

draft

**THE YOUTH PARLIAMENT ACT OF THE  
KINGDOM OF BHUTAN  
2013**

**Preamble**

Whereas, Article 1.1 of the Bhutanese Constitution states that "the Sovereign power belongs to the people of Bhutan";

Whereas, persons under the age of twenty five, termed as "youth" or "future citizens", constitute sixty percent of the Bhutanese population;

Whereas, few opportunities currently exist for "youth" to participate in policy-making;

Whereas, the Youth Parliament shall be established as an entity of a vibrant democracy that shall provide a platform for elected youth representatives to discuss policy matters of national importance and voice their opinions to local and national leaders;

the Parliament of Bhutan does hereby enact the Youth Parliament Act of the Kingdom of Bhutan as follows:

**Chapter 1**

**Preliminary**

**Short Title, Commencement and Extent**

1. This Act shall:
- (a) Be called THE YOUTH PARLIAMENT ACT OF THE KINGDOM OF BHUTAN, 2013;
  - (b) Come into force on the .....Day, of the ....Month of the .....Year of the Bhutanese Calendar corresponding to the ....Day of the ...Month of 2013; and
  - (c) Extend to the whole of Bhutan

**Chapter 2**

**The Youth Parliament**

2. There shall be a Youth parliament in which some powers of legislation under the Constitution are vested
3. In the initial year, the Youth Parliament shall consist of twenty-five members, eighteen of whom will be elected from middle and higher secondary schools, and seven of whom

Be more general with the Nos.

representing youth from elected from middle & higher secondary schools employed, unemployed & disabled youth

pg. Nos.

- shall be nominated to represent employed, unemployed, and disabled youth.
4. The Election of the Members of the Youth Parliament will be governed and assisted by the Election Commission of Bhutan

#### The Independent Mandate

5. Like the National Council of Bhutan, the Youth Parliament shall not be bound by interest groups and shall function in a non-partisan manner in their parliamentary work

#### Functions

6. The Youth Parliament shall ensure that the governments safeguards and includes the views of the youth in policy-making processes through the public review of policies and issues, Bills and other legislation, and scrutiny of State functions
7. The Youth Parliament shall:
- Initiate or prepare bills that have relevance to the Youth; and
  - Review and amend existing laws that affect the Youth;

#### Term of the Youth Parliament

8. The Youth Parliament shall continue for 1 year from the date of the first sitting of the Youth Parliament

### Chapter 3

#### Members of the Youth Parliament [MYP]

#### Qualifications of Members

9. A youth shall be qualified to be elected as a member of the Youth Parliament if he/she:
- Is a registered student of representative school or organization as evidenced by student ID and/or other relevant records.
  - Is at least in grade 9.
10. A member of the Youth Parliament shall not be a member of any political interest groups or parties.

#### Disqualifications of Members

11. A member of the Youth Parliament shall be disqualified from the Parliament, if during his/her tenure, he/she:
- Is found in violation of any clause in the Code of Conduct
  - Indulges in activities that are in breach of his/her duties and misuses his/her office for

? Discuss  
continuing? or  
\* include a clause  
for selection of a  
new group  
check what happens  
in Norway

personal gains;

c) Is guilty of persistent unruly behavior in the Youth Parliament;

d) Indulges in activities with a patent bias in the discharge of his functions;

e) Remains absent without permission of the Youth Parliament for more than one-

fourth

of the number of days in a session;

f) Commits willful violation of the laws of the country;

### Decision of Disqualification

12. A person declared ineligible under the section 10 shall not be elected and returned as a member of the Youth Parliament.

13. The disqualification of a member under this act shall only be decided upon a resolution passed by the Youth Parliament on a petition addressed to the President. If the member in question is the president, the petition shall be addressed to the Speaker.

### Resignation

14. Any member holding a seat in the Youth Parliament may resign through a declaration made in writing under the signature of that person before two witnesses. The declaration shall be addressed to the President either during session or during the prorogation period. If the resigning member is the President, the declaration must be addressed to his/her successor; who shall be elected within a week of the submission of resignation by the incumbent president.

