

In The Interest of Justice, Equity, And Good Conscience: The Elusive Case of National Minimum Wage Rate

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ABSTRACT

Bhutan's National Minimum Daily Wage (NMDW) is the determining rate of payment of wages to a person, whether skilled or unskilled, with the unskilled being paid the lowest wages. It also plays a prominent role in determining the amount of restitution, compensation, matrimonial settlements, value-based sentencing, and even to the extent of determining compoundable or non-compoundable prison sentences in value-based sentencing framework. The NMDW has been followed by the judiciary in its judgments for the determination of such issues. But as the NMDW is static rather than dynamic, its effectiveness and implications across various legal domains merit a thorough examination. This article conducts a comprehensive analysis of the history of evolution of the NMDW in Bhutan since the inception of the Thrimzhung Chhenmo, including various National Assembly Resolutions on how NMDW evolved to the current rate of NMDW [1]. It also explores the effect of the stagnant NMDW rate and the basing of certain court judgments on stagnant rate, thereby affecting the rights of individuals. Through a synthesis of various National Assembly resolutions, statutes, the practice of the courts, and relevant publications, this article aims to provide insights into potential reforms and strategies for ensuring equity, fairness, and justice in Bhutan's civil and criminal laws, which would also ensure the same for the labour laws.

Keywords: National Assembly Resolutions, National Minimum Daily Wage Rate, Labour Laws, Sentencing Framework, Child Support Allowance, Damages, Divorce Settlement

Introduction

The International Labour Organisation (ILO) defines the National Minimum Wage as "the minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract" [2]. The minimum wages are usually set by an Act of Parliament, a decision of a competent authority, a wage board or council, labour or industrial courts or tribunals, binding on the part of the employer to remunerate that person for the work he has performed for a certain period, irrespective of the method of

fixing the wage rate [3]. There are diverse system of setting the minimum wage rate, depending on the needs and choices of various countries [4]. Some have only one wage system for all employees, while others have layers of minimum wage rates applied across various sectors, occupation, skills, regions, states or even by age.

Unique to its approach, Bhutan has recognised the well-being of workers as a contributing factor to the Gross National Happiness (GNH), and hence, 'it is essential that their welfare is promoted and protected through a fair and just labour administration system suitable for Bhutan [5,6]. GNH is the guiding principle geared towards the governance and socioeconomic development of Bhutan. GNH emphasizes the holistic well-being of citizens over mere economic indicators. Article 9 of the Constitution of

Bhutan mandates the State to strive to promote conditions that will enable the pursuit of GNH, requiring the State to ensure socioeconomic well-being, including fair wages for all citizens [7]. The first known national minimum wage rate was instituted in 2011 at Nu. 100 per day, which was fixed as the National Minimum Daily Wage Rate with the yardstick of an unskilled worker. Designed to protect workers' rights and to ensure fair compensation for their labour, the NMDW has since played a pivotal role in shaping various legal and socio-legal domains. Besides the statutory wage rate, one of the critical dimensions of the NMDW is its role in shaping various issues within Bhutan's legal system, where courts rely on the NMDW as a benchmark for determining matters related to child support allowances, divorce settlements, fines, and penalties for various offenses, including the sentencing framework for value-based sentencing, including determining noncompoundable offenses. NMDW transcends the workers in their field to courtrooms, affecting individuals and families in various aspects of their lives, requiring the NMDW to be dynamic rather than static. It goes beyond the Constitutional requirements of the 'right to equal pay for work of equal value' [8].

Over the last few years, one of the mostly debated debates in the Parliament was on the revision of the NMDW rate [9]. With the inflation rate not willing to settle down to affordability, it was important for the Parliament of that time to decide on increasing the minimum wage rate, which has not been revised for the last almost eleven years or so, and also the minimum wage rate was a yardstick for decision ranging from child support allowance to value-based sentencing [10,11]. As the national minimum wage (NMW) rate did not fall under the ambit of the Pay Commission, discussion to culminate into a decision on the national wage rate was of economic imperative falling on the resolution of the Parliament [12]. Though the increase of the NMW rate almost remained a dictum of the previous government, the Ministry of Finance issued a circular to that effect, but the NMW rate of those issues falling under the ambit of judicial decisions remained static as it was eleven years ago. In Bhutan, the Ministry of Labour and Human Resources was mandated to fix the minimum wage [13]. However, the re-organisation of the Ministries in Bhutan had dissolved a Statutory Ministry of Labour and Human Resources without an Act of Parliament recognising the dissolution of the Statutory body. No laws have been passed by the Parliament to transfer the mandate of the erstwhile Ministry of Labour and Human Resources to any other ministry.

