

PARLIAMENT OF BHUTAN



TWENTY-NINTH SESSION OF THE NATIONAL COUNCIL

PROCEEDINGS AND RESOLUTIONS

(3rd Day of the 4th Month to 5th Day of the 5th Month of Water
Male Tiger Year corresponding to 2nd June to 4th July, 2022)

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PROCEEDINGS AND RESOLUTIONS OF THE TWENTY-NINETH SESSION OF THE NATIONAL COUNCIL

A. OPENING CEREMONY

Sitting 1 | Thursday, June 02, 2022

The 29th Session of the National Council commenced with traditional *Marchang* and *Zhugdrel Phuensum Tshogpai* ceremony on June 2nd, 2022 coinciding with the auspicious day of 3rd Day of the 4th Month of Water Male Tiger Year of the Bhutanese Calendar.

1. Opening Address of the Hon'ble Chairperson

Today, the 3rd Day of the 4th Month of Water Male Tiger Year corresponding to June 2nd, 2022 is a very auspicious day, as all Bhutanese are aware that it is the coronation day of His Majesty the Fourth *Druk Gyalpo* Jigme Singye Wangchuk who reigned with compassion for his loyal subjects. Hereby, we all are privileged to offer special orisons for longevity and prosperity of His Majesty.

Besides, on this important day, the nation celebrates the Social Forestry Day and we citizens are cognizant of our rich natural environment, where the whole world applauded. Accordingly, I pray; may our natural wealth never deplete and let it flourish ever.

I would like to extend cordial greetings to the Hon'ble Deputy Chairperson and Members, general public who are following the live telecast and listening to the broadcast, news reporters of various media houses and all the guests present in the opening of this 29th session of the National Council of Bhutan.

This morning, we are fortunate to receive an audience from His Majesty in the opening session of the parliament and I would like to express gratitude to His Majesty as the National Council could accomplish and excel over time its set intent by the grace of His Majesty the King. It is an opportune year to supplicate our reverence to *Zhabdrung Ngawang Namgyel* since it is 400 years anniversary of *Zhung Dratsang* establishment in Bhutan. I have seen commemorating it with grand three-days prayer coinciding with *Zhabdrung Kuchoe*, coordinated by *Zhung Dratsang* in religious institutions across the country. Thus, on behalf of Hon'ble Members and public, I extend my sincere prayers to His Holiness the *Jekhenpo*, religious leaders and practitioners; may they prosper for the well-being of sentient beings.

If we reflect on the situation of our country in last few years, His Majesty has worked for day and night when our country and its people are going through hardships and challenges to ensure sovereign independence and welfare of the people. Today, as a spokesperson of the people, I extend my gratitude to His Holiness the *Jekhenpo* and religious body for performing rituals to ease pandemic, and to the Government, Ministry of Health, Ministries, Armed Forces and volunteers who had served with dedication, venerating the wisdom of His Majesty.

If we recollect for the past quadruple years, we had achieved immensely in legislating laws and reviewing policy with blessings from His Majesty the King and support from Ministries, Institutions and public. Notably, it was an effort of our Hon'ble Members who worked to concur with an aspiration of His Majesty and for the benefit of the people and country. Henceforth, since our term is left not more than a year, let us authenticate our work in united manner like current precedence to set conscientious legacy for National Council.

Today, agendas for the 29th Session of National Council are:

- Royal Bhutan Police (Amendment) Bill 2021
- Biodiversity Bill of Bhutan 2021
- Framework Agreement on the Establishment of the International Solar Alliance
- Civil Liability Bill of the Kingdom of Bhutan 2022
- Annual Budget for the Financial Year 2022-2023 and Supplementary Budget Appropriation Bill of Bhutan for the Financial Year 2021-2022
- Tourism Levy (Amendment) Bill of Bhutan 2022
- Goods and Services Tax (Amendment) Bill of Bhutan 2022
- Fiscal Incentives (Amendment) Bill of Bhutan 2022

Question Hours are scheduled in a similar manner.

I congratulate and offer my appreciation to the committees for successfully tabulating agenda for the 29th session of National Council after thorough consultation and discussion with relevant Ministry and institutions, whereby officials importantly supplemented and cooperated with the respective committees whilst shouldering the allocated task responsibly. I hope as before, the discussions of this session shall conclude without any impediments.

Lastly, I pray that the harmony in the country flourish and let deliberations of the 29th session fulfill, as aspired.

The Opening Session is adjourned. Thank You.

B. FOLLOW-UP REPORT OF THE RESOLUTIONS AND QUESTION TIME OF THE 28TH SESSION

1. Follow-up Report of the Resolutions

Sitting 2 | Friday, June 03, 2022

The Chairperson of the Legislative Committee stated that, in the last session, the House had submitted recommendations through the Cabinet on the review of Codification, Consolidation, Repeal and Publication of Laws. However, response to the recommendation in identifying parent agency for each law for effective implementation of laws and to repeal obsolete laws were irrelevant. He said that response from the Office of Attorney General was based on the implementation of judgement instead of implementation of laws. It was resolved that the Committee would consult the relevant agency on the issue during this Session.

The Chairperson of the Social and Cultural Affairs Committee reported to the House that from the nine recommendations endorsed during the review on Suicide and Mental Health Issues last Session, there were no responses to the recommendations related to Ministry of Education and Narcotic Drugs, Psychotropic Substances and Substance Abuse Act. The response received from the Ministry of Health was unsatisfactory. Hence, it was decided that the House would conduct Question Time with the Health Minister and Education Minister.

Regarding the recommendations submitted to the Government through the review of State-owned Enterprises in the last Session, the Chairperson of the Natural Resources and Environment Committee reported that the responses received from the Agriculture Ministry cannot be assessed at the moment as all the works and activities by the relevant agencies

are ongoing. However, he said that there is a need to continually monitor and follow-up the status of implementation of the recommendations.

Hon'ble Member of Pema Gatsel Dzongkhag raised a concern that there is a possibility of the employees of the Farm Shops being terminated by July this year and this would create inconveniences. The Committee assured it would accordingly inform the House once the Ministry adopts way forward after the submission of the review report by the national consultant.

2. Follow-up Report of Question Time

Hon'ble Member of Haa Dzongkhag asked three oral questions regarding *Tsamdro* and *Sokshing* to the Minister of Agriculture and Forest in the last session. The response was that the lease of *tsamdro* and *sokshing* was being piloted in Merak and Sakteng and will be replicated in other places as well. In this view, the House decided to ask questions pertaining to the implementation status of above activities and based on additional information received.

Hon'ble Member of Trashiyangtse Dzongkhag, in the last Session, asked questions regarding the prolonged delay in the execution of the Kholongchhu Project. The Hon'ble Prime Minister had responded that he would answer after the convention of the Board Meeting. However, in the current response, even after the conduct of two Board Meetings the issue was not resolved. Consequently, it was decided that it merits a Question Time with the Economic Affairs Minister or as a separate agenda on the issue.

Hon'ble Member of Chukha Dzongkhag said that the House had in the past Session submitted written questions to the Education Ministry regarding timeline for the endorsement of Education Policy and Guideline, status of the Education Bill, and the readiness of new curriculum. He informed the House that the response received was that the Education Policy and Guideline, and a Bill had been drafted in 2008 and submitted to Gross National Happiness Commission (GNHC) by the end of 2020 and consequently delaying the submission of the Bill to Parliament. It was decided that if the response was unsatisfactory, new questions can be asked or can be put as an agenda for internal meeting.

Hon'ble Member of Punakha Dzongkhag reported that in the past Session, the House questioned the Minister of Agriculture and Forest on the measures to minimize loss of crops incurred by farmers due to natural disasters. It was decided that some of the measures are presently being implemented and will be continually evaluated.

C. LEGISLATIVE ISSUES

1. Introduction of the Royal Bhutan Police (Amendment) Bill 2021

Sitting 2 | Friday, June 03, 2022

Minister of Home and Cultural Affairs introduced the Royal Bhutan Police (Amendment) Bill 2021 in the 29th Session of the National Council as enshrined in Article 13 (5), subsequent to comprehensive deliberation and endorsement in the 5th and 6th session of the third parliament of the National Assembly.

During introduction, His Excellency highlighted the background and reasons for amending the Act. He stated that

according to the National Law Review Taskforce Report, section 71 of the Royal Bhutan Police Act 2009 regarding the prosecution of petty misdemeanour by the Royal Bhutan Police requires consistency and harmonization. However, the Office of Attorney General has authority and duty to prosecute as per the provision of Constitution. Moreover, section 111 which states that no police shall decide or compromise any case contradicts with Domestic Violence Prevention Act 2013.

As directed by the House to review the Act holistically, Ministry of Home and Cultural Affairs had consulted with relevant institutions. He said that almost 26 sections were repealed and new section 16 (A) was inserted to align the appointment and removal, rank and position, salary and other allowances to that of Royal Body Guards and Royal Bhutan Army. Subsequently, the National Assembly had endorsed the amendments.

After introduction, some Hon'ble Members asked questions ranging from appointment system, suitability of aligning with other two-Armed Forces and impacts of repealing numerous sections while implementing the law. Further, Hon'ble Members sought clarification on vesting all authority and duty of prosecution to the Office of the Attorney General as there are inadequate human resources and may have other pertinent implications. In response, His Excellency said that Office of the Attorney General can execute if provided with additional human resources since the Constitution had mandated the Office of the Attorney General with authority and duty of prosecution. He added that there will be conflict of interests if Royal Bhutan Police is mandated even to prosecute as they are already responsible to investigate, arrest and care the prisoners. He also said that in giving authority and duty of prosecuting the petty misdemeanour will not be an issue and

Office of the Attorney General too had acknowledged when consulted.

The Minister also stressed that current practice of appointment and removal, rank and position, salary and other allowances of Armed Forces are similar and it is as enshrined in the Constitution and other related Acts.

Hon'ble Members asked supplementary questions with regard to complications in privilege of rank and position structure for those Non-commissioned Officers if treated same as Royal Bhutan Army from amendment of this Act. At the same time, Members requested to include the detail of appointment and removal, rank and position structure, salary and other allowances in its amendment. To their response, His Excellency said that it will not impede rank and position structure of Non-commissioned Officers as the amendment is to upturn the Act and must upswing in this prospect. He concluded that it is fabulous to include all the details, and it also includes the uniformity with Royal Body Guards and Army. He shared his confidence and trust that issues won't arise since His Majesty the King is on the throne as the Supreme Commander of Armed Forces.

1.1. Adoption of the Royal Bhutan Police (Amendment) Bill 2021

Sitting 15 | Thursday, June 23, 2022

The National Council extensively deliberated on the Royal Bhutan Police (Amendment) Bill 2021 on 9th - 10th June, 2021. The House, upholding Article 13 (7) of the Constitution of Bhutan, resolved to submit the Bill to the National Assembly for re-deliberation as per **ANNEXURE I**.

2. Introduction of the Biodiversity Bill of Bhutan 2021

Sitting 3 | Monday, June 06, 2022

His Excellency Minister of Agriculture and Forests, as In-charge of the Biodiversity Bill of Bhutan 2021 presented it to the National Council pursuant to deliberation in 6th session of third parliament of the National Assembly. He mentioned that Bhutan is one of the rich biodiversity countries in the world, and highlighted that Bhutan adheres to the principles of conservation law on biodiversity and accordingly signed treaties and conventions at the international level. Hence, he said that Bhutan will be benefited from the international support and will foster participation in dialogue-exchange through partnership.

Moreover, Bhutan had ratified Nagoya Protocol in 2012 in accordance with the terms of the acceded Conventions on Biological Diversity (CBD) and correspondingly, Access and Benefit Sharing Policy (ABS) 2015 was endorsed at the national level. He stressed that Biodiversity Act 2003 was repealed and new Biodiversity Bill was therefore put forth.

His Excellency expressed that after numerous consultations, there was consensus between Ministry and National Environment Commission (NEC) on the title of the Bill. On further enquiries from committee members, he admitted that he will agree to the decision made in the National Council since no minutes was written during meeting with regard to the title of the Bill. While some Members asked the rationale for proposing new bill when preceding Biodiversity Act can be amended and, as per previous recommendation of the National Council, Members also said that it will help them to understand whether it contradict with provisions of the Act, if the Rules and Regulations of Act is presented to the House. In

response, His Excellency said that new Bill was revised and has many new sections yet retained the important provisions of previous Act; therefore, it is comparatively different. Furthermore, he clarified that the drafted Rules and Regulations was not presented to the House in line with institutional independence and may require order from the Cabinet. However, the House stressed that approval of the Cabinet and the institution may not be required as the House will just look into its legal compliance and not deliberate on the Rules and Regulations.

2.1. Adoption of the Biodiversity Bill of Bhutan 2021

Sitting 15 | Thursday, June 23, 2022

The National Council widely deliberated on the Biodiversity Bill 2021 from 6th-7th June, 2022. The House, upholding, Article 13 (7) of the Constitution of Bhutan, resolved to submit the Bill to the National Assembly for re-deliberation as per **ANNEXURE II**.

3. Introduction of the Framework Agreement on the Establishment of the International Solar Alliance

Sitting 8 | Monday, June 13, 2022

His Excellency, the Minister of Economics Affairs, while introducing the Framework Agreement on the Establishment of the International Solar Alliance (FAISA) in the House said that member countries to the agreement had approved and supported the alliance, after the discussions in the United Nations Framework Convention on Climate Change (UNFCCC), on 30th November, 2015 and as of now, 88 member countries had signed the Agreement. He said that it was founded with an objective of developing solar energy as per requirement in one's country through collaboration among member states, and if

Bhutan joins the alliance, the country will reap the benefit of fund, technology and expertise for the establishment of solar projects. His Excellency also said that the Framework Agreement has 14 Articles and contains clear objectives, guiding principles, benefits and systematic procedures.

After introduction, few Hon'ble Members had shared their perspectives and sought clarification on identification of solar establishment sites, advantages from the Agreement and an extent of advocacy to the public about the projects. Moreover, Hon'ble Members raised their reservations on Article 3 (2), on the requirement of two or group of Members for the program proposals, and thereby, Hon'ble Members recommended to find the possibility of keeping only one country for proposing the programs.

In clarification, His Excellency said that unlike hydro power projects, solar projects have no adverse impact and damage, as well as have prospect to produce experts within the country. He too clarified that the public will be consulted for identification of site prior to the establishment of project and shall advocate people as best as possible. Further, he said that there is a possibility of proposing change to the reservation on Article 3 (2).

According to His Excellency, there are 7 identified trial projects mostly in rural parts and with financial support from Asian Development Bank (ADB), had given solar roof tuff in countryside. The Government is drafting Regulations to encourage installation of private solar energy for larger benefit since the rate of energy consumption is higher in the towns with dense population. And focuses on installing solar energy in areas where hydro generated power had not reached.