15. If a member holding a seat in the Youth Parliament tenders resignation of the seat in the manner provided in section 14 of his act, such a member is deemed to have vacated the seat and ceases to exist as a member of the Youth Parliament.

### Removal

16. Membership of the Youth Parliament shall be terminated upon the violation of the provisions of this act.

### Vacancy

17. The seat of the Youth Parliament shall be deemed vacant upon:  
a) Resignation;  
b) Disqualification or removal;  
c) The expiration of the term of office;  
d) Death

### Issue of writ in case of vacancy

18. Where a vacancy occurs in the Youth Parliament for any reason before the expiry of its term, the President shall without delay on being informed of the vacancy by the



member of the Youth Parliament, address a warrant to the Steering committee who shall forward the warrant to the Election Commission to conduct elections to fill

such

a vacancy; provided the remainder of the term be not less than 3 months.

19. A member elected or nominated as a result of section 18 shall serve only the remainder of the term as a member of Youth Parliament.

## Duties

20. Once elected as a Member of the Youth Parliament, each MYP shall serve a term of 1 year. During his/her tenure, the MYP is expected and obligated to:

- a) Attend and participate in a mandatory <sup>2 week</sup> 10-day orientation in addition to the two main sessions during the winter and summer holidays.
- b) Support youth voice and actively engage with every student in their school
- c) Organize events and projects in the schools using a small, discretionary fund
- d) Run awareness campaigns and influence decision-makers on the issues which matter most to young people
- e) Conduct official tours to other Dzongkhags to better understand their needs and promote awareness on the Youth Parliament and on youth-related issues
- f) Serve on one of eight topic committees
- g) Attend the sessions of the Youth Parliament and the MYP's designated Committee and actively take part in the issues being raised in those fora.

Guidance:

## Declaration

The youth parliament shall be guided by a steering committee comprising representatives from civil society, government and constitutional agencies (?)

21. On assuming office, a member shall inform the members of the Steering Board in writing about his/her:
- Bio-data
  - Academic and educational background
  - Skills and strengths
  - Choice of one of the 8 committees with specifications of why and how they shall serve that committee
  - A vision statement for the change they would like to see in Bhutan

22. Any reference as to whether a member has willfully committed fraud in any provisions of

section 20 of this act shall be made only on a written complaint lodged with the President by any other Youth, MYP or other. If the member in question is the president, such complaint shall be lodged with the Speaker.

### Election Certificates

23. The elected members shall receive their certificates of Election from ECB.
24. The elected members shall present their certificates of Election to the Members of the Steering board before the day on which the Youth Parliament convenes for the first time following an election.
25. Changes in the composition of the Youth Parliament shall be entered in the list to be maintained by the members of the Steering board.

### Privileges and Immunities

26. Any member who has the right to speak or otherwise take part in the proceedings of the Youth Parliament or any committee thereof shall have the right to freedom of speech.
27. Members of the Youth Parliament shall be immune from any arrest, detention or prosecution on account of any opinion expressed in the course of the discharge of his functions.

### Remuneration

28. Since the Youth Parliament is a voluntary venture, no members are afforded with any form of salary, allowances or benefits other than the social action project fund. During sessions and trainings, all expenses for meals and hostel will be borne by the Steering Committee.
- Expenses for meals & accommodation*
- (?) Do we need this in an Act(?)*

## President and Speaker

### Election of President and Speaker

29. At the end of the mandatory <sup>7 week</sup> 10-day orientation program for the elected members, the ← Parliament will convene unofficially to elect a President and a Speaker.
30. The President and Speaker shall hold office until the expiration of the term of the Youth Parliament but in case of death, resignation or removal during the term of the Parliament, a new President or Speaker shall be elected without undue delay
31. The Speaker shall lead and preside over the debate in the parliament.
32. Whenever the Speaker finds it necessary to take ~~a~~ leave during any part of the sitting of the Youth Parliament, the President shall preside over the sittings during such absence.