In the light of these challenges, this article seeks to provide a historical background on the wage systems of Bhutan with expectation of helping in future documentation of the NMW rate of Bhutan. Further, the article aims to provide an insight into the implications of NMW on social welfare, legal settlements, the sentencing framework, and exploring potential avenues for reform.

Historical Context and Evolution of the NMW

Flipping through the legislative history, to understand the current state of the NMW in Bhutan, the first instance of any labour is contained in the feudal system of compulsory labour contribution for developmental works. The popular labour systems were Soomdom, Drudom and Chunidom, then there was Gungdang Woola, Zhapto Layme and the Gyalong Layme

[14-19]. Woorla was supposed to be free labour contribution for construction of various developmental activities within that area where the Woorlapa were required, but some nominal wages were paid to the Woorlapa, nonetheless [20]. Although the yardstick of payments made for the Woorlapas were never a part of the judicial decisions and its sentencing framework, the NMW rate can be inferred from Woorla system wherein some were even paid Nu. 1.50 per day [21]. However, the courts in Bhutan did not base Thrimthue, alimony, and sentencing framework on the minimum wage of the Woorla but had their own system of derivations. This part examines the legislative developments in terms of setting the NMW rate as a basis for calculation for the judiciary in their judgments, especially for child support allowances, alimony, compensation, and sentencing framework.

Compensation under Thrimzhung Chhenmo (1953-1959)

His Majesty the Third Druk Gyalpo established the first National Assembly (Tshogdu) of Bhutan [22,23]. During the same year, the Thrimzhung Chhenmo was initiated. Thimzhung Chhenmo contains various rates of compensation, fines, or penalties; and those payments are not based on any particular amount or yardstick, but apply to that particular section and offence only.

Handing Over of a Lhakhang

The first mention of payment relates to the handing over of a Lhakhang from the previous caretaker to the current caretaker [24]. In case of any shortages, the out-going caretaker is given six months to replace that shortage. In addition to replacing the shortages, the caretaker is liable for a fine of Nu. 3 per day, paid through a court of law [25]. In case of donations, failure to submit the balance amount to the local court would be liable for a fine ranging from Nu. 30 to Nu. 200 [26]. This is not per day but a one-time fine, not based on any minimum wage rate or to any other rate.

Last Rites of a Deceased Person

The first instance of daily rate appears with regard to the last rites of a deceased person, wherein for H.H the Jey Khenpo, the payment of Nu. 100 or less; Nu. 50 or less for the four Ven. Lopons; Nu. 25 or less for Lam Netens; Nu. 15 for other Lopens and Nu. 2 for other monks [27-30]. Anyone using the death of a person as a pretext for calling people together and collecting donations, slaughtering animals, or using liquor for the performance of the last rites of a deceased person was liable for a fine of Nu. 10 to Nu. 100 [31]. All these amounts were mentioned in the law, but there is no basis for how the amounts were calculated.

Witnesses and Barmis

When a witness, Barmi, or any other persons were summoned before a court of law, and in case that person reported late to the court, then that person was liable for a fine of Nu. 5 per day. However, when the witnesses or any other persons were called by any party to a dispute for the case, they were paid Nu. 2 per day as expenses for meals, in addition to travelling and daily allowances [32,33].

Negotiated Settlement

With regard to negotiated settlement, if a case has been successfully negotiated and settled with the help of a Barmi, then that Barmi was paid a fee of Nu. 20 per day [34].

National Assembly Resolutions and Kadyoen

After the enactment of the Thrimzhung Chhenmo, several discussions on the Minimum Wages were rendered in the National Assembly [35]. While a uniform minimum daily wage was not yet introduced, any wages paid were based on the types of activities and labour system existing during that time. The various discussions and resolutions leading to Minimum Wage Rates are discussed in this part.

