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## **PREAMBLE**

IN KEEPING with the constitutional vision for an effective and responsive Parliament, to enable the members of Parliament to safe guard the interest of the nation and fulfill the aspirations of the people of Bhutan through service to the people with ethical standards to facilitate the members to perform their constitutional and legislative mandates with competence, integrity and fidelity;

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

## **CHAPTER 1 PERLIMINARY**

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

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1. This Act shall:
  - a) be called the Parliamentary Entitlements Act of the Kingdom of Bhutan 2008;
  - b) come into force on the 11<sup>th</sup> Day of 6<sup>th</sup> Month of Male Earth Rat Year of the Bhutanese calendar corresponding to the 12<sup>th</sup> Day of the 8<sup>th</sup> Month of the Year 2008; and
  - c) extend to the whole of the Kingdom of Bhutan.

## **Application**

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2. This Act shall apply to all the members of the Parliament but shall not apply to the members of the *Lhengye Zhungtshog*.

## **Repeal**

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3. This Act hereby repeals any provisions of the any law, rules or regulations which are inconsistent with this Act.

## **CHAPTER 2 NATIONAL COMMITTEE ON PARLIAMENTARY ENTITLEMENTS**

4. There shall be a National Committee on Parliamentary Entitlements to advise the Pay Commission on Parliamentary Entitlements and to formulate rules and regulations under this Act.
5. The National Committee shall consist of :
  - a) A member of Royal Civil Service Commission;
  - b) One member nominated by the Speaker of the National Assembly;
  - c) One member nominated by the Chairperson of the National Council;
  - d) One member nominated by Opposition Leader; and
  - e) One member from the Ministry of Finance nominated by the Lhengye *Zhungtshog* as the Member Secretary.

## **Rule Making Power**

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6. The National Committee may make Rules not inconsistent with this Act, prescribing all matters required or permitted by this Act or necessary to be prescribed for effective implementation of this Act

## **CHAPTER 3**

### **SALARY, ALLOWNCES AND BENEFITS**

7. No law shall vary the scales and structure of the salary, allowances, benefits and other emoluments for the services of the members of Parliament unless the proposal is tabled by the Pay Commission.

## **Salary**

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8. A member of Parliament shall be entitled to receive adequate salary to:
  - a) Ensure independence;
  - b) Reduce dependency;
  - c) Prevent corruption;
  - d) Attract the best candidates with optimal professional qualifications; and
  - e) Provide financial security.

9. The salary of the members of Parliament shall not be reduced during one's term of office.
10. The salary, allowances, benefits and other emoluments of the Speaker of the National Assembly, Chairperson of the National Council and the Leader of the Opposition shall be equivalent to that of a Cabinet Minister.
11. Deputy Speaker of National Assembly and the Deputy Chairperson of National Council shall receive reasonable salary and other reasonable allowances slightly higher than the members of Parliament for their additional responsibility.
12. The salary of the members of Parliament shall be as per Annexure I.

## **Travel**

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13. Travel shall be undertaken by a member of Parliament;
  - a) To their constituency to carry out any official assignment;
  - b) For the Parliamentary sessions in Thimphu;
  - c) For the Committee meetings of Parliament, if he or she is a member of any Committee; and
  - d) To carry out any assignment relating to Parliament approved by the Speaker or the Chairperson of respective House.

14. Travel shall be undertaken after necessary approval from;
  - a) The Speaker in case of members of National Assembly; and
  - b) The Chairperson in case of members of the National Council.
15. A member of Parliament shall be entitled by daily subsistence allowance for travel undertaken for purposes mentioned above. The daily subsistence allowance entitlement shall be given as under Annexure I to this Act.
16. When a member of Parliament performs a journey outside the country in discharge of the duties, they shall be entitled to traveling and other allowances in accordance with applicable rules of the government.
17. The members of Parliament shall be entitled to use of executive lounges while traveling by air in and out of the country.

## **Residence**

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18. A member of Parliament shall be entitled to a house rent allowance at a percentage of their pay during the term of office. The percentage rate be as in Annexure I
19. In the event of the death of a member during his or her term in office, house rent allowance shall be paid a period of three months from the date of his or her demise.



## **Transport**

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20. Every member of Parliament shall be provided with a lump sum amount to purchase a vehicle, fee of customs duty, in the beginning of his or her term and a monthly driver and vehicle maintenance allowance. Such proportionate amount as remaining upon his or her retirement/ resignation before the completion of the five-year term or termination from service shall be reimbursed to the Government. The lump sum amount and the monthly allowance shall be as given in Annexure I.