3.1. Adoption of the Framework Agreement on the Establishment of the International Solar Alliance

Sitting 15 | Thursday, June 23, 2022

The House, widely deliberated on the Framework Agreement on the Establishment of the International Solar Alliance on 13th June, 2022 and upholding Article 13 (7) of the Constitution, submitted to National Assembly after the adoption as per **Annexure III:**

4. Introduction of the Civil Liability Bill of the Kingdom of Bhutan 2022

Sitting 9 | Wednesday, June 15, 2022

The Chairperson of Legislative Committee said that Civil Liability Act is implemented in many developed countries, yet such Act did not exist in Bhutan. Thereby, he mentioned that whilst drafting this Act, it required numerous researches, reference of other Tort laws and verdicts to par with current scenario in the country, and so as to make it implementable was challenging. The Civil Liability Bill was primarily drafted to entitle the claim of damages and civil remedies from other personal injury, death, damage to property and general harms due to negligence of institutions, organizations, professionals and individuals; and to embrace aspiration of His Majesty to make everyone accountable.

Deputy Chairperson of the Committee updated that not only such law is implemented in many countries but also a few countries have a system of awarding damages with verdict from the court; and in that way, he said that Bhutan had arrived in time where it requires such law in a country. In Bhutan, there are only few tort provisions spread across around 26 existing legislations with low compensations and has no apposite civil

liability governing all civil wrongs comprehensively. So, the tort provisions in existing 26 legislations had been consolidated and harmonized and provides option for victims to choose as per previous torts provision of low compensations or as with Civil Liability Bill. He said that a law will aid in restricting the loss of public assets and ensure proportionate compensation of damage to the construction workforce by fixing accountability to contractors and public authorities. He mentioned that the new law is historic for which at the end, all works should be accountable to help the poor people as aspired by His Majesty the King.

Many Hon'ble Members raised their concern that it will further confuse people without repealing other compensatory provisions in 26 laws and having two laws on one matter to choose for the parties. Moreover, Hon'ble Members said that it will affect poor people without understanding the law on various claim of compensation on a single matter. Few Members said that it will be challenging to execute the new law that are implemented in developed nations as it may agitate legions of internal strife in a tranquil society due to inconvenient financial compensation, cumbersome advocacy in villages and credibility of traditional cultures. Furthermore, Hon'ble Members asked the Committee to provide clarification on every section in the course of deliberation, whenever necessary.

According to Committee Members, the Bill is inclusive with claim of damages where as in other laws there aren't any detail assessments on damages and contains provisions only related to delict without provisions on compensatory claims. Therefore, with change in time, the Committee Members said that this Bill ensures to claim adequate compensation for victims and covers those sections left unaddressed by the previous laws and provides liberty of law. However, the committee explained that

it was really difficult to repeal those laws spread across in other laws by this Bill. The Committee justified that though exemplifying the other countries or consulting the legal experts, there exist no culture to repeal provisions of special laws by Civil Liability Law as stated in Latin Maxim *Generalia Specialibus non-Derogant*. Thus, Bill contains a section where parties can alternate with Civil Liability Law over unsatisfactory provision of special laws as desired by a party during the proceedings.

According to the Committee, there are those who incurred great loss in our country without claiming damages and with this law, it shall look after the welfare of unfortunate individuals in Bhutan. Committee further said that claim of damages is corresponding to the conditions of our country unlike other nations.

4.1. Adoption of the Civil Liability Bill of the Kingdom of Bhutan 2022

Sitting 17 | Monday, June 27, 2022

The House, deliberating widely on Civil Liability Bill 2022 from 15th-17th June, 2022 and upholding Article 13 (7) of the Constitution, submitted to National Assembly for re-deliberation as per **Annexure IV**.

5. Introduction of the Annual Budget for FY 2022-2023 and Supplementary Budget Appropriation Bill for FY 2021-2022

Sitting 13 | Tuesday, June 21, 2022

Hon'ble Finance Minister introduced two Bills of Budget Appropriation Bill for the Financial Year (2022-2023) and Supplementary Budget Appropriation Bill for the Financial Year (2021-2022) for deliberation which was passed by the

National Assembly. While introducing the Bills, Minister presented the principle, background and priorities on which the appropriation was based, while keeping in mind, the adverse impact on economy due to pandemic.

Minister said that the Budget for the financial year 2022-2023 has been prepared with a theme on “Accelerating Economic Recovery through strategic investments in the areas of food self-sufficiency, human capital development, sustainable infrastructure development and improved social security”. The preparation of budget was based on certain principles of reducing the import in the country, ensure physical achievements out of capital budget and aligning the capital activities of local Government with that of central Government and that the infrastructural development for the people is ensured and prioritized.

Minister also said, one of the exceptional provisions in the Bill is Transformation Initiatives, which is allotted for the purpose of carrying out continued developmental activities during the transitional period of the Government. The approximate budget of Nu. 45 billion was allotted for this purpose for a period of 10 years.

Minister reported about the poor economic condition of the world which is even likely to deteriorate here on and Bhutan as an import driven country will have a lot of ramifications and negative impacts due to it. However, Minister reassured that Government is implementing its plans and initiatives to recover the economy on phase wise.

He reported that the total expenditure for the financial year 2022-23 is estimated at Nu. 81,827.311 million of which recurrent allocation is Nu. 36,340.9 million and capital allocation is Nu. 38,466.945 million, Nu. 5,740.524 million for

principal repayment, and Nu. 1,278.900 million for on-lending. He presented that the fund appropriated is 5% for human capacity development, 10% for food security, 15% for roads and drinking water, 16% for education, 13% for health, and 47% for local governance including activities of the central government. The Supplementary Budget Appropriation Bill for FY 2021-22 amounting to Nu. 3,866.933 million is submitted to the House for consideration. The total budget appropriation for FY 2021-22 is revised from Nu. 80,483.150 million to Nu. 84,350.083 million.

5.1. Adoption of the Annual Budget for FY 2022-2023 and Adoption of the Supplementary Budget Appropriation Bill for FY 2021-2022.

Sitting 16 | Friday, June 24, 2022

After thorough deliberation from 21st-22nd June, 2022, the House adopted the following recommendations and submitted for endorsement to the National Assembly:

General Recommendations of the House:

Section 4.10.7 Road Sector

During the 2022-23 Budget presentation, the House raised the issue of budget allocation for -Jyenkhana to Sangbaykha Dungkha (Haa-Samtse SNH) which was missing in the Budget Report. This is a vital alternative link for many Dzongkhags to connect to the major trading hubs of Samtse and Phuntsholing.

The Hon'ble Finance Minister responded that the budget for above activity is clubbed under Nu. 92 million allocated for road sector.

However, upon further verification with the MoF, it was clear that the activities under road budget of Nu. 92 million does not include any allocation for the above road.

In view of the above, the National Council would like to recommend the government to allocate adequate budget for Jyenkhana-Sangbaykha, Haa-Samtse SNH as this is a spill over activity which will be executed by Thimphu DOR region.

Section 7.6 Hydropower

Section 7.6 of the Budget Report provides an update on the Hydropower sector as it is an important national asset that has been invaluable for Bhutan's socio-economic development.

However, over the last few years there has been growing concern on the repeated delays and inordinate cost escalation in the construction and completion of hydropower projects. For example, Punatsang Chu I Hydroelectric Project began construction in 2008 and was expected to complete in 2016. Likewise, Kholongchu Hydropower Project commenced in 2015 and was scheduled to complete in 2020.

The delays and cost escalation in these projects not only lead to loss of potential revenues leading to budget deficits and accumulation of debt that is transferred to future generations. Furthermore, delays in the Kholongchu project have also created uncertainties for house owners, transporters as they are not be able to service their loans. Similarly, many local contractors have not been paid and are facing numerous financial problems.

In view of the above concerns, the House would like to recommend the Royal Government to expedite decision on the problems faced by the aforesaid two projects to avoid any further delays and cost escalation so that the hydropower projects can benefit the people and the nation.

7.6.3 Projects in Pipeline

The plans to build the Sunkosh Hydropower Project has been discussed for over a decade. During the public consultations, the people have been informed that the project will start soon. Most of the development works like roads, bridges and other infrastructure works under Lhamoidzingkha Drungkhag has been delayed waiting for the project to commence. This delay has also caused a major impact on the use of alternative routes to connect the Drungkhag to other interior Dzongkhags as many bridges are yet to be built.

The people are also hesitant to plant cash crops in case of change in the land use due to the Project. As a result, the people of three gewogs of Lhamoidzingkha and the nearby areas have been unable to fully benefit from development.

The House recommends the Royal Government to provide a definitive timeline for the implementation of the project so that the people can benefit from planned infrastructure development.

Education Loan

The National Council supports the continued efforts of the Government in according budget priority to HRD in the National Budget FY 2022-2023 in general and Human capital Development and Skilling in the National Budget speech FY 2022-23 in particular (H2.4). Similarly, the National Council also supports the extension of loan term for hotels and restaurants up to 30 years (excluding gestation period) under the monetary policy measures (D2, C iii) in the National Budget Speech FY 2022-23.

Reiterating the importance of education towards the full development of the human personality and recognizing the efforts of parents in availing education loan to support their

children's education, the House would like to recommend the Royal Government to consider the possibilities of extending the education loan term up to 15 years (excluding gestation period) in consultation with the Royal Monetary Authority.

6. Introduction of the Fiscal Incentives (Amendment) Bill of Bhutan 2022 and the Goods and Services Tax (Amendment) Bill of Bhutan 2022

Sitting 14 | Wednesday, June 22, 2022

His Excellency the Minister of Finance (MoF) as an In-charge of this Bill said that the frequent amendment of financial bill may be perceived as shortcomings or exclusion of important sections in prior amendment. However, he mentioned that it requires constant amendment since it is money bill. Actually, His Excellency mentioned that Fiscal Incentive Act of Bhutan 2011 was submitted for another amendment though it was endorsed only in November, 2021. He said that section 56 (1) of Fiscal Incentives Act 2011 on Sales Tax (ST) and Custom Duty (CD) (for import of raw material and primary packaging material) exemption to those manufacturing unit that earn the convertible foreign currency via exporting their goods; and concessionary CD rate of 3% on raw material and primary packaging material to those manufacturing unit that can't earn the convertible currency contradicts with Foreign Exchange Rules and Regulations 2020 of the Royal Monetary Authority (RMA). Thus, he justified that the motive behind amendment is to repeal Part II, Chapter 7, Section 56 (1) of Fiscal Incentives Act 2011 as proposed by RMA since detail on Foreign Exchange is inclusive in Rules and Regulation as well as the manufacturing unit to earn convertible currency with export for the exemption of tax isn't necessary. Further, His Excellency

said that henceforth, all matters related to Foreign Exchange will be in accordance with Rules and Regulations.

Introducing the Goods and Service Tax (Amendment) Bill of Bhutan, 2022, His Excellency said that the Bill has been amended many times in past session and he highlighted two basis on time extension for implementation whilst there aren't any changes in a content.

Firstly, he informed that Thimphu TechPark Limited (TTPL) under Druk Holding and Investment (DHI) as developer of Bhutan Integrated Taxation System (BITS) had handed over to MoF along with Minimum Viable Product (MVR). However, when international experts on taxation system had invigilated the system for convenience, it was found devoid of auditing component. Therefore, he said that it required time extension for implementation as all features of BITS can't be applicable with MVR. Secondly, he emphasized that it is not feasible to levy Goods and Services Tax (GST) as there was economic brunt due to pandemic and inflation of goods due to Russian-Ukraine war. Similarly, in times of economic crisis, other countries had set aside the GST increment and thereby, GST implementation time should be extended in our country too. His Excellency reflected that it was endorsed during third reading of the bill in National Assembly to implement GST whenever the BITS gets ready. On this point, Hon'ble Members shared their concerns on revenue loss of country from deferment of the GST implementation which impedes the generation of Nu.3000 million per annum as estimated in preliminary calculation. Hon'ble Members also stated that National Council had urged constantly in both amendment periods to comply GST Act with Section 46 (B) of the Public Finance Act. Nonetheless, it was never accepted and further proposing time extension of implementation indicates the disrespect to a law by the Parliament. Hence, Hon'ble Member questioned why National

Assembly rejected the proposal to amend Public Finance Act to resolve the inconvenience while implementing the GST Act and how to fix accountability to responsible developer for the failure of BITS incurring a huge loss?

In response, His Excellency stressed the need to focus on greater benefit of GST implementation after completion of tax reform than on temporary revenue loss. Regarding the implementation the Bill from the date of commencement, he said that new section is being inserted for the sole purpose of this Bill, notwithstanding section 46 (B) of the Public Finance Act. With regard to holding the TTPL accountable, he said that it is under observation whether it is feasible to continue so as to avoid the wastage of taxation system developed till now with collaboration with foreign expertise. He further added that it is noteworthy the developer has invested in the form of intangible outcome by training around 40 youths with technological experience while developing taxation system.

6.1. Adoption of the Fiscal Incentives (Amendment) Bill of Bhutan 2022

Sitting 16 | Friday, June 24, 2022

After thorough deliberation on 22nd June, 2022, the House adopted the following recommendations and submitted for endorsement to the National Assembly:

Fiscal Incentives (Amendment) Bill of Bhutan 2022

Section	Original Clause	National Assembly's Amendment	EAC Recommendation
	Preamble An Act to amend the Fiscal Incentives Act of Bhutan 2021; Parliament of the Kingdom of Bhutan do hereby enact as follows.	Amended in Dzongkha	Accepted National Assembly's amendment
1	Title This Act is the Fiscal Incentives (Amendment) Act of Bhutan 2022	Amended in Dzongkha	Accepted National Assembly's amendment

<p>2</p>	<p>Commencement</p> <p>This Act comes into force on the day the Act is introduced by the Finance Minister in the National Assembly of Bhutan on the..... day of the.....month .of the Year corresponding to the.....Day of.....2022.</p>	<p>Commencement</p> <p>This Act comes into force on the day the Act is introduced by the Finance Minister in the National Assembly of Bhutan on the 9th Day of 4th month of the Water Male Tiger Year corresponding to the 8th Day of June 2022.</p>	<p>Accepted National Assembly's amendment</p>
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6.2. Adoption of the Goods and Services Tax (Amendment) Bill of Bhutan 2022

Sitting 16 | Friday, June 24, 2022

After thorough deliberation from 22nd-23rd June, 2022, the House adopted the following objections and submitted for the endorsement to the National Assembly:

Objections to the Goods and Services Tax (Amendment) Bill of Bhutan 2022

The Goods and Services Tax Bill was first introduced in the National Council in its 24th session. The National Council expressed its appreciation for the efforts put in by the government in effecting major tax reforms in the country. The House also acknowledged that the introduction of GST would help in promoting the modern taxation system through digitization, broaden the tax base, and address the issues of double taxation and tax evasion.