### Powers of the Speaker

33. The Speaker shall conduct the sessions of the Youth Parliament and have the sole authority to call members to the debate in accordance with the Rules framed under this Act.
34. During deliberation, if discussion emerge, which may not be in accordance with the Rules of Procedure, the Speaker may stop the same or direct that the matter be forwarded to the appropriate committee.
35. A member shall obtain leave of the Speaker before addressing the Youth Parliament. The speaker shall ensure that the member's address is limited to the time limit defined prior to the start of discussions on the issue or as defined in the Rules of Procedure.
36. The Speaker may intervene if a member, while addressing the Parliament deviates from the subject matter.
37. The Speaker holds the right to summon any individual to attend the proceedings of the Parliament, for the purpose of giving evidence, provide information or produce documents in that person's control. If any of the committees feel the need to summon a person for the cause of supporting their bill/motion; the respective committees shall obtain the permission to do so from the Speaker.
38. If the Speaker is of the opinion that a member is deliberately contravening the provisions of this Act, or that a member is in contempt of or is disregarding the authority of the Chair,



or that a member's conduct is grossly disorderly, the member shall be made to withdraw immediately from such a sitting of the House.

### **Powers of the President**

39. The President will act as a member of the Steering Committee - the only MYP with the privilege. In this capacity, he or she will be called on to attend Committee meetings and help monitor and oversee the activity of other MYPs.

40. The President shall act as the *de-facto* leader and representative of the Youth Parliament.

41. The President will sit-in as the Speaker during the absence of the speaker. In case of resignation by the Speaker, the President will act as the interim speaker till an election for a new Speaker is conducted. This shall be true if the term remainder of the Parliament is not less than 3 months.

42. The President will lead the end-of-session presentation to the Members of the Parliament in the National Council and National Assembly. *and other relevant stakeholders*

43. The President retains the right to force a member to withdraw from the house in event as described in section 39.

### **Removal of the Speaker and President**

44. The motion for the removal of the Speaker or President shall be moved by not less than one-third of the total members of the Youth Parliament.

45. The motion for removal, if passed by two-third of the total members of the Youth Parliament, shall require the President to be removed by the Steering Committee, and in the case of the Speaker, by the President.

## **Chapter 5**

### **Sittings of the Youth Parliament**

## Summoning Order

49. The President shall inform the Steering Board members on the date of commencement of every session before issuing the Summoning Order.

50. The Youth Parliament shall assemble at least twice a year.

51. Whenever necessary, the Speaker shall convene an extraordinary sitting of the Youth Parliament on the <sup>instruction</sup> command of the Steering Board Members.

52. During an extraordinary sitting, the Youth Parliament shall consider only those matters for which it has been convened or otherwise have been presented to the Youth Parliament. For the House debate on a new issue, the motion shall have to be moved by at least two-third of the Parliament.

## Oath or Affirmation

53. The day on which the Youth Parliament convenes for the first time following an election, the members in the order specified in an announcement shall be administered oath or affirmation.

54. The Speaker and the members of the Youth Parliament shall take an Oath or Affirmation office before assuming their responsibilities.

55. The Speaker and President of the Youth Parliament shall also take an Oath or Affirmation of Secrecy before assuming office.

## Opening Ceremony of the Youth Parliament

(Do we need this?)

(?) only 1..

56. The winter session of the Parliament shall be opened with a Zhug-drel-phuensum-tshog-pai tendrel. → Simplify \*

## Prorogation

57. Whenever the Speaker finds it necessary to prorogue the session of the Youth Parliament, he/she shall announce a notice to this effect.

## Open Proceedings



58. The proceedings of the Youth Parliament shall be conducted in public. It shall be broadcast live either on National television or online.

### **Conclusion of the Youth Parliament**

59. Each session of the Youth Parliament shall be concluded with Trashhi Moen-lam

How long? \*  
etc  
Simplify?