Absentee workers, Porter charges and Thrimthue

Immediately a year after the enactment of the Thrimzhung Chhenmo, the wages for workers who had absented themselves from the construction of roads in Pasakha were discussed. Those absent were required to work for four months on daily wages of Nu. 2/- per day [36]. That same year, the porter charge was fixed at Nu. 5/- per day [37]. However, when it came to Thrimthue in cases of forest fires started by cowherds, the offender had to undergo three months imprisonment or pay a Thrimthue of Nu. 3/- per day [38,39]. If the offender was a minor and the parents didn't want the minor to undergo imprisonment, then the parents were given the option to either let the child undergo imprisonment for one and a half months or either parents volunteer to undergo the imprisonment or pay Thrimthue. Similarly, the offender of the fire hazards in and around the villages was either required to undergo an imprisonment term of 15 days or compounded to a fine of Nu. 3/- per day [40]. These fine systems were not based on NMDW.

Transportation charges

With regard to transportation charges, the carriage charges were fixed at Nu.3/- per day if the articles belonged to the government other than the army/developmental works. In the case of articles belonging to the Royal Bhutan Army and the Development Wing, the daily wage was fixed at Nu. 5/- per day [41]. However, the workers who were absent in the construction of Lungtenzampa High School were fined Nu. 1/- per day and not the daily wage rate of Nu. 3/- per day of that time [42].

Road Construction

The workers engaged in the construction of Gaylegphug-Zhemgang road, which was to be extended up to Bumthang via Trongsa, were paid a daily wage of Nu. 5/- per day [43,44]. During this time, the High Court of Bhutan was established and His Majesty the Fourth Druk Gyalpo issued Kadyoen KA to NGA and additional Kadoen CHA as the Procedural Code for the Thrimpons (now Drangpons) of the courts. Section DA 2.7 of Thrimzhung Chhenmo was amended by Section NGA 5 of Kadyoen with regard to the payment made to the witnesses and Barmi who were summoned for a case to be paid Nu. 5 per day. This was an increase of Nu. 3 per day.

Irrigation projects

With regard to workers who were engaged in irrigation projects, the MDW for unskilled workers was fixed at the rate of Nu. 2/- per day, while the MDW for other workers was fixed at Nu. 1.50 per day [45]. Although the government felt that the irrigation works and relief works were of direct benefit to the villagers and there should be voluntary labour, the government decided to pay the wages after meeting the expenditure of materials like explosives and cement from the relief fund [46].

Bridge construction

With regard to bridge construction, the National Assembly decided to fix the minimum wage of Nu. 3/- for male workers and Nu. 2.50/- for female workers for the construction of the bridges [47]. This rate of Nu. 3/- for male worker and Nu. 2.50/- for female worker was considered as the MDW rate of the government [48]. However, the government also resolved to pay half the daily wage rate when it involved projects of importance, as was decided in the matter relating to the renovation of Daga and Lhuntse Dzongs [49].

Wages under different Labour Systems

Soomdom, Drudom and Chunidom

During this period, Bhutan also had a labour contribution system of Soomdom, Drudom, and Chunidom. As the term suggests, in Soomdom, workers were grouped into three, and in Drudom workers were grouped into six, while twelve workers were grouped in Chunidom. It is said that a particular person would have to work for six months in the group and then be replaced by another one after six months. Sometimes a person would continue working for more than six months. In such cases, his provisions were supplied and provided for by the other person who was replaced by him [50]. Chunidom is also said to be a grouping of twelve households or people for mandatory labour contribution for one year, where each household or people had to compulsorily contribute at least one month of compulsory labour in one year [51]. Some view this system as compulsory labour which in essence was a form of taxation [52]. Others view this system as a form of obligatory labour for public works [53]. But in essence, this system was a labour contribution system for certain developmental activities in a particular area, as wages were paid for such labour contributions. Women were exempted from Chunidom [54].

In 1981, the Finance Secretary proposed to stop the system of Thencha and Chunidom, and to revise the salary and allowances of the Gups and their Gaydrungs [55]. But instead the wages of the Chunidom workers were proposed to be raised during the 63rd Session of the National Assembly, in 1985 [56]. The wages of the Chunidom Woola System were fixed at Nu. 6/- and Nu. 7/- per day for females and males, respectively [57]. It was compulsory for people to contribute labour for one month in a year under these systems. The Assembly also resolved that road construction, including river protection works, should be made through Chunidom in summer while Drudom should be in winter [58].

