Dzongkha Text

Section 245(53)

~~“Personal Consumption” shall mean an act or process of consuming by using it or an act of a thing in a way that is used for personal, which is not for sale.~~

Section 245(55)

~~“Primary wood based industry” shall mean any industry that uses timber in the form of log, pole, wood burrs; or lops and tops as raw materials for producing semi finished or finished wood product or both.~~

Section 245(57)

“Protected Area” shall means an area, which has been declared to be a National Park, Wildlife Reserve, Nature Reserve, Protected Forest, Biosphere Reserve, ~~Nature Reserve, Strict Nature Reserve, Critical Watershed, Biological Corridor or~~ **and any such** other area meriting protection.

Section 245(58)

Amended in Dzongkha Text

Section 245(59)

“Range Officer” shall means any forestry official ~~above the rank of Ranger,~~ who heads the Range Office.

New section after section 245(59)

“Special class timber” **shall** means high grade timber produced by the species of special class trees which have superior strength, natural durability and appearance, and are less in occurrence, commercially more valuable and has religious,

cultural or national significance.

Section 245(63)

“Remote location” shall mean any location from the nearest motorable road involving a minimum ~~half day~~ **of 1 hour walk or 2.5km.**

Section 245(65)

“Scientific Authority” shall mean National Scientific Authority constituted in accordance with Section 8 to advise the management authority on the import, export and re-export of wild ~~fauna and flora~~ **and fauna** depending on their level of threat and advice on other scientific management of wild ~~fauna and flora~~ **and fauna.**

Section 245(67)

~~“Secondary wood based industry” shall mean any industry that uses semi finished wood products or by products from primary wood based industry or both as raw material for further processing and production of finished wood product.~~

Section 245(68)

~~“Secretary” shall mean Secretary responsible for the Ministry of Agriculture and Forests.~~

Section 245(70)

“Species” shall mean any species, subspecies, or geographically separate population of wild ~~fauna and flora~~ **and fauna.**

Section 245(71)

“Specimen” shall mean:

- a) Any wild ~~fauna or flora~~ **or fauna**, whether alive or dead; and
- b) Any wild ~~fauna or flora~~ **or fauna** species that are listed under schedule I, II and III with readily recognizable part or its derivative thereof.

Section 245(75)

Amended in Dzongkha Text

Section 245(77)

“Violation” shall mean ~~non-adherence to the violation of any provisions of this Act and its Rules for which the offender shall be liable to pay fines and compensation or cost at fair market value or both as prescribed in the Rules.~~

Section 245(80)

Amended in Dzongkha Text

Section 245(82)

Amended in Dzongkha Text

Section 245(83)

“Wildlife” shall mean both wild ~~fauna and flora~~ **and fauna.**

Section 245(85)

“Wildlife Specimen” shall mean ~~any wild flora and fauna animal or plant~~, whether alive or dead; and any readily recognizable parts or derivative thereof.

Section 245(86)

“Wood-based Industry” shall mean ~~any industry or processing unit whose primary raw material is wood or wood-based product. but doesn't include bamboo and its product.~~

II: The Civil Service Reform Bill of Bhutan 2022

After thorough deliberation in the House on 16/11/2022 and 17/11/2022, the National Council of Bhutan adopted the Civil Service Reform Bill of Bhutan 2022 on 23/11/2022 with the amendments and changes as follows:

PREAMBLE

Amended in Dzongkha text

(Justification: Amended in Dzongkha text to ensure uniformity and consistency with the Legislative Drafting Manual, 2016).

Section 11

~~Notwithstanding Section 8, the Lhengye Zhungtshog may shall rename the ministries in consultation with upon the recommendation of the Royal Civil Service Commission.~~

Section 14

The concerned ministries may constitute commissions, councils, committees, or Authorities ~~members~~ to carry out delegated functions of the ministries.

Section 15

Ministry of Home Affairs

The Department of Culture and the Dzongkha Development Commission shall: ~~merge and function as:~~

- (1) **be merge as** the Department of Culture and Dzongkha Development under the Ministry of Home Affairs; and
- (2) **function as** the Secretariat to the National Commission for Culture and Dzongkha Development.

Section 31

~~**Office of the Attorney General**~~

~~The Office of the Attorney General shall compound petty offences in accordance with the compounding rules endorsed by Lhengye Zhungtshog.~~

(Justification: The National Council of Bhutan recommends to remove Section 31 of the Civil Service Reform Bill of Bhutan 2022 based on the following reasons:

- 1. Inconsistent with the objectives of the Bill:** *The principal object of the Civil Service Reform Bill of Bhutan 2022 is to amend the existing laws with the Civil Service reforms and ensure effective governance of the Civil Service. The Bill provides legal basis for restructuring and reorganization of Civil Service structures, including Ministries and enable Agencies to carry out its mandates and functions as clearly provided in the Preamble of the Bill. It was found that while all other Sections of the Bill were well aligned with the aims and objectives of the civil service reforms, Section 31 of the Bill has no relation to the other Sections and to the objectives of the reform initiatives contemplated in the Bill. Section 31 provides: “**The Office of the Attorney General shall compound petty offences in accordance with the compounding rules.**”*
- 2. No Checks and Balances:** *Section 31 of the Bill gives full power to the Office of the Attorney General (OAG) to compound all petty crimes in the country. Compounding of crimes means payment of fine instead of imprisonment. Without filing any criminal charges, the OAG will be authorized to collect fines and dispose off most criminal cases. No other institutions are involved and the compounding power is to be exercised exclusively by the OAG.*
- 3. Definitional Anomaly:** *In section 31, petty crimes have not been defined. It has been deliberately kept vague and open ended. During the consultative meeting with the Steering Committee of the Civil Service Reform Bill held on 14th November, 2022 the Attorney General explained that petty crimes would mean and include all crimes for which punishment prescribed is 3 years imprisonment and below (Misdemeanor). Therefore, according to the proposed*

Section 31, the OAG will settle and dispose off all criminal cases (for which punishment is less than three years) by collecting fines instead of prosecuting the case. The compounding of cases will decriminalize many crimes and criminal conduct in the country. For example, under the Penal Code of Bhutan, there are 170 offences listed as crimes. Out of 170 crimes, 107 crimes fall under the category of Misdemeanor and below. Under the Anti-Corruption Act of Bhutan, 27 offences fall under the category of Misdemeanor and below. In the Information, Communication and Media Act of Bhutan, there are 28 crimes for which punishment is Misdemeanor and below. Similarly, there will be many crimes listed in other Acts and Regulations for which punishment is less than three years.

- 4. Overhauling of the Legal System:** *The compounding of the cases and the decriminalization on such a large scale will have major impact and effect on the legal system, the criminal justice system and the Rule of Law. It will require amendment of many laws, including the way criminal cases are processed and trials conducted.*

- 5. Affect on Accountability:** *One of the important aspects of the overall transformation initiative and civil service reforms is accountability. In the context of crime and punishment, accountability would mean strict enforcement and implementation of the laws which would, in the long run, enhance respect for the laws and trust and confidence in the legal system. However, the leniency in the enforcement of the laws on grounds of compassion and the compounding of offences would weaken the respect and fear for the laws, thereby impede accountability and Rule of Law.*

- 6. Political Influence and Abuse of Power:** *In the criminal justice system, the power to investigate and prosecute, and to compound cases are enormous powers. The Attorney General (AG), as the Chief legal officer of the country wield vast powers. In many countries around the world, these powers have been abused by the political leaders, more so in countries where the Attorney General is a political appointee. The political leaders, in connivance with the Attorney General witch hunt and go after the members of the opposition parties. However, when their members or supporters commit crimes, the OAG either refuse to investigate and prosecute, keep the cases under wraps, under charge or compound the crimes. In Bhutan, on few occasions, the OAG had refused to prosecute high profile cases which involved its political masters. In future, the political masters of the AG may conveniently use Section 31 to favor their supporters and voters who may run afoul of the laws.*
- 7. Conflict of Interest:** *The OAG is a prosecuting agency. If the AG is authorized to compound cases, he is in effect deciding the cases. The AG cannot be both the prosecutor and the judge. Also, unlike in the courts where there are three parties (prosecutor, defendant and the victim) and where the trial is conducted openly, there are no checks on the compounding powers of the OAG. The OAG is the sole authority. The power is susceptible to abuse.*
- 8. Increase in Crime Rate:** *According to the reports of the RBP, the crime rate in the country, in particular the crime committed by the youth have been increasing. Many of the youth related crimes such as assault, battery, larceny, consumption of drugs, attempt to rape, malicious mischief, etc, fall under compoundable offences. In addition, crimes*

which are on the rise in the recent times and which needs stringent enforcement such as sexual harassment, marital rape, official misconduct, endangerment of a child, prostitution, etc are crimes which are compoundable. If these crimes are allowed to be compounded, there will be no fear for the laws, the consequence of which is that there will be a rise in the crime rate in the country.

- 9. Criminals in Civil Service and Public Service:** *When the offences are compounded, the defendants are not prosecuted and no trials are conducted. When there is no adjudication of the case, there is no judgement on the case. Since there is no adjudication and judgment, the person cannot be considered as “convicted”. None of the defendants whose cases are going to be compounded will be considered to be “convicted”. There will be no criminal record in respect of these defendants. However, for those defendants who are prosecuted and in whose case a judgment is passed, the defendant is said to be “convicted” even if he is sentenced to a day in prison or pays fine in lieu of the imprisonment. The qualification and disqualification of civil service and public service as contained in respective organizational laws provide that the person should not have been “convicted of a crime”. For example, Article 23 (4) of the Constitution provides that a person shall be disqualified for holding an elective post if he or she is “convicted for any criminal offence and sentenced to imprisonment”. All the individuals whose crimes are compounded will qualify for the elective post (even if they have committed crimes such as sexual harassment, tax evasion and marital rape) because there will be no convictions and criminal record against them. They can also never be removed from service.*

Consequently, the civil service and public service will be filled with individuals with criminal antecedents.

10. Disparity: *The compounding of amount will range from Nu. 1 to 1,35,000.00. Only those who can pay fines will be able to compound their crimes. Many criminals who normally come from poor and broken families will have to follow the normal process and serve their sentences.)*

III: Tax Bill of Bhutan 2022

After thorough deliberation in the House held on 21/11/2022, the National Council of Bhutan has made the following amendments and adopted the Tax Bill of Bhutan 2022 on 23/11/2022

Preamble

WHEREAS desiring ~~DESIRING~~ to address the inflationary pressure on the essential food items and to ensure adequate food supply and nutrition security;

WHEREAS discerning ~~DISCERNING~~ consumerism of harmful products to curtail damage to health, economy, and environment;

WHEREAS considering ~~CONSIDERING~~ the importance to support the development of priority local industries; and

~~Parliament of the Kingdom of Bhutan do hereby~~

WHEREAS it is expedient to enact ~~An~~ Act to amend the BTC code, Commodity Description, Customs Duty rate, Sales Tax rate, and Green Tax rate of the goods classified under Bhutan Trade Classification and Tariff Schedule 2022;

The Parliament of the Kingdom of Bhutan hereby enacts as follows

BTC Code	Commodity Description	Unit	Existing Rate (%)			Government's Proposed Rate (%)			National Assembly's Amendments			National Council's Recommendations		
			CD	ST	GT	CD	ST	GT	CD	ST	GT	CD	ST	GT
04.07	Birds' eggs, in shell, fresh, preserved or cooked.													
	- Other fresh eggs:													
0407.21.00	- - Of fowls of the species Gallus domesticus	KGM	10	0	0				10	050	0	10	50	10
0407.29.00	- - Other	KGM	10	0	0				10	050	0	10	50	10
0407.90.00	- Others	KGM	10	0	0				10	050	0	10	50	10
1601.00.00	Sausages and similar products, of meat, meat offal, blood or insects; food preparations based on these products.	KGM	10	10	0	10	20	0	-	-	-	10	20	10
1602.50.00	Of bovine animal	KGM	10	10	0	10	20	0	-	-	-	10	20	10
1902.20.00	Stuffed pasta, whether or not cooked or otherwise prepared	KGM	10	10	0	10	20	0	-	-	-	10	20	10
1902.30.00	Other pasta	KGM	10	10	0	10	20	0	-	-	-	10	20	10

2404.91.00	For oral application	KGM	100	0	0	10	100	0	-	-	-	10	0	100	0	0
2404.92.00	For transdermal Application	KGM	100	0	0	10	100	0	-	-	-	10	0	100	0	0
2404.99.00	Other	KGM	100	0	0	10	100	0	-	-	-	10	0	100	0	0
2523.21.00	White cement, whether or not artificially coloured	KGM	10	5	0	10	15	0	10	1530	0	10		30	15	0
2523.29.10	Ordinary portland cement	KGM	10	5	0	10	15	0	10	1530	0	10		30	15	0
2523.29.20	Ordinary portland cement, coloured	KGM	10	5	0	10	15	0	10	1530	0	10		30	15	0
2523.29.30	Portland pozzolana cement	KGM	10	5	0	10	15	0	10	1530	0	10		30	15	0
2523.29.40	Portland slag cement	KGM	10	5	0	10	15	0	10	1530	0	10		30	15	0
2523.29.50	Cement dust	KGM	10	5	0	10	15	0	10	1530	0	10		30	15	0
2523.29.90	Other	KGM	10	5	0	10	15	0	10	1530	0	10		30	15	0
2523.30.00	Aluminous cement	KGM	10	5	0	10	15	0	10	1530	0	10		30	15	0
2523.90.00	Other hydraulic cements	KGM	10	5	0	10	15	0	10	1530	0	10		30	15	0

IV: Property Tax Bill of Bhutan 2022

Property Tax Bill of Bhutan 2022

After thorough deliberation in the House held on 23/11/2022 and 24/11/2022, the National Council of Bhutan has made the following amendments and adopted the Property Tax Bill of Bhutan 2022 on 28/11/2022

Section 8

Land tax is payable each year on all land at the rate of 0.1%**0.075** % on the taxable land value.