## **Chapter 6**

### **Conduct of Business**

#### **Exclusion of Matters**

60. Unless a matter is in contravention to an existing decision of Parliament or any law in force, the Speaker shall not refuse to take up such matter for consideration or voting. Where the Speaker refuses to take up any matter for consideration or voting, he shall state the grounds for his refusal in writing.

61. The Youth Parliament shall not in its proceedings refer to any matter in relation to which legal proceedings are active or which are in discussion in the National Parliament or which have no effect to the Youth of Bhutan.

#### **Attendance**

62. Before taking his/her seat in the Youth Parliament, each member shall note his attendance in the Roll of Members.

63. A member remaining absent from the sittings of the Youth Parliament therefore must make an application in writing to the Speaker seeking the permission of the Parliament. If the member seeking leave is the Speaker, the application shall be addressed to the President.

#### **Order of Sitting**

64. The members shall sit in such order and at such place as the Speaker may determine.

#### **Quorum**

65. The presence of not less than two-third of the total number of members of the Youth Parliament shall constitute a quorum for a sitting of the Youth Parliament.

66. Notwithstanding anything contained in section 65, at least three-fourths of the total number of the total number of members must be present at the voting of a Bill, an amendment to a Bill or any other question before the Youth Parliament.

67. If there is no quorum at any time during a meeting of the Youth Parliament, it shall be the duty of the Speaker or any person presiding in his absence, either to adjourn the sitting of the Youth Parliament or to suspend the meeting until there is a quorum.

### ***Adjournment***

68. The Speaker shall announce the date of the commencement and adjournment of the Youth Parliament.

69. The sitting of the Youth Parliament shall be determined by Rules of Procedure <sup>the</sup> made in that behalf.

70. In case of any change in the day, time and programme of the sitting of Youth Parliament, the President shall serve notice to this effect to the members on the preceding day.

### ***Manner of Voting***

71. Only members have a right to vote in the decisions of the Youth Parliament.

72. A member is entitled to one vote per proposal and the right to vote shall not be exercised by proxy.

73. When debate has been formally concluded, the Speaker shall present a summary of the proposal. If an objection is offered to the summary and the Speaker considers the objection justified, he shall rectify the summary.

74. If there are several proposals for the decision, one shall be presented for voting against another, until all the proposals have been this voted on.

75. The Speaker presiding over the proceedings of the Youth Parliament shall not vote in the first instance but he/she:

a. Shall cast a deciding vote when there is an equality of votes; and

b. May cast a deliberative vote when a question must be decided with a supporting vote of at least two-thirds of the members of the Youth Parliament.

### ***Dissenting Opinion***

76. Any member who does not concur with a decision shall have the right to enter his dissenting opinion in the minutes. However, no further debate on such an opinion shall be permitted.

### ***Protocol about absence***

77. A member who was not present when the decision on a matter was made shall have the right to enter into the minutes that he has not participated in the making of the decision, but shall not have the right to object to the decision.

## ***Chapter 7***

### ***Passing of Bills***

78. A Bill passed by the Youth Parliament *may be* raised in the National Parliament.

79. The Youth Parliament shall only raise <sup>an</sup> motion/issue/bill concerning the welfare of the youth.

80. A bill that is being discussed in the National Parliament may be discussed in the Youth Parliament provided that its advice is being sought by either the National Assembly or the National Council.

81. A Bill shall be passed by a simple majority of the total number of members of the Youth Parliament.

### ***Bills Originating in the Youth Parliament***

82. A Bill shall be introduced a member of the Youth Parliament.

83. Non-members of the Parliament may raise issues to the MYPs who will then endorse the issue as a bill in the Youth Parliament.

84. The Youth Parliament will only discuss Bills/Motion/Issue that have any effect to the Youth Of Bhutan.

85. The Youth Parliament shall not endorse or discuss bills of political nature.

*pertaining to party politics? nuclear \**

86. Any Bill to be discussed in the Parliament shall be appended to the text of the bill and submitted to the Steering Board.



87. The opposition of the motion to introduce the Bill must be notified before the day on which the motion is included in the agenda. The Speaker may allow a member who opposes the introduction of the Bill and member who introduced the Bill to make explanatory statements.

