



# Bhutan Red Cross Society Bill 2016

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## **Preamble**

WHEREAS, the Constitution of the Kingdom of Bhutan stipulates that the Royal Government shall strive to promote those conditions that will enable the pursuit of Gross National Happiness, protect human rights and dignity, create a society free of oppression, discrimination and violence and, ensure good quality of life for the people for all times to come;

WHEREAS, recognizing the fact that Bhutan should be prepared for any type of disasters and emergency situation, and that any additional support from any part of society to the current disaster management system will complement the Government's earnest efforts;

AND WHEREAS, it is the duty of every individual to provide help, to the greatest possible extent, to the victims of accidents and in times of natural calamity;

The Parliament of the Kingdom of Bhutan hereby enacts the Bhutan Red Cross Society Act of Bhutan 2016 on the .....Day of the ..... Month of the .....Monkey Year of the Bhutanese Calendar corresponding to the .....Day of ....., 2016 during its .....session as follows:

## **Article 1**

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

1. This Act shall:
  - a) Be called the BHUTAN RED CROSS SOCIETY ACT 2016;
  - b) Come into force on the .....Day of the ... Month of the .....Year of the Bhutanese Calendar corresponding to the .....Day of the .....2016; and
  - c) Extend to the whole of Bhutan.

## **Article 2**

### **Establishment**

1. There shall be established a Bhutan Red Cross Society, hereinafter referred to as "the Society" as an autonomous and not-for-profit organization.
2. The Society is a voluntary aid society, auxiliary to the public authorities in the humanitarian field, recognized and authorized on the basis of the Geneva Conventions that will carry out its activities throughout the territory of the Kingdom of Bhutan.

3. The Society shall be a body corporate, having perpetual succession and a common seal, shall sue and be sued under its name represented by the Secretary General and shall be able to acquire, possess and dispose of properties in its own name.
4. The Society shall respect the Fundamental Principles of the Movement, be guided by the principles of International Humanitarian Law and adhere to the Statutes of the International Red Cross and Red Crescent Movement while carrying out its responsibilities in fulfilling the objects under Article 3 of this Act.
5. There shall be no other Red Cross or Red Crescent Society established in the Kingdom of Bhutan subsequent to the one established under this Act.
6. The Society shall not engage in any activity that is inconsistent with the prevailing laws of the Kingdom of Bhutan.
7. Consistent with this Act and other laws of the Kingdom, the Society shall adopt its Statutes during its first General Assembly meeting, laying down a detailed framework for its governance, management and operation. The Society may also formulate other rules and regulations from time to time for its proper functioning.

### **Article 3**

#### **Objects and Functions**

1. The objects of the Society are:
  - a) To build a safer, resilient and harmonious society;
  - b) To prevent and alleviate human sufferings in times of disasters;
  - c) To improve the livelihood and wellbeing of vulnerable people.
2. In order to achieve the above objects, the Society shall:
  - a) Supplement or substitute the effort of the Royal Government in the humanitarian field, where required;
  - b) Promote the spirit of volunteerism and friendship;
  - c) Help the victims of armed conflicts and disasters;
  - d) Render assistance to the medical services of the armed forces in times of armed conflict;
  - e) Support an enabling environment for improved well-being through healthy and safe living;
  - f) Strengthen and promote social inclusion and a culture of care and protection among the population.

## **Article 4**

### **Governance and Management**

1. The General Assembly shall be the supreme governing body of the Society constituted in accordance with the Statutes of the Society.
2. The Society shall establish a Governing Board and a Secretariat with such duties and powers as may be prescribed under the Statutes.
3. The Society may establish regional and district offices across the Kingdom as deemed necessary by the General Assembly from time to time.

## **Article 5**

### **Membership and Volunteers**

1. Membership of the Society shall be open to everyone without discrimination on the grounds of race, sex, language, religion, political opinion or similar considerations.
2. Procedures governing admission to membership, categories of membership and, the rights and duties of members shall be as prescribed in the Statutes and other rules and regulations of the Society.
3. The Society shall function and execute its activities and projects through volunteers and staff.
4. The Society shall have a comprehensive policy, operational strategy, and code of conduct for volunteers consistent with this Act and the Statutes.

## **Article 6**

### **Relationship with public authorities and other organizations**

1. As an auxiliary to the public authorities in the humanitarian field, the Society shall work in close collaboration with relevant public authorities at all times.
2. The Society may collaborate with non-governmental organizations and any other organizations with similar objects in the Kingdom with that of the Society.
3. The public authorities shall make provisions for covering the cost of any service or activity which they may entrust to the Society within the scope of the Society's object and functions. The conditions for the implementation of such services or activities shall be laid down in written agreements between the Society and the relevant public authority, always consistent with the Fundamental Principles of the Movement.
4. The Government shall respect the adherence by the Society to the Fundamental Principles of the Movement.

5. The Society shall serve as a link between the public authorities and other components of the Movement, such as the International Federation of Red Cross and Red Crescent Societies (IFRC), the International Committee of the Red Cross (ICRC) and other National Societies.