Chapter 3

~~LAND SURCHARGE TAX~~**Vacant Land Tax**

VACANT LAND SURCHARGE TAX

Section 15

Vacant land ~~land~~**surcharge** tax shall be applicable to land which meets all the following criteria:

Section 15 (2)

Amended in Dzongkha text

Section 15(4)

Amended in Dzongkha text

Section 16

Vacant land ~~land~~**surcharge** tax is payable each year at the rate of 15% on the amount of land tax.

PERSON LIABLE TO PAY **VACANT** LAND SURCHARGE TAX

Section 17

The person liable to pay the **vacant** land ~~surcharge~~ tax on any parcel of land is the registered owner of the land under the Land Act of Bhutan 2007.

Section 19

A concession of 90% of the amount of land tax payable on land which is registered as Chhuzhing land under the Land Act of Bhutan 2007 shall be ~~remitted~~**granted**.

New Section after Section 19

A concession of 50% of the amount of land tax payable on land which is registered as Kamzhing land and under cultivation under the Land Act of Bhutan 2007 shall be granted.

Section 20

A concession of 90% 95% of the amount of land tax payable on land **including Tsamdro** shall be ~~remitted~~**granted** for Highland Communities as identified by respective Dzongkhags and prescribed in the Rules.

Section 21

Subject to any conditions prescribed in the Rules made under this Act, a **concession of percentage not exceeding 50%** of the amount of building tax payable on Traditional Houses which are used wholly for self-occupied residential purposes shall be ~~remitted~~**granted**.

Section 22

Subject to any conditions prescribed in the Rules made under this Act, a **concession of percentage not exceeding 50%** 70% of the amount of building tax payable on Protected Traditional Structures in urban centres shall be ~~remitted~~**granted**.

Section 28

~~The Competent Authority may permit any tax payable in respect of any land or building under this Act to be paid by way of instalments, whether with interest or otherwise.~~

Section 34 (2)

If the owner does not comply with such notice, the Competent Authority may seize and sell the property by public auction **upon court order.**

Section 37

Where the appeal is unsuccessful, the appellant shall be liable for the amount of tax with a penal interest of 24% per annum from the payment deadline. **Where the appeal is successful the authority shall be liable for the same.**

Section 42

The appeal committee at the regional office shall pass its decision within ~~30~~**15** working days from the date of the receipt of an appeal.

Section 44

The decision of the appeal committee of the regional office may be appealed to the appeal committee at the head office within ~~30~~**15** working days from the date a decision has been passed.

Section 45

The appeal committee at the head office shall pass its decision within ~~60~~**30** working days from the date of the receipt of an appeal.

Section 47

The decision of the appeal committee of the head office may be appealed to the appeal board within ~~60~~**30** working days from the date a decision has been passed.

Section 48

The decision of the appeal committee of the head office may be appealed to the appeal board within ~~60~~**30** working days from the date a decision has been passed.

Section 54

~~The Ministry of Finance may issue rules and regulations for the effective implementation of this Act, including the imposition of fines and penalties for non-compliance.~~

The Ministry of Finance shall make Rules consistent with the provision of this Act within six months from the date of coming into force in consultation with the relevant stakeholders.

Section 55

Any amendment of this Act by way of addition, variation, or repeal, ~~may~~**shall** be effected only by the Parliament.

Section 57

~~The Ministry of Finance LhengyeZhungtshog may, on the joint recommendation of the Ministry of Finance, Ministry responsible for human settlement, and the National Land Commission Secretariat, where it is just and equitable to do so, prescribe in the Rules made under this Act that the tax payable in respect of such category of land or buildings for such period shall be remitted wholly or in part, and prescribe the applicable conditions for such remission.~~

Section 59 (2)

~~“Chhuzhing Land” means irrigated and/or bench terraced agricultural land for paddy based cropping systems;~~

SCHEDULE 2: VACANT LAND SURCHARGE TAX AREAS

Section 1

The areas for vacant land ~~surcharge~~ tax are:

V: The Pay Structure Reform Bill of Bhutan 2022

National Council Amendment to the Pay Structure Reform Bill of Bhutan 2022

Section 16: Communication Allowance

Section of the Bill

Communication Allowance

16. The communication allowance retained shall be as follows:

- (1) The communication allowance for the Prime Minister shall be on actual expenses;
- (2) The communication allowance for Dzongrab/Dungpa/Drangpon Rabjam shall be Nu.500 per month;
- (3) The communication allowance for the Principal Secretary/ Communication Specialist/Personal Secretary/Personal Assistant of the Prime Minister shall be Nu.1,500 per month;
- (4) The communication allowance for the Personal Secretary/Personal Assistant of the Cabinet Ministers and Equivalent positions shall be Nu.1,000 per month.

National Assembly Amendment

Section 16

~~Communication Allowance~~

~~The communication allowance retained shall be as follows:~~

- ~~(1) The communication allowance for the Prime Minister shall be on actual expenses;~~
- ~~(2) The communication allowance for Dzongrab/Dungpa/Drangpon Rabjam shall be Nu.500 per month;~~
- ~~(3) The communication allowance for the Principal Secretary/ Communication Specialist/Personal Secretary/Personal Assistant of the Prime Minister shall be Nu.1,500 per month;~~
- ~~(4) The communication allowance for the Personal Secretary/Personal Assistant of the Cabinet Ministers and Equivalent positions shall be Nu.1,000 per month.~~

National Council Amendment

Retain as proposed in the Bill with amendment to Table 6

Table 6 : NPMP for Other public servants

	NPMP (Nu. Per Month)		

Position	HRA	Communication	Total
Parliamentarians			
Prime Minister	Rent Free	Actual Expenses	-
Ministers	Rent Free	5,000	5,000
Opposition Leader	Rent Free	5,000	5,000
Speaker, NA	Rent Free	5,000	5,000
Chairperson, NC	Rent Free	5,000	5,000
Dy. Speaker, NA	25,255	2,000	27,255
Dy. NC chair	25,255	2,000	27,255
Members of Parliament	22,150	2,000	24,150
Judiciary			
Chief Justice of Supreme Court	41,340	7,750 *5000	49,090 46340
Drangpons of SC	16,835	2,000	18,835
Chief Justice of HC	15,505	2,000	17,505
Drangpons of High Court	14,770	2,000	16,770

RCSC, ECB, ACC, RAA & OAG			
Chairperson	Rent Free	2,000	2,000
Commissioner	13,445	2,000	15,445
Auditor General	Rent Free	2,000	2,000
Attorney General	Rent Free	2,000	2,000
Privy Council			
Chairperson	41,340	7,750 5000	49,090 46340
Council Members	13,445	2,000	15,445
Local Government			
Thrompons		1,000	1,000
Gups		500	500
Mangmi		200	200
Dzongkhag Thromde Thuemi		200	200
Thromde Thuemi		100	100
Tshogpa		200	200

Others			
NFE Instructor	3,500		3,500
ESP	3,500		3,500
GSP	3,500		3,500
ECCD Facilitator	3,500		3,500
RAPA & Para Regular			
S1	3,995		3,995
S2	3,620		3,620
S3	3,500		3,500
S4	3,500		3,500
S5	3,500		3,500
O1	3,500		3,500
O2	3,500		3,500
O3	3,500		3,500
O4	3,500		3,500

Section 20: Professional allowance for medical & clinical staff

Section of the Bill

Professional allowance for medical & clinical staff

20. The Professional Allowance for Medical and Clinical staff shall be as follows:

- (1) The allowances for General Doctor with MBBS/Dentists with BDS but less than Master Degree and Practicing Drungtshos shall be lump sum 45% of the minimum pay scale;
- (2) The Medical & Dental specialist allowance shall be lump sum 55% of the minimum pay scale ;
- (3) The Medical & Dental sub-specialist allowance shall be lump sum 60% of the minimum pay scale;
- (4) The Nurses and Clinical Staff (including Menpas) allowance shall be a lump sum amount between 35% to 55% of the minimum pay scale based on the number of years served.

National Assembly Amendment

Section 20

The Professional Allowance for Medical and Clinical staff shall be as follows:

- (1) The allowances for General Doctor with MBBS/Dentists with BDS but less than Master Degree and Practicing Drungtshos shall be lump sum 45% of the minimum pay scale;

- (2) The Medical, & **Drungtsho, and** Dental specialist allowance shall be lump sum 55% of the minimum pay scale ;
- (3) The Medical, & **Drungtsho, and** Dental sub-specialist allowance shall be lump sum 60% of the minimum pay scale;
- (4) The Nurses and Clinical Staff (including Menpas) allowance shall be a lump sum amount between 35% to 55% of the minimum pay scale based on the number of years served.

National Council Amendment

Section 20

The Professional Allowance for Medical and Clinical staff shall be as follows:

- (1) The allowances for General Doctor with MBBS/Dentists with BDS but less than Master Degree and Practicing Drungtshos shall be lump sum 45% of the minimum pay scale;
- (2) The Medical, & **Drungtsho, and** Dental specialist allowance shall be lump sum 55% of the minimum pay scale ;
- (3) The Medical, & **Drungtsho, and** Dental sub-specialist allowance shall be lump sum 60% of the minimum pay scale;
- (4) The Nurses and Clinical Staff (including Menpas) allowance shall be a lump sum amount ~~between~~ **of 35% (0 to 10 years), 45% (above 10 to 20 years) and to 55% (above 20 years)** of the minimum pay scale. ~~based on the number of years served.~~

Section 21 Teaching Allowance

Section of the Bill

21. The lump sum teaching allowance shall be between 35% - 55% on the minimum pay scale based on the number of years served.

National Council Amendment

21. The lump sum teaching allowance shall be between 35% **(0 to 10 years), 45% (above 10 to 20 years) and 55% (above 20 years) of** on the minimum pay scale. ~~based on the number of years served.~~

Section 22: Professional Allowance for Aviation/Air Navigation and Aerodrome Services/Internal Audit/Prosecutors stationed at OAG /RAA/ACC

Section of the Bill

22. The lump sum professional allowance for aviation staff (flight operation officers, airworthiness officers and certified inspectors under air navigation and aerodrome services) shall be between 25% to 45% of the minimum pay scale based on the number of years served.

National Council Amendment

22. The lump sum professional allowance for aviation staff (flight operation officers, airworthiness officers and certified inspectors under air navigation and aerodrome services) shall be between 25% **(6 to 10 years), 35% (above 10 to 15 years) and** to 45% **(above 15 years)** of the minimum pay scale. ~~based on the number of years served.~~

New section after section 46

National Assembly Amendment

New section after section 46

Overtime Session Allowance (OSA)

Overtime Session Allowance shall be provided to the staff under the Legislative and Procedural Division and the general staff stationed in the two Secretariats of the Parliament and to the staff stationed in the Department of Planning, Budget and Performance during the Budget Session of the National Assembly as follows:

Overtime Session Allowance	Amount (Nu.) Per Month
Legislative and Procedural Division stationed in the secretariats of Parliament	2500
General staff stationed in the secretariats of Parliament	833
Department of Planning, Budget and Performance staff	1250

National Council Amendment

New section after section 46

Overtime Session Allowance (OSA)

Overtime Session Allowance shall be provided to the staff under the Legislative and Procedural Division and the general staff stationed in the two Secretariats of the Parliament and to the staff stationed in

the Department of Planning, Budget and Performance during the Budget Session of the National Assembly as follows:

Overtime Session Allowance	Amount (Nu.) Per Month
Legislative and Procedural Division stationed in the secretariats of Parliament	2500
General staff stationed in the secretariats of Parliament	833
Department of Planning, Budget and Performance staff under Ministry of Finance engaged in preparation and formulation of the annual budget	1250

Section 48: Radiation Allowance

Section of the Bill

Radiation Allowance

48. The eligibility of radiation allowance of up to Nu.3,000 per month shall be determined by the Ministry of Finance in consultation with the Ministry of Health.