88. Once the Bill is introduced it shall be referred to the Parliament for necessary opinion and recommendations. The Speaker will then submit the opinion and recommendation on the Bill so scrutinized within the time prescribed. If the member who introduced the Bill accepts any recommendation of the Committee, he/she shall submit official amendments. After the member introducing the bill submits amended Bill, it shall be put to a vote of the Parliament; thereafter the member who introduced the Bill shall move a motion that the Bill is passed.

89. After the bill has been introduced and passed by the Parliament, it shall present the Bill to Members of the National Parliament at the end of the 10-day session. The delegation presenting the bill shall consist of; The President, The Speaker, the member who introduced the bill and members of relevant committees.

90. In case the National Parliament rejects the Bill, the Speaker shall issue a summoning order for an emergency seating of the Youth Parliament to discuss amendments to the bill.

#### ***Bills for review***

91. Laws in effect on Youth Issues shall be open to discussion in the Youth Parliament. This bill, after being passed in the Youth Parliament, will be presented to Members of the National Parliament as given in section 89 and 90.

#### ***Budget And Annual Reports***

92. The annual budget shall be presented to the Steering committee.

93. As the Youth Parliament is a government organization, the Royal Audit Authority shall conduct auditing

*The Youth Parliament accounts shall be managed by BAMA and audited by the BAA annually*

#### ***Chapter 8***

#### ***Committees***

94. The Youth Parliament shall have committees working under its commission to carry out businesses of the Parliament.

95. The rules of the Youth Parliament besides others shall provide for:

a. The establishment, composition, powers, functions, procedures and duration of its committees; and

b. Participation in the proceedings of the Youth Parliament and its Committees, in a manner consistent with the principles of this act.

96. The Youth Parliament shall appoint Committees composed of members of the Parliament to examine any matter within the jurisdiction assigned to them by the House.

97. The Committees shall also have the mandate to present bills/motion/issues to the House in the field that they are assigned.

98. The Committees shall be lead by one member. During the end-of-session presentation to Members of the National Parliament, Committee leaders will accompany the President and his delegation.

99. The Youth Parliament shall have two types of Committees: 1. Standing/Permanent 2. Special Committees.

100. The Standing Committees of the Youth Parliament are:

a. Employment & Entrepreneurship

b. Environment

c. Sports

d. Education

e. Art and Culture

f. Health [Mental Health and Counseling]

g. Community Vitality

h. Marginalized Youth

101. While the Parliament may create and conduct businesses through the formation of Special Committees, they shall not be allowed the title of a Standing Committee.

102. Similarly, for the dissolution of a Standing Committee, the motion will have to be moved by two-third of the Parliament.

103. In the event that the Parliament has been asked to discuss on a motion/bill/issue that is not within the mandates of the Standing Committees, the Speaker and President shall have the power to create a Special Committee for the purpose of executing the given issue.

104. The Committees under *Section 103* shall be dissolved after the business of its formation is complete. For the Committee to be allowed a Permanent status, the motion shall have to be moved by two-third of the House.

105. For the formation of a Special Committee, the President *and* Speaker shall submit a report to the Steering Board reporting the need for such a committee. The Steering Board members shall then send a notice to all the Members of the Youth Parliament. This shall constitute the formation of a Special Committee.

#### **Procedure In the Committees**

106. As stated in *Section 98*, each Committee shall elect a Chairperson from amongst its members

107. Each Member of the Youth Parliament shall be mandated to a Committee at the end of the 10-day orientation program.

108. The membership to the committees shall continue into the Prorogation period during which the members shall work on the bills passed by the Youth Parliament.

109. A member of a Committee having personal or pecuniary interest in any matter that is to be considered by the Committee shall state his interest therein to the Speaker through the Chairperson of the Committee.

110. A member of a Committee or anyone having access to its proceedings shall not communicate directly or indirectly to the press any information regarding its proceedings including its report.