However, the National Council raised concerns about the legality of the commencement date, the preparedness of the government for immediate implementation, and the need to draw a clear distinction between the Money Bill and the Financial Bill. Therefore, it was recommended that the National Assembly withdraw the adoption of the GST Bill 2020 until all necessary systems are put in place including training of staff and creating public awareness; and the Government to introduce the amendment of the Public Finance (Amendment) Act 2012. The recommendations of the National Council were, however, not considered.

Similarly, in the 27th session of the National Council, the Goods and Services Tax (Amendment) Bill was tabled for deliberation

with the proposal to defer the commencement date of certain chapters. While the House reiterated its support concerning the rationale and principles of the Goods and Services Tax Bill of Bhutan and recognized its potential impact on the country's economic growth, the House remained steadfast in its position on the legality of the commencement date and the preparedness of the government. Hence, similar recommendations were passed but the National Assembly did not consider.

The Goods and Services Tax (Amendment) Bill of Bhutan 2022 is deliberated in the National Assembly, and tabled for discussion in the National Council again this time, in its 29th session with the proposal to amend the same sections of the GST Act. Nonetheless, section 46B of the Public Finance Act (Amendment) 2012 is yet to be amended.

The National Council remains concerned that until such time the section 46B of the Public Finance (Amendment) Act 2012 is amended, any deviation from it would amount to willful violation of the prevailing law, and to accept and pass any bill that ultra-vires the law passed by the Parliament is a threat to rule of law and legislative norms.

Therefore, considering the unchanging essence of the issue under deliberation, the National Council stands resolute with its past recommendations and could not accept the proposed amendment.

7. Introduction of the Tourism Levy Bill of Bhutan 2022

Sitting 16 | Friday, June 24, 2022

His Excellency the Minister of Finance introduced the Tourism Levy Bill of Bhutan 2022 as money bill to the National Council, in accordance with section 46 (E) of the Public Finance

(Amendment) Act 2012 after National Assembly had amended and endorsed with comprehensive deliberations in the 7th session.

During the introduction, His Excellency said that the country had adopted the principle of High Value, Low Volume as tourism policy from the beginning of tourism in Bhutan since 1975, which indeed, did not adhere with the principle. The current bill mainstreams the change, to strengthen the principle of tourism policy, whereby, Sustainable Development Fund (SDF) fee per night is increased from \$65 to \$200 with its feasibility and change in time. He also mentioned that major change in the Bill is that, all tourists are treated same once they are in the country, irrespective of foreign or regional tourists. Moreover, the Bill contains the details on eligibility to tax exemption or tax reduction and further specified in the Rules and Regulations comprehensively.

Few Hon'ble Members questioned with regard to the status of plans on reform initiatives, while Tourism Levy Bill is transforming to stimulate the youths in tourism agency, benefit the country's revenue as well as non-Governmental sectors and boost every Bhutanese from balanced regional development. In response, His Excellency said that it will merit tour guides, tourism related institutions and those working in hotels from this policy. Meanwhile, he said that through this reformation, it will reward in terms of income to the people and country, as high-profile tourists are encouraged.

He said that in case, high-profile tourists visit our country, we need to provide equivalent services; thereby, Government and private must work together. And to provide high-end services, government will render necessary support, for the betterment of hotel facilities and services.

The Minister also mentioned that Government will establish infrastructures and facilities of tourism equally, across all the districts and will open tourism gateways from Phuntsholing, Samtse, Gelephu and Samdrupjongkhar, thus, tourists can travel in all regions.

According to Minister, policy on reform initiatives was drafted which may require changes with time and Tourism Council of Bhutan will advocate on this matter. He even said that the Act will be implemented as and when required along with strategies and conditions.

7.1. Adoption of the Tourism Levy Bill of Bhutan 2022

Sitting 17 | Monday, June 27, 2022

After thorough deliberation on 22nd June, 2022, the House adopted the following recommendations and submitted for the endorsement to the National Assembly:

Section	Original Clause	National Assembly's Amendment	EAC Recommendation
	<p>Preamble</p> <p>UNDERSTANDING the need to uphold the time-tested tourism policy of High value, Low volume;</p> <p>RECOGNIZING the need to ensure sustainable use of tourism resources and maintain intergenerational equity;</p> <p>ENDEAVOURING to promote equitable distribution of income, wealth, and public facilities;</p> <p>RENEWING the vision for the tourism sector consistent with the</p>	<p>Amended in Dzongkha text</p>	<p>Preamble</p> <p>WHEREAS understanding UNDERSTANDING the need to uphold the time-tested tourism policy of High value, Low volume;</p> <p>WHEREAS recognizing RECOGNIZING the need to ensure sustainable use of tourism resources and maintain intergenerational equity;</p> <p>WHEREAS endeavouring ENDEAVOURING to</p>

<p>principles of ensuring a good quality of life for the people of Bhutan in a progressive and prosperous country; and,</p> <p>SUPPORTING the creation of an enabling environment for a vibrant, non-discriminatory, inclusive and high value tourism industry;</p> <p>Parliament of the Kingdom of Bhutan hereby enacts as follows:</p>		<p>promote equitable distribution of income, wealth, and public facilities;</p> <p>WHEREAS renewing RENEWING the vision for the tourism sector consistent with the principles of ensuring a good quality of life for the people of Bhutan in a progressive and prosperous country; and,</p> <p>WHEREAS supporting SUPPORTING the creation of an enabling environment for a vibrant, non-discriminatory, inclusive and high value tourism industry;</p>
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			The Parliament of the Kingdom of Bhutan hereby enacts as follows:
1	Title This is the Tourism Levy Act of Bhutan 2022.	Title This Act is the Tourism Levy Act of Bhutan 2022.	Accepted National Assembly’s amendment
New Section after Section 2			Extent This Act extends to the whole of the Kingdom of Bhutan.
6	Transitional and Saving Notwithstanding Section 4 of this Act, a tourist who had paid and confirmed the tour under the Tourism Levy Act of Bhutan 2020 on or before 20 th June 2022 shall continue to benefit subject to conditions imposed under Tourism	Amended in Dzongkha text	Transitional and Saving Notwithstanding Section 4 of this Act, a tourist who had paid and confirmed the tour under the Tourism Levy Act of Bhutan 2020 on or before 20 th June 2022 shall continue to benefit subject

	Levy Act of Bhutan 2020 and Rules thereof.		to conditions imposed under Tourism Levy Act of Bhutan 2020 and Rules thereof.
Chapter 2	Tourism Levy		Amended in Dzongkha
7	<p>Levy A tourist shall be liable to pay a tourism levy known as the Sustainable Development Fee of USD 200 per night, which may be revised by the Competent Authority from time to time.</p>		<p>Levy A tourist shall be liable to pay a tourism levy known as the Sustainable Development Fee of USD 200 per night. which may be revised by the Competent Authority from time to time.</p>
8	<p>Exemption and Concessionary Levy The Competent Authority may provide for an exemption or concessionary levy rate on the applicable Sustainable Development Fee, subject to any conditions prescribed in the Rules:</p>		<p>Exemption and Concessionary Levy The Competent Authority may provide for an exemption or concessionary levy rate on the applicable Sustainable Development Fee subject to any</p>

	<ul style="list-style-type: none">(1) Exemption for day tourist who do not travel beyond the first designated point;(2) Exemption for child of 5 years and below;(3) Concessionary levy rate of 50% for child between 6-12 years; and(4) Other exemption or concessionary levy rate as may be considered necessary		<p>conditions prescribed in the Rules:</p> <ul style="list-style-type: none">(1) Exemption for day tourist who do not travel beyond the first designated point;(2) Exemption for child of 5 years and below;(3) Concessionary levy rate of 50% for child between from 6-12 years; and(4) Other exemption or concessionary levy rate as may be considered necessary
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<p>New Sub-Section 10 (6) after Section 10 (5)</p>			<p>strengthen and implement strategies to ensure that the benefits of High Value Low Volume tourism is shared across all regions of the country.</p>
<p>11</p>	<p>Offence and Penalties A person who commits an offence under this Act shall be liable for fines and penalties as prescribed in the Rules.</p>		<p>Offence and Penalties A person who violates commits an offence under this Act shall be liable for fines and penalties as prescribed in the Rules.</p>
<p>New Section after Section 12</p>			<p>Amendment The amendment of this Act by way of addition, variation or repeal may be effected only by Parliament</p>

D. PROCEEDINGS OF QUESTION TIME

1. Hon'ble Prime Minister

Sitting 8 | Monday, June 13, 2022

Hon'ble Member of Punakha Dzongkhag reported that in the past several sessions, the National Council has made deliberations on the need of legal aid to indigent persons. The House in its 20th session discussed the need for providing legal aid to the indigent persons with comprehensive study on the legal aid and passed recommendations to the Government. Further, the issue was discussed during the deliberations on the *Jabmi* Act 2016. However, people have not been able to access legal aid, depriving them the constitutional right to fair justice. Nonetheless, in the past year, during the presentation of the State of the Nation Report, Hon'ble Prime Minister reported that legal aid services will be assured and its priorities are in the pipeline. In this view, the House asked the Hon'ble Prime Minister What was the status of Legal Aid Services as assured in the State of the Nation Report last year, and what has been done so far and what were the plans for the next six months.

The Hon'ble Prime Minister responded that there is no bias between the weak and the powerful when it comes to provision of justice, and that all are treated equal and receive fair justice. He added that he did not talk anything about legal aid during the presentation of the State of the Nation Report. He said that when the Hon'ble Speaker of the National Assembly inquired about the legal aid, he reported no action has been taken so far.

According to the Prime Minister, every Bhutanese has the responsibility to know laws, and that injustice is not due to the

absence of legal aid. He added that it is the responsibility of all legislative institutions to advocate people on laws.

The Hon'ble Prime Minister said that in order to enact Legal Aid Bill, consultation with the Office of Attorney General (OAG) was held. A guideline was submitted to the Cabinet which will be submitted to the National Council Chairperson for the Hon'ble Members to have discussions. He assured that the Cabinet would not make any decision and wait until they receive the wisdom of the House. He added that, as the OAG is state prosecutor, it would be inconvenient for it to provide legal aid services.

Hon'ble Member of Gasa Dzongkhag stated that according to Article 9 (6) and Article 7 (15) of the Constitution, the Government have to provide legal aid services by any means. Hon'ble Member of Bumthang Dzongkhag said that there is a misunderstanding with the usage of the term weak people. He said that the weak should imply to those who cannot justify and convince even if they are right during the trial and who cannot afford a lawyer to represent them. He said that the House had already reviewed and deliberated on the issue before and discussed the system for eligibility of the service and provision of fund. Moreover, the Prime Minister was asked whether the Government can support the provision of legal aid services for both the civil and criminal cases.

The Hon'ble Prime Minister responded that it would be difficult to provide legal aid services for both the civil and criminal cases. He added that there is no clear description of who should be eligible for the services. He said that he would submit three books regarding this context to the Hon'ble Chairperson. He highlighted that the provisions of Article 9 of the Constitution are Principles of State Policy, and it is not mandatory to put all

those into action. These can be fulfilled as and when required depending on time and situation.

Regarding the waiting of the House's suggestions on the legal aid to the Cabinet, the Hon'ble Chairperson stated that if the document submitted by the OAG to the Cabinet is a Government Bill, then the National Council will discuss on it in one of the coming Sessions. He added that if the document is rules and guidelines instead as a Bill, then the House could review it. He said that even if the House has to put it as a Bill it can be done.

2. Hon'ble Minister for Agriculture and Forests

Sitting 7 | Friday, June 10, 2022

Hon'ble Member from Sarpang, asked three questions:

1. What support can the MOAF provide the farmers, so that they do not lose their investment and livelihood?
2. Can the MOAF support the marketing of eggs and meat items through the Bhutan Livestock Development Corporations (BLDC) or implement a buy-back scheme?
3. Would it be possible for the Royal Government to provide subsidies for poultry feed so that farmers are protected from fluctuations in feed price?

His Excellency responded that people are availing loans without proper planning for their businesses. Furthermore, he highlighted that there is no coordination and cooperative formulation between the various levels of society.

In terms of the buy-back policy, the Government has to buy at the lowest price and if the Government cannot sell these goods,

it's a loss for the Government. Therefore, the Government initiated an Incentive-based Production (IBP) Scheme.

He said that State-Owned Entities will provide new and innovative ideas that farmers can learn from. He also mentioned that BLDC and vendors are no different.

In order to protect the farmers from the fluctuations in the feed price, the Government is recommending the feed be produced in Bhutan. The Government will provide loans and other necessary support for people wanting to produce feed within the country. He further mentioned that the Government will not provide subsidies but will work on cost-sharing mechanisms.

Some of the Members asked a few supplementary questions on issues like the Government's plans on providing loans for piggery, cold storage constructions for farmers to store their produce, and the Government's plan for timely market interventions.

3. Hon'ble Minister for Home and Cultural Affairs

Sitting 9 | Wednesday, June 15, 2022

Hon'ble Member of Trongsa Dzongkhag highlighted the issue of deteriorating usage of Dzongkha as a National language and increasing interest towards English language and usage of mixture of both the languages and rare use of pure Dzongkha. Moreover, majority of the subjects taught in schools are in English and it is perceived that less weightage is given to those who study Dzongkha. This poses a threat to our national identity and security. In this regard, he asked the Home Minister what important plans and programs are in place to preserve, protect and promote Dzongkha Language; what is the stand of the Government of having a National Language Act of

Bhutan; and why some of the subjects are not taught in Dzongkha language?

In response, the Minister said that Dzongkha language has improved compared to past years and continually strives to its development. However, being a part of the global community, English language is also very important. He added that Bhutanese speaking fluent English would further enhance Bhutan's sovereignty and development. He said that those with Dzongkha background have difficult time, finding a job is not because of lesser importance given to them but due to the different requirement of jobs.

He said that while learning Dzongkha, even if one cannot speak pure Dzongkha, people are able to speak mixed with other languages. Moreover, people in villages are able to know and speak because of television, movies and animations which further develops Dzongkha language.

Regarding the plans to develop Dzongkha, Hon'ble Minister stated the Government implement the plans and programs initiated by the Dzongkha Development Commission (DDC). He added that there is no need of a separate Act to develop national language, emphasizing on other measures would suffice.

The Minister said that a decade ago, relevant subjects in schools were taught in Dzongkha, but it was discontinued due to some challenges. However, he added that the Ministry of Education is in the process of planning and studying the possibilities to teach subjects like history, geography and world history in Dzongkha.

