

## **THE SPEAKER'S ACT OF THE NATIONAL ASSEMBLY OF BHUTAN, 2004**

### **A BILL**

to provide for and under the glorious reign of His Majesty the fourth hereditary Monarch of Bhutan, the Speaker of the Legislative branch of the Kingdom of Bhutan as the presiding officer of the National Assembly, upholds the moral integrity, decorum and tradition of the National Assembly;

Whereas the Speaker ensures that the National Assembly preserves, protects, and defends the inviolable principles enshrined in the historic Genja, which gave rise to the enthronement of Gongsu Ugyen Wangchuck as Druk Gyalpo, the first hereditary monarch of Bhutan on the 13th day of the 11th month of the Earth Monkey Year, corresponding to December 17, 1907;

Whereas, in pursuance to the profound vision and noble conceptions of reforms of His Majesty the third King for the country and people to promote people's participation in the decision making process, had established National Assembly in Water Snake year, corresponding to 1953. Therefore the Speaker as the guardian of the traditions and privileges of the National Assembly and its honourable Members, is required to act fairly and impartially to command the confidence of the National Assembly.

Be it enacted by the National Assembly of Bhutan in its 82nd Session, on this, \_\_\_\_\_ day of the \_\_\_\_\_ month of the Wood Male Monkey Year, corresponding to \_\_\_\_\_, 2004, as follows, -

### **SHORT TITLE; COMMENCEMENT AND REPEAL**

1. (1) This Act may be cited as the “The Speaker’s Act of the National Assembly of Bhutan , Wood Male Monkey Year, corresponding to 2004.”
- (2) This Act shall come into force on this .....Day of the.....Month of the Wood Male Monkey Year, corresponding to.....,2004.
- (3) The Act for the office of the Speaker of the National Assembly of the Kingdom of Bhutan, 1996, is hereby repealed.

### **NOMINATION FOR THE SPEAKER**

2. (1) The National Assembly shall elect the Speaker from among its members in accordance with the procedures adopted under this Act for that purpose.
- (2) The elected candidate shall resign from his constituency.

### **ELIGIBILITY CRITERIA**

3. The Speaker of the National Assembly shall, -
  - (1) be a Bhutanese citizen;
  - (2) not be married to a non Bhutanese;
  - (3) be capable of shouldering the responsibilities of the National Assembly with integrity and honesty;
  - (4) not be a person who is adjudge bankrupt; and
  - (5) be a person dedicated to TSA WA SUM of the Kingdom of Bhutan.

### **FIRST ITEM OF BUSINESS**

4. (1) When there is vacancy in the office of Speaker at the begining of a session, the election of the Speaker shall be the first item of business after the opening ceremony.

- (2) No motion, point of order, question of privilege, debate, or other business of any kind shall be entertained until the Speaker is elected.
- (3) The Secretary General of the National Assembly shall preside over the meeting during the election of the Speaker.
- (4) In the absence of the Secretary General, the next official in line shall preside over the meeting during the election of the Speaker.

#### **ELECTION PROCEDURE**

5. The election of Speaker shall be conducted in accordance with the following procedures, -
  - (1) Voting shall be conducted by secret ballot;
  - (2) If there are two or more nominees under section 2 of this Act, the election shall be by the highest number of votes;
  - (3) If in the first ballot under sub-section 2 of this section, a nominee receives the equal highest number of votes the process shall be repeated once again;
  - (4) In any second ballot, the name of the nominee with the least number of votes in the preceding ballot shall be removed;
  - (5) If there is a tie vote between any two nominees for the second time, it shall be decided by drawing of lots.
  - (6) A nominee may withdraw by so informing the Secretary General in writing before the first ballot or any subsequent ballot. The withdrawal shall be effective upon receipt by the Secretary General and the election shall then proceed as if the individual had not been nominated;

- (7) A nominee who is a member and who does not withdraw before a ballot shall not be eligible to vote in that ballot.
- (8) If, by reason of withdrawal or otherwise, there is only one nominee at any stage of election, the National Assembly shall decide if the nominee shall be declared Speaker by consensus or if there shall be an election requiring at least 51 percent of votes.
- (9) Before each ballot, the Secretary General shall announce the nominees and shall distribute to the members an alphabetical list of the nominees. The Secretary General shall then furnish a single ballot to each member present;
- (10) To record a choice, a member shall deposit their respective votes in the box provided for that purpose;
- (11) All counting of ballots shall take place before the members present and voting and declare the number of votes deposited.
- (12) After the count of votes, the Secretary General shall announce the name of the nominee, if any, who has received the highest number of votes.
- (13) The officials of the Secretariat involved in the voting process shall not disclose the number of votes cast for any nominee.