111. The Committees are not provided any additional fund.

#### **Chapter 9**



## ***Reporting of Proceedings and Resolutions***

### ***Record of Proceeding***

112. The Steering shall draw up records of proceedings at each sitting of the Youth Parliament and it shall ensure that the reports of the proceedings are verbatim. This report shall be known as Official Report of the Youth Parliament.

113. The Official Report of the Youth Parliament shall contain all the items of business taken up by the Youth Parliament and it shall be recorded according to the agenda.

114. The President shall submit the report of resolutions of the Youth Parliament for endorsement wherein a member may bring to the notice of the Youth Parliament any patent error, which shall stand correct but such resolutions once adopted shall not be permitted for deliberation.

115. The Steering Committee shall distribute, within 30 days of the adoption of the resolution, copies of such resolutions among the members and other concerned officials, ministries and departments.

116. The Speaker shall cause the votes cast of each member to be recorded and disclose such records, except in the case of voting through secret ballot.

117. The casting of votes to elect or give approval to a person for holding office shall be through a secret ballot.

## ***Chapter 10***

### ***Code of Conduct***

#### ***Dedication***

118. A member shall place the highest importance to serving the Tsa-Wa-Sum with utmost loyalty and dedication, and fulfill his responsibilities by following the highest moral principles.

#### ***Responsibility***

119. A member shall not indulge in any activity that adversely affects the Youth Parliament.

## **Integrity**

120. A member shall not be influenced in any manner whatsoever by any individual or body of individuals in the discharge of his duties

## **Conflict of Interest**

121. A member shall refrain from casting his vote on any issue where he has a conflict of interest

## **General Code of Conduct**

122. Parliament shall from time to time make laws to regulate conduct of the members of the Youth Parliament which shall include the following:

a. A member shall ensure that his personal conduct is consistent with the dignity, reputation and integrity of the Youth Parliament.

b. A Member shall at all times conduct himself in a courteous and respectful manner and shall respect the authority of the Speaker. In particular, he shall speak or leave the House when the Speaker is speaking and shall speak standing at his place while addressing the Speaker and the House.

c. A member shall not conduct himself in a manner that would constitute a criminal offence or contempt of the Youth Parliament.

d. A member shall not display any disorderly conduct in the House.

e. Foul Language, loud laughter and clapping are not permitted in the House.

f. A member shall address the Youth Parliament one by one and they shall avoid using improper language in expressing their views during the deliberation.

g. Under compelling circumstances, if a member has to leave the House, he shall stand up and take the permission of the Speaker.

h. A member who has the floor under proper procedure shall not be interrupted by other members; and

i. No member shall impose threat, intimidation or use individual influence to encourage another member to make any remarks in the Youth Parliament.

### **Incompatibility**

123. A member of the National Council shall not:

a. Simultaneously belong to different Committees, commissions or boards except as otherwise asked.

b. Be assigned any responsibility that may be reasonably construed to have conflict of interest.

### **Other Obligations**

124. A member shall respect the apolitical nature of the Youth Parliament.

125. In the event that a member of the Youth Parliament is award international or national decorations, the member shall inform the House prior to receiving the award

## **Chapter 11 Parliamentary Devices**

126. A member may secure an action sought by he or she through:

- (a) Parliamentary initiative;
- (b) Motion;
- (c) Resolution;
- (d) Postulate;

### **Parliamentary initiative**

127. A member of the Youth Parliament may either submit a Bill or general proposal seeking amendment of a section of law, or a decision.

128. The Speaker shall seek proposals that review government action or policy.

#### **Motion**

129. A motion shall be a formal proposal made by any member requesting the Youth Parliament to carry out an act, order an act to be done or express an opinion with regard to some matter. *The types of motions are detailed in an annex.*



**Resolution**

130. A resolution shall be a self-contained, independent proposal by any member for the approval of the Youth Parliament. Such a proposal must express the decision of the Youth Parliament.

**Postulate**

131.. A postulate shall request the government to examine the necessity of a law, decision, or a measure in a particular case