Some Members raised concerns over children getting more into English and usage of mobile phones from a very early age as all the apps and programs are in English. Some emphasized the need to teach feasible subjects in Dzongkha and prepare and

train them. He said that subjects of science and technology, commerce and arts are taught in English as their essence lie in the English language. He said it is good that children learn English through mobile phones at a very young age and we should strive to make them well versed in Dzongkha as well. He added that English language has been around for more than thousand years, whereas Dzongkha is around fifty years old. He said that Dzongkha language has developed within a short period of time and assured it will not deteriorate.

As most of the responses of the Hon'ble Minister consisted his personal views and opinion instead of the Government's stand, Members were dissatisfied with the responses. Hence, the House resolved to decide in the internal meeting whether to again seek verbal or written responses from the Government.

4. Hon'ble Minister for Health

Sitting 14 | Wednesday, June 22, 2022

The Eminent Member said that Ministry of Economic Affairs (MoEA) announced that all restaurants would now be allowed to sell liquor, starting from June, whereas in 2010, issuance of bar license was stopped due to increasing number of alcohol related liver diseases. Additionally, she mentioned that liver disease is the top Non-Communicable Diseases (NCD) killer in the country. Moreover, she reported that according to the Annual Health Bulletin 2022, mental health and behavioral disorders are due to alcohol and substance abuse; and youths breaching law, drink driving, domestic violence and rapes are main social problems, caused by alcohol consumption.

After the announcement of MoEA to allow restaurants to serve liquor, almost 700 restaurants had started to register for bar license within just 19 days. It is an increase of almost 10,444 liquor shops in the country and again about 3000 restaurants

had applied for the license. She highlighted that Bhutan is already leading in the drinking prevalence in the South Asia region from the World Health Organization (WHO) member countries and in December, 2021, Kuensel reported that average alcohol consumption in Bhutan is 8.47 L compared to the global average of 6.2 L. National Council had reviewed the harmful effects of alcohol in past session and therefore, National Council would like to ask following questions, concerning above issues.

Firstly, she questioned if the MoH had an opportunity to present the health and social concerns on this matter during Cabinet meeting. Secondly, she asked to share the reasons for easing the access to alcohol, considering more important than health and social wellbeing of people. Thirdly, she enquired that did Government properly assess, during Alcohol Policy Review and had Government considered Protocol for Policy Formulation of Gross National Happiness (GNH).

In response, Her Excellency said that prior to approval of selling liquor in restaurants, it was decided weighing the pros and cons of policy after consulting MoH, along numerous discussions held in Cabinet meeting, and was done accordingly with GNH Policy Screening Tool. She said that the prohibition policy and plans of alcohol was formulated to reduce an alcohol related deaths and diseases yet had not delivered impactful advantage till now. However, will advocate extensively on harmfulness of alcohol and make counselling service available to alcohol-addicts henceforth to bring changes in people's mindset, limiting the alcohol drinking habits.

In the words of Her Excellency, not issuing bar license had only reduced the supply chain which is not a strategic counter-measure. If advocacy benefits the nature of man, the want or craving for alcohol will lessen, thereby decreasing the number

of liquor sellers. Therefore, she stressed that MoH will focus on changing the mindset of the people to minimize consumers, not on reducing the liquor shops, during the formulation of policy and plans.

Her Excellency said that, number of alcohol consumers are countable though average alcohol intake is higher and irrespective of emerging social problems, they drink regularly. Thus, she said, will target on rejuvenating their life by providing skills and prospering their livelihood, leaving behind the alcohols. She also informed the House that in the current scenario, the best method is not to formulate the law on dos and don'ts but crucial to let people introspect in choosing pros or cons.

Hon'ble Member from Punakha said that the responses from MoH were all for long-term programs after Social and Cultural Affairs Committee (SCAC) had submitted recommendations related to mental health and suicide issues during 28th session of National Council. Correspondingly, she asked what are the immediate interventions, the Ministry is taking to resolve the current challenges besides plans and programs under the patronage of Her Majesty the Queen, and until long-term programs of MoH are actualized.

Her Excellency answered that as per the command of Her Majesty, the counselling programs were initiated for families and schools with suicide cases. On top of that, Ministry had substituted Psychiatrist with the Clinical Counselors due to its shortages and instituted Mental Health Clinic for youths, children and pregnant women.

She further added that it will start the Child's Well-being Assessment after summer vacation in collaboration with Ministry of Education (MoE), for children vulnerable to suicide.

She even said that this year, Bhutan will host Regional Committee Meeting of WHO, where Bhutan will move motion on suicide matters as a main proposition in the meeting, thereby, it is an opportunity to gather support.

5. Hon'ble Minister for Education

Sitting 16 | Friday, June 24, 2022

On behalf of the House, the Deputy Chairperson of the Social and Cultural Affairs Committee, referred to the resolutions passed in the 28th Session of the National Council on Mental Health and Suicide issues in Bhutan, addressed to the Ministry of Education. She said that the Ministry did not respond to the recommendations passed by the House, therefore, the House decided to follow up with the Ministry through question hour session and asked to respond on the resolutions which were as follows:

1. Recruit and allocate a minimum of one counsellor at all levels of schools and provide additional counsellors to schools with bigger populations.
2. Improve the counselling room facilities in schools across the country to create a more conducive environment to de-stigmatize and encourage open discussions about feelings and problems.
3. Encourage regular spiritual programs in educational institutes.
4. To facilitate and ensure meaningful engagement of youth during leisure times:

- a) Allow free access for children and youth in the existing Government -owned sports facilities such as parks, school grounds, and institutional facilities.
- b) Establish youth parks and recreational facilities targeted at youths in urban and rural areas.

In response, Minister sincerely apologized on behalf of the Ministry for failing to respond to the recommendations passed by the House in the 28th session, which he said was never put up to him.

The Department of Youth & Sports is solely responsible to take care of concerns related to youth and he reported that trained counsellors were recruited in the schools from 2009. Till date, 173 counsellors are being deployed across the country. The Minister said, after much contemplation on the issues, it has come to their notice that counsellors alone cannot resolve the emerging issues, since the problems start in the early stage of a child's life, therefore, the Ministry had proposed to the Royal Civil Services Commission (RCSC) to recruit one Occupational Therapist in every district.

He acknowledged the conditions of the counselling rooms and said that the Ministry is in the process of improving the basic infrastructural requirement.

Reporting on various activities including spiritual programs, he said that the Ministry also has made handbooks available. Another program called 'Search Inside Yourself' was introduced to strengthen psychology of students and Scout programs are also helping in the emotional development of the students.

He informed that to keep the students engaged even on weekends, the Ministry has collaborated with the Non-Government Organizations (NGOs) and initiated various

activities and assigned a sports instructor as well. He said the main objective of instituting the Department of Youth and Sports is to provide such services. He reported that there are about 13 youth centers and Youth Friendly Service Centers that provide health-related services like counselling services by health professionals and provide jobs, training, and scholarships, since the programs are conducted in collaboration with Ministry of Labor & Human Resource (MOLHR). From 2017-2022, 500 students were trained and 135 were employed, 38 initiated business start-ups, and 36 scholarships were granted for further studies.

E. CLOSING CEREMONY

Sitting 22 | Monday, July 4, 2022

The 29th Session of the National Council which commenced on 2nd June, 2022 successfully concluded on 4th July, 2022 corresponding to the 5th Day of the 5th Month of Water Male Tiger Year of the Bhutanese Calendar. After the closing address of the Hon'ble Chairperson, the House offered *Zhabten* and *Tashi Moenlam* for the wellbeing of the King, Country and People.

1. Closing Address of the Hon'ble Chairperson

Today, 29th session of National Council will adjourn on this auspicious day, the 5th Day of the 5th Month of Male Water Tiger. On my behalf and National Council, I greet warm welcome to those present here in closing proceedings, viewing audience of our telecasts, reporters from media houses and all the Bhutanese.

The 29th session of National Council had begun on the 3rd Day of the 4th Month of Male Water Tiger Year corresponding to

Saga Dawa with Zhudrel Phuesum Tshogpa, Marchang and it will adjourn today with Tashi Moelam.

For month long, 4 legislative bills, 5 bills pertinent to finance, 9 matters related to legislations were deliberated besides question schedule with 5 Cabinets together with Prime Minister in 29th session of National Council.

I thank personally to all Hon'ble Members for resolving a paramount resolution with cooperative deliberations without any hesitations, sacrificing self-interest for the current and future welfare of the nation. The committees also did report and present important areas for deliberations with researched reasons on each important section comprehensively in the House by coordinating an internal meeting. Thereby, I am grateful to all the Committee Chairs and Members.

I thank His Excellency Prime Minister and related Cabinet for clarifying the doubts and answering the questions during sittings of the 29th session in National Council as requested; and shall hope such support henceforward. Moreover, I extend my gratitude to Royal Bhutan Police for security auspices, Bhutan Agriculture and Food Regulatory for food safety, Ministry of Health for medical service, Bhutan Broad Casting Limited including media outlets for live telecast and recording as well as to those who had disseminated news timely for public. Further, I am indebted to Department of National Properties and all Secretariat Staffs for being responsible in providing technical and other necessities support, on time without any fiasco during session. And, I remind, Secretariat to write out all deliberated resolutions appropriately.

I pray long life and prosperity to His Majesty the King, His Majesty the fourth King including all Royal Family on this auspicious day along with closing ceremony of 29th National

Resolution of the 29th Session of National Council

Council of third parliament. Similarly, I offer my gratitude to His Holiness the Chief abbot, *Jekhenpo* and all religious institutions for continuous orison for the welfare of the nation.

The 29th session of National Council here adjourns with *Zhabten* to His Majesty and *Tashi Moenlam*.

Thank You



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

Tashi Dorji
Chairperson
National Council of Bhutan

ANNEXURES

I: Amendments on the Royal Bhutan Police (Amendment) Bill of Bhutan 2021

Preamble

An Act to amend the Royal Bhutan Police Act of Bhutan 2009;

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

Commencement

Amended in Dzongkha

Repeal

This Act repeals ~~Sections 16, 18, 19, 20, 21(d) (e) (f), 23, 25, 26, 71, 157, 164, 165, 166, 173, 174, 175, 176, 180, 181, 182, 183, 184, 185, 186, 191, 192(a) (b) (c), 211 (i) (j) (l) of Royal Bhutan Police Act 2009. are hereby repealed.~~

Section 10

Organization

(Amended in Dzongkha)

Section 16

~~Rank~~ Designation structures

The Royal Bhutan Police shall have the following **designation** structures:

Police Rank

Designation

-
- (a) ~~Gagpoen~~ Chief of Police;
- (b) ~~Thrimdag Chiehab~~ Additional/Deputy Chief of Police;
- (c) ~~Thrimdag Gongma~~ Senior Superintendent of Police;
- (d) ~~Thrimdag Wogma~~ Superintendent of Police;
- (e) ~~Dungda~~ **Addl. Additional** Superintendent of Police;
- (f) ~~Yongzin~~ Officer Commanding (OC);
- (g) ~~Dechhab~~ **Officer Commanding (OC)**
- (h) ~~Gopoen Lopjongpa~~ **Officer Probationer**
- (i) **(g) Jugpoen Gongma** Officer Incharge; ~~/Incharge~~ **and**

(h) any other designations as may be prescribed in the Police Service Rules.

- (j) ~~Jugpoen~~ ~~Officer Incharge /Incharge~~
- (k) ~~Jugpoen Wogma~~ ~~Officer Incharge /Incharge~~
- (l) ~~Juglop Gongma~~ ~~Incharge~~
- (m) ~~Juglop~~ ~~Incharge~~
- (n) ~~Quilop Gongma~~
- (o) ~~Quilop~~
- (p) ~~Denkul~~

~~(g) Gopa~~

~~(f) Gagpa~~

New Section 16 (A)

~~As an important part of nation's security forces,~~ **The Royal Bhutan Police, as an important part of nation's security forces,** institution shall be treated like **equivalent to** Royal Bhutan Army and Royal Body Guards, on the followings:

(a) Rank Structure; **and**

~~(b) Appointment, promotion, and removal;~~

~~(c) Positions and tenure; and~~

~~(d)~~ **(b)** Salary, allowances, benefits and other emoluments.

New Section 16 (B)

The appointment, promotion, position, tenure, and removal of the Chief of Police shall be equivalent to that of Royal Bhutan Army and Royal Body Guards.

New section 16 (C)

The appointment, promotion, position, tenure, and removal of the other Officers and Non-commissioned Officials shall be as determined by the Police Service Rules.

Section 27

Police Service Board

The members of the Royal Bhutan Police Service Board (hereafter referred to as the “Board”) shall be appointed by the Minister for Home and Cultural Affairs upon the recommendation of the Chief of Police. The Board shall consist of ~~eleven~~ **nine** members.

Section 28

Composition of the Police Service Board

The Members of the Board shall consist of:

- (a) Additional Chief of Police (Chairperson);
- (b) One Deputy Chief of Police (Member Secretary);
- ~~(c) One Senior Superintendent of Police;~~
- ~~(d)~~ **(c)** One **Head** Director of the Police Training Institutes;
- ~~(e)~~ **(d)** ~~Two~~ **One Head** Superintendent of Police from Field Division;
- ~~(f)~~ **(e)** ~~Two~~ **One Head** Superintendent of Police from Special Division;
- ~~(g) One Additional Superintendent of Police from Field Division;~~
~~and~~
- ~~(h)~~ **(g)** **(f)** One **Head** Officer Commanding of the Police Station; ~~not below the rank of Yongzin;~~
- (i)** ~~(h)~~ **(g)** Head **of the Department of** Law and Order Bureau, Ministry of Home and Cultural Affairs; **and**
- (i)** ~~(h)~~ **Two Non Commissioned Officers; and**

~~(j) One Civilian employee of the RBP.~~

Section 41(c)

Duties

(c) Detect cases, identify offenders and where appropriate, apprehend offenders, **investigate**, charge sheet and prosecute in subsequent court proceedings;

Section 43

~~**Nonsupport for Political Parties**~~

No Political Affiliation

No person of the Royal Bhutan Police shall engage in political activities or align with any political party, ~~or~~ organization **or candidate** in any way. ~~except as otherwise prescribed by law.~~

Section 60

Crime Prevention Activities at local level

The Superintendents of Police~~/~~, Officer Commanding~~/~~ **or** Officer Incharges may undertake any crime prevention activities at local level. **Upon approval from the Police headquarter**, ~~Wherever necessary~~, they shall liaise with the respective Dzongdas/Dungpas **and other relevant local government officials Dzongdag~~/~~, Dungpas~~/~~, Thrompon~~/~~ or Gewog Thrizin** for undertaking such activities.