## **Telephone**

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21. A member of Parliament shall be entitled to a mobile phone. The entitlement shall be as given in Annexure I

## **Leave**

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22. A member of Parliament shall be entitled to the following categories of leave;
- a) Casual Leave,
  - b) Earned Leave,
  - c) Maternity Leave,
  - d) Paternity Leave, and
  - e) Medical Leave

### **Discretionary allowance**

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23. A member of Parliament shall be entitled to a discretionary allowance. The entitlement shall be as given in Annexure I

### **Expenses for carriage and personal effects while joining**

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24. A member of Parliament shall be entitled to expenses for carriage and personal effects after being elected as a member or nominated in case of 5 eminent members of National Council. The entitlement shall be as given in Annexure I.

### **Returning of Facilities**

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25. A member of Parliament shall return to the Government or convey the facilities provided if any under this Act to his successor, who is elected to fill the seat of the constituency, which the out-going member has vacated.

### **Medical Facilities**

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26. A member of Parliament shall be entitled to medical facilities in accordance with the National Medical Treatment Rules.

## **CHAPTER 4**

### **RETIREMENT BENEFITS**

#### **Retirement Benefits**

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27. Every member of Parliament shall be entitled to retirement benefits as per the provisions of this Act.
28. A member of Parliament shall not be entitled to gratuity and other retirement benefits, if the member:
  - a) is terminated
  - b) willfully remains outside the country with knowledge of indictment or charges, as the case may be ; or
  - c) fails to appear, testify or produce any document relating to their service as member of Parliament, before an appointed authority without any reasonable justification.

#### **Provident Fund**

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29. Every member of Parliament shall be entitled to provident fund benefits in accordance with the Pension and Provident Fund laws and rules.

#### **Gratuity**

#### **Eligibility Criteria for Gratuity**

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30. A member of Parliament upon retirement on completion of his term of five years shall be entitled to such amount of gratuity as may be provided for under this Act.

### **Amount of Gratuity**

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31. The amount of gratuity shall be as given in Annexure I. No gratuity shall be payable if a member retires before the completion of his term or if his services are terminated.

### **Verification for Gratuity**

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32. The gratuity claim of a member of Parliament shall be verified from the personal file of the concerned member of Parliament and certified by the designated authority in the prescribed form.

### **Sanctioning Authority for Gratuity**

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33. Gratuity shall be sanctioned to a member of Parliament by the respective Secretary Generals of the House of the Parliament in accordance with the applicable Rules.
34. A member of Parliament shall claim gratuity and such other terminal benefits from Parliament from which his or her last salary was received.

### **Journey on Retirement**

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35. A member of Parliament, who leaves office for any reason other than those mentioned in section 28, shall be entitled to:
  - a) Travel expense (other than for carriage of personal effects) of an amount equivalent to his pay of the last month, and

b) Expenses for carriage of personal effects at the rate given in Annexure I.

36. Family of an expired member of Parliament shall be entitled to traveling allowance in accordance with applicable rules for proceeding to their home town

### **Nominees for payment of retirement benefits**

37. Gratuity and other retirement benefits of expired members of Parliament shall be payable to their nominees in accordance with this Act.

38. A member of Parliament shall submit to the Secretariat of the respective Houses or Parliament, one or more person as nominees, who have the right to receive retirement benefits in the event of his or her demise.

39. A member of Parliament who desires to nominate more than one person under this Act shall specify the percentages payable to each nominee.

40. Every nomination made and every notice of cancellation by a member of Parliament shall, to the extent it is valid' take effect on the date on which it is received by the Secretariat of the respective Houses.

41. If there are no nominees of expired member of Parliament, the gratuity and other retirement benefits shall be disposed off in accordance with the relevant laws.

## **Deduction from Retirement Benefits from Recovery of Losses to public Funds**

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42. The amount found due from the member of Parliament, if any at the time of his or her retirement or demise and not recoverable otherwise, shall be recovered from the gratuity payable to him or her or from member's contribution to the provident fund in consultation with the National Pension and Provident Fund.

## **Administration of Retirement Benefits**

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43. The personnel file and record of members of Parliament shall be maintained with the Secretariat of the respective House for record.
44. The respective Secretariat of each Houses of Parliament shall process any document relating to retirement benefits, provided there is no adverse report against the member of the Parliament.

## **Other allowances and benefits**

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45. Any other allowances and benefits deemed appropriate by the Pay Commission may be incorporated in the Schedule from time to time.

## **CHAPTER 5**

### **MISCELLANEOUS**

#### **Amendment**

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

#### **Authoritative Text**

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47. The Dzongkha text shall be the authoritative text, if there exists any difference in meaning between the Dzongkha and English text of this Act.

Annexure 1

**Rates of Financial Entitlements of Members of Parliament**

1. Pay	Recommendation to be made by the Pay Commission
2. House Rent Allowance	-do-
3. Travel expenses allowances within Bhutan	-do-
4. Vehicle Purchase Amount(Lump sum)	-do-
5. Vehicle Maintenance Expenses Allowance	-do-
6. Telephone Mobile	-do-
7. Drivers Allowance	-do-
8. Gratuity	-do-
9. Discretionary Allowance	-do-
10. Expenses for carriage and personal effects	-do-
11. Daily Subsistence Allowance	-do-