Gungdang Woola

In later years, it was found that in the Soomdom, Drudom and Chunidom systems, only the weaker section of the society had to contribute labour, while the influential section of the society excused themselves from these compulsory labour contributions. Thus, as these systems of labour contributions were found to be unfair, the Gungdang Woola, a system of labour contribution according to the household, was introduced in 1987 [59]. Under this system, a household was required to contribute labour for 15 days in a year. The wages for Gungdang Woola were fixed at Nu.13/- and Nu.15/- per day for females and males, respectively [60]. Gungdang Woola was abolished in February 18,1996 [61].

Zhapto Layme

The other system of labour contribution was the Zhapto Layme sytem of labour contribution. Zhapto Layme sytem was introduced to fill up the vacuum of requirements created by the abolition of Chunidom. The Zhapto Layme was established to be carried out by able-bodied males in the age group of between 17 to 55 years of age. They were to work under the system of a muster roll in triplicate, which was to be prepared and signed by the concerned gups and the Dzongdas, and submitted to the Ministry of Home Affairs. Painters and craftsmen in the government service were exempted from Zhapto Layme [62]. This system had no proper minimum or daily wage system, so the Assembly decided to temporarily pay workers under the Zhapto Layme a daily wage rate of half the government rate of daily wage which was Nu. 3/- per day for male workers and Nu. 2.50/- per day for female workers.

The Assembly decided to pay the full government wages when the country's revenue was sufficient enough to meet its expenditure [63]. Although Zhapto Layme was provided on voluntarily, the Cabinet was asked to prepare a detailed report on payment of Zhabto Layme given the shortage of government revenue and avenues for levying taxes on certain income-generating sources [64]. A necessity was also felt for pooling of a consolidated fund for payment of Zhabto Layme [65]. However, during the 86th Session of the National Assembly, the proposal for discontinuing the Zhabto Layme system was discussed but as no decision could be reached, the Zhabto Layme system was decided to be continued [66]. Instead, as the Zhabto Layme was a successful labour system, the Gungdang Woola system was abolished with the revision of the Zhapto Layme Chathrim, 1996.

National Work Force (NWF)

Though there are reports on the National Work Force (NWF) being formed during the 60s, but the actual formation of the NWF is mentioned during the 69th Session of the National Assembly under Clauses III and V of the Resolution [67]. It is mentioned that a policy was formulated to form the NWF and an attractive wage structure was proposed to be made [68]. Thus, the NWF was formed in 1988 under the Rules and Regulations governing the National Work Force [69].

The wage rate for Thimphu, Paro, Haa, Wangduephodrang and Jakar (Bumthang), was already fixed at Nu.750/- per month for male workers and Nu.650/- per month for female workers. This was about Nu. 25/- per day for male workers and Nu. 21.6/- per day for female workers. In other dzongkhags, the wages were fixed at Nu. 600/- per month for male workers and Nu.500/- for female workers. This was about Nu. 20/- for male workers and Nu. 16.7/- per day for female workers. In addition to the MDW rate, even for the annual Gungdrang woola, the workers were given an allowance of Nu. 375/- along with lodging facilities and free transportation to the work site by the Government. They were also provided facilities to buy food items from the Food Corporation of Bhutan at lower prices. The Skilled workers were given Nu. 1200/- to Nu. 1500/- per month, which was about Nu. 40/- to Nu. 50/- per day. The wage during that time was considered one of the highest wage rates of labour forces in the South Asian region.

Chathrim for Wage Rate, Recruitment Agencies and Workmen's Compensation

Though the Chathrim for Wage Rate, Recruitment Agencies and Workmen's Compensation was initiated in 1988, the Chhathrim was adopted in 1994 [70,71]. The Chathrim was the first comprehensive Statute on wage rates, recruitment agencies and workmen's compensation. The Chathrim was applicable to those workers outside the Royal Civil Service but not applicable to Gungdang Woola [72,73]. Chapter I of the Chathrim establishes the wage rate for different categories of workers which were decided ad-hoc by various resolutions of various Sessions of the National Assembly. The categories were:

Categories and Wage Rate [74]

Category	Daily	Consolidated (P.M)
I	40.00	1,200/-
II	36.00	1,080/-
III	33.00	990/-
IV	30.00	900/-
V (National Work Force on Consolidated Pay)	(A)	750/- (M) 650/- (F)
	(B)	600/- (M) 500/- (F)
VI (Daily Wage Employees)	(A) 22/- (M) 20/- (F) (B) 15/- (M) 13/- (F)	

ii. Wage Rates of categories V & VI above were applicable to those Dzongkhags as given below:

A) above - Thimphu, Paro, Ha, Punakha, Wangdiphodrang and Bumthang. This was Nu. 750/- for male workers and Nu. 650/- for female workers.