National Assembly Amendment

Section 48

The eligibility of radiation allowance of up to Nu.3,000 per month shall be determined by the Ministry of Finance in consultation with the Ministry of Health **and the Ministry of Agriculture and Livestock.**

National Council Amendment

48. The eligibility of radiation allowance of up to Nu.3,000 per month shall be **paid to health and veterinary personnel who are directly exposed to radiation.** ~~determined by the Ministry of Finance in consultation with the Ministry of Health and the Ministry of Agriculture and Livestock.~~

Section 63: Designated Duty Vehicle

Section of the Bill

Designated Duty Vehicle

63. The designated duty vehicle shall be maintained at existing level to position level EX3 and above until reviewed and rationalized by the Government

Table 17: Officials entitled for Designated vehicles

Sl.No	Officials entitled for designated vehicles.	CC
1	Prime Minister	SUV with FWD 3,000 cc and above
2	Cabinet Minister and Equivalent Position Holders	SUV with FWD up to 3,000 cc

3	Heads of Constitutional Offices and Attorney General	SUV with FWD up to 2,800 cc
4	Justices of Supreme Court & Chief Justice of High Court	SUV with FWD up to 2,800 cc
5	Cabinet Secretary and Government Secretaries	SUV with FWD up to 2,800 cc
6	Judges of High Court, Members & Commissioner of Constitutional Bodies and Privy Council	SUV with FWD up to 2,500 cc
7	Secretary Generals of NA & NC; Commission Secretaries (Dratshang Lhengtshog, NEC, DDC & NLC); Secretary International Boundary; President JDWNRH & CBS	SUV with FWD up to 2,500 cc
8	Dzongdags	SUV with FWD up to 2,500 cc
9	Director/Director Generals (Ministries/Depts/ Autonomous Agencies/Constitutional Offices); Thrompons	SUV with FWD up to 2,500 cc

10	Registrar General of Supreme Court & High Court; Drangpon (Dzongkhag Court)	SUV with FWD up to 2,500 cc
11	Vice Chancellor, President of KGUMSB and Dean of JSWLS	SUV with FWD up to 2,500 cc

National Assembly Amendment

Section 63

~~The designated duty vehicle shall be maintained at existing level to position level EX3 and above until reviewed and rationalized by the Government.~~

A designated duty vehicle shall be provided to level EX3 and above including the Members of Parliament until reviewed and rationalized by the Government. However, the Members of Parliament who availed the vehicle import quota and vehicle purchase allowance under the Pay Revision Act of Bhutan 2019 shall have an option to opt for the designated duty vehicle upon reimbursing such proportionate amount as remaining until the completion of the five-year term.

Table 17: Officials entitled for designated vehicles

Sl. No.	Officials entitled for designated vehicles	Existing CC	NA Amendment (CC)
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1	Prime Minister	SUV with FWD 3,000 cc and above	As appropriate
2	Cabinet Minister and Equivalent Position Holders	SUV with FWD up to 3,000 cc	As appropriate
3	Heads of Constitutional Offices and Attorney General	SUV with FWD up to 2,800 cc	As appropriate
4	Justices of Supreme Court & Chief Justice of High Court	SUV with FWD up to 2,800 cc	As appropriate
5	Members of Parliament	-	As appropriate
56	Cabinet Secretary and Government Secretaries	SUV with FWD up to 2,800 cc	As appropriate
67	Judges of High Court, Members & Commissioner of Constitutional Bodies and Privy Council	SUV with FWD up to 2,500 cc	As appropriate
78	Secretary Generals of NA & NC; Commission Secretaries (Dratshang Lhengtshog, NEC, DDC & NLC); Secretary International Boundary; President JDWNRH & CBS	SUV with FWD up to 2,500 cc	As appropriate
89	Dzongdags	SUV with FWD up to 2,500 cc	As appropriate
910	Director/Director Generals (Ministries/Depts/ Autonomous Agencies/Constitutional Offices); Thrompons	SUV with FWD up to 2,500 cc	As appropriate

10 11	Registrar General of Supreme Court & High Court; Drangpon (Dzongkhag Court)	SUV with FWD up to 2,500 cc	As appropriate
12	Drangpon (Dzongkhag Court)	SUV with FWD up to 2,500 cc	As appropriate
11 13	Vice Chancellor, President of KGUMSB and Dean of JSWLS	SUV with FWD up to 2,500 cc	As appropriate

National Council Amendment

Section 63

The designated duty vehicle shall be maintained at existing level to position level EX3 and above until reviewed and rationalized by the Government:

~~A designated duty vehicle shall be provided to level EX3 and above including the Members of Parliament until reviewed and rationalized by the Government. However, the Members of Parliament who availed the vehicle import quota and vehicle purchase allowance under the Pay Revision Act of Bhutan 2019 shall have an option to opt for the designated duty vehicle upon reimbursing such proportionate amount as remaining until the completion of the five-year term.~~

Table 17: Officials entitled for designated vehicles

Sl. No.	Officials entitled for designated vehicles	Existing CC	National Assembly Amendment	National Council Amendment
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1	Prime Minister	SUV with FWD 3,000 cc and above	As appropriate	SUV with FWD 3,000 cc and above
2	Cabinet Minister and Equivalent Position Holders	SUV with FWD up to 3,000 cc	As appropriate	SUV with FWD up to 3,000 cc
3	Heads of Constitutional Offices and Attorney General	SUV with FWD up to 2,800 cc	As appropriate	SUV with FWD up to 2,800 cc
4	Justices of Supreme Court & Chief Justice of High Court	SUV with FWD up to 2,800 cc	As appropriate	SUV with FWD up to 2,800 cc
5	Members of Parliament		As appropriate	SUV with FWD up to 2,800 cc
56	Cabinet Secretary and Government Secretaries	SUV with FWD up to 2,800 cc	As appropriate	SUV with FWD up to 2,800 cc
67	Judges of High Court, Members & Commissioner of Constitutional Bodies and Privy Council	SUV with FWD up to 2,500 cc	As appropriate	SUV with FWD up to 2,500 cc
78	Secretary Generals of NA & NC; Commission Secretaries (Dratshang Lhengtshog, NEC, DDC)	SUV with FWD up to 2,500 cc	As appropriate	SUV with FWD up to 2,500 cc

	& NLC); Secretary International Boundary; President JDWRH & CBS			
89	Dzongdags	SUV with FWD up to 2,500 cc	As appropriate	SUV with FWD up to 2,500 cc
910	Director/Director Generals (Ministries/Depts/ Autonomous Agencies/Constitutional Offices); Thrompons	SUV with FWD up to 2,500 cc	As appropriate	SUV with FWD up to 2,500 cc
10 11	Registrar General of Supreme Court & High Court; Drangpon (Dzongkhag Court)	SUV with FWD up to 2,500 cc	As appropriate	SUV with FWD up to 2,500 cc
12	Drangpon (Dzongkhag Court)	SUV with FWD up to 2,500 cc	As appropriate	SUV with FWD up to 2,500 cc
11 13	Vice Chancellor, President of KGUMSB and Dean of JSWLS	SUV with FWD up to 2,500 cc	As appropriate	SUV with FWD up to 2,500 cc

New Section after Section 63

New section after Section 63

Each Member of Parliament shall be provided a designated duty vehicle, OR a one-time lumpsum grant for the purchase of vehicle along with the Driver, and Fuel and Maintenance Allownaces.

Section 79: Leave Passage

Section of the Bill

Home Leave Passage

79. The home leave passage is provided to enable the member of the foreign service to at least visit home once during their term of the foreign posting. The home leave passage shall be subject to the following terms and conditions:

- (1) Members and family members shall be entitled for economy class return air ticket by the most direct route to the Paro, Bhutan
- (2) The home leave passage shall be eligible for the family members who are residing for the entire duration at the place of posting only;
- (3) The children shall be eligible for home leave passage within the age limits of 0-18 years (0-216 months);

- (4) The Ministry of Foreign Affairs shall draw up guidelines to make call ons by the members of the foreign service during the home visit;
- (5) Lump sum claim in lieu of availing home leave passage is discontinued;
- (6) Availing home leave passage to places other than Bhutan is discontinued; and
- (7) The home leave passage is given in lieu of the leave travel concession (LTC) and hence, the monthly variable compensation under variable pay of those serving in the Missions shall exclude the leave travel concession.

National Assembly Amendment

Section 79

Home-Leave Passage

~~The home leave passage is provided to enable the member of the foreign service to at least visit home once during their term of the foreign posting. The home leave passage shall be subject to the following terms and conditions:~~

- ~~(1) Members and family members shall be entitled for economy class return air ticket by the most direct route to the Paro, Bhutan~~
- ~~(2) The home leave passage shall be eligible for the family members who are residing for the entire duration at the place of posting only;~~

- ~~(3) The children shall be eligible for home leave passage within the age limits of 0-18 years (0-216 months);~~
- ~~(4) The Ministry of Foreign Affairs shall draw up guidelines to make call ons by the members of the foreign service during the home visit;~~
- ~~(5) Lump sum claim in lieu of availing home leave passage is discontinued; (6) Availing home leave passage to places other than Bhutan is discontinued; and~~
- ~~(7) The home leave passage is given in lieu of the leave travel concession (LTC) and hence, the monthly variable compensation under variable pay of those serving in the Missions shall exclude the leave travel concession.~~

The diplomats and family members in Embassies or Missions or Consulates abroad shall have the option to claim the actual cost of air passage upon submission of supporting documents such as original boarding passes and air tickets or lump sum Leave Passage as follows:

New Table after Table 23: Lump sum Leave Passage:

Sl. No	Title/Position	New York	Brussels	Geneva	Kuwait	BKK	Dhaka	New Delhi	Kolkata
Currency		USD	EURO	CHF	USD	USD	USD	INR	INR
1	Head of Mission/Ambassador	2000	2000	2000	1000	400	250	20,000	10,000
2	Diplomat (EX III/ P1)	2000	2000	2000	1000	400	250	20,000	10,000
3	Diplomat (P2-P3) (SS1-SS2)	2000	2000	2000	1000	400	250	20,000	10,000
4	Diplomat (P4-P5) (SS3-SS4)	2000	2000	2000	1000	400	250	20,000	10,000

5	Non-Diplomatic Staff (S1-S5)	-	-	-	1000	400	250	20,000	10,000
6	Non-Diplomatic Staff (O1-O4)	-	-	-	1000	400	250	20,000	10,000

National Council Amendment

Accept NA Amendment with amendment in the Table 23

New Table after Table 23: Lump sum Leave Passage:

Sl. No	Title/Position	New York	Brussels	Geneva	Australia	Kuwait	BKK	Dhaka	New Delhi	Kolkata/Guwahati
Currency		USD	EURO	CHF	USD	USD	USD	USD	INR	INR
1	Head of Mission/Ambassador	2000	2000	2000	2000	1000	400	250	20,000	10,000
2	Diplomat (EX III/P1)	2000	2000	2000	2000	1000	400	250	20,000	10,000

3	Diplomat (P2-P3) (SS1-SS2)	200 0	2000	2000	2000	1000	400	250	20,00 0	10,000
4	Diplomat (P4-P5) (SS3-SS4)	200 0	2000	2000	2000	1000	400	250	20,00 0	10,000
5	Non-Diplomatic Staff (S1-S5)	-	-	-	-	1000	400	250	20,00 0	10,000
6	Non-Diplomatic Staff (O1-O4)	-	-	-	-	1000	400	250	20,00 0	10,000

Section 99

Section of the Bill

99. The DA rates shall be subject to the following terms and conditions:

- (1) All public servants shall not be entitled for DA when both food and lodge is provided for meetings/seminars/trainings and workshops;
- (2) All public servants shall be entitled to 50% DA if either food or lodge is provided;
- (3) The minimum travel distance shall be maintained at 10 km radius for the purpose of DA/TA eligibility.

National Assembly Amendment

Section 99

The **in-country** DA rates shall be subject to the following terms and conditions:

- (1) ~~A-All~~ public servants shall ~~not~~ be entitled ~~to for~~ **20%** DA when both food and lodge is provided for meetings/seminars/trainings and workshops;
- (2) **A public servant shall be entitled to 20% DA for public servants accompanying the Prime Minister, Chief Justice of the Supreme Court, Cabinet Ministers and its equivalent positions.**
- (3) ~~A-All~~ public servants shall be entitled to 50% DA if either food or lodge is provided;
- (4) The minimum travel distance shall be maintained at 10 km radius for the purpose of DA/TA eligibility.

National Council Amendment

Section 99

The **in-country** DA rates shall be subject to the following terms and conditions:

- (1) ~~A-All~~ public servants shall ~~not~~ be entitled ~~to for~~ **20%** DA when both food and lodge is provided for meetings/seminars/trainings and workshops;

- (2) **A public servant shall be entitled to 20% DA when both food and lodge is provided while for public servants accompanying the Prime Minister, Chief Justice of the Supreme Court, Cabinet Ministers and its equivalent positions.**
- (3) ~~A~~All public servants shall be entitled to 50% DA if either food or lodge is provided;
- (4) The minimum travel distance shall be maintained at 10 km radius for the purpose of DA/TA eligibility.