New Section 71A

Prosecutor Allowance

The prosecutors of the Royal Bhutan Police shall be paid an appropriate prosecutor allowance.

Section 88

Action by the Chief of Police

On completion of the investigation, if the accused person is **proven to have engaged in the complained conduct** ~~proved guilty beyond reasonable doubt~~, the Chief of Police ~~may~~ **shall** on recommendation of the Committee or person empowered take such action in accordance with the provision of this Act.

Section 91 (k)

(Amended in Dzongkha)

Section 125

~~**Youth Development and Rehabilitation Centre**~~

~~The Youth Development and Rehabilitation Centre shall provide rehabilitative and reformatory education and training for those juveniles in conflict with the law.~~

~~**New Section 125A**~~

~~**Programs for the convicts**~~

~~The Royal Bhutan Police as the custodian of the prisons shall have the authority to introduce any rehabilitation, reformatory or reintegration programs for the convicts under its custody and the rules on this section shall be framed by Royal Bhutan Police Service Board in consistent with the relevant provisions of the Penal Code of Bhutan.~~

Rehabilitation, reformatory or reintegration Programs

The Royal Bhutan Police as the custodian of the prisons and youth development and rehabilitation centers, shall have the authority to introduce any rehabilitation, reformatory or reintegration programs for the convicts including children in conflict with law and the rules on this section shall be framed by Royal Bhutan Police Service Board.

Section 149

Independent Enquiry Committee

Amended in Dzongkha

Section 159

Criminal Offence

A Police person involved in any criminal case shall be charged before a Court of law **and if convicted for misdemeanor and above shall be terminated from services from the date of conviction.** ~~by the concerned authority and if convicted shall be terminated from service.~~

Section 195

~~Authority to accept Resignation~~

~~The power to accept a voluntary resignation submitted by a Police person shall be:~~

- ~~(a) The Druk Gyalpo, through the Prime Minister if the resignation is submitted by the Chief of Police.~~

~~The Chief of Police, if the resignation is submitted by officers and other ranks.~~

Voluntary Resignation

For the purpose of voluntary resignation:

- (a) The Chief of Police shall submit to the Druk Gyalpo.**
- (b) The officers and other ranks shall submit to the Chief of Police**

New Section 200 A

Detention room

All police stations and out posts shall have its own detention room with separate facility for male, female and minor.

Section 202

Police General Service Cadre

~~The civilians serving in the Royal Bhutan Police shall be referred to as Police General Service Cadre and be governed by the Bhutan Civil Service Rules and Regulation.~~

In case of Police General Service Cadre:

- (a) All civilians under the Royal Bhutan Police either appointed by the Royal Civil Service Commission or recruited by the Royal Bhutan Police shall be referred to as Police General Service Cadre.**
- (b) The perquisite emoluments and entitlements for Police General Service Cadre shall be in accordance with the recommendation of the Royal Bhutan Police Service Board.**

Section 208

Power to make rules and regulations

~~The Police Service Board shall, from time to time, make rules for effective administration of the Police Service or as it deems necessary to carry out and give effect to this Act.~~

Within six months from the date of commencement of this Act, the Police Service Board shall make rules and regulations appropriate for the purposes of giving full effect to this Act which shall be consistent herewith.

Section 209

Powers to Amend

Amendment

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

II: Amendment on the Biodiversity Bill (Amendment) of Bhutan, 2021

Preamble

Whereas, in keeping with the constitutional rights vested in the state over natural resources, minerals, rivers, lakes, and forests **which shall be regulated by law** and the duty of the government to secure ecologically balanced sustainable development, while promoting justifiable economic and social development;

Whereas, Recognizing the importance of rich genetic resources **biological diversity** which has been protected by the wise and far-sighted leaderships, Bhutanese traditional beliefs, socio-cultural outlook, and the overarching development philosophy of Gross National Happiness;

Whereas, to secure economic value of Bhutan's **biological** and genetic resources for national development and biodiversity conservation through sustainable use of **biological** and genetic resources, in research and development of products, compounds, and substances that have medicinal, industrial, agricultural, and other applications;

Whereas, recognizing the importance of regulating access to and utilization of genetic resources and Traditional Knowledge **associated with biological resources**;

Whereas, being the party to the Convention on Biological Diversity (CBD), the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization and the International Treaty on the Plant Genetic Resources for Food and Agriculture (ITPGRFA).

Parliament of the Kingdom of Bhutan hereby enacts as follows:

Section 10(1)

Objectives

The objectives of this Act ~~is~~ **are** to:
ensure national sovereignty and secure trusteeship of the Bhutanese people over its ~~genetic~~ **biological** resources;

Section 10(3)

(Retain as in the Original Bill)

Section 10(4)

(Retain as in the Original Bill)

Chapter 2

Section 11

Competent National Authority

~~The Ministry of Agriculture and Forests is the Competent National Authority, and shall discharge the functions conferred on it through the Secretary of the Ministry.~~

The Competent National Authority shall be established with the following members:

- (1) Minister, the Ministry of Agriculture & Forests as Chairperson;**
- (2) A member, the National Environment Commission;**
- (3) Four Members from other relevant agencies identified by Ministry of Agriculture & Forest; and**
- (4) Head, the National Biodiversity Centre as the Member Secretary.**

Section 12(7)

~~Provide yearly report on access to or utilization of genetic resources to National Environment Commission and any other information, as and when required; and~~

New Section after Section 12 Session

The Competent National Authority shall conduct sessions as prescribed in the Rules and Regulations.

Section 15(2)

(Retain as in the Original Bill)

Section 15(4)

(Amended in Dzongkha Text)

Section 15(7)

(Retain as in the Original Bill)

Section 15(8)

(Retain as in the Original Bill)

Section 15(9)

create awareness and promote education to the stakeholders and public on **conservation, sustainable utilization and access and benefit sharing of biological genetic resources**;

Section 16

Biodiversity Technical Committee

~~The Competent National Authority shall, on the recommendation of the National Focal Point, constitute a **Biodiversity Technical** Committee to provide advice on scientific, technical and other relevant matters **as may be prescribed by the rules.**~~

Section 17

~~The head of the National Focal Point shall be the ex officio Chairperson of such Committee.~~

Chapter 3

Section 18

Conservation & Sustainable Use

The State has sovereign rights over its **biological** genetic resources and shall have the authority over the management of its genetic resources. The sovereign rights under this section shall include the right to overrule the community rights recognized under this Act for national importance.

Section 20

Conservation and Sustainable Use

The National Focal Point in order to promote conservation and sustainability of genetic **biological** resources shall; ~~regulate access to genetic resources.~~

New sub-section for Section 20

(Accepted NA's Amendment)

New Section 2 after Section 21

(Accepted NA's Amendment)

Title of Chapter 4

(Amended in Dzongkha Text)

Section 27

(Amended in Dzongkha Text)

Section 44 (1)

(Amended in Dzongkha Text)

Section 44 (1)

(Amended in Dzongkha Text)

Section 52

(Amended in Dzongkha Text)

Section 64

(Amended in Dzongkha Text)

Section 84

(Amended in Dzongkha Text)

Section 93

(Amended in Dzongkha Text)

Heading of chapter 6

(Retain as in the Original Bill)

Section 98

(Amended in Dzongkha Text)

Section 99

(Retain as in the Original Bill)

Section 100

(Retain as in the Original Bill)

Section 101

(Retain as in the Original Bill)

Section 102

(Retain as in the Original Bill)

Section 103

(Retain as in the Original Bill)

Section 105

(Retain as in the Original Bill)

Section 106

(Retain as in the Original Bill)

Section 107

(Retain as in the Original Bill)

Section 108

(Retain as in the Original Bill)

Section 111

(Retain as in the Original Bill)

Section 112

(Retain as in the Original Bill)

Chapter 7

Section 113

(Amended in Dzongkha Text)

Section 114

(Amended in Dzongkha Text)

Section 117

(Amended in Dzongkha Text)

Section 123

(Retain as in the Original Bill)

Chapter 8

Section 129(1)

(Amended in Dzongkha Text)

New Section 3 after Section 133

A person or an agency collecting germplasms and genetic materials of genetic resources shall deposit a sample in to the national focal point.

New Section 3 after Section 137

(Amended in Dzongkha Text)

Section 143

(Amended in Dzongkha Text)

New Section 2 after Section 143

A warrant issued under new section 1 after 143 of this Act may authorize an enforcement officer to:

Chapter 11

Section 144

Illegal access to genetic resources or Associated traditional knowledge ~~associated with biological resources~~

A person who accesses or utilises genetic resources or associated traditional knowledge ~~associated with biological resources~~ without executing a scoping agreement, access and benefit sharing agreement, material transfer agreement or

standard material transfer agreement in accordance with the provisions of this Act shall be liable for payment of fines and compensations as prescribed in the Rules **and Regulations, which shall be determined according to particular facts and circumstances.**

Section 145

Except as may be permitted under customary practice, a person who knowingly provides access to traditional knowledge associated with genetic **biological** resources to a person in contravention to the provisions of this Act shall be liable for payment of fine as prescribed in the Rules **and Regulations, which shall be determined according to particular facts and circumstances.**

Section 146

Unauthorized Transfer of Research Results

A User who transfers research results or accessed genetic resources to a third party for product development and commercial utilization in contravention to section 79 of this Act shall be liable for payment of fine and compensation as prescribed in the Rules **and Regulations, which shall be determined according to particular facts and circumstances.**

New Section 1 after Section 146

Notwithstanding to section 79 and 146 of this Act, research results and accessed **biological genetic resources for academic research within the country and publication purposes shall be permitted.**

New Section 2 after Section 146

Non deposition of sample and specimen of biological resources

Any person or an agency failing to deposit sample and specimen of biological and genetic resources as per new sections 1, 2 & 3 after section 133 of this Act shall be liable for payment of fine as prescribed in the Rules and Regulations

New Section 3 after Section 146

Pursuant to above new section 2 after section 146 of this Act, the sample and specimen of biological and genetic resources concerned may be surrendered to the National Focal Point.

Section 152

(Amended in Dzongkha Text)

Section 154

Power to Make Rules and Regulations ~~Rule-Making Power~~

The Minister, ~~Ministry~~ of Agriculture and Forests **Competent National Authority** may ~~may~~ **shall** frame Rules and Regulations, consistent with the provision of this Act **within 6 months from the date of coming into force** ~~for the effective implementation.~~

Section 156

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.~~

New sub-section after 157(11)

(Amended in Dzongkha Text)

Section 157(12)

(Retain as in the Original Bill)

Section 157(13)

(Amended in Dzongkha Text)

Section 157(15)

(Retain as in the Original Bill)

New sub-section after 157(15)

(Accepted NA's Amendment)

Section 157(17)

(Retain as in the Original Bill)

Section 157(20)

(Amended in Dzongkha Text)

Section 157(21)

(Amended in Dzongkha Text)

Section 157(22)

(Amended in Dzongkha Text)

III: Framework Agreement on the establishment of the International Solar Alliance (ISA)

We, the Parties to this Agreement,

Recalling the Paris Declaration on the International Solar Alliance of 30th November 2015 and the shared ambition to undertake joint efforts required to reduce the cost of finance and the cost of technology, mobilize more than US \$ 1000 billion of investments needed by 2030 for massive deployment of solar energy, and pave the way for future technologies adapted to he needs,

Recognizing that solar energy provides countries with an unprecedented opportunity to bring prosperity, energy security and sustainable development to their peoples,

Acknowledging the specific and common obstacles that still stand in the way of rapid and massive scale-up of solar energy in these countries,

Affirming that these obstacles can be addressed if solar resource rich countries act in a coordinated manner, with strong political impulse and resolve, and that better harmonizing and aggregating the demand for inter alia solar finance, technologies, innovation or capacity building, across countries, will provide a strong lever to lower costs, increase quality, and bring reliable and affordable solar energy within the reach of all,

United in their desire to establish an effective mechanism of coordination and decision making among them,

Have agreed as follows:

Article I

Objective

Parties hereby establish an International Solar Alliance (herein after referred to as the ISA), through which they will collectively address key common challenges to the scaling up of solar energy in line with their needs.

Article II

Guiding Principles

Members take coordinated actions through Programs and activities launched on a voluntary basis, aimed at better harmonizing and aggregating demand for, inter alia, solar finance, solar technologies, innovation, research and development, and capacity building.

1. In this endeavor, Members cooperate closely and strive for establishing mutually beneficial relationships with relevant organizations, public and private stakeholders, and with nonmember countries.
2. Each Member shares and updates, for those solar applications for which it seeks the benefits of collective action

under the ISA, and based on a common analytical mapping of solar applications, relevant information regarding: its needs and objectives; domestic measures and initiatives taken or intended to be taken in order to achieve these objectives; obstacles along the value chain and dissemination process. The Secretariat maintains a database of these assessments in order to highlight the potential for cooperation.

3. Each Member designates a National Focal Point for the ISA. National Focal Points constitute a permanent network of correspondents of the ISA in Member countries. They inter alia interact with one another and also with relevant stakeholders to identify areas of common interest, design programs proposals and make recommendations to the Secretariat regarding the implementation of the objectives of the ISA.

Article III

Programs and other activities

1. A Programs of the ISA consists of a set of actions, projects and activities to be taken in a coordinated manner by Members, with the assistance of the Secretariat, in furtherance of the objective and guiding principles described in article I and II. programs are designed in a way to ensure maximum scale effect and participation of the largest possible number of Members. They include simple, measurable, mobilizing targets.

2. Programs proposals are designed through open consultations among all National Focal Points, with the assistance of the Secretariat, and based on information shared by Members. A Programs can be proposed by any two Members or group of Members, or by the Secretariat. The Secretariat ensures coherence among all ISA Programs.

3. Programs proposals are circulated by the Secretariat to the Assembly by digital circulation, through the network of National Focal Points. A Programs proposal is deemed open to adhesion by Members willing to join if it is supported by at least

two Members and if objections are not raised by more than two countries.

4. A Programs proposal is formally endorsed by Members willing to join, through a joint declaration. All decisions regarding the implementation of the Programs are taken by Members participating in the Programs. They are carried out, with the guidance and assistance of the Secretariat, by country Representatives designated by each Member.

5. The annual work plan gives an overview of the Programs, and other activities of the ISA. It is presented by the Secretariat to the Assembly, which ensures that all Programs and activities of the annual work plan are within the overall objective of the ISA.

Article IV

Assembly

1. The Parties hereby establish an Assembly, on which each Member is represented, to make decisions concerning the implementation of this Agreement and coordinated actions to be taken to achieve its objective. The Assembly meets annually at the Ministerial level at the seat of the ISA. The Assembly may also meet under special circumstances.