## **Article 7**

### **Finance, Assets and Accounts**

1. The State shall provide adequate financial support for the sustainable management of the Society's Secretariat.
2. The financial assets of the Society will consist of contributions from national and international organizations, and individuals, as well as funds raised through fundraising activities, and will also include income generated from investing such contributions and other funds.
3. The Society, within the limits laid down by its objects and functions, may acquire, own, alienate and administer property as it may deem fit.
4. The Society shall not accept any contributions in any form, from any individuals or organizations, the purpose of which are inconsistent with the overall objects of the Society as laid down under this Act.
5. The Society shall have its accounts prepared and audited at least once a year by the Audit Committee. Further, its account shall also be subject to periodic auditing by the Royal Audit Authority of the Kingdom of Bhutan.

## **Article 8**

### **Tax Exemption**

1. The assets of the Society, including its financial resources and real estate as well as the revenue from its income generating activities, shall be exempted from taxes and duties in accordance with regulations promulgated by the Department of Revenue and Customs.
2. Donations and membership fees made to the Society by an individual or a legal body shall receive a benefit of tax exemption in accordance with the applicable laws.

## **Article 9**

### **Emblem and Logo**

1. In carrying out its activities, the Society shall have the right to use an emblem consisting of a red cross on a white background, in conformity with the Geneva Conventions.
2. The Society shall use as its logo, a red cross inscribed in a white circle with the outer layer of the circle designed in the color of the national flag which has the name of the Society written both in Dzongkha (the National Language) and English in black letters.
3. When using the emblem, including as part of its logo, the Society will respect the Regulations on the use of the Emblem of the Red Cross or the Red Crescent by the National Societies, as adopted by the International Conference of the Red Cross and Red Crescent, from time to time.

## **Article 10**

### **Offences and Penalty**

1. Use of the Red Cross and Red Crescent designations and emblems, and the Society's logo, for purposes other than as prescribed under this Act by other than duly authorized person(s) shall be guilty of an offense of violation under the Penal Code of Bhutan.
2. A person who misrepresents himself/herself as a member of the Society to any public or private authorities for whatever reason shall be guilty of an offense of impersonation of an official under the Penal Code of Bhutan.
3. A person who is entrusted with or having custody over any assets of the Society under this Act, misappropriates or misuses such assets or any part thereof, or compels any other person to do so, shall be guilty of an offense of embezzlement under relevant laws of the Kingdom.

## **Article 11**

### **Miscellaneous**

1. The amendment of this Act by way of addition, variation or repeal shall be effected by a simple majority of the respective Houses or vote of not less than two-third of the total members of the Parliament present and voting on a motion submitted by one-

third of the members of either Houses, provided that the amendment does not undermine the functions and effectiveness of the Society.

2. In any instance of difference in meaning between the Dzongkha and the English texts of this Act, each text shall be regarded as equally authoritative and the courts shall reconcile the two texts.
3. In this Act, unless the context otherwise requires:
  - a) “Auxiliary” means that the Society will enjoy a specific and distinctive partnership with public authorities entailing mutual responsibilities and benefits based on international and national laws, in which the public authorities and the Society agree on the areas in which the Society will supplement or substitute public humanitarian services.
  - b) “Designations” means the words used to describe the emblems of the red cross and red crescent and the associated organizations.
  - c) “Disaster” means a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.
  - d) “Fundamental Principles of the Red Cross and Red Crescent Movement” means the seven Fundamental Principles of the Red Cross and Red Crescent Movement which are as follows:
    - i. *Humanity*: The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for human being. It promotes mutual understanding, friendship, cooperation and lasting peace among all people.
    - ii. *Impartiality*: The Movement makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.
    - iii. *Neutrality*: In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.
    - iv. *Independence*: The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

- v. *Voluntary service*: It is a voluntary relief movement not prompted in any manner by desire for gain.
- vi. *Unity*: There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.
- vii. *Universality*: The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.
- e) “Geneva Conventions” means the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949 which are applicable to the Kingdom of Bhutan.
- f) “International Organizations” shall also include other components of the Red Cross and Red Crescent Movement as well as other national societies.
- g) “Member” means individual persons or legal entity who voluntarily joined as a member of the Bhutan Red Cross Society subject to the terms and conditions laid down in the Statutes
- h) “Not-for-profit organization” means an organization which uses the profit or income generated by the organization to pursue its objectives as opposed to sharing such profit or income among its members.
- i) “Public authorities” means any organization, agency, department or ministry of the Royal Government of Bhutan including the corporations.
- j) “Substitute” means the Society can carry out the humanitarian activity within the scope of its general objects and in accordance with the Fundamental Principles of the Movement, either on the request of any public authority or, on the Society’s own initiative.
- k) “Statutes” means the Statutes of the Bhutan Red Cross Society as adopted and endorsed by the General Assembly during its first meeting and as may be amendment subsequently by the General Assembly from time to time.
- l) “Statutes of the International Red Cross and Red Crescent Movement” means the text as adopted by the 25<sup>th</sup> International Conference of the Red Cross at Geneva in 1986, amended in 1995 and 2006.

- m) “Vulnerable people” means those people or a community who are susceptible to risks arising from various physical, social, economic and environmental factors.
- n) “Red crescent emblem” means the emblem of the Red Crescent on a white ground, as defined in the Geneva Conventions.
- o) “Red cross emblem” means the heraldic emblem of the Red Cross on a white ground, formed by reversing the Federal colours of Switzerland, as defined in the Geneva Conventions.
- p) “Risk” means the combination of the probability of an event and its negative consequences.
- q) “Volunteer” means a person who carries out activities for the Bhutan Red Cross Society, occasionally or regularly motivated by free will, and not by a desire for material or financial gain, or by external social, economic or political pressure.