B) above - Chukha, Samchi, Gaylegphug, Chirang, Shemgang, S/Jongkhar, Tashigang, Pemagatshel, Mongar, Lhuntshi, Dagana and Tongsa. This was Nu. 600/-

for male workers and Nu. 500/- for female workers. Similarly, the Daily wages of Daily Wage Employees were applicable mutatis mutandis.

iii. The Carpenters (Zows) and masons (Dozows) of Gr. I taking lead responsibility as Zopons and Dozow Lopons on any construction work were fixed to be paid extra Nu.

5/- per day on the fixed rate of the National Minimum Daily Wage.

iv. The Guidelines for category of skilled groups was provided by the Chathrim as hereunder:

Categories	Names	Grade
I	Auto Mechanic	I
	General Mechanic	I
	Lineman	I
	Lharib	I
	Plant Operator	I
	Carpenter	I
	Mason	I
	Plumber	I
	Auto Electrician	I
	Gen. Mechanic	II
	Lineman	II
	Carpenter	II
II	Auto Mechanic	II
	Blacksmith	Not Assigned
	Lajabs (Work Supervisor)	Not Assigned
III	Auto mechanic	III
	General Mechanic	III
	Lineman	III
	Mason	III
	Carpenter	III
	Plumber	II
	Auto Electrician	II
	Sawyer	I
	Blaster	Not Assigned
	Wireman	I
	Plant Operator	III
IV	Sawyer	II
	Wireman	II
	Machine Operator	Not Assigned
	Sweeper	Not Assigned
V	National Work- Force on Consolidated pay	Not Assigned
VI	Daily Wage Employees	Not Assigned

The 74th Session of the National Assembly resolved a 25% increase in the National Wage Rate when the Civil Service employees were granted the Special Government Allowance

The following was the revision and categories:

Categories	Existing Wage	Revised Wage	Description	Applicable to
Level I	240	324	Master Craftsperson highly trained and experienced in their craft.	Dozow Lopen, Zopoen, Lhadip lopen, Do and Shing Pata Lopen, Plant Operator Gr I, Lharib Gr I, Auto Mechanic Gr I, Gen Mechanic Gr I, Lineman Gr I, Jangwap Lopen
Level II	220	286	Semi master craftsperson trained and experienced in their craft	Shing Dzo Gr. II, Lhadip Gr. II Do and Shing Paap Gr. II, Jangwap Gr. II, Mason Gr. I, Plumer Gr I, plant operator Gr II, Blacksmith, Lajabs (work supervisor)

during the 1994-1995 fiscal year. It was substantially increased again during the 75th Session of the National Assembly, when the report on the 1996-97 budget and presentation of the 199798 budget were presented. The final increase in the NMDW was given during the 79th Session of the National Assembly in 2001 wherein the NMDW rate was increased from Nu. 50/- to Nu. 100/- per day. This was the minimum wage that an unskilled worker was supposed to get for the works carried out by the unskilled worker. The wages of skilled workers were raised accordingly; however, there is no documentation on the amount of increase of wages. The NMDW rate of Nu. 100/- remained unchanged for almost 12 years.⁸¹ The courts started basing their sentencing framework on this NMDW rate.

3. Labour and Employment Act of Bhutan 2007

The second law governing the welfare of labour and workmen's compensation, after the Chathrim, was enacted in 2007 as the Labour and Employment Act of Bhutan, repealing the Chathrim. The Ministry of Labour and Human Resources was empowered to fix the minimum wage in consultation with the government, employers, and employees. Every minimum wage was required to be expressed in a daily rate and a monthly rate. Such a wage rate was required to come into effect after 90 days of making the order fixing the rate or from the date fixed in the order by the Ministry of Labour and Human Resources, but not earlier than the date of the issuance of the order. During the enforcement of the Act, the Ministry of Labour and Human Resources followed five types of NMDW Rate, similar to the Chathrim.

