

GENERAL INFORMATION

The Royal Government of Bhutan hereby, post the Draft Parliamentary Entitlements Act for the information of the general public. This Draft will be formally enacted by the new Parliament after the first general election in 2008.

PARLIAMENTARY ENTITLEMENTS ACT OF THE KINGDOM OF BHUTAN, 2008

PREAMBLE

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

The Parliament of the Kingdom of Bhutan during its First Session do hereby enact the Parliamentary Entitlements Act of the Kingdom of Bhutan on this /// Day of the /// Month of the /// Year, corresponding to the /// Day /// of /// Month of the Year 2008.

CHAPTER 1 PRELIMINARY

Title, Commencement and Extent

1. This Act shall:
 - (a) Be called the Parliamentary Entitlements Act of the Kingdom Bhutan, 2008;
 - (b) Come into force on the /// Day of /// Month of /// Year of the Bhutanese Calendar corresponding to the /// Day of the /// Month of 2008; and
 - (c) Extend to the whole of the Kingdom of Bhutan.

Application

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

Repeal

3. This Act hereby repeals any provisions of 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 the Parliamentary Entitlements.
5. The National Committee shall consist of:
 - (a) The Chairperson of the Pay Commission;
 - (b) The Chairperson of the Royal Civil Service Commission;
 - (c) One member nominated by the Speaker of the National Assembly;
 - (d) One member nominated by the Chairperson of National Council;
 - (e) One member nominated by the Opposition Leader; and
 - (f) One member from the Ministry of Finance nominated by the *Lhengye Zhungtshog* as the Member Secretary.

Rule Making Power

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, ALLOWANCES AND BENEFITS

Variation in Salary, Allowances, Benefits and other Emoluments

7. No law shall vary the scales and structure of salary, allowances, benefits and other emoluments for the services of the members of Parliament, unless the proposal is tabled by the Pay Commission.
8. The salary of the members of Parliament shall not be reduced during one's term of office.

Salary

9. 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.
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 Party shall be equivalent to that of a Cabinet Minister.
11. The salary of the members of Parliament shall be Ngultrum 30,000 per month.

Travel

12. A member of Parliament shall be entitled to actual lodging for one room and daily allowance of Ngultrum 500 or a lump sum amount of Ngultrum 1,000 per day.
13. Travel shall be undertaken by a member of Parliament:
 - (a) To his constituency to carry out any official assignment;
 - (b) For the Parliamentary sessions in Thimphu;
 - (c) For the Committee meetings of Parliament, if he is a member of any Committee; and
 - (d) To carry out any assignment relating to Parliament approved by the Speaker or the Chairperson of the respective House.
14. Travel shall be undertaken after necessary approval from:
 - (a) The Speaker in case of members of the National Assembly; and
 - (b) The Chairperson in case of members of the National Council.
15. When a member of Parliament performs a journey outside the country in the discharge of his duties, he shall be entitled to traveling and other allowances in accordance with the applicable Rules.
16. The members of Parliament shall be entitled to the use of executive lounges while traveling in and out of the country.

Sitting Fees or Attendance Allowance

17. Members of Parliament shall be entitled to sitting fees which shall be Ngultrum 800 per day.

Residence

18. A member of Parliament shall be paid thirty percent of his pay as house rent allowance during his term of Office.
19. In the case of the member's death during his term of office, his family members shall be entitled to retain the residence for the maximum period of three months on the same term as applicable to the member when he was alive.

Transport

20. Every member of Parliament shall be provided with a car or shall be given mileage allowance according to the rate fixed by applicable Rules. The National Committee shall decide the amount and type of conveyance to be purchased by the members of Parliament for their term.

Telephone

21. The Government shall install one telephone in the residence of each member in accordance with the applicable Rules.

Returning of Facilities

22. A member of Parliament shall return or convey the facilities provided 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

23. The Government shall provide medical facilities to the members of Parliament in accordance with the applicable Rules.