2. Break-out sessions of the Assembly are held in order to take stock of the Programs at Ministerial level and make decisions regarding their further implementation, in furtherance of article III.4.

3. The Assembly assesses the aggregate effect of the Programs and other activities under the ISA, in particular in terms of deployment of solar energy, performance, reliability, as well as cost and scale of finance. Based on this assessment, Members take all necessary decisions regarding the further implementation of the objective of the ISA.

4. The Assembly makes all necessary decisions regarding the functioning of the ISA, including the selection of the Director General and approval of the operating budget.
5. Each Member has one vote in the Assembly. Observers and Partner organizations may participate without having right to vote. Decisions on questions of procedure are taken by a simple majority of the Members present and voting. Decisions on matters of substance are taken by two-third majority of the Members present and voting. Decisions regarding specific Programs are taken by Members participating in this Programs.
6. All decisions taken by the International Steering Committee of the ISA established by the Paris Declaration on the ISA of 30th November 2015 are submitted to the Assembly for adoption at its first meeting.

Article V

Secretariat

1. Parties hereby establish a Secretariat to assist them in their collective work under this Agreement. The Secretariat comprises of a Director General, who is the Chief Executive Officer, and other staff as may be required.
2. The Director General is selected by and responsible to the Assembly, for a term of four years, renewable for one further term.
3. The Director General is responsible to the Assembly for the appointment of the staff as well as the organization and functioning of the Secretariat, and also for resource mobilization.
4. The Secretariat prepares matters for Assembly action and carries out decisions entrusted to it by the Assembly. It ensures that appropriate steps are taken to follow up Assembly decisions and to co-ordinate the actions of Members in the implementation of such decisions. The Secretariat, inter alia, shall:

- a) assist the National Focal Points in preparing the Programs proposals and recommendations submitted to the Assembly;
- b) provide guidance and support to Members in the implementation of each Programs, including for the raising of funds;
- c) act on behalf of the Assembly, or on behalf of a group of Members participating in a particular Programs, when so requested by them; and in particular establishes contacts with relevant stakeholders;
- d) set and operate all means of communication, instruments and cross-cutting activities required for the functioning of the ISA and its Programs, as approved by the Assembly.

Article VI

Budget and Financial Resources

1. Operating costs of the Secretariat and Assembly, and all costs related to support functions and cross-cutting activities, form the budget of the ISA. They are covered by: a) Voluntary contributions by its Members, UN & its agencies and other countries; b) Voluntary contributions from private sector. In case of a possible conflict of interest, the Secretariat refers the matter to the Assembly for approval of the acceptance of the contribution;
- c) Revenue to be generated from specific activities approved by the Assembly.
2. The Secretariat will make proposals before the Assembly to establish and enhance a Corpus Fund which will generate revenues for the budget of the ISA, with initial dotation of US \$16 million.
3. Government of India will contribute US \$ 27 million to the ISA for creating corpus, building infrastructure and recurring expenditure over 5year duration from 2016-17 to 2020-21. In addition, public sector undertakings of the Government of India namely Solar Energy Corporation of India (SECI) and Indian

Renewable Energy Development Agency (IREDA) have made a contribution of US \$ 1 million each for creating the ISA corpus fund.

4. Financial resources required for the implementation of a specific Programs, other than administrative costs falling under the general budget, are assessed and mobilized by countries participating in this Programs, with the support and assistance of the Secretariat.

5. The finance and administration activities of the ISA other than Programs may be outsourced to another organization, in accordance with a separate agreement to be approved by the Assembly.

6. The Secretariat with the approval of the Assembly may appoint an external auditor to examine the accounts of the ISA.

Article VII

Member Country status

1. Membership is open to States which are members of the United Nations. Such States become Members of the ISA by having signed this Agreement and having deposited an instrument of ratification, acceptance or approval.

Article VIII

Partner Organization

1. Partner Organization status may be granted by the Assembly to organizations that have potential to help the ISA to achieve its objectives, including regional inter-governmental economic integration organizations constituted by sovereign States and at least one of which is a member of ISA.

2. Decisions regarding partnerships to be concluded in the context of a specific Programs are taken by countries participating in this Programs, with the approval of the Secretariat.

3. United Nations including its organs will be the Strategic Partner of the ISA.

Article IX

Observers

Observer status that may be granted by the Assembly to applicants for membership whose application is pending, or to any other organization which can further the interest and objectives of the ISA.

Article X

Status, privileges and immunities of the ISA

2. The ISA Secretariat shall possess juridical personality under the Host Country Agreement, the capacity to contract, to acquire and dispose of movable and immovable properties and to institute legal proceedings.

3. Under the same Host Country Agreement, the ISA Secretariat shall enjoy such privileges, applicable tax concessions and immunities as are necessary at its Headquarters for independent discharge of its functions and programs, approved by the Assembly.

4. Under the territory of each Member, subject to its National Laws and in accordance with a separate Agreement, if necessary; the ISA Secretariat may enjoy such immunity and privileges that are necessary for the independent discharge of its functions and programs.

Article XI

Amendments and withdrawal

1. Any Member may propose amendments to the Framework Agreement after expiry of one year from the commencement of the Framework Agreement.

2. Amendments to the Framework Agreement shall be adopted by the Assembly by two thirds majority of the Members present and voting. The amendments shall come into force when two thirds of the Members convey acceptance in accordance with their respective constitutional processes.

3. Any member may withdraw from the present Framework Agreement, by giving a notice of three months to the Depository in advance. Notice of such withdrawal are notified to the other Members by the Depository.

Article XII

Seat of the ISA

The seat of the ISA shall be in India.

Article XIII

Signature and entry into force

1. Ratification, acceptance or approval of the Framework Agreement is effected by States in accordance with their respective constitutional processes. This Framework Agreement shall enter into force on the thirtieth day after the date of deposit of the fifteenth instrument of ratification, acceptance or approval.

2. For Members having deposited an instrument of ratification, acceptance or approval after the entry into force of the Framework Agreement, this Framework Agreement shall enter into force on the thirtieth day after the date of deposit of the relevant instrument.

3. Once the ISA is established, the International Steering Committee of the ISA ceases to exist.

Article XIV

Depository, registration, authentication of the text

1. The Government of the Republic of India is the Depository of the Framework Agreement.

2. This Framework Agreement is registered by the Depository pursuant to Article 102 of the Charter of the United Nations.

3. The Depository transmits certified copies of the Framework Agreement to all Parties.

4. This Framework Agreement, of which Hindi, English and French texts are equally authentic, is deposited in the archives of the Depositary.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the Framework Agreement.

DONE at, on thisday ofyear, in the Hindi, English and French languages, all texts being equally authentic.

Signature: _____

Name of Signatory:

Designation:

Country:

IV: Civil Liability Bill of Kingdome of Bhutan 2022

Preamble

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;

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 "*sacrosanct and respected by all people irrespective of their social status and position,*"

WHEREAS it is the constitutional goal to ensure a safe, just, equitable, and harmonious society;

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;

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;

WHEREAS it is deemed expedient to consolidate, harmonize, and codify the tort provisions spread across few existing legislations and for other related purposes;

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

CHAPTER 1
PRELIMINARY

Title

1. This Act is the Civil Liability Act of Bhutan 2022.

Commencement

2. This Act comes into force on the ...Day, of the ...Month of the ... Year corresponding to the ... Day of the ... Month of 2022.

Extent

3. This Act extends to the whole of the Kingdom of Bhutan.

Application

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.

5. If the civil remedy provided against a wrongdoer under this Act is also provided by other legislation for the same cause of action, the injured person, including the victims of crime, shall have an option to claim for the civil remedy under either of the legislations. However, if the remedy provided is different, the victim shall have the right to claim that remedy.

6. Chapter 9 of this Act extends to an award of damages that relates to an injury or harm received, or to a death resulting from an injury received, whether before or after the commencement of this Act, but does not apply to or in respect of an award of damages in proceedings commenced in a Court before the commencement of this Act.

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.

Supersession
8. The provisions of this Act shall supersede any custom or usage of trade relating to civil liability in the Kingdom of Bhutan to the extent that such custom or usage is inconsistent with the provisions of this Act.
Transitional and saving
9. All proceedings and other actions, directly or indirectly, related thereto commenced or pending under any custom or usage of trade relating to civil liability in Bhutan and which have not been disposed of or completed before the commencement of this Act, shall be continued and concluded in all respects as if that custom or usage of trade had not been repealed.
CHAPTER 2
PRINCIPLES OF LIABILITY IN NEGLIGENCE
PART I
DUTY OF CARE AND BREACH OF DUTY
Principles of general standard of care
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.
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:
(1) the probability that the harm would occur if care were not taken;

(2) the likely seriousness of the harm;
(3) the burden of taking precautions to avoid the risk of harm; and
(4) the social utility of the activity that creates the risk of harm.
12. In a proceeding relating to liability for negligence:
(1) the burden of taking precautions to avoid a risk of harm includes the burden of taking precautions to avoid similar risks of harm for which the person may be responsible;
(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
(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.
Duty to warn of risk
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.
PART II CAUSATION
General principles
14. A decision that a breach of duty caused particular harm comprises the following elements:
(1) that the breach of duty or negligence was a necessary condition of the occurrence of the harm; and

<p>(2) that for the determination of liability of the person in breach, it is appropriate to extend the breach of duty to the harm so caused.</p>
<p>Onus of proof</p>
<p>15. In determining liability for breach of a duty, the plaintiff always bears the onus of proving, on the balance of probabilities, any fact relevant to the issue of causation.</p>
<p style="text-align: center;">PART III ASSUMPTION OF RISK</p>
<p>16. A risk from a thing, including a living thing, is not an obvious risk if the risk is created because of a failure on the part of a person to properly operate, maintain, replace, prepare or care for the thing, unless the failure itself is an obvious risk.</p>
<p><i>Volenti Non fit Injuria</i></p>
<p>17. If, in a proceeding for a claim for damages for breach of duty causing harm, a defense of voluntary assumption of risk is raised by the defendant and the risk is an obvious risk, the plaintiff is taken to have been aware of the risk unless the plaintiff proves, on the balance of probabilities, that she was not aware of the risk.</p>
<p>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.</p>
<p>No proactive duty to warn of obvious risk</p>
<p>19. A person does not owe a duty to another person to warn of an obvious risk.</p>
<p>20. Section 19 does not apply if;</p>
<p>(1) the plaintiff has requested advice or information about the risk from the defendant;</p>

<p>(2) the defendant is required by law to warn the plaintiff of the risk; or</p>
<p>(3) the defendant is a professional, other than a medical practitioner, and the risk is a risk of the death of or personal injury to the plaintiff from the provision of a professional service to the plaintiff by the defendant.</p>
<p>Plaintiff to prove unawareness of risk</p>
<p>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.</p>
<p style="text-align: center;">PART IV DANGEROUS RECREATIONAL ACTIVITIES</p>
<p>Application and definition</p>
<p>22. This part applies only in relation to liability in negligence for harm to a person resulting from a dangerous recreational activity engaged in by the plaintiff.</p>
<p>23. The obvious risk has the same meaning as it has in Part III.</p>
<p>No liability from dangerous recreational activities</p>
<p>24. A person is not liable for harm caused by his fault suffered by a victim while the victim engaged in a dangerous recreational activity if the harm is the result of the occurrence of something that is an obvious risk of that activity.</p>
<p>25. This section applies whether or not the person suffering harm was aware of the risk.</p>

PART V DUTY OF PROFESSIONALS
Standard of care for professional
26. In a case involving an allegation of negligence against a person who holds herself out as possessing a particular skill, the standard to be applied by a Court in determining whether the defendant acted with due care is to be determined by reference to what could reasonably be expected of a person possessing that skill.
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 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.
28. Professional opinion does not have to be universally accepted to be considered widely accepted. The fact that there are differing professional opinions widely accepted in Bhutan by members of the same profession does not prevent any one or more of those opinions being relied on for the purposes of this Section.
Proactive and reactive duty of health professional to warn of risk
29. 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:

(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 the decision about whether to undergo the treatment or follow the advice.

**PART VI
CONTRIBUTORY NEGLIGENCE**

Standard of care in relation to contributory negligence

30. The principles that are applicable in determining whether a person has been negligent also apply in determining whether the person who suffered harm has been guilty of contributory negligence in failing to take precautions against the risk of that harm.

Apportionment of liability in case of contributory negligence

31. Where a person suffers damage as the result partly of her own fault and partly of the fault of any other person or persons, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the damages recoverable in respect thereof shall be reduced to such extent as the Court thinks just and equitable having regard to the degrees of fault of the claimant's share in the responsibility for the damage.

32. If, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally.

Common employment
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.
PART VII INTOXICATION
Intoxication and duty of care
34. The following principles apply in relation to the effect that a person's intoxication has on the duty and standard of care that the person is owed:
(1) in determining whether a duty of care arises, it is not relevant to consider the possibility or likelihood that a person may be intoxicated or that a person who is intoxicated may be exposed to increased risk because the person's capacity to exercise reasonable care and skill is impaired as a result of being intoxicated;
(2) a person is not owed a duty of care merely because the person is intoxicated; and
(3) the fact that a person is or may be intoxicated does not of itself increase or otherwise affect the standard of care owed to the person.
Presumption of contributory negligence if person who suffers harm is intoxicated
35. If the injured person was intoxicated at the time of the accident, and contributory negligence is alleged by the defendant, contributory negligence will, subject to Section 36, be presumed.
36. The injured person may, however, rebut the presumption by establishing that:
(1) the intoxication did not contribute to the accident;

(2) the intoxication was not self-induced; or
(3) the intoxication is wholly attributable to the use of drugs in accordance with the prescription or instructions of a health professional.
Damages where person intoxicated
37. A Court shall not award damages unless satisfied that the death, injury or damage to property is likely to have occurred even if the person had not been intoxicated.
38. When there is a presumption of contributory negligence, the Court must assess damages on the basis that the damages to which the person would be entitled in the absence of contributory negligence are to be reduced on account of contributory negligence by a percentage to be determined by the Court to be appropriate in the circumstances of the case.
39. If, in the case of a motor vehicle accident, the injured person was the driver of a motor vehicle involved in the accident and the evidence establishes that the concentration of alcohol in the injured person's blood exceed the permissible limit for driving a motor vehicle as prescribed in the Road Safety and Transport Authority Act, the minimum reduction for contributory negligence shall be increased to 50 percent.
PART VIII SELF-DEFENSE
Exclusion of liability for self-defense
40. A defendant may be excluded from liability arising from any conduct of the person carried out in self-defense only if:
(1) the conduct to which the person was responding was unlawful; or
(2) the person believed the self-defense was necessary:

(a) to defend herself or another person;
(b) to prevent the unlawful deprivation of her liberty or the liberty of another person;
(c) to protect property from unlawful taking, destruction, damage or interference;
(d) to prevent criminal trespass to any land or premises or to remove a person committing any such criminal trespass; and
(e) the conduct is a reasonable response in the circumstances as she perceives them.
41. Section 40 shall not apply if the person uses force that involves the intentional or reckless infliction of death only:
(1) to protect property; and
(2) to prevent criminal trespass or to remove a person committing criminal trespass.
42. The Court may, however, award damages despite the exclusionary principle if satisfied that:
(1) the circumstances of the particular case are exceptional; and
(2) in the circumstances of the particular case, a failure to award damages would be harsh and unjust.
PART IX CRIMINAL CONDUCT
Exclusion of liability for criminal conduct
43. A defendant may be exempted from liability to pay damages if the Court:
(1) is satisfied beyond reasonable doubt that the accident occurred while the injured person was engaged in a conduct constituting a criminal offence; and
(2) is satisfied on the balance of probabilities that the injured person's conduct contributed materially to the risk of injury.