4. Circulars

There were three Circulars issued by the relevant authorities on the increase of the NMDW rate under the Labour laws. The first circular was issued by the Ministry of Labour and Human Resources on 31st October 2013, increasing the NMDW rate from Nu. 100 to Nu. 125 per day, which was after a long gap of twelve years. As per the Circular, the NMDW Rate was to be paid irrespective of age, sex, disability, or skills. Further, the Circular stated that all matters relating to legal compensation and penalties has to be based on this wage rate. There was no division or class of labour mentioned in the circular, and the wage was applicable across all levels of workers.

The second Circular was also issued by the Ministry of Labour and Human Resources on 9th September 2015, after two years of the last revision. The second circular classified the labour categories into five categories, and the circular stated the revision for the National Workforce.

Level III	195	254	Craftsperson having some experience and training in their field and are given responsibility in their work	Champoan, Tshipen, Shing Dzo Gr. III, Lhadip Gr. III, Do and Shing Paap Gr. III, Jangwap Gr. III, Auto mechanic Gr. III, Gen mechanic Gr. III, lineman Gr. III, mason Gr II, carpenter Gr III, plumber Gr II, auto electrician Gr II, sawyer Gr I, blaster, wireman Gr I, plant operator Gr III
Level IV	180	234	Workers in this category are semi-skilled with limited knowledge and skills	Sawyer Gr II, wireman Gr II, machine operator, sweeper, Champa, Zhabthrap, pazap
Unskilled	165	215	Any Bhutanese hired by the government for project works/government activities (such as census and land tshogpas, doing errands for government, farmer study tours, court witnesses, NWF, etc.)	

NWF workers were paid an additional amount of Nu. 600/- per month as high-altitude allowance for those employed at an altitude of 8,000 feet, or 2,400 meters. Following the issuance of the first circular, the Supreme Court of Bhutan issued a circular on the revision of the NMDW rate and its applicability in court judgments in 2015. The circular from the Supreme Court of Bhutan conveyed the revision of Nu. 215 per day for witnesses, while the NMDW remained unchanged.

The third Circular was issued by the Ministry of Finance on 22nd November 2023. This was the first time a circular on wage revision was issued by the Ministry of Finance. This may be because the Ministry of Labour and Human Resources was abolished as per the reorganisation of the ministries by the government without any statute to re-organise a Ministry formed under a statute.

The circular revises the National Workforce Wage rate as follows:

Category	Existing Rate Nu per day	Revised Rate Nu per day
I	324	600
II	286	530
III	254	470
IV	234	435
V Unskilled	215	400

As analysed above, the NMDW Rate increased from Nu. 1.5 to Nu. 125 during a span of 45 years. The wage rate for the National Work Force has increased to the highest wage rate of Nu. 600 per day for Category I while the unskilled was paid Nu. 400 per day. Whether the revision justifies the economic means or the rate of inflation, needs to be looked into. But this article examines the usage of NMDW rate in court judgements.

It can also be seen that though the second and the third circulars indicate the revision of wages for the National Workforce and do not mention the increase of the NMDW rate, the second circular mentions under the Unskilled category that “Any Bhutanese hired by the government. (such as census and...

court witnesses, NWF, etc.).” The abbreviation NWF (meaning National Work Force) is mentioned under the unskilled category, which indicates that the revision of the wages was also for the NMDW Rate and not only for the NWF. This communication was left void somewhere between authorities, thereby resulting in the NMDW rate for courts to follow the Nu. 125/- per day till now.