Note

མཆན་ འབྲུག་གི་དངུལ་ཕོགས་སློག་བཀོད་གཞི་སྐྱར་དཔྱད་ཡིག་ ༡༠༡༡ ཅན་མའི་ནང་གི་ཚོང་ཁའི་ཚིག་

༡. “མི་མང་ལས་གཡོགས་” (public servant) ཟེར་འཁོད་ཡོད་མི་ཚུ་ “སླི་གཡོགས་” ཟེར་གསར་ཚབ་བཀོད་ནི་དང་།
༡. “མི་མང་ལས་གཡོགས་” (public service) ཟེར་འཁོད་ཡོད་མི་ཚུ་ “སླི་གཡོགས་” ཟེར་གསར་ཚབ་བཀོད་ནི།
༡. “སྐབ་ཡིག་ཚང་” (mission) ཟེར་འཁོད་ཡོད་མི་ཚུ་ “སྐབ་ཡིག་ཚང་” ཟེར་གསར་ཚབ་བཀོད་ནི།

VI: Disagreement between National Council of Bhutan and National Assembly of Bhutan on the Civil Liability Bill of Bhutan 2022

Disagreement between National Council of Bhutan and National Assembly of Bhutan on the Civil Liability Bill of Bhutan 2022

Section	National Council's Amendment	National Assembly's Amendment
Preamble	<p>WHEREAS inspired by His Majesty the Druk Gyalpo's aspirations of an accountable and transparent Government founded on good governance, a government where the public service is defined by the national character of courage, grit and fortitude and where accountability is embraced as a measure of public service;</p>	<p>WHEREAS it is the constitutional goal to ensure a safe, just, equitable, and harmonious society; <i>(Shifted 3rd para to 1st)</i></p> <p>WHEREAS in deference to His Majesty the Druk Gyalpo's noble vision of an accountable society based on Rule of Law, a society where the law is considered "<i>sacrosanct and respected by all people irrespective of their social status and position;</i>"</p>

	<p>WHEREAS in deference to His Majesty the Druk Gyalpo's noble vision of an accountable society based on Rule of Law, a society where the law is considered <i>“sacrosanct and respected by all people irrespective of their social status and position;”</i></p> <p>WHEREAS it is the constitutional goal to ensure a safe, just, equitable, and harmonious society;</p>	<p>WHEREAS it is important to enhance inspired by His Majesty the Druk Gyalpo's aspirations of an efficiency, accountability accountable and transparency in the public authorities transparent Government founded on good governance, a government where the public service is defined by the national character of courage, grit and fortitude and where accountability is embraced as a measure of public service; (Shifted 1st para to 3rd)</p> <p>WHEREAS there is a need to prevent incidents of negligent deaths and grave injuries to victims as well as loss and damage to public properties and to address the continuing predicament faced by victims of civil wrongs;</p> <p>WHEREAS cognizant that there are only few tort provisions spread across few existing legislations, but no comprehensive law governing civil liability to ensure prompt and just relief to injured parties for harms caused by others;</p>
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	<p>WHEREAS there is a need to prevent incidents of negligent deaths and grave injuries to victims as well as loss and damage to public properties and to address the continuing predicament faced by victims of civil wrongs;</p> <p>WHEREAS cognizant that there are only few tort provisions spread across few existing legislations, but no comprehensive law governing civil liability to ensure prompt and just relief to injured parties for harms caused by others;</p> <p>WHEREAS it is deemed expedient to consolidate, harmonize, and codify the</p>	<p>WHEREAS it is deemed expedient to consolidate, harmonize, and codify the tort provisions spread across few existing legislations and for other related purposes;</p> <p>The Parliament of the Kingdom of Bhutan hereby enacts as follows:</p>
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	<p>tort provisions spread across few existing legislations and for other related purposes;</p> <p>The Parliament of the Kingdom of Bhutan hereby enacts as follows:</p>	
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	CHAPTER 1 PRELIMINARY	
	Not accepted National Assembly's amendment	New section before section 4 This Act shall apply to claims for compensation, arising out of harm caused to a person or property by another person or public authorities breaching a duty imposed by this Act or by any other Acts enforced in Bhutan.
Section 4	When a legislative provision protects a person by proscribing or requiring certain conduct but does not provide a civil remedy for the wrong, the Court may, if it determines that the remedy is appropriate in furtherance of the purpose of the legislation, accord to the injured person a right of action under this Act.	When a legislative provision protects a person by proscribing or requiring certain conduct but does not provide a civil remedy for the wrong, the Court may, if it determines that the remedy is appropriate in furtherance of the purpose of the legislation, accord to the injured person a right of action under this Act. Where there is no civil remedy provided under a particular Act for a wrong, the Court may, if it determines that the remedy is appropriate, accord to the injured

		person a right of action under this Act.
Section 7	A provision of this Act that gives protection from civil liability does not limit the protection from liability given by another provision of this Act or by another Act or law.	A provision of this Act that gives protection from civil liability does not limit the protection from liability given by another provision of this Act or by another Act. or law.
	CHAPTER 2 PRINCIPLES OF LIABILITY IN NEGLIGENCE	
	PART I DUTY OF CARE AND BREACH OF DUTY	
Section 10	A person does not breach a duty to take precautions against a risk of harm unless: (1) the risk was foreseeable, that is, it is a risk of which the person knew or ought reasonably to have known; (2) the risk was not insignificant or far-fetched; and (3) in the circumstances, a reasonable person in the position of the person would have taken the precautions.	A person shall be liable for breaching does not breach a duty to take precautions against a risk of harm if unless : (1) the risk was foreseeable, that is, it is a risk of of which the person knew or ought reasonably to have known; (2) the risk was not insignificant or probable far fetched ; and (3) Amended in Dzongkha text

Section 11	In determining whether a reasonable person would have taken precautions against a risk of harm, the Court is to consider, amongst other relevant things, the following:	Amended in Dzongkha text
Section 12	<p>In a proceeding relating to liability for negligence:</p> <p>(2) the fact that a risk of harm could have been avoided by doing something in a different way does not of itself give rise to or affect liability for the way in which the thing was done; and</p> <p>(3) the subsequent taking of action that would, had the action been taken earlier, have avoided a risk of harm does not of itself give rise to or affect liability in respect of the risk and does not of itself constitute an admission of liability in connection with the risk.</p>	<p>In a proceeding relating to liability for negligence:</p> <p>(2) Amended in Dzongkha text</p> <p>(3) the subsequent taking of action that would, had the action been taken earlier, have avoided a risk of harm does not of itself give rise to or affect liability in respect of the risk. and does not of itself constitute an admission of liability in connection with the risk</p>
Section 13	A person who owes a duty of care to another person to give a warning or other information in respect of a risk or other matter, satisfies that duty of care if the defendant takes reasonable care in giving that warning or other information	Amended in Dzongkha text

	PART II CAUSATION	
Section 18	Section 17 does not apply to a proceeding on a claim for damages relating to the provision of or the failure to provide a professional service or health service.	Section 17 of this Act does not apply to a proceeding on a claim for damages relating to the provision of or the failure to provide a professional service. or health service.
Section 21	In any proceeding where, for the purpose of establishing that a person has breached a duty of care owed to a person who suffered harm, the plaintiff alleges that the defendant has failed to give a warning about a risk of harm to the plaintiff, the plaintiff bears the burden of proving, on the balance of probabilities, that the plaintiff was not aware of the risk or information.	In any proceeding where, for the purpose of establishing that a person has breached a duty of care owed to a person who suffered harm, the plaintiff alleges that the defendant has failed to give a warning about a risk of harm to the plaintiff, the plaintiff bears the burden of proving, on the balance of probabilities, that the plaintiff was not aware of the risk or information.
	PART V DUTY OF PROFESSIONALS	
Section 27	A person who provides a professional service incurs no liability in negligence arising from the service if it is established that the provider acted in a manner that, at the time	A person who provides a professional service incurs no liability in negligence arising from the service if it is established that the provider acted in a manner that, at the time

	<p>the service was provided, was widely accepted in Bhutan by members of the same profession as competent professional practice. However, peer professional opinion cannot be relied on for the purposes of this Section if the Court considers that the opinion is irrational or contrary to a written law.</p>	<p>the service was provided, was widely accepted in Bhutan by members of the same profession as competent professional practice. However, peer professional opinion cannot be relied on for the purposes of this Section if the Court considers that the opinion is irrational or contrary to a written law.</p> <p>A professional service incurs no liability in negligence arising from the service if it is established that service provided at that time, was approved in Bhutan by the competent authority.</p>
	<p>Proactive and reactive duty of health professional to warn of risk</p>	<p>Proactive and reactive duty of healthcare professional to warn of risk</p>

	<p>Not accepted National Assembly's amendment</p>	<p>New section before section 29 The healthcare professional owes a duty of care to the patient or client at all stages to prevent injury, damage, or death while rendering professional service</p>
<p>Section 29</p>	<p>A health professional does not breach a duty owed to a patient to warn of risk, before the patient undergoes any medical treatment, that will involve a risk of personal injury to the patient, unless the health professional at that time fails to give or arrange to be given to the patient the following information about the risk:</p> <ul style="list-style-type: none"> (1) information that a reasonable person in the patient's position would, in the circumstances, require to enable the person to make a reasonably informed decision about whether to undergo the treatment or follow the advice; and (2) information that the health professional knows or ought reasonably to know the patient wants to be given before making 	<p>A health professional does not breach a duty owed to a patient to warn of risk, before the patient undergoes any medical treatment, that will involve a risk of personal injury to the patient, unless the health professional at that time fails to give or arrange to be given to the patient the following information about the risk:</p> <ul style="list-style-type: none"> (1) information that a reasonable person in the patient's position would, in the circumstances, require to enable the person to make a reasonably informed decision about whether to undergo the treatment or follow the medical advice; and (2) information that the health professional knows or ought reasonably to know the patient wants to be given before making

	the decision about whether to undergo the treatment or follow the advice.	the decision about whether to undergo the treatment or follow the medical advice.
	PART VI CONTRIBUTORY NEGLIGENCE	
	Not accepted National Assembly's amendment	New section before section 30 Contributory negligence may bar a plaintiff from recovering damages for the negligence of others if they too were negligent in causing the harm.
Section 33	It shall not be a defence to an employer who is sued in respect of personal injuries caused by the negligence of a person employed by her, that the person was at the time the injuries were caused in common employment with the person injured.	It shall not be a defence to an employer who is sued in respect of personal injuries caused by the negligence of a person employed by her, that the person was at the time the injuries were caused in common employment with the person injured
	PART VII INTOXICATION	
Section 36 (3)	the intoxication is wholly attributable to the use of drugs in	the intoxication is wholly attributable to the use of drugs in accordance with

	accordance with the prescription or instructions of a health professional.	the prescription or instructions of a health care professional.
	CHAPTER 3 PROPORTIONATE LIABILITY	
Section 50	This Chapter applies to a proceeding in relation to an apportionable claim whether or not all concurrent wrongdoers are parties to the proceeding.	This Chapter applies to a proceeding in relation to an apportionable claim. whether or not all concurrent wrongdoers are parties to the proceeding.
Section 57	A concurrent wrongdoer must give the claimant any information that the concurrent wrongdoer has that is likely to help the claimant to identify and locate any other person who the concurrent wrongdoer has reasonable grounds to believe is also a concurrent wrongdoer in relation to the claim.	A concurrent wrongdoer must give the claimant any information that the concurrent wrongdoer has that is likely to help the claimant to identify and locate any other person who the concurrent wrongdoer has reasonable grounds to believe is also a concurrent wrongdoer in relation to the claim.
	CHAPTER 4 LIABILITY OF PUBLIC AUTHORITIES	
	Not accepted National Assembly's amendment	New section before section 67

		Nothing is said to be done or believed in “good faith” which is done or believed without due care and attention
Section 67	The provisions of this Chapter shall not apply to any claim based upon an act or omission of an employee of a public authority exercising due care, in the execution of a statute or regulation.	Amended in Dzongkha text
	CHAPTER 5 STRICT LIABILITY	
Section 70(2)	<i>force majeure.</i>	<i>force</i> _____ <i>majeure</i> Unforeseeable circumstances (<i>force majeure</i>)
Section 71	Liability for livestock trespass If the livestock intrudes upon the land of another and causes harm to the person or her land and property, the owner or possessor of the livestock shall be liable for the harm despite the owner or possessor having exercised utmost care to prevent the livestock from trespassing.	Liability for livestock trespass If the livestock intrudes upon the land of another and causes harm to the person or her land and property, the owner or possessor of the livestock shall be liable for the harm despite the owner or possessor having exercised utmost care to prevent the livestock from trespassing.