44. For the purposes of Section 43 (1), a relevant conviction or acquittal is to be accepted as conclusive evidence of guilt or innocence of the offence to which it relates.
45. The Court may, however, award damages despite the exclusionary principle if satisfied that:
(1) the circumstances of the particular case are exceptional; and
(2) in the circumstances of the particular case, a failure to award damages would be harsh and unjust.
46. If the Court decides to award damages under Section 45, the Court must assess the damages on the basis that the damages to which the injured person would be entitled are to be reduced, on account of the injured person's conduct, by a percentage to be decided by the Court to be appropriate in the circumstances of the case.
PART X APOLOGY
Objective
47. The objective of this Part is to encourage a person to make an apology about an incident without the apology being construed or used as an admission of liability in relation to the incident.
48. An apology made by or on behalf of a person in connection with any matter alleged to have been caused by the person:
(1) does not constitute an express or implied admission of fault or liability by the person in connection with that matter; and
(2) is not relevant to the determination of fault or liability in connection with that matter.
49. Evidence of an apology made by or on behalf of a person in connection with any incident alleged to have been caused by the person is not admissible in any civil proceedings as

evidence of the fault or liability of the person in connection with that incident.
CHAPTER 3 PROPORTIONATE LIABILITY
Apportionable claim
50. This Chapter applies to a proceeding in relation to an apportionable claim whether or not all concurrent wrongdoers are parties to the proceeding.
51. This Chapter does not apply to a claim to the extent that an Act provides that liability for an amount payable in relation to the claim is joint and several.

Concurrent wrongdoer

52. A concurrent wrongdoer is a person who is 1 of 2 or more persons whose acts or omissions caused, independently of each other, the loss or damage that is the subject of the claim, irrespective of whether the person is insolvent, is being wound up, has ceased to exist or has died.

No benefit of apportionment for certain wrongdoers

53. This Chapter does not limit the liability of a concurrent wrongdoer in a proceeding involving an apportionable claim if the concurrent wrongdoer intended to cause, or fraudulently caused the economic loss or damage to property which is the subject of the claim.

Proportionate liability for apportionable claims

54. In any proceeding involving an apportionable claim, the liability of a defendant who is a concurrent wrongdoer in relation to the claim is limited to an amount reflecting that proportion of the loss or damage claimed that the Court considers just and equitable having regard to the extent of the defendant's responsibility for the loss or damage.

55. In apportioning responsibility between defendants in a proceeding the Court may consider the comparative responsibility of any concurrent wrongdoer who is not a party to the proceeding.

Onus of defendant to identify concurrent wrongdoers

56. A person who makes a claim must make the claim against all persons the claimant has reasonable grounds to believe may be liable for the loss or damage.

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.

58. If the defendant fails to give the claimant information about other concurrent wrongdoers because of which the claimant unnecessarily incurs cost in the proceedings, the Court may order the defendant to pay all or a part of the claimant's costs.

Chapter not to affect other liabilities

59. Nothing in this Chapter:

(1) prevents a person from being held vicariously liable for a proportion of any apportionable claim for which another person is liable;

(2) prevents a person from being held jointly and severally liable for the damages awarded against another person as agent of the person; or

(3) prevents a partner from being held jointly and severally liable with another partner for that proportion of an apportionable claim for which the other partner is liable.

CHAPTER 4

LIABILITY OF PUBLIC AUTHORITIES

Guiding principles

60. In determining whether a public authority has a duty or has breached a duty, the following principles shall apply:

(1) the functions required to be exercised by the authority are limited by the financial and other resources that are reasonably available to the authority for exercising the functions;

(2) the general allocation of financial or other resources by the authority is not open to challenge;

(3) the functions required to be exercised by the authority are to be decided by reference to the broad range of its activities, and not only by reference to the matter to which the proceeding relates; and

(4) the authority may rely on evidence of its compliance with its general procedures and any applicable standards for the exercise of its functions as evidence of the proper exercise of its functions in the matter to which the proceeding relates.

Wrongful exercise of or failure to exercise function

61. This Section applies to proceedings for damages for an alleged breach of statutory duty by a public authority in connection with the exercise of, or a failure to exercise a function of the authority.

62. For the purpose of any such proceedings, an act or omission of the authority does not constitute a breach of statutory duty unless the act or omission was in the circumstances so unreasonable that no authority having the functions of the authority in question could properly consider the act or omission to be a reasonable exercise of its functions.

Maintenance of public places

63. A public authority who is under a duty to construct or maintain public places in a reasonably safe condition for the use of the public, and who entrusts its construction, maintenance and repair to a contractor, is subject to the same liability for physical harm to persons using the public places caused by the negligent failure of the contractor to make it reasonably safe as though the public authority had retained the work to be done by the authority.

Nonfeasance protection of road authorities

64. A public authority is not liable in a proceeding for harm arising from a failure of the authority to maintain, repair or renew a road, or to consider maintaining, repairing or renewing a road, unless:

<p>(1) at the time of the claimed failure the authority knew, or ought reasonably to have had known, of the particular risk the materialization of which resulted in the harm; or (2) harm or injury is caused to persons using the road while it is open for travel during the construction, maintenance or repair.</p>
<p>Payment of damages</p>
<p>65. The head of the public authority or her designee may consider, ascertain, adjust, determine, compromise, and settle any claim for damages against the public authority for injury or loss of property or death caused by the negligent or wrongful act or omission of any employee of the authority while acting within the scope of her employment.</p>
<p>Exclusiveness of remedy</p>
<p>66. The remedy provided against the public authority by this Chapter for injury or loss of property or death caused by the negligent or wrongful act or omission of any employee is exclusive and any other civil action or proceeding for damages arising out of or relating to the same subject matter against the employee or the employee's estate is precluded without regard to when the act or omission occurred.</p>
<p>Good Faith</p>
<p>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.</p>
<p style="text-align: center;">CHAPTER 5 STRICT LIABILITY</p>
<p>Liability for abnormally dangerous activity</p>
<p>68. A person who engages in an abnormally dangerous activity shall be liable for damage caused by such activity.</p>

69. An activity is abnormally dangerous if:
(1) it creates a foreseeable and highly significant risk of damage even when all due care is exercised; and
(2) it is not a matter of common usage.
70. A person who carries out an abnormally dangerous activity is subject to strict liability even if the resulting harm is caused by:
(1) innocent, negligent or reckless conduct of a third person; or
(2) <i>force majeure</i> .
Liability for livestock trespass
71. 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.
72. The owner or possessor of livestock shall not be liable under Section 71, if:
(1) the harm is brought about by an unexpected operation of force of nature;
(2) the harm is caused by the intentional or negligent conduct of a third person; or
Liability of owner or possessor of abnormally dangerous animal
73. The owner or possessor of an abnormally dangerous domestic animal is liable for the harm caused by the animal to another person despite the owner having exercised utmost care to prevent the harm.
74. The owner or possessor of an abnormally dangerous domestic animal shall not be liable for the harm if the person has intentionally or negligently trespassed onto the property of the owner of the animal.

Liability for harboring abnormally dangerous animal

75. A person who, although not the owner, harbors an abnormally dangerous domestic animal is subject to the same liability as if the person was the owner of the animal.

Liability of minors

76. If the action of a minor results in the loss or injury to another person, the following are strictly liable for the minor's action:

- (1) the parents, to the extent to which they exercise parental control over the minor;
- (2) the guardians, to the extent to which they are charged with the care of the minor; or
- (3) a legal person charged with the care of the minor on a permanent basis by a judicial or administrative decision.

Liability of employers

77. An employer is strictly liable for harm caused by her employee.

78. An employee is not subject to any personal liability except in the case of intentional fault, or where without authorization the employee acted for purposes not related to her functions.

79. An employer is a person who has the power to give orders or instructions to her employee in relation to the performance of her functions.

Other strict liabilities

80. The provisions of this Chapter do not exclude or limit other strict liabilities arising under this or other laws.

CHAPTER 6

LIABILITY OF EMPLOYERS OF CONTRACTORS

General principle

81. Except as provided in Sections 82–90, the employer of a contractor is not liable for physical harm caused to another by an act or omission of the contractor or her employees.

Negligence of employer in giving orders and directions

82. The employer of a contractor is subject to the same liability for physical harm caused by an act or omission committed by the contractor pursuant to orders or directions negligently given by the employer, as though the act or omission were that of the employer herself.

Negligence in selection of contractor

83. An employer is subject to liability for physical harm to third persons caused by her failure to exercise reasonable care to employ a competent and careful contractor to do work which will involve a risk of physical harm.

Duty of employer to require contractors to take precautions

84. 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:

(1) fails to provide in the contract that the contractor shall take such precautions; or

(2) fails to exercise reasonable care to provide in some other manner for the taking of such precautions.

Special precautions for dangerous work

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.

Failure to inspect work of contractor

86. A person who is under a duty to exercise reasonable care to maintain property in such condition as not to involve unreasonable risk of bodily harm to others and who entrusts the work of repair and maintenance to a contractor, is subject to liability for bodily harm caused to them by her failure to ensure that the property is in a reasonably safe condition after the contractor's work is completed.

Negligence in exercising control retained by employer

87. An employer who entrusts work to a contractor, but who retains the 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.

Duty of land owners to prevent harm

88. 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.

Work done in public place

89. One who employs a contractor to do work in a public place which unless carefully done involves a risk of making the place dangerous for the use of the public, is subject to liability for physical harm caused to the public by a negligent act or omission of the contractor which makes the physical condition of the place dangerous for their use.

Maintenance of public highways

90. 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 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

Duty of institutions to prevent child abuse
91. An institution has a duty to take all reasonable steps to prevent the abuse of a child by an employee of the institution while the child is under the care, supervision, control or authority of the institution.
Proof of breach of duty
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.
93. In determining whether the institution took all reasonable steps to prevent the abuse, the matters that are relevant include: <ol style="list-style-type: none">(1) the nature of the institution;(2) the resources that were reasonably available to the institution;(3) the relationship between the institution and the child;(4) the role in the institution of the individual who perpetrated the child abuse;(5) the level of control the institution had over the individual who perpetrated the child abuse;(6) whether the institution complied with any applicable standards in respect of child safety; and(7) any other matter the Court considers relevant.
Vicarious liability of the institution
94. An institution shall be vicariously liable for child abuse perpetrated against a child by an employee of the institution if the employment position in which the

<p>institution has placed the employee has provided an opportunity to the employee to perpetrate child abuse, and the employee has taken advantage of that opportunity to perpetrate child abuse.</p>
<p>95. 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;</p>
<p>(2) the trust of the child; and</p>
<p>(3) the ability to achieve intimacy with the child.</p>
<p>Liability of the employee</p>
<p>96. This Chapter applies regardless of when the act or omission that constitutes the child sexual abuse occurred.</p>
<p>97. 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;</p>
<p>(2) the former employee no longer holds the relevant office; and</p>
<p>(3) the plaintiff would be able to initiate an action on the cause of action if the former employee still held the relevant office.</p>
<p>98. 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>99. The following shall apply for the purpose of a proceeding started or continued under Section 98:</p>
<p>(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;</p>

(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 defense or immunity that would have been available to the former office holder as a defendant in the proceeding.
Continuity of institutions
100. In this Chapter, an institution is taken to be the same institution as the institution that breached its duty if it is substantially the same as it was when the relevant cause of action accrued, even if:
(1) its name has changed;
(2) its organizational structure has changed; or
(3) its functions or activities are carried out at a different place.
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.
CHAPTER 8 OCCUPIER'S LIABILITY
Liability of occupiers
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.
103. It shall be the duty of the Tenancy Authority to ensure proper administration and enforcement of the Tenancy Act of Bhutan.

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.
105. Nothing in this Chapter affects any obligation to which an occupier of premises is subject by reason of any other Act or any statutory rule or any contract.
106. In determining the standard of care to be exercised by the occupier of premises, a Court shall take into account:
(1) the nature of the premises;
(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;
(4) the age of the person and the ability of that person to appreciate the danger;
(5) whether the person entering the premises is intoxicated by alcohol or drugs voluntarily consumed and the level of intoxication;
(6) whether the person entering the premises is engaged in an illegal activity;
(7) the measures, if any, taken to eliminate, reduce or warn against the danger; and
(8) any other matter that the Court thinks relevant.
107. An occupier owes no duty of care to a trespasser unless the nature or extent of the danger was such that measures which were not in fact taken should have been taken for their protection.

CHAPTER 9

Remedies

PART I

INTERIM RELIEF

108. In accordance with the Civil and Criminal Procedure Code of Bhutan, a plaintiff may seek interim relief in the form of injunctions, temporary restraining orders, interlocutory orders against a tort or injury or to refrain a person from committing a tort or injury which would affect the plaintiff's right or claim.

109. In determining whether to grant the interim relief, the Court may consider the following:

- (1) the possibility of an irreparable harm to the plaintiff;
- (2) any unreasonable delay by the plaintiff in bringing the suit;
- (3) hardship likely to result to defendant if relief is granted and to plaintiff if it is denied;
- (4) the interests of third persons and of public; and
- (5) the practicability of enforcing the order or judgment.

110. In the case of disobedience of order of interim relief or breach of the order, the Court may order the property of the person guilty of such disobedience or breach to be attached, and shall initiate contempt proceedings against the person.

**PART II
DAMAGES**

Nature and purpose of damages

111. Damages include monetary payment to compensate the victim for damage, loss or injury and to restore her to the position she would have been if the wrong complained had not been committed. Damages also serve the aim of punishing wrongdoers and deterring wrongful conduct.

Restoration in kind

112. Instead of damages, restoration in kind can be claimed by the victim as far as it is possible and if not too burdensome to the other party.