Impacts of NMW

Besides the economic impacts of the NMDW Rate, the impact on judicial decisions and the laws enacted by the Parliament, basing certain yardstick of sentencing or compensation on the NMDW rate, has become a concern for the society, including children. It took the Parliament almost twelve years to revise the NMDW rate from Nu. 100/- per day to Nu. 125/- per day. It's been another eleven years, but there has been no change in the NMDW rate for the courts, despite the NMDW rate being increased at least twice for the work force. No written law states that the court should follow only Nu. 125 per day and not increase the threshold when the NMDW rate increases. The courts have remained silent and have been just following the circular of 2013. The laws before the Marriage (Amendment) Act of 1996 did not base the sentencing framework or compensation on the NMDW but had all prescribed in those particular sections. However, subsequent laws have been amended to include the NMDW as a basis for sentencing framework, alimony, compensation, child support allowances, and calculation of number of years for imprisonment by value-based sentencing. The evolution of NMDW should not merely be a story of legislative reforms but also a testament to Bhutan's broader development philosophy centred on GNH. Happiness should not only be on paper but also on the smiling faces of people. The smile on the people's faces can be brought on by the justice that they deserve. As stated in the Ancient Code of 1629 of Bhutan, “if the government cannot create happiness for its people, then there is no purpose for government to exist.” The NMDW should serve as a tangible expression of Bhutan's commitment to promoting human dignity, social justice, and sustainable development, which would enhance the principles of GNH. However, the stagnant NMDW has far-reaching implications for child support allowances, alimony, compensatory damages, Thrimthue for violations and offences, sentencing framework, and value-based sentencing frameworks,

thereby affecting the wellbeing and welfare of children, women and litigants.

Impact on Matrimonial Issues

Out of the total 2,379 cases filed before the Thimphu Dzongkhag Court, 545 cases were filed before the Family and Child Bench in 2023. This is a staggering 22.92% of matrimonial cases in Thimphu alone. According to the Bhutan Living Standard Survey of 2022, out of the total population of 486,449 people aged 15 years and older, 4,481 males and 11,917 females were divorced, which is about 3.4 of that population. As can be seen from these data, there is a surge of matrimonial cases in Bhutan, and the compensation, alimony, and child support allowance (except for division of properties and loans), the basis for calculation is on NMDW.

Child Support Allowances

Child support allowances are a crucial component of social welfare systems and security of a child. Stagnant NMDW can result in inadequate support for children, especially if the mother or the parent in custody is from a low-income household or unemployed, exacerbating socio-economic disparities and hindering the well-being of a child. Child support allowances are calculated based on a percentage of income of the non-custodial parent, whether employed or not. If unemployed, then the NMDW serves as a reference point for determining the minimum support obligation of the non-custodial parent. It is just a mathematical calculation without reflecting the true cost of living or the earning capacity of the custodial parent. This calculation of NMDW falls short of meeting the source of the child's upbringing. Further, there is no education allowances to be paid for the child as per the existing laws.

As a result, children from low-income households or unemployed custodial parents may experience deprivation and hardship, lacking access to essential resources such as nutritious food, adequate housing, and educational opportunities, thereby affecting their future employment opportunities for a decent life. This may further jeopardize the physical and emotional well-being of the child, which may perpetuate intergenerational cycles of economic disadvantage.

The Amendments

The Marriage Act of Bhutan 1980 went through several amendments related mostly to child support allowances. The National Assembly remarked that "Everywhere in the world, the law pertaining to the payment of child maintenance allowance is formulated based on the maternal mortality rate, income difference between the spouses and welfare of the child. The Minister said that it is very important that the provision should be in line with the provisions of the Convention on United Nations Child's Rights." The first amendment of the Marriage Act was the amendment of 1996, which amended Section KHA 7.3. This section was further amended by the second amendment of 2005. The amendment of 2005 also amended section KHA 7.5 to include "in case the mother was found at fault in a divorce case, both the parents had to pay 50 percent as Sothue till the child attained 18 years of age." This resolution on the amendment was passed keeping in mind the utmost importance of securing the welfare of the child in case of divorce of parents.

The First amendment of the Marriage Act also amended section KHA 8.1, which deals with an unmarried woman having been made pregnant, her medical allowance, and the child support allowance. Section KHA 8.1(3) provides definition of income. The Third amendment amended again Section KHA 8.1(3) by inserting KHA 8.1.3(CHHA), which states "Either parent, whether paying or receiving child support (Alu Sothue,) could appeal to the court to change the amount of allowance provided the income level of the parent paying the allowance changed. In the event the income of the parent paying child support decreased, he or she could appeal to the court to reduce the amount of Sothue. Likewise, either parent could appeal to the court in case the income of the parent paying the Sothue increased." The fourth amendment of 2009 amended section KHA 7.2 dealing with custodial rights of the child. Where a divorce is granted by a court of law, the custodial rights of the child vest in the mother if a child is below nine years of age, unless the court finds compelling reasons to order otherwise. In such cases, the custody can be granted to the father, or to a third person, or a recognized organization established under Civil Society Organization Act in the best interest of the child.