<p>Section 72</p>	<p>The owner or possessor of livestock shall not be liable under Section 71, if:</p> <p>(1) the harm is brought about by an unexpected operation of force of nature;</p> <p>(2) the harm is caused by the intentional or negligent conduct of a third person; or</p>	<p>The owner or possessor of livestock shall not be liable under Section 71, if:</p> <p>(1) the harm is brought about by an unexpected operation of force of nature;</p> <p>(2) the harm is caused by the intentional or negligent conduct of a third person; or</p>
<p>Section 80</p>	<p>The provisions of this Chapter do not exclude or limit other strict liabilities arising under this or other laws.</p>	<p>The provisions of this Chapter do not exclude or limit other strict liabilities arising under this or other Acts. Law</p>
	<p>CHAPTER 6 LIABILITY OF EMPLOYERS OF CONTRACTORS</p>	
<p>Section 84</p>	<p>If an employer employs a contractor to do work which the employer knows is likely to create a peculiar unreasonable risk of physical harm to others unless special precautions are taken, is subject to liability for physical harm caused to them by the absence of such precautions, if the employer:</p>	<p>If an employer employs a contractor to do work which the employer knows is likely to create anpeculiar unreasonable risk of physical harm to others unless special precautions are taken, is subject to liability for physical harm caused to them by the absence of such precautions, if the employer</p> <p>(2) Amended in Dzongkha text</p>

	(2) fails to exercise reasonable care to provide in some other manner for the taking of such precautions.	
Section 85	If an employer employs a contractor to do work which the employer knows is likely to create during its progress a peculiar risk of physical harm to others unless special precautions are taken, is subject to liability for physical harm caused to them by the failure of the contractor to exercise reasonable care to take such precautions, even though the employer has provided for such precautions in the contract or otherwise.	If an employer employs a contractor to do work which the employer knows is likely to create during its progress apecculiar an unreasonable risk of physical physical harm to others unless special precautions are taken, is subject to liability for physical physical harm caused to them by the failure of the contractor to exercise reasonable care to take such precautions, even though the employer has provided for such precautions in the contract or otherwise
	An employer who entrusts work to a contractor, but who retains the	An employer who entrusts work to a contractor, but who retains the

<p>Section 87</p>	<p>control of any part of the work owes a duty to exercise reasonable care for the safety of others. If physical harm is caused to others by the employer's failure to exercise her control with reasonable care, the employer is subject to liability for the harm caused.</p>	<p>control of any part of the work owes a duty to exercise reasonable care for the safety of others. If physical harm is caused to others by the employer's failure to exercise her control with reasonable care, the employer is subject to liability for the harm caused</p>
<p>Section 88</p>	<p>A possessor of land who has employed a contractor to do work on the land, and knows or has reason to know that the activities of the contractor involve an unreasonable risk of physical harm to those outside of the land, is subject to liability for such harm if she fails to exercise reasonable care for protection.</p>	<p>A possessor of land who has employed a contractor to do work on the land, and knows or has reason to know that the activities of the contractor involve an unreasonable risk of physical harm to those outside of the land, is subject to liability for such harm if she fails to exercise reasonable care for protection.</p>
<p>Section 90</p>	<p>An employer, other than a public authority, who is under a duty to construct or maintain a highway in reasonably safe condition for the use of the public, and who entrusts its construction, maintenance, or repair</p>	<p>An employer, other than a public authority, who is under a duty to construct or maintain a highway in reasonably safe condition for the use of the public, and who entrusts its construction, maintenance, or repair</p>

	to a contractor, is subject to the same liability for physical harm to persons using the highway while it is held open for travel during such work, caused by the negligent failure of the contractor to make it reasonably safe for travel.	to a contractor, is subject to the same liability for physical harm to persons using the highway while it is held open for travel during such work, caused by the negligent failure of the contractor to make it reasonably safe for travel.
	CHAPTER 7 VICARIOUS LIABILITY OF INSTITUTIONS FOR CHILD ABUSE	
Section 92	In proceedings against an institution involving a breach of the duty of care imposed by this Chapter, the institution is presumed to have breached its duty if the plaintiff establishes that an individual associated with the organization perpetrated the child abuse, unless the institution establishes that it took reasonable precautions to prevent the child abuse.	In proceedings against an institution involving a breach of the duty of care imposed by this Chapter, the The institution is presumed to have breached its duty if the plaintiff establishes that an employee individual associated with of the institution organization perpetrated the child abuse, unless the institution establishes that it took reasonable precautions to prevent the child abuse.

<p>Section 95</p>	<p>In determining if the institution has placed the employee in a position which provided the occasion for the perpetration of child abuse, a Court is to take into account whether the institution placed the employee in a position in which the employee has one or more of the following:</p> <p>(1) authority, power or control over the child; (2) the trust of the child; and</p>	<p>In determining if the institution has placed the employee in a position which provided the occasion for the perpetration of child abuse, a Court is to take into account whether the institution placed the employee in a position in which the employee has one or more of the followings:</p> <p>(1) authority, power or control over the child; (2) the trust of the child; or and</p>
<p>Section 96</p>	<p>Liability of the employee This Chapter applies regardless of when the act or omission that constitutes the child sexual abuse occurred.</p>	<p>Liability of the employee This Chapter applies regardless of when the act or omission that constitutes the child sexual abuse occurred.</p>
<p>Section 97</p>	<p>This Chapter applies if:</p> <p>(1) a person suffered abuse as a child by a person associated with an institution while the child was under the care, supervision, control or authority of the institution; (2) the former employee no longer holds the relevant office; and</p>	<p>This Chapter applies if:</p> <p>(1) a person suffered abuse as a child by a person an employee associated with an of the institution while the child was under the care, supervision, control or authority of the institution; (2) even if the former employee no longer holds the relevant office; and</p>

<p>Section 98</p>	<p>A proceeding for the plaintiff's cause of action may be started or continued against the current holder of the relevant office or in the name of the institution.</p>	<p>A proceeding for the plaintiff's cause of action may be started or continued against the current holder of the relevant office or in the name of the institution.</p>
<p>Section 99</p>	<p>The following shall apply for the purpose of a proceeding started or continued under Section 98:</p> <ol style="list-style-type: none"> (1) any liability that the former office holder has or would have had in relation to the cause of action is taken to be a liability of the current office holder; (2) anything done by the former office holder is taken to have been done by the current office holder; (3) a duty or obligation that the former office holder would have had in relation to the proceeding is a duty or obligation of the current office holder; and (4) the current office holder may rely on any defence or immunity that would have been available to the former office holder as a defendant in the proceeding. 	<p>The following shall apply for the purpose of a proceeding started or continued under Section 98 of this Act:</p> <ol style="list-style-type: none"> (1) any liability that the former employee office holder has or would have had in relation to the cause of action is taken to be a liability of the current institution office holder; (2) anything done by the former employee office holder is taken to have been done by the current institution office holder; (3) a duty or obligation that the former institution office holder would have had in relation to the proceeding is a duty or obligation of the current institution office holder; and (4) the current institution office holder may rely on any defence or immunity that

		would have been available to the former institution office holder as a defendant in the proceeding.
Section 101	If there is no institution that is the same institution, or substantially the same institution as the old institution, a relevant successor of the old institution shall be taken to be the same institution as the old institution.	If there is no institution that is the same institution, or substantially the same institution as the old institution, a relevant successor of the old institution shall be taken to be the same institution as the old institution.
	CHAPTER 8 OCCUPIER'S LIABILITY	
Section 102	An occupier of premises owes a duty to take all reasonable care to ensure that any person on the premises do not suffer injury, damage or loss by reason of the state or condition of the premises or of things done or omitted to be done about the state of the premises.	Amended in Dzongkha text
Section 103	It shall be the duty of the Tenancy Authority to ensure proper administration and enforcement of the Tenancy Act of Bhutan.	It shall be the duty of the Tenancy Authority to ensure proper administration and enforcement of the Tenancy Act of Bhutan.

Section 104	The Ministry of Information and Communications shall ensure proper administration and enforcement of the Road Safety and Transport Act and Civil Aviation Act of Bhutan.	The Ministry of Information and Communications shall ensure proper administration and enforcement of the Road Safety and Transport Act and Civil Aviation Act of Bhutan.
Section 106	In determining the standard of care to be exercised by the occupier of premises, a Court shall take into account: (2) the gravity and likelihood of the injury; (3) the knowledge which the occupier has or ought to have of the likelihood of persons or property being on the premises;	In determining the standard of care to be exercised by the occupier of premises, a Court shall take into account: (2) Amended in Dzongkha text (3) Amended in Dzongkha text
	CHAPTER 9 Remedies	
Section 117	Where a person has died partly because of her failure to take reasonable care and partly because of someone else's wrong, the damages recoverable under this part must not be reduced because of the contributory negligence.	Amended in Dzongkha text

Section 123	The maximum amount of damages that may be awarded to a claimant in respect of the death of a person shall be twenty one years minimum wage.	The maximum amount of damages that may be awarded to a claimant in respect of the death of a person shall be ten twenty one years minimum wage.
Section 126	In assessing damages for loss of earnings, if the Court is not able to precisely calculate the income or the earning capacity of the deceased or the injured, the maximum award a Court may make is an amount equal to six times the monthly minimum wage per month for each month of the period of loss of earnings.	In assessing damages for loss of earnings, if the Court is not able to precisely calculate the income or the earning capacity of the deceased or the injured, the maximum award a Court may make is an amount equal to at least ten years minimum wage to maximum of fifteen years minimum wage. six times the monthly minimum wage per month for each month of the period of loss of earnings.
Section 130	Damages shall be awarded for economic loss due to the loss of employer superannuation contributions for impairment of the earning capacity.	Damages shall be awarded for economic loss due to the loss of employer superannuation contributions for impairment of the earning capacity.
Section 131	Damages for gratuitous attendant care services may be awarded to a	Damages for gratuitous attendant care services may be awarded to a

	person for the injuries caused by the negligence of another person.	person for the injuries caused by the negligence of another person.
Section 132	<p>Damages for gratuitous attendant care services to the victim shall be awarded only if:</p> <ol style="list-style-type: none"> (1) the services are necessary; (2) the need for the services arises solely out of the injury; and (3) the services are provided, or are to be provided for at least six hours a week and for a period of at least six consecutive months. 	<p>Damages for gratuitous attendant care services to the victim shall be awarded only if:</p> <ol style="list-style-type: none"> (1) the services are necessary; (2) the need for the services arises solely out of the injury; and (3) the services are provided, or are to be provided for at least six hours a week and for a period of at least six consecutive months.
Section 133	Damages for gratuitous attendant care services shall not be awarded if gratuitous services of the same kind were being provided for the injured person before the injury.	Damages for gratuitous attendant care services shall not be awarded if gratuitous services of the same kind were being provided for the injured person before the injury.
Section 134	The monthly wage for provision of gratuitous attendant care services shall not exceed an amount equal to three times the monthly minimum wage.	The monthly wage for provision of gratuitous attendant care services shall not exceed an amount equal to three times the monthly minimum wage.

	Damages for loss of capacity to perform domestic gratuitous services	Damages for loss of capacity to perform domestic gratuitous services
Section 135	Damages shall be awarded for any death or, impairment or loss of the injured person's capacity to provide gratuitous domestic services that the injured person might reasonably have been expected to perform for a recipient, if the person had not been injured or died.	Damages shall be awarded for any death or, impairment or loss of the injured person's capacity to provide gratuitous domestic services that the injured person might reasonably have been expected to perform for a recipient, if the person had not been injured or died.
Section 136	<p>Damages for gratuitous domestic services shall be awarded only if the:</p> <ol style="list-style-type: none"> (1) injured person died as a result of the injuries suffered; (2) recipient was residing at the injured person's usual residence at the time or before injury, and the injured person provided the services to the recipient; or (3) recipient was, or will be, incapable of performing the services personally because of the recipient's age or physical or mental incapacity. 	<p>Damages for gratuitous domestic services shall be awarded only if the:</p> <ol style="list-style-type: none"> (1) injured person died as a result of the injuries suffered; (2) recipient was residing at the injured person's usual residence at the time or before injury, and the injured person provided the services to the recipient; or (3) recipient was, or will be, incapable of performing the services personally because of the recipient's age or physical or mental incapacity.

<p>Section 137</p>	<p>For a recipient to be eligible for gratuitous domestic services damages, it does not matter:</p> <ol style="list-style-type: none"> (1) that the injured person was not paid to perform the services; (2) that the injured person has not been, and will not be, obliged to pay someone else to perform the services; or (3) that the services have been, or are likely to be, performed, gratuitously or otherwise, by other people. 	<p>For a recipient to be eligible for gratuitous domestic services damages, it does not matter:</p> <ol style="list-style-type: none"> (1) that the injured person was not paid to perform the services; (2) that the injured person has not been, and will not be, obliged to pay someone else to perform the services; or (3) that the services have been, or are likely to be, performed, gratuitously or otherwise, by other people.
<p>Section 138</p>	<p>The monthly wage for provision of gratuitous domestic services shall not exceed an amount equal to three times the monthly minimum wage.</p>	<p>The monthly wage for provision of gratuitous domestic services shall not exceed an amount equal to three times the monthly minimum wage.</p>
<p>Section 139</p>	<p>Damages for loss of capacity to provide gratuitous service shall be assessed on the injured person's life expectancy immediately before the occurrence of the injury.</p>	<p>Damages for loss of capacity to provide gratuitous service shall be assessed on the injured person's life expectancy immediately before the occurrence of the injury.</p>

<p>Section 140</p>	<p>Interest in damages A defendant shall not be liable to pay interest on damages awarded for any of the following: (1) non-economic loss; (2) gratuitous attendant care services provided to the injured; and (3) loss of capacity to perform domestic or gratuitous services.</p>	<p>Interest in damages A defendant shall not be liable to pay interest on damages awarded for any of the following: (1) non-economic loss; (2) gratuitous attendant care services provided to the injured; and (3) loss of capacity to perform domestic or gratuitous services.</p>
<p>Section 143</p>	<p>Litigation cost A person who is required to protect her interest by bringing or defending litigation against a tortfeasor is entitled to recover reasonable compensation for loss of time, legal fees and other expenses thereby incurred in the litigation.</p>	<p>Litigation cost A person who is required to protect her interest by bringing or defending litigation against a tortfeasor is entitled to recover reasonable compensation for loss of time, legal fees and other expenses thereby incurred in the litigation.</p>
<p>Section 144</p>	<p>A <i>Jabmi</i> shall not charge, demand, or collect for services rendered, fees in excess of 25 percent of the damages awarded.</p>	<p>A <i>Jabmi</i> shall not charge, demand, or collect for services rendered, fees in excess of 25 percent of the damages awarded.</p>
<p style="text-align: center;">PART IV DAMAGES FOR LOSS OF PROPERTY</p>		