#### **OATH OF ALLEGIANCE**

6. (1) After receiving *Dakean* from His Majesty the King, the Speaker shall take and subscribe to the following oath of alligance to the TSA WA SUM, -

I.....do solemnly swear that I will serve the King, Country, and the People of Bhutan, with true honor and loyalty.

I further swear that I will support and defend the Tsa Wa Sum against all enemies, foreign and domestic, with unwavering Tha Damtsi and constant awareness of the principle of Ley Jumdre.

I further swear that I will endeavour, with full effort of Lui- Ngag- Yi- Sum, to discharge well and faithfully the duties of the office of Speaker of the National Assembly.

I also give my pledge to maintain full confidentiality and secrecy of all matters of office pertaining to the security and national interest of the Kingdom of Bhutan

I undertake these obligations freely and without any mental reservation or purpose of evasion.

In witness of this oath, I invoke the sacred names of the Guardian Deities of the Glorious Pelden Drukpa

(Signature and date)

- (2) The oath under subsection (1) of this section shall be administered by one of the four lopons in the National Assembly hall in the presence of His Majesty the King and the members.

#### **TERM OF OFFICE**

7. (1) The Speaker shall hold office for a term of five years; and
- (2) be eligible to serve for a maximum of two full terms.

## **CODE OF CONDUCT**

8. The Speaker shall, -

- (1) conduct the duties of the office of Speaker with utmost integrity, dignity, decorum and fairness;
- (2) act impartially and without regard for personal interest;
- (3) not permit any submission that is motivated by the personal interest of a member;
- (4) not hold any office or employment in the Royal Government;
- (5) not engage in any other employment or gainful activity, other than those that are already in ones control;
- (6) not indulge in illegal or improper means, favours, or intimidation;
- (7) carry out the responsibilities of the office of Speaker in the best interest of the Tsa-Wa-Sum;
- (8) not misuse official status, power or public property; and
- (9) in pursuant to the constitutional provisions endeavour to deliver services to the people without inordinate delay and harassment.

## **FUNCTIONS AND RESPONSIBILITIES**

9. The Speaker shall, -

- (1) preside over the National Assembly and enforce its rules for the orderly conduct of proceedings;
- (2) preserve dignity and decorum in the hall and maintain discipline among the Members;

- (3) maintain authority of the National Assembly and protect its rights, traditions, and privileges;
- (4) be responsible for setting overall policy for the management and general administration of the National Assembly;
- (5) sign into law, all Acts passed by the National Assembly;
- (6) sign all official communications transmitted by the Speaker on behalf of the National Assembly;
- (7) represent the National Assembly in relations with His Majesty the King, the executive branch and the judicial branch of the Royal Government, and other outside bodies and persons;
- (8) fix the date for each session of the National Assembly;
- (9) meet foreign dignitaries and officials and other foreign visitors, on behalf of the National Assembly;
- (10) take part in ceremonial programs, as may be necessary, on behalf of the National Assembly;
- (11) represent the National Assembly at national events and on official visits to other countries;
- (12) designate Members and other individuals, in appropriate numbers for delegations to represent the National Assembly at parliamentary conferences, seminars, and study tours outside the country;

- (13) be responsible for supervision of the agenda of the National Assembly, for assuring proper advance distribution of the agenda to Members, and for conduct of the business of the National Assembly in accordance with the agenda;
- (14) rule on question of parliamentary order and practice relating to the business of the National Assembly;
- (15) preside over the election process for the Council of Ministers;
- (16) ensure the resolutions of National Assembly to be in Dzongkha;
- (17) inform the National Assembly of any instance of the death of a Member or of misfortune that has befallen on a Member.
- (18) issue circular for the election of National Assembly members to the Election Commission regularly;
- (19) open the session of the National Assembly by Zhugdrel Phuensumtsokpai Tendril and conclude with Deshi Tenpai Moenlam; and
- (20) discharge the functions and responsibilities that are enshrined in the Committees Act and the Rules of Procedure of the National Assembly.

#### **POWER**

10. The Speaker shall have the power to, -
  - (1) exercise discretion, as presiding officer, to promote fair and prompt consideration of the business of the National Assembly;



- (2) use the discretion under subsection (1) of this section to, -
  - (a) decide the order in which Members are recognized for discussion;
  - (b) decline to recognize a Member for discussion; and
  - (c) limit the length of discussion.
- (3) delegate to other Members any power or authority vested in the Speaker, other than when such delegation is prohibited by law, or by Rule or tradition of the National Assembly;
- (4) permit discussion in the National Assembly of issues not included in the agenda, if such issues require the attention of Members for reasons of immediate national importance;
- (5) check irrelevance and tedious repetition by ordering a Member to discontinue a discussion;
- (6) end a discussion if the submissions indicate that the matter at issue should be resolved by another branch of the Royal Government or by non-governmental persons, without deliberation in the National Assembly;
- (7) ensure that the speech of a Member does not defame any person or institution, or otherwise transgress the Rules of the National Assembly;
- (8) discipline a Member by suspension for a period from one day to the entire duration of the session depending upon the nature of issue, or as otherwise prescribed by the Rules of the National Assembly;
- (9) recommend formation of a committee or use of other means to investigate any activity of a Member that is alleged to bring discredit on the National Assembly as an institution;