Assessment of degree of injury or impairment

113. In determining injury or impairment suffered by an injured person, the Court shall consider the evidences adduced by the parties.

114. The medical report or evidence of injury or impairment is to be given only by a competent medical professional who has assessed the degree of injury or impairment.

115. The medical report may contain the following:

- (1) the cause, or probable cause of the accident claimed to have given rise to the personal injury;
- (2) the claimant's medical condition or prospects of rehabilitation; or
- (3) the claimant's cognitive, functional or vocational capacity.

PART III
DAMAGES FOR DEATH OR PERSONAL INJURY

Liability for death

116. Where the death of a person is caused by a wrongful act or negligence and if death had not ensued, it would have entitled the person injured to maintain an action and recover damages in respect of the injury, the person who would have been liable if the death had not ensued is liable to an action for damages notwithstanding the death of the person injured.
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.
118. The proceedings for the damages may be brought by and in the name of the legal heir or personal representative of the deceased person.
119. In a claim by a surviving spouse for wrongful death, the possibility that the surviving spouse may form a future relationship of financially beneficial cohabitation should have no effect on the assessment of the surviving spouse's damages.

<p>Obligations of spouses</p> <p>120. The spouse of a person is not, by reason only of her or his being such a spouse, in a claim for damages resulting from negligence, liable to be sued, or made a party to a legal proceeding brought thereof.</p>
<p>Survival of causes of action</p> <p>121. On the death of a person, all causes of action for damages subsisting against or vested in the person survive against the person's estate or, as the case may be, for the benefit of the person's estate.</p>
<p>Limitation on proceedings</p> <p>122. No proceedings shall be maintainable in respect of a cause of action for damages resulting from negligence, which has survived against the estate of the deceased person unless:</p>
<p>(1) proceedings against her in respect of that cause of action were pending on the date of her death; or</p>
<p>(2) the proceedings are commenced within the period of twelve months after the date upon which the damage was suffered.</p>
<p>Damages for death</p> <p>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.</p>
<p>124. The victim shall be entitled to the funeral rites expenses for forty-nine days for seven people and reasonable medical expenses of the victim in relation to the injury that resulted in the death.</p>
<p>125. In determining the expenses for funeral rites under Section 124, regard must be had to the religious and cultural circumstances of the dead person and the members of the dead person's family.</p>

<p>Damages for loss of earnings</p> <p>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.</p>
<p>127. The Court may award damages only if it is satisfied that the person has suffered or will suffer loss having regard to the person's age, work history, actual loss of earnings, any permanent impairment and any other relevant matters.</p>
<p>128. If an award of damages for future economic loss is assessed to be paid as lump sum, the present value of that future economic loss is to be determined by a discount of 5% on the total amount.</p>
<p>129. If the Court awards damages, the Court must state the assumptions on which the award is based and the methodology it used to arrive at the award.</p>
<p>Damages for loss of superannuation entitlements</p> <p>130. Damages shall be awarded for economic loss due to the loss of employer superannuation contributions for impairment of the earning capacity.</p>
<p>Damages for gratuitous attendant care services</p> <p>131. Damages for gratuitous attendant care services may be awarded to a person for the injuries caused by the negligence of another person.</p>
<p>132. Damages for gratuitous attendant care services to the victim shall be awarded only if:</p>
<p>(1) the services are necessary;</p>
<p>(2) the need for the services arises solely out of the injury; and</p>

<p>(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>
<p>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.</p>
<p>134. The monthly wage for provision of gratuitous attendant care services shall not exceed an amount equal to three times the monthly minimum wage.</p>
<p>Damages for loss of capacity to perform domestic gratuitous services</p>
<p>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.</p>
<p>136. Damages for gratuitous domestic services shall be awarded only if the:</p>
<p>(1) injured person died as a result of the injuries suffered;</p>
<p>(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</p>
<p>(3) recipient was, or will be, incapable of performing the services personally because of the recipient's age or physical or mental incapacity.</p>
<p>137. For a recipient to be eligible for gratuitous domestic services damages, it does not matter:</p>
<p>(1) that the injured person was not paid to perform the services;</p>
<p>(2) that the injured person has not been, and will not be, obliged to pay someone else to perform the services; or</p>

<p>(3) that the services have been, or are likely to be, performed, gratuitously or otherwise, by other people.</p>
<p>138. The monthly wage for provision of gratuitous domestic services shall not exceed an amount equal to three times the monthly minimum wage.</p>
<p>139. 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>Interest in damages</p>
<p>140. A defendant shall not be liable to pay interest on damages awarded for any of the following:</p>
<p>(1) non-economic loss;</p>
<p>(2) gratuitous attendant care services provided to the injured; and</p>
<p>(3) loss of capacity to perform domestic or gratuitous services.</p>
<p>141. The rate of interest to be used for calculation of interest on damages as well as the interest on debt under a judgment shall be the interest rate provided in the Moveable and Immovable Property Act of the Kingdom of Bhutan.</p>

Restitution of expenditure made to avert harm

142. A person whose interests have been endangered by the tortious conduct of another is entitled to recover expenditure reasonably made to avert the harm threatened.

Litigation cost

143. 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.

144. A *Jabmi* shall not charge, demand, or collect for services rendered, fees in excess of 25 percent of the damages awarded.

**PART IV
DAMAGES FOR LOSS OF PROPERTY**

Loss, destruction and damage of property

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.

146. Damages may also be awarded for loss of use of the property, including consequential losses such as loss of business.

**PART V
NON-ECONOMIC DAMAGES (GENERAL DAMAGES)**

Damages for non-economic loss

147. 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.
148. 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.
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.
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.
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.
152. The damages for non-economic loss shall be calculated as follows: (1) If the scale value is 10 or less: (a) the base amount A for this sub-section shall be two months minimum wage;

(b) the total damages shall be determined by multiplying the scale value by base amount A.

(2) If the scale value is 20 or less but more than 10:

(a) the base amount A for this sub-section shall be calculated by multiplying the base amount of sub-section (1) by numerical 10;

(b) the base amount B for this sub-section shall be calculated by multiplying the base amount of sub-section (1) by numerical 2;

(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.

(3) If the scale value is 30 or less but more than 20:

(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;

(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;

(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.

(4) If the scale value is 40 or less but more than 30:

(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;

(b) the base amount B for this sub-section shall be calculated by multiplying the base amount A of Section (1) by numerical 4;

(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.

(5) If the scale value is 50 or less but more than 40:

(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;

(b) the base amount B shall be calculated by multiplying the base amount A of sub-section (1) by numerical 5;

(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.

(6) If the scale value is 60 or less but more than 50:

(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;

(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;

(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.

Punitive or exemplary damages

153. 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.

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.

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.
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 and the capacity of the defendant to pay the damages.
157. The maximum amount of punitive or exemplary damages for defamation shall be ten years minimum wage.
CHAPTER 10 OFFENCES AND PENALTIES
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.
False evidence 159. If a person gives or dishonestly causes to be given evidence in an action under this Act that is false or misleading in any material respect shall be guilty of an offence.
160. A person who violates Section 159 shall be liable for a misdemeanour in accordance with the Penal Code of Bhutan.

161. A Jabmi who violates Section 144 shall be liable for a misdemeanour in accordance with the Penal Code of Bhutan
CHAPTER 11 MISCELLANEOUS
Mediation or negotiated settlement
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.
163. The power of the Court under Section 162 is in addition to and not in substitution for any power of a Court to give directions in relation to any matter in a civil case.
164. All the communications during the mediation or any records or other evidence thereof shall be confidential and shall not be used as evidence in any proceedings whether civil or criminal.

Rules of construction 165. In this Act, the singular includes the plural and the feminine includes the masculine, and vice versa.
Power to make rules and regulations 166. Within one year from the date of commencement of this Act, the Royal Judicial Service Council shall make rules and regulations appropriate for the purposes of giving full effect to this Act which shall be consistent herewith.
Amendment 167. The amendment of this Act by way of addition, variation or repeal may be effected only by Parliament.
Authoritative text 168. The Dzongkha text is the authoritative text, if there exists any difference in meanings between the Dzongkha and the English texts.
Definition 169. In this Act, unless the context otherwise requires:
(1) “abuse of a child” means: (a) sexual abuse or serious physical abuse of the child; or (b) psychological abuse of the child perpetrated in connection with sexual abuse or serious physical abuse of the child.
(2) “apology” is an oral or written expression of sympathy or regret, or of a general sense of benevolence or compassion, in relation to an incident, whether or not the expression admits or implies fault or liability in relation to the incident.
(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.

<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>(5) “child” means a person under the age of 18 years.</p>
<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>(7) “contractor” denotes any person who does work for another including construction, rebuilding or repairing of property, irrespective of whether the work is done gratuitously or for payment, or whether under a contract or employment.</p>
<p>(8) “dangerous recreational activity” means an activity engaged in for enjoyment, relaxation or leisure that involves a significant degree of risk of physical harm to a person.</p>
<p>(9) “employee” for the purpose of Chapter 4, includes officers or employees of any public authority, and persons in the service and on behalf of the public authority either permanent or temporary, with or without compensation.</p>
<p>(10) “employee” for the purpose of Chapter 7, includes a person associated with the institution and includes</p>

an officer, office holder, representative, leader, owner, member, agent or volunteer of the institution.
(11) “employer” includes public authority as defined in Chapter 4.
(12) “gratuitous domestic services” means services of a domestic nature for which there has been, and will be, no payment or liability to pay.
(13) “harm” means harm or injury of any kind and includes: (a) personal injury or death; (b) damage to property; and (c) economic loss.
(14) “head of institution” means the person who is acknowledged by the institution as its head or who has the overall responsibility for the institution.
(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.
(16) “institution” means an entity, whether incorporated or otherwise, that provides an activity, program or service of a kind that gives an opportunity for a person to have contact with a child, and includes a public sector unit but does not include a family.
(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>(18) “loss of earnings” means:</p> <ul style="list-style-type: none">(a) past economic loss because of loss of earnings or the deprivation or impairment of earning capacity; and(b) future economic loss because of loss of prospective earnings or the deprivation or impairment of prospective earning capacity.
<p>(19) “obvious risk” shall mean the following:</p> <ul style="list-style-type: none">(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;(2) obvious risks include risks that are patent or a matter of common knowledge;(3) a risk of something occurring can be an obvious risk even though it has a low probability of occurring; or(4) a risk can be an obvious risk even if the risk is not prominent, conspicuous or physically observable.
<p>(20) “occupier of premises” means a person in occupation or control of the premises, and includes a landlord.</p>
<p>(21) “office of authority” includes a position as a member of a management committee of the institution, or a position in which the holder is concerned with, or takes part in the management of the institution.</p>
<p>(22) “personal injury” includes any disease and any impairment of a person’s physical or mental condition, and “injured” shall be construed accordingly.</p>

<p>(23) “personal injury or death” means personal or bodily injury and includes: (a) pre-natal injury; (b) psychological injury; (c) disease; and (d) aggravation, acceleration or recurrence of an injury or disease.</p>
<p>(24) “premises” means land, building or structure or a vehicle including an aircraft.</p>
<p>(25) “present value” means the value when the award is made.</p>
<p>(26) “profession” means a vocation requiring special advanced education, knowledge and skill. The labor and skill involved is predominantly mental and intellectual, rather than physical or manual.</p>
<p>(27) “professional” means a person practicing a profession including legal profession.</p>
<p>(28) “public authority” means the following: (a) Government and its authorities; (b) local Government; (c) any public authority constituted under an Act including State Owned Enterprises and Corporations; (d) a person holding an office or position established by or under an Act; and (e) any person, employee or body undertaking the exercise of public or other functions.</p>
<p>(29) “road” means a street, road, lane, cycle path, bridge, tunnel, footpath or paved area that is open to, or used by, the public.</p>
<p>(30) “tenancy authority” means the institution designated under the Tenancy Act of Bhutan.</p>

Sl. No.	Committee	Chairperson	Deputy Chairperson	Members
1.	House Committee	Hon'ble Jigme Wangchuk		Hon'ble Dhan Kumar Sunwar Hon'ble Dorji Khandu Hon'ble Lhaki Dolma Hon'ble Nima Hon'ble Ugyen Tshering (Paro) Hon'ble Tashi Samdrup
2.	Legislative Committee	Hon'ble Dhan Kumar Sunwar	Hon'ble Ugyen Tshering (EM)	Hon'ble Choining Dorji Hon'ble Tempa Dorji Hon'ble Phuntsho Rapten
3.	Economic Affairs Committee	Hon'ble Ugyen Tshering	Hon'ble Anand Rai	Hon'ble (Dasho) Tashi Wangyal Hon'ble Jigme Wangchuk
4.	Social and Cultural Affairs Committee	Hon'ble Lhaki Dolma	Hon'ble Sonam Pelzom	Hon'ble Kesang Chuki Dorjee Hon'ble Ugyen Namgay Hon'ble Tshewang Rinzin
5.	Natural Resources and Environment Committee	Hon'ble Dorji Khandu	Hon'ble Pema Dakpa	Hon'ble Tashi Samdrup Hon'ble Karma Gyeltshen Hon'ble Tirtha Man Rai

6.	Good Governance Committee	Hon'ble Nima	Hon'ble Sangay Dorji	Hon'ble Surjaman Thapa Hon'ble Lhatu
7.	Foreign Relations Committee	Hon'ble Tashi Samdrup	Hon'ble Lhatu	Hon'ble (Dasho) Tashi Wangyal Hon'ble Dhan Kumar Sunwar

Chairpersons, Deputy Chairpersons and Members of the Standing Committees

Hon'ble Members of the National Council

1. His Excellency Tashi Dorji, Chairperson,
Wangduephodrang Dzongkhag
2. Hon'ble Jigme Wangchuk, Deputy Chairperson,
SamdrupJongkhar Dzongkhag
3. Hon'ble (Dasho) Tashi Wangyal, His Majesty's Nominee
4. Hon'ble Phuntsho Rapten, His Majesty's Nominee
5. Hon'ble Kesang Chuki Dorjee, His Majesty's Nominee
6. Hon'ble Ugyen Tshering, His Majesty's Nominee
7. Hon'ble Nima, Bumthang Dzongkhag
8. Hon'ble Sangay Dorji, Chhukha Dzongkhag
9. Hon'ble Surjaman Thapa, Dagana Dzongkhag
10. Hon'ble Dorji Khandu, Gasa Dzongkhag
11. Hon'ble Ugyen Namgay, Haa Dzongkhag
12. Hon'ble Tempa Dorji, Lhuentse Dzongkhag
13. Hon'ble Sonam Pelzom, Mongar Dzongkhag
14. Hon'ble Ugyen Tshering, Paro Dzongkhag
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21. Hon'ble Lhatu, Trashigang Dzongkhag
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