Section 145	Where a property is lost, destroyed or damaged, the basic measure of damages is the value of the property or the diminution in its value. However, if the victim has replaced or repaired it or will do so, she may recover the higher expenditure thereby incurred if it is reasonable to do so.	Where a property is lost, destroyed or damaged, the basic measure of damages is the value of the property or the diminution in its value. However, if the victim in consultation with the defendant has replaced or repaired it or will do so, she may recover the higher expenditure thereby incurred. if it is reasonable to do so.
	PART V NON-ECONOMIC DAMAGES (GENERAL DAMAGES)	PART V NON-ECONOMIC DAMAGES (GENERAL DAMAGES)
Section 147	Damages for non-economic loss In this Chapter, non-economic loss includes the following: (1) pain and suffering; (2) loss of amenities of life; (3) loss of expectation or enjoyment of life; (4) curtailment of life expectancy; and (5) bodily or mental harm.	Damages for non-economic loss In this Chapter, non-economic loss includes the following: (1) pain and suffering; (2) loss of amenities of life; (3) loss of expectation or enjoyment of life; (4) curtailment of life expectancy; and (5) bodily or mental harm.
Section 148	In determining damages for non-economic loss, a Court may refer to earlier decisions of that or other	In determining damages for non-economic loss, a Court may refer to earlier decisions of that or other

	Courts for the purpose of establishing the appropriate award in the proceeding.	Courts for the purpose of establishing the appropriate award in the proceeding.
Section 149	The injured person's non-economic loss shall be assessed by assigning a numerical value (<i>injury scale value</i>) on a scale running from 0 to 60.	The injured person's non-economic loss shall be assessed by assigning a numerical value (<i>injury scale value</i>) on a scale running from 0 to 60.
Section 150	The scale shall reflect 60 equal gradations of non-economic loss, from a case in which an injury is not severe enough to justify any award of general damages to a case in which an injury is of the gravest kind.	The scale shall reflect 60 equal gradations of non-economic loss, from a case in which an injury is not severe enough to justify any award of general damages to a case in which an injury is of the gravest kind
Section 151	If a Court assesses an injury scale value for a particular injury to be more or less than any injury scale value prescribed, the Court must state the factors on which the assessment is based that justify the assessed injury scale value.	If a Court assesses an injury scale value for a particular injury to be more or less than any injury scale value prescribed, the Court must state the factors on which the assessment is based that justify the assessed injury scale value.
Section 152	The damages for non-economic loss shall be calculated as follows: (1) If the scale value is 10 or less:	The damages for non-economic loss shall be calculated as follows: (1) If the scale value is 10 or less:

	<p>(a) the base amount A for this sub-section shall be two months minimum wage;</p> <p>(b) the total damages shall be determined by multiplying the scale value by base amount A.</p> <p>(2) If the scale value is 20 or less but more than 10:</p> <p>(a) the base amount A for this sub-section shall be calculated by multiplying the base amount of sub-section (1) by numerical 10;</p> <p>(b) the base amount B for this sub-section shall be calculated by multiplying the base amount of sub-section (1) by numerical 2;</p> <p>(c) the total damages shall be determined by adding to base amount A of this sub-section, an amount calculated by multiplying the number by which the scale value exceeds 10 by base amount B.</p>	<p>(a) the base amount A for this sub-section shall be two months minimum wage;</p> <p>(b) the total damages shall be determined by multiplying the scale value by base amount A.</p> <p>(2) If the scale value is 20 or less but more than 10:</p> <p>(a) the base amount A for this sub-section shall be calculated by multiplying the base amount of sub-section (1) by numerical 10;</p> <p>(b) the base amount B for this sub-section shall be calculated by multiplying the base amount of sub-section (1) by numerical 2;</p> <p>(c) the total damages shall be determined by adding to base amount A of this sub-section, an amount calculated by multiplying the number by which the scale value exceeds 10 by base amount B.</p> <p>(3) If the scale value is 30 or less but more than 20:</p>
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	<p>(3) If the scale value is 30 or less but more than 20:</p> <p>(a) The base amount A for this sub-section shall be calculated by adding to base amount A of sub-section (2), the amount calculated by multiplying the base amount B of sub-section (2) by numerical 10;</p> <p>(b) the base amount B for this sub-section shall be calculated by multiplying the base amount A of sub-section (1) by numerical 3;</p> <p>(c) the total damages shall be determined by adding to base amount A of this sub-section, an amount calculated by multiplying the number by which the scale value exceeds 20 by base amount B of this sub-section.</p> <p>(4) If the scale value is 40 or less but more than 30:</p>	<p>(a) The base amount A for this sub-section shall be calculated by adding to base amount A of sub-section (2), the amount calculated by multiplying the base amount B of sub-section (2) by numerical 10;</p> <p>(b) the base amount B for this sub-section shall be calculated by multiplying the base amount A of sub-section (1) by numerical 3;</p> <p>(c) the total damages shall be determined by adding to base amount A of this sub-section, an amount calculated by multiplying the number by which the scale value exceeds 20 by base amount B of this sub-section.</p> <p>(4) If the scale value is 40 or less but more than 30:</p> <p>(a) the base amount A of this sub-section shall be calculated by adding to base amount A of sub-section (3), the amount arrived at by multiplying the base amount B of sub-section (3) by numerical 10;</p>
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	<p>(a) the base amount A of this sub-section shall be calculated by adding to base amount A of sub-section (3), the amount arrived at by multiplying the base amount B of sub-section (3) by numerical 10;</p> <p>(b) the base amount B for this sub-section shall be calculated by multiplying the base amount A of Section (1) by numerical 4;</p> <p>(c) the total damages shall be determined by adding to base amount A of this sub-section, an amount calculated by multiplying the number by which the scale value exceeds 30 by base amount B of this sub-section.</p> <p>(5) If the scale value is 50 or less but more than 40:</p> <p>(a) the base amount A for this sub-section shall be calculated by adding to base amount A of sub-</p>	<p>(b) the base amount B for this sub-section shall be calculated by multiplying the base amount A of Section (1) by numerical 4;</p> <p>(c) the total damages shall be determined by adding to base amount A of this sub-section, an amount calculated by multiplying the number by which the scale value exceeds 30 by base amount B of this sub-section.</p> <p>(5) If the scale value is 50 or less but more than 40:</p> <p>(a) the base amount A for this sub-section shall be calculated by adding to base amount A of sub-section (4), the amount calculated by multiplying the base amount B of sub-section (4) by numerical 10;</p> <p>(b) the base amount B shall be calculated by multiplying the base amount A of sub-section (1) by numerical 5;</p> <p>(c) the total damages shall be determined by adding to base amount A of this</p>
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	<p>section (4), the amount calculated by multiplying the base amount B of sub-section (4) by numerical 10;</p> <p>(b) the base amount B shall be calculated by multiplying the base amount A of sub-section (1) by numerical 5;</p> <p>(c) the total damages shall be determined by adding to base amount A of this sub-section, an amount calculated by multiplying the number by which the scale value exceeds 40 by base amount B of this sub-section.</p> <p>(6) If the scale value is 60 or less but more than 50:</p> <p>(a) the base amount A for this sub-section shall be calculated by adding to base amount A of sub-section (5), the amount calculated by multiplying the</p>	<p>sub section, an amount calculated by multiplying the number by which the scale value exceeds 40 by base amount B of this sub-section.</p> <p>(6) If the scale value is 60 or less but more than 50:</p> <p>(a) the base amount A for this sub-section shall be calculated by adding to base amount A of sub-section (5), the amount calculated by multiplying the base amount B of sub-section (5) by numerical 10;</p> <p>(b) the base amount B for this sub-section shall be calculated by multiplying the base amount A of sub-section (1) by numerical 6;</p> <p>(c) the total damages shall be determined by adding to base amount A of this sub-section, an amount calculated by multiplying the number by which the scale value exceeds 50 by base amount B of this sub-section.</p>
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	<p>base amount B of sub-section (5) by numerical 10;</p> <p>(b) the base amount B for this sub-section shall be calculated by multiplying the base amount A of sub-section (1) by numerical 6;</p> <p>(c) the total damages shall be determined by adding to base amount A of this sub-section, an amount calculated by multiplying the number by which the scale value exceeds 50 by base amount B of this sub-section.</p>	
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<p>Section 153</p>	<p>Punitive or exemplary damages Punitive or exemplary damages are damages, other than compensatory damages, awarded against a wrongdoer to punish her for her outrageous conduct and to deter her and others like her from similar conduct in the future.</p>	<p>Punitive or exemplary damages Punitive or exemplary damages are damages, other than compensatory damages, awarded against a wrongdoer to punish her for her outrageous conduct and to deter her and others like her from similar conduct in the future.</p>
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Section 154	Punitive damages may be awarded for conduct that is outrageous, because of the defendant's evil motive or her reckless indifference to the right of others.	Punitive damages may be awarded for conduct that is outrageous, because of the defendant's evil motive or her reckless indifference to the right of others.
Section 155	Punitive damages may be awarded against a master or other principal because of an act by an agent but only under the following circumstances: (1) the principal or a managerial agent authorized the act; (2) the agent was unfit and the principal or a managerial agent was reckless in employing or retaining him; (3) the agent was employed in a managerial capacity and was acting in the scope of employment; or (4) the principal or a managerial agent of the principal ratified or approved the act.	Punitive damages may be awarded against a master or other principal because of an act by an agent but only under the following circumstances: (1) the principal or a managerial agent authorized the act; (2) the agent was unfit and the principal or a managerial agent was reckless in employing or retaining him; (3) the agent was employed in a managerial capacity and was acting in the scope of employment; or (4) the principal or a managerial agent of the principal ratified or approved the act.
Section 156	In assessing punitive damages, the Court shall consider the character of the defendant's act, the nature and extent of the harm to the plaintiff that the defendant caused or intended to cause	In assessing punitive damages, the Court shall consider the character of the defendant's act, the nature and extent of the harm to the plaintiff that the defendant caused or intended to

	and the capacity of the defendant to pay the damages.	cause and the capacity of the defendant to pay the damages.
Section 157	The maximum amount of punitive or exemplary damages for defamation shall be ten years minimum wage.	The maximum amount of punitive or exemplary damages for defamation shall be ten years minimum wage.
	Not accepted National Assembly's amendment	New section after section 157 No civil liability under this Act shall be converted into criminal liability.
	CHAPTER 10 OFFENCES AND PENALTIES	
Section 158	Notwithstanding Section 371 of the Penal Code of Bhutan, if a person files a malicious case without a reasonable basis with the intend to harass another person or to claim compensation, the person shall be liable for a misdemeanour.	Notwithstanding Section 371 of the Penal Code of Bhutan, if If a person files a malicious case without a reasonable basis with the intend to harass another person or to claim compensation, the person shall be liable for a petty misdemeanour.
Section 161	A Jabmi who violates Section 144 shall be liable for a misdemeanour in accordance with the Penal Code of Bhutan	A Jabmi who violates Section 144 shall be liable for a misdemeanour in accordance with the Penal Code of Bhutan.