Stationary and Postage

24. The Government shall provide free stationery and free postal services for the better and efficient services of the members of Parliament in accordance with the applicable Rules.

**CHAPTER 4
KABNEY**

25. The members of Parliament shall wear blue kabneys with no frills and without patang except for the five eminent persons nominated by His Majesty the Druk Gyalpo to the National Council, who shall wear the same kabney that was awarded before becoming the member of the National Council. However, the eminent person shall also wear the blue kabney, if he has not been awarded a kabney before being appointed as member of the National Council.
26. The members of Parliament, the Speaker of the National Assembly and the Chairperson of the National Council shall not wear the official kabney once they cease to be a member of Parliament.

**CHAPTER 5
RESIGNATION AND RETIREMENT BENEFITS**

Resignation

27. A member of Parliament may, on his own volition, resign after giving notice of such resignation at least thirty days in advance.

Authority to Accept Resignation

28. The power to accept a resignation submitted by a member of Parliament shall be vested with the Speaker of the National Assembly or Chairperson of the National Council.
29. The accepting Authority shall ensure that the resigning member of Parliament have complied with the conditions set forth in this Act.

Retirement Benefits

30. Every member of Parliament shall be entitled to pension and provident fund benefits in accordance with the Pension and Provident Fund laws and rules.
31. The pension scheme for the members of Parliament shall be proportionate to the contribution made from the member's monthly salary.

Eligibility Criteria for Gratuity

32. A member of Parliament upon retirement shall be entitled to such amount of gratuity as may be prescribed by applicable Rules.
33. 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 Parliament.

Verification

34. A member of Parliament claiming gratuity under this Act shall be verified from the personal file of the concerned member of Parliament and certified by the designated authority in the prescribed form.

Amount of Gratuity

35. The amount of gratuity payable under this Act shall be computed in accordance with the applicable formula.

Recovery of Losses to Public Funds

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

Sanctioning Authority for Gratuity

37. The gratuity shall be sanctioned to a member of Parliament by the respective Secretary Generals of the Houses of Parliament according to the applicable Rules.

Journey on Retirement

38. A member of Parliament, who leaves office for any reason other than termination shall be entitled to a retirement benefit of an amount equivalent to one month's last pay of the member of Parliament.

Travel on Retirement

39. A member of Parliament on retirement shall be entitled to travel benefits equivalent to his one-month pay and subject to such conditions as may be prescribed in the applicable Rules.

Carriage Charge of Personal Effects

40. A member of Parliament, who leaves office for reasons other than termination, shall be entitled to receive carriage charge of personal effects as prescribed in the applicable Rules.
41. Family members of expired member of Parliament shall be entitled to traveling allowance in accordance with applicable rules for proceeding to their home town from Thimphu.

Incidence and Payment of Retirement Benefits

42. A member of Parliament shall claim gratuity and such other terminal benefits from Parliament from which his last salary was received.

Nominees

43. A member of Parliament shall submit to the Secretariat of the respective Houses of Parliament, one or more persons as nominees, who have the right to receive retirement benefits in the event of his demise.
44. A member of Parliament who desires to nominate more than one person under this Act shall specify the percentage payable to each nominee.
45. Every nomination made and every notice of cancellation by the 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.
46. Nominees of expired member of Parliament shall be entitled to gratuity and other retirement benefits in accordance with this Act.
47. If there are no nominees of expired member of Parliament, the gratuity and other retirement benefits shall be disposed off in accordance with the law.
48. 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 the 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 or Parliament without any reasonable justification.
49. The personnel file and record of member of Parliament who are terminated, suspended or have resigned shall be maintained with the Secretariat of the respective Houses for record.

CHAPTER 6 Miscellaneous

Amendment

50. The amendment of this Act by way of addition, variation or repeal shall be effected only by Parliament, by a vote of not less than two-thirds of the total members, provided that the amendment does not undermine the functions and effectiveness of Parliament.

Authoritative Text

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