- (10) maintain propriety of conduct in the gallery and to order removal of any visitor who fails to exhibit appropriate standards of behaviour;
- (11) appoint the chairman of the respective committees of the National Assembly, when so required by the Rules of the National Assembly;
- (12) adjourn the National Assembly for a suitable period of time, in the event of disorder or for other appropriate reasons;
- (13) convene the National Assembly in case of emergency, with the prior approval of His Majesty the King; and
- (14) cooperate with heads of other branches of the Royal Government to achieve legal consistency in official policies, programs, and positions.
- (15) amend and incorporate new provision in the Rules of procedure, regulation of the National Assembly and implement it.

#### **REMOVAL AND OTHER RELATED MATTERS**

11. (1) Before a vote to remove the Speaker is taken, the vote shall be requested by written petition to the Secretary General and signed by one-third of the Members elected and sworn. The petition shall state with specificity the facts alleged to support the petition.
- (2) Except for automatic removal under sub-section (5) of this section, the Speaker may not be removed, other than, -
  - (a) for the reasons specified in subsection (3) of this section; and
  - (b) by a vote of two-thirds of the Members voting, in an open vote or a secret ballot, as determined by the Members, a quorum being present.

- (3) The reasons for removal referred to in subsection (2) of this section are as follows, -
- (a) upon death;
  - (b) upon resignation;
  - (c) upon the expiration of the term of office;
  - (d) physical, mental, or other incapacity;
  - (e) abuse of office, including malfeasance, misfeasance, or nonfeasance;
  - (f) conduct that brings the National Assembly into disrepute; and
  - (g) intentional violation of constitutional provisions.
- (4) The Deputy Speaker shall preside over any proceeding relating to a petition for removal under subsection (1) of this section or a vote under sub-section (2) of this section.
- (5) Removal from the office of the Speaker shall be automatic, if the Speaker is convicted of a crime or treason.

#### **STATUS**

12. The Speaker being the head of the National Assembly shall, -
- (1) have the same rank and entitlements of a Cabinet Minister;
  - (2) be placed high in the warrant of Precedence, standing next to the His Majesty the King and the Prime Minister; and
  - (3) represent the National Assembly with the authorities.

### **SALARIES, ALLOWANCES AND PRIVILEGES**

13. The Speaker shall be entitled to salaries, allowances, benefits and any other entitlements at par to the Cabinet Minister both within and outside the country.

### **DEPUTY SPEAKER**

14. (1) The National Assembly shall elect the Deputy Speaker from among its members;
- (2) The Deputy Speaker shall continue to represent his constituency as a member.
- (3) The criteria for the Deputy Speaker of the National Assembly shall be same as under section 3 of this Act.
- (4) The election of the Deputy Speaker shall be carried out in the same manner as provided for election of the Speaker under section 5 of this Act.
- (5) The Deputy Speaker shall take the oath of allegiance in accordance with the provisions enshrined in section 6 of this Act.
- (6) The tenure of the Deputy Speaker shall begin from the day of election till the expiry of his membership.
- (7) The Deputy Speaker shall perform the duties of the Chair in the temporary absence of the Speaker from the hall or upon order of the Speaker, without any formal communication to the National Assembly.
- (8) While performing the duties of the Chair, the Deputy Speaker shall have all the powers, duties, and responsibilities of the Speaker with respect to the matters under consideration by the National Assembly.

- (9) The Deputy Speaker shall be removed as per the provisions enshrined in section 11 of this Act.
- (10) In case the Deputy Speaker is removed as per the provisions of section 11, he shall resign from his constituency.
- (11) The code of conduct for the Deputy Speaker shall be as per the provisions enshrined in section 8 of this Act.

#### **SALARIES, ALLOWANCES AND PRIVILEGES**

- 15. During the tenure, the Deputy Speaker shall be entitled to salary, allowances, privileges and other entitlements at par with the grade 1 civil servant.

#### **SPEAKER PRO TEMPORE**

- 16. In the temporary absence of the Speaker and the Deputy Speaker from the hall, the Speaker pro tempore shall, only preside that Assembly Session. The Speaker pro tempore shall be that Member, other than a Minister, who is present in the hall, who is senior most and nominated by the members.

#### **AMENDMENT**

- 17. The National Assembly shall amend this Act as and when required to do so.

#### **AUTHORITATIVE TEXT**

- 18. In case of any difference in meaning between English and Dzongkha texts, the Dzongkha text shall prevail.