CHAPTER 11 MISCELLANEOUS		
Section 162	Upon the request of any party to a personal injuries action, the Court may, at any time before the trial and until the conduct of the evidence hearing, provide an opportunity to the parties to settle the case through mediation.	Upon the request of any party to a personal injuries action, the Court may, at any stage time of the proceedings , before the trial and until the conduct of the evidence hearing, provide an opportunity to the parties to settle the case through mediation.
Section 165	In this Act, the singular includes the plural and the feminine includes the masculine, and vice versa.	In this Act, the singular includes the plural and the feminine includes the masculine. and vice versa
Section 169	Definition In this Act, unless the context otherwise requires:	
	(3) “apportionable claim” is a claim for economic loss or damage to property in an action for damages arising from a failure to take reasonable care. However, a claim arising out of personal injury is not an apportionable claim.	Amendment in Dzongkha Text

	<p>(4) “attendant care services” means any of the following that are required for the essential and regular care of an injured person:</p> <ul style="list-style-type: none"> (a) services of a domestic nature; (b) services relating to nursing; or (c) services that aim to alleviate the consequences of a personal injury. 	<p>(4) “attendant care services” means any of the following that are required for the essential and regular care of an injured person:</p> <ul style="list-style-type: none"> (a) services of a domestic nature; (b) services relating to nursing; or (c) services that aim to alleviate the consequences of a personal injury.
	<p>(6) “competent and careful contractor” denote a contractor who possesses the knowledge, skill, experience, and available equipment, which a reasonable person would realize that a contractor must have in order to do the work which she is employed to do without creating unreasonable risk of injury to others, and who also possesses the personal characteristics which are equally necessary.</p>	<p>Amended in Dzongkha text</p>
	<p>(12) “gratuitous domestic services” means services of a domestic nature for which there has been, and will be, no payment or liability to pay.</p>	<p>(12) “gratuitous domestic services” means services of a domestic nature for which there has been, and will be, no payment or liability to pay.</p>

	<p>(15) “health professional” means all those professionals in the field of health and health care such as nursing, pharmacy, physiotherapy, medical and health technology and technicians in various supportive service units commonly known as paramedics, including medical professional as defined in the Medical and Health Council Act of Bhutan.</p>	<p>(15) “healthcare professional” means all those professionals in the field of health and health care such as nursing, pharmacy, physiotherapy, medical and health technology and technicians in various supportive service units commonly known as paramedics, including medical professional as defined in the Medical and Health Council Act of Bhutan.</p>
	<p>(17) “intoxication” means affected by alcohol or a drug or other substance capable of intoxicating a person to such an extent that the person’s capacity to exercise reasonable care and skill is impaired.</p>	<p>Amended in Dzongkha text</p>
	<p>(19) “obvious risk” shall mean the following: (1) to a person who suffers harm is a risk that, in the circumstances, would have been obvious to a reasonable person in the position of that person;</p>	<p>Amended in Dzongkha text</p>
	<p>(30) “tenancy authority” means the institution designated under the Tenancy Act of Bhutan.</p>	<p>(30) “tenancy authority” means the institution designated under the Tenancy Act of Bhutan.</p>

VII: Review Report on the Anti-Corruption Commission's Annual Report 2021-2022



Committee

Members:

1. Hon'ble Nima, Bumthang Dzongkhag, Chairperson
2. Hon'ble Sangay Dorji, Chukha Dzongkhag, Deputy Chairperson
3. Hon'ble Tashi Chhozom, Eminent Member
4. Hon'ble Surjaman Thapa, Dagana Dzongkhag
5. Hon'ble Lhatu, Trashigang Dzongkhag

Secretariat Officials:

1. Mr. Changa Dawa, Asst. Research Officer
2. Ms. Tandin Bidha, Asst. Research Officer
3. Mr. Sangay Choden, Asst. Research Officer
4. Mr. Kuenzang Thakchu Dorji, Asst. Research Officer
5. Ms. Jigme Choden, Asst. Research Officer
6. Mr. Tendel Gyeltshen, Committee Secretary

Introduction

As mandated by the Article 27(4) of the Constitution and as stipulated in section 169(1) of the Anti-Corruption Act of Bhutan (ACAB) 2011, the Annual Report 2021-2022 is the 15th report submitted to the Druk Gyalpo, Prime Minister and the Parliament. As per the usual practice of the House, the Annual Report 2021-2022 has been assigned to the Good Governance Committee (GGC) for its review and presentation to the House for deliberation.

The Committee therefore organized a meeting with the ACC and sought presentation on the annual report. We would like to inform the House that given the importance of the deliberations on the annual report, the Chairperson, Commissioners and the senior officials of the ACC attended the meeting.

The GGC would like to present the report in the following order:

1. Prevention of Corruption;
2. Complaints and Referrals;
3. Investigation of Corrupt Acts;
4. Overall Performance and Look Inside ACC;
5. Implementation Status of Resolutions of the National Council;
6. Challenges and Way Forward; and
7. Issues and Recommendations.

Section 1: Prevention of Corruption

The prevention of corruption highlights the strategies and activities rolled out by the Anti-Corruption Commission in preventing and combating corruption.

1.1. Public Education

1.1.1. Building an informed and awakened citizenry by engaging citizens in general and raising anti-corruption consciousness of public officials, in particular

The ACC continues to conduct advocacy and thematic sessions for a diverse group of audience. In the reporting period, a total of 21 interactive sessions and 18 thematic sessions were conducted in person as well as virtually. The video infographic, 'Alo Yarab' was developed to inculcate values of Honesty, Responsibility and Fairness among young children. Similarly, a video infographic to inform citizens of the launch of Juenlam ACC was developed as a reminder to the citizen of their fundamental duty to report corruption and how they could do so reliably. The ACC also engages with media to inform and create awareness and is in the process of reviewing the guidelines on media engagement.

In the reporting period, four *Media Conferences* and two *Meet with the Media* were conducted. Similarly, the ACC in collaboration with Bhutan Broadcasting Service TV (BBS TV) and Radio also conducted panel discussions on NIA, corruption offences and many other related matters.

To inform as well as to create greater awareness and deterrence, the ACC piloted the issuance of **Hard Facts** on cases through social media forums. A total of 15 *Hard Facts* during the reporting period were published.

1.1.2. Inculcating values of integrity, discipline and professionalism through Youth Integrity Program (YIP)

- a) In the reporting year, one additional Integrity Club was established in Lingmethang Middle Secondary School, Mongar taking the total to 21. The Youth Integrity Assessment (YIA) observed that Integrity Clubs appears to indicate positive impact as the schools with Integrity Clubs scored high specifically in the 'Index on Integrity Awareness'.
- b) DAMTSI Activity Book was developed specifically for Early Childhood Care and Development (ECCD) in collaboration with the Ministry of Education and it aimed towards Developing Accountable and Moral, Trustworthy and Successful Individuals. A total of 857 ECCD Facilitators were oriented and trained on the DAMTSI Activity Book.
- c) While the Integrity Clubs are instituted for class seven and above, DAMTSI Activity Book is focused for ECCDs. In lieu of Integrity Club and DAMTSI Activity Book, scouting programs are initiated and discussed to promote right attitude and values, and to encourage good governance in schools and enlist young people's support and commitment in the fight against corruption from classes four to six.

1.1.3. Launch of e-learning course to promote Ethics and Integrity of Civil servants

The e-Learning Course on Ethics and Integrity for Civil Servants was launched and upgraded to optimize the use of technology in enhancing ethical culture in the public service.

1.1.4. Developed e-learning course for Parliamentarians and Corporate Employees

The ACC completed its development of e-Learning Courses for Corporate Employees and Parliamentarians with the support from the respective agencies, and the contents are contextualized to the functions of the respective sectors.

1.2. Prevention

Following are the preventive measures implemented by ACC for the FY 2021-2022:

1.2.1. Developing corruption-resilient, accountable and transparent systems and processes through implementation of Mandatory Indicators and Organizational Integrity Plan (OIP)

Implementing OIP by the organizations improved and gained momentum in the past three years. The commission also proposed to increase the weightage of the indicators on integrity and anti-corruption by assigning specific indicators based on vulnerability of the respective agencies.

1.2.2. Mainstreaming risk-based integrity measures in the public sector through Corruption Risk Management (CRM)

The ACC conducted training on CRM for 36 Internal Auditors (IAs) and submitted 30 action plans to conduct CRM in vulnerable areas.

1.2.3. Facilitating evidence-based systemic improvement

- a) A system study on the management of surface collection and dredging of riverbed materials was conducted.
- b) To highlight potential corruption risks and strategies to address them, two issues of prevention advisories 'Denkuel' on Community Contracting in the Gewogs and on Drawings and Building Construction Approvals were developed and shared with the relevant stakeholders.

1.2.4. Fostering ethical businesses through Business Integrity Initiative of Bhutan (BIIB)

In the reporting period, five rounds of virtual sensitization sessions were conducted to a total of 585 small, medium and large construction firms during the induction and the annual refresher courses organized by the Construction Development Board (CDB).

1.2.5. Nurturing governance, social accountability & civil society through CSO Engagement Program

Developed CSO Accountability Standard and 48 out of 54 registered CSOs unanimously adopted the standard for implementation in a phased manner.

1.2.6. Promoting evidence based systemic improvement through research

- a) *Youth Integrity Assessment (YIA)*: The ACC conducted YIA to assess the level of integrity in youth (in the age group of 15-24 years) and the overall youth integrity score for the country is calculated at 63.46 indicating just a ‘Good’ level of integrity.
- b) *Evaluation of Social Accountability (SAc) Programs*: The study observed that while there were positive results where the SAc programs were implemented, the actual implementation was dismal. However, the DLG and BTI have taken up the principles and modified/evolved forms are currently being implemented in the field. It is found that there is a lack of collaboration amongst various stakeholders.
- c) *Preparation for the 5th National Integrity Assessment 2022*: In preparation for the 5th NIA, to be conducted in the FY 2022-2023, as required by the two Houses, the ACC has developed the proposal on the Parliamentarians Integrity Index (PII) to be assessed as part of the NIA. The objective of the PII is to determine the level of integrity of the Parliament of Bhutan in terms of transparency, accountability and corruption. It will also examine the effectiveness of Parliament in terms of legislation development, representativeness, budget scrutiny, and policy analysis and oversight.

1.2.7. Enhancing public accountability and transparency through Asset Declaration (AD) and Management

As of 2021, the total declarants increased to 25,255 from 24,508 in 2020. A total of Nu. 0.92 million (Late

Declarant – 0.10 million and non-declarants – 0.82 million) was collected as penalty for non-compliance.

The existing online AD system was enhanced to address various operational challenges such as burden on users and to improve efficiency in AD administration and management.

1.2.8. Reinforcing anti-corruption measures through strengthened legal framework

Parliament adopted the Bill with exception to proposed amendments in sections 8(1), 8(2) and 28(1) on the HR independence and section 128(3) on the prosecution by the ACC. Similarly, the ratification to UNCAC with reservation remains status quo. The ACC is also in the process of finalizing model code of conduct for public service.

Section 2: Complaints and Referrals

2.1. Analysis of complaints received

a. Number of complaints received:

The ACC received total of 435 complaints with an average of about 36 complaints per month. The average number of complaints received per month increased from 25 in 2020 to 36 in 2021.

b. Modes of complaints:

Webmail (40% of complaint) continued to be preferred mode to lodge complaints followed by walk-in complaint although social media platforms like WeChat and WhatsApp are popular among public.

c. *Source of complaints:*

The number of known complaints surpassed anonymous complaints for the first time (219 known complaints over 216 anonymous complaint). This according to ACC can be attributed to increased awareness, trust and confidence in ACC. Out of 435 complaints, 261 (60%) complaints warranted further action with the complaint against management (65) of resources being highest followed by award of contract (30) and natural resources (29).

d. *Areas:*

Among 11 broad categories of corruption categorized under Anti-Corruption Act of Bhutan 2011, the maximum complaints pertain to the Abuse of function (151). The majority of complaints on abuse of function is in area of Resources (46) followed by contract (25), natural resources (21) and personnel (20). Complaints on Abuse of Function has been in consistent rise which indicates the weakness in ethic, integrity and professionalism of public servants.

e. *Agency:*

Local Government (107) constitutes highest number of complaints amongst agencies followed by Ministries (34) and Dzongkhag Administrations (24).

f. *Place of occurrence:*

ACC received complaints from all Dzongkhags unlike the past years with highest complaints from Thimphu and least from Haa and Samtse. In the reporting year, the total complaints qualified for Information Enrichment is 68 and

number of complaints shared for action during the reporting year is 107. In the reporting year, the ACC received five reports from the Royal Audit Authority. The number of complaints qualified for investigation during the reporting year is 57 (32 qualified for investigation, 7 Shared for Action and 18 qualified for IE). Out of 57 complaints qualified for investigation, 74% is from known sources, which indicates reliability of known sources over unknown sources.

Section 3: Investigation of Corrupt Acts

3.1. Caseload and Outcome

32 new cases were opened during the reporting year bringing the total caseload to 59 of which 27 are spillover cases. Besides that, 35 Backlog cases were also reviewed by the ACC remotely during the lockdown. Out of the total caseload, the ACC completed investigation of 30 cases during the reporting period of which eight cases were referred to the OAG, 12 cases were dropped and closed due to lack of evidence of corruption, and 10 cases were referred to the relevant agencies for administrative actions. In addition, 34 cases are under various trial courts and 69 cases were rendered judgments during the reporting year. Of the total judgments rendered, majority of the cases were related to embezzlement.

The average turnaround time (TAT) to complete a case has slightly improved from 73 working days last year to 70.9 working days in the reporting year. The ACC executed 17 search and seizure operations and detained 24 suspects during the investigation process. In the reporting period, the ACC launched a proactive investigation at Phuntsholing Mini Dry Port (MDP), suspecting bribery and other illicit activities during import of essential goods into the country. The investigation uncovered a

deep network of both public officials and private individuals involved in criminal activities, profiteering by helping each other. While, initially the investigation started as a single case of bribery, it branched out into eight parts due to involvement of other public officials and private individuals in bribery and money laundering issues.

3.2. Search/seizure and detention

The ACC has to often exercise the powers of search/seizure of vital evidence and information and arrest and detain suspects to prevent destruction and/or fabrication of evidence/potential witnesses and address the risk of flight. Between July 2021 to June 2022, the ACC had to execute 17 search and seizure operations and detain 24 suspects during the investigation process.

3.3. Prosecution referral and outcome

In the reporting period, eight cases were forwarded to the OAG for prosecution, one being re-referred. Of the total cases forwarded, nine cases are under OAG review, 34 cases are under various trial courts and judgment rendered on 69 cases as of June 2022. Of the total judgments rendered, majority of the cases were related to embezzlement. A total of 127 defendants were charged for corruption and other criminal offenses out of which 109 were convicted, 14 acquitted and four deferred.

3.4. Restitution

For the reporting year (i.e, from July 2021 to June 2022), the restitution ordered was Nu. 367,587,536 out of which Nu.155,059,420.51 was secured. As of June 2022, a gross restitution of Nu. 947, 655,919.25 was ordered out of which a

total of Nu. 202,004,650.51 was restituted. The total restitution pending till June 2022 is Nu. 745,651,268.74.

Section 4: Overall Performance and Look Inside ACC

4.1. APA for the FY 2022-2023

At the Commission level, the APA includes one outcome and three Key Performance Indicators (KPI) and for the Department of Investigation (DoI) there are three outcomes and seven KPIs and the Department of Prevention and Education (DoPE) has four outcomes and seven KPIs. Similarly, Department of Professional Support (DoPS) has two outcomes and eight KPIs and 14 divisions have 59 KPIs.

4.2. Transparency International Ranking

The Transparency International (TI) released the CPI 2021 on 25 January 2022 and Bhutan is ranked 25th least corrupt country with a score of 68. While the rank dropped from last year's 24th, the score of 68 remained the same. For the last nine years, Bhutan was consistently placed at the sixth position in the Asia and Pacific Region.

4.3. Resolution of the 28th session of the National Council

- a) *Create awareness on the need to follow the model code of the conduct and avert the risk of agencies developing and using their own models which contravene, are not resilient or coherent with prevailing laws.*

As required under section 35 of ACAB 2011, the ACC initiated the process of reviewing the draft Model Public Service Code of Conduct to be finalized in the coming financial year. It aims to set the minimum standards of integrity and conduct for the public servants. Though the main contribution of the Model Code would be educational and preventive, it also contains certain enforcement aspects that can be effective in changing the ethical climate in the public service.

- b) Consider creating awareness on the provisions of the Act and Guidelines of the protection of witnesses/informers and consequences of false complaints, and conduct a review of adequacy of the provisions of the Act and Guidelines to understand if there is a need to enact a separate Witness Protection Act.*

As mandated, the ACC conducted general advocacy and thematic sessions to the target groups. The ACC in collaboration with BBS, also conducted advocacy programs through BBS TV and radio on anti-corruption laws. Specifically, as per ACAB 2011, there is need to:

- (i) maintain confidentiality of the identity and records that may cause the disclosure of the identity of a witness or complainants;
- (ii) provide protection from criminal, civil or administrative liabilities;
- (iii) provide physical and economic protection;
- (iv) provide procedural protection during the prosecution and adjudication; and;
- (v) provide immunity for assisting the Commission.

Bhutan provides detailed legal mechanisms on the witness protection besides the need to protect the identity of a witness. Therefore, it would be beneficial to have a consolidated and

standalone witness protection law that applies to all criminal offenses.

- c) Assess the efficiency of the integrity clubs in the schools either on its own or outsource its impact assessment to a relevant agency to avoid biases.*

In line with the recommendation of the House, a comparative analysis was carried out to see the difference in level of integrity between the schools with integrity clubs and schools without. In the study, the schools with integrity clubs scored slightly higher (65.55) as compared to schools without integrity clubs (63.64). In terms of the specific indexes, the score was much higher in the Index on Integrity Awareness with a score difference of 2.77 which could be due to the Club activities on integrity and corruption issues.

- d) Explore a systematic process that would help institutionalize any ACC related training and programmes within the LG institutions for their sustainability and explore conducting such programs at the beginning of the LG tenure.*

ACC related training and programs within the LG institutions at the beginning of the LG tenure, the ACC collaborated with the RIM and Department of Local Governance (DLG) to include in the program for the elected LG leaders being conducted in six Eastern Dzongkhag. Similarly, the ACC also participated in the orientation program organized by DLG and had interactive sessions with the LG leaders with thematic sessions conducted for the elected LG leaders of Bumthang, Samtse, Chhukha, Paro, Tsirang, Dagana and Haa Dzongkhags. Further, thematic sessions for 239 LG engineers of 17 Dzongkhags and four Thromdes were conducted in the reporting year.

4.4. Recruiting, retaining and attracting Human Resources.

Year	Total no. of staffs	Total no. staffs recruited	Total no. of staffs separated	Attrition rate (%)
2019	118	19	6	4.84
2020	123	15	10	7.52
2021	124	12	11	8.15
2022	128	16	12	8.57

The staff attrition rate for the last four years has increased steeply as presented in the Table.

The attrition is consistently highest from the Department of Investigation (DoI). One of the main causes for staff leaving ACC is reportedly the work pressure and nature of work with the inherent risk of reprisal and social backlash in a small society, besides better remuneration elsewhere.

As of June 2022, ACC has the total strength of the staffs is 128 and 18 new staffs were joined but 18 staffs left the ACC. During this year the ACC have made new system were the staffs have to give 3 months' notice before they leave. During this time the institution can replace the new ones.

4.5. Enhancing partnership and networking with critical partners

In order to strengthen professional communication, collaboration and partnership between the ACC and OAG in preventing, investigating and prosecuting corruption cases, a MoU was signed on 23 May 2022. The MoU provides a framework for professional communication and collaboration

between the two agencies to work closely in the best interest of the Nation.

4.6. Data integration

The fight against corruption has always been encouraged by the unstinted support from the stakeholders. In this regard, the ACC conducted bi-lateral meeting with all relevant agencies (MoEA, BICMA, CDB, Credit Information Bureau, MoF, MoHCA, NLCS, RSEB, RSTA and RMA) to discuss on data integration and accordingly sought confirmation from the heads of respective agencies to develop API based data sharing platform. While most of the agencies have agreed to integrate the systems, a few have confidentiality concerns and needs further discussion. However, all agencies have reassured their support and cooperation.

Section 5: Challenges and Way Forward

5.1. Intelligence-Based Investigation (IBI) approach

ACC's strategic considerations in meeting emerging challenges effectively and optimizing opportunities and available resources to ensure the complete fulfilment of its mandate includes the realignment towards and intensification of the IBI approach such that ACC would:

- a) Take up cases based on intelligence gathered in areas of strategic importance, and not base its investigations on complaints alone; and*
- b) Prioritize and pursue cases based on risk and vulnerability, investment of substantial public funds, of high impact and national importance, etc.*

5.2. Multi-disciplinary teams of ACC Officials in the regions

The ACC established regional offices in Phuentsholing, Bumthang and Trashigang on assignment mode by April 2022. The officials in the field offices will function on investigation, prevention, and education, ensuring holistic conclusion of corruption cases of the respective region. Once the Regional Offices are formalized and staff transferred, rather than on assignment mode, there would be benefits in terms of both travel expenses as well as on the TATs.

5.3. Legal apparatus to empower law enforcement officials

Given the personal and complex nature of corruption, there is considerable pressure and stress with officials continuing to be victimized, ostracized and intimidated. In the reporting year, on 29 April 2022, ACC officials were attacked in the Supreme Court premises in the line of duty. The incident was deeply disturbing and traumatic, not only for the staff but also their families.

Given the inherent threat, the security of anti-corruption officers had always been put forth as an agenda for discussion through the annual report ever since the tenure of the first Commission itself. Therefore, the Commission in accordance with section 24 (1)(c) of the ACAB 2011, recommend Parliament to consider reviewing the effectiveness of legal provisions related to offences against law enforcement authorities and amend them accordingly.

5.4. Rationalization of financial resources

Total current expenses aggregated to Nu.85.983 million, out of which Pay & Allowances amounted to Nu.74.971 million and Nu.11.012 million was spent for the entire operation and management services including the investigation, prevention and education programs.

The ACC continued to be conscientious in making judicious and prudent use of resources and is mindful of the need to continue re-strategizing, re-shaping and redefining how its business is conducted. In this regard, the various areas to further rationalize and curtail both capital and current expenses without diminishing the focus include:

- a) Internal Auditors of Ministries & Dzongkhags to undertake Corruption Risk Assessment and system vulnerabilities;
- b) Conduct advocacies and thematic sessions on virtual platforms wherever and whenever technologically feasible;
- c) Coordination and Networking.
- d) Optimize Use of Field Office, Phuentsholing;
- e) Enhance use of social media platforms for marketing of anti-corruption messages; and
- f) Use of IT and e-platforms.

Section 6: Issues and Recommendations

6.1. Abuse of functions

Over the past few years, abuse of functions continues to be the most alleged corruption offence in the country. In the reporting year, of the 261 complaints, management of Resources (65) is the highest followed by complaint against the Award of Contract

(30) and Natural Resources (29). With regard to complaints against agencies, LG constituted the highest number of complaints (107) followed by Ministries (34) and Dzongkhag Administrations (24). Of the total complaints against LG, highest number of complaints were lodged against the Gewogs of Paro (16), Punakha (13) and Thimphu (12) Dzongkhags.

The highest number of complaints received pertained to occurrences in Thimphu with 73 complaints. The least number of complaints pertained to Haa and Samtse Dzongkhags. Despite numerous programs and activities to prevent and combat corruption, trend of complaint against abuse of functions tops the allegation.

6.2. Attrition and retention of staff

As of June 2022, out of the total 152 approved staff for the 12th Five Year Plan, ACC only had a total of 128 staff (excluding ESP/GSP/Drivers) on its payroll with 119 active and 9 on long term study or on EOL. Another major challenge confronted by the ACC is the retention of core professionals. The current trend clearly indicates that, after gaining experience, staff tend to leave. The number of officials leaving continues to increase every year with a total of around 106 officials having left in the last fifteen years since the establishment of the ACC. For instance, 6 officials had left in 2019; 10 in 2020; and 12 in just the first half of 2022.

In 2018, for the 12th FYP, the ACC had proposed 174 staff of which 152 were approved. In line with the Roadmap the ACC proposed 243 staff of which 163 were approved in 4 May 2022.

The attrition rate had increased from 7.48% in 2021 to 7.89% in June 2022. During the reporting period a total of 18 new staff joined ACC and 18 officials separated. While there is no net

change in numbers, the loss of experienced staff is of much concern. Attraction and retention of staff was an issue since the inception of ACC and it continues to be one to this day. While adapting the recruitment practice and planning for a continuous process in view of the rapid staff turnover, the Commission adopted a HR rationalization approach to optimize the existing resources within the agency, focusing on priority and strategic focus areas underpinned by the creed of all for one and one for all.

One of the main causes for staff leaving ACC is reportedly the work pressure and nature of work with the inherent risk of reprisal and social backlash in a small society, besides better remuneration elsewhere. With the present HR attrition rate and difficulty in getting the right replacement, the workload on the existing staff has been escalating, especially on those involved with investigations. For instance, during the Phuntsholing MDP investigations in 2021, each investigator worked around 13 hours per day, including weekends for several weeks at a stretch.

6.3. Security issues

Given the personal and complex nature of corruption and the challenging mandate of the ACC, there is considerable pressure and stress with officials continuing to be victimized, ostracized and intimidated. To this day, ACC investigators and officials continue to face spiteful reprisals from affected individuals. In the reporting year, on 29 April 2022, ACC officials were attacked in the Supreme Court premises in the line of duty. The incident was deeply disturbing and traumatic, not only for the staff but also their families. It was a stark demonstration of the total disregard for the rule of law as well as the negativity with which

law enforcement officials and agencies are surrounded but nonetheless it was a compelling reminder to us of the call to our duty, why we do what we do, why it is important that we remain steadfast in our commitment and have the courage to continue to fulfil our responsibilities and mandate, professionally without fear or favour. The Commission has faith in our justice system and believes that the criminal act will be properly investigated, effectively prosecuted and decided for justice to be done and a clear message of deterrence sent.

Given the inherent threat, the security of anti-corruption officers had always been put forth as an agenda for discussion through the annual report ever since the tenure of the first Commission itself. Recent incidents raise the consideration of the security aspects of not only ACC but that of other law enforcement authorities as well. In order to ensure the rule of law and reduce crime in the society, it is important to ensure strong legal mechanisms to enable the law enforcement authorities to exercise their mandate safely and resolutely.

Therefore, the Commission in accordance with section 24 (1)(c) of the ACAB 2011, recommends Parliament to consider reviewing the effectiveness of legal provisions related to offences against law enforcement authorities and amend them accordingly.

6.4. Schools having Integrity clubs and not having the club

To promote right attitude and values, encourage good governance in schools and enlist young people's support and commitment in the fight against corruption, Integrity Clubs were established in 20 schools (10 in 2019 and 10 in 2020-2021), one in every Dzongkhag. In the reporting year, an additional Integrity

Club was established in Lingmethang Middle Secondary School, Mongar taking the total to 21.

The Youth Integrity Assessment (YIA) 2022 found schools with Integrity Clubs had scored slightly higher with a score of 65.55 as compared to schools without Integrity Club (63.64). The schools with Integrity Clubs scored high specifically in the 'Index on Integrity Awareness' with a score difference of 2.77. Moreover, the study also compared the scores of the members and non-members of the Integrity Clubs within the schools. The overall integrity score for Club members was found higher by 4.18 when compared to non-members. This appears to indicate the positive impact of Integrity Clubs. Although constrained by the pandemic in the reporting year, some schools had integrated the club activities into the whole-school program. In the reporting year, there were 781 members (372 males and 409 females) in 21 schools.

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