However, despite all these amendments, there was no discussion on the revision of the NMDW except for the amendment of 1996, which started the basis of the NMDW rate. Except for this, all these amendments did not make the impact, which was discussed in the debates of the National Assembly and the Parliament. Although the Sothue from regular income parents were based on their regular income, Sothue from unemployed parent depended on NMDW. The monthly Sothue from an unemployed parent is calculated as Nu. 750 per child, but not exceeding Nu. 1500/- for more than one child. This is just the monthly support allowance, and there is no separate provision for the educational expenses of the school-going child. The child will also not get any inheritance from both the parents if the parents have not built any assets during their marriage.

Addressing the intersection of the NMDW and child support allowances requires a multifaceted approach that addresses both the immediate financial needs of families and the underlying systemic factors contributing to economic disadvantage. This would include the revising of the NMDW rate or issuing a separate child support guideline with a revision of the child support allowance, ensuring that such changes are responsive to changes in living costs, including increasing investments in social welfare programs and economic opportunities for single parent.

Additionally, efforts to promote parental responsibility of non-custodial parent to look after the welfare of the child, including support for education, should be considered. Without sufficient financial support and with the stagnant NMDW rate, custodial parents struggle every day to provide for their children's needs, leading to stress, anxiety, and feelings of insecurity to both the custodial parent and the child.

What can the judiciary do?

The judiciary here seems to be just a mere spectator rather than an actor. It is weird to note why the judiciary is not following the NMDW rate as revised by the respective authorities with the

latest being the circular from the Ministry of Finance which has increased the NMDW rate to Nu. 400 for an unskilled worker. If this is considered then the monthly child support allowance would be Nu. 2400/- to Nu. 4800. The judiciary could have acted suo moto and enforced the increase in the NMDW rate in their judicial pronouncements as they did in the case of Section KHA 8.1(3) (CHHA).

The Third amendment which inserted a new clause to Section KHA 8.1(3) as KHA 8.1.3(CHHA) relates to increase in child support allowance vis-à-vis the increase in the salary of the non-custodial parent. However, in the strictest sense, this section is applicable only for compensation for mother of an illegitimate child where, in case of an unmarried woman who has been made pregnant has successfully obtained a child support allowance through the intervention of the court. The amendments did not specify the application of this section to Child Support Allowance of a child of a legally married couple in case of divorce. However, the judiciary has applied this section suo moto to include child support allowance for both the legitimate and illegitimate children. So if this can be done then why can't the same be done for the NMDW rate?

So, until someone comes up with a conscience idea, the current Child Support Allowance, in case of unemployed father is:

- Nu. 750 - Nu. 1500 per month for 18 years = Nu. 1,62,000 (one child) – Nu. 3,24,000 (more than one child); and
- Nu. 37,500 as one-time medical treatment, in case the case of unmarried mother.

Implications for Divorce Settlements

The other implication of the stagnant NMDW is with regard to divorce settlements. Bhutan Living Standard Survey of 2022, finds about 3.4% of the total population of 486,449 of 15 years and older are divorced. In family law, the NMDW rate influences the outcome of divorce settlements and spousal support arrangements, unless the parties voluntarily choose a favourable out of court settlement. Stagnant wage standards have led to inequitable outcomes, particularly for spouses with lower earning capacities and in most cases the female counterpart. Divorce settlements involve division of marital assets and liabilities, determination of spousal support obligations and child support allowances.

The divorcing spouses, particularly those who have been economically dependent on their partners faces financial hardships following divorce. This can impact their ability to secure housing, and meet other basic needs, particularly if they are not able to secure employment or alternative sources of income. However, unless provisions on divorce laws are amended, these problems might continue to plague the system. The current one-time alimony that a party gets after divorce are:

Gao

Gao is a payment of compensation in case of a husband or a wife is involved in proven adultery. Gao is usually paid to the spouse by the person committing the adultery. The prevailing rate of amount of Gao as per NMDW is:

- If the duration of the marriage has not exceeded three years, then the compensation is calculated for three months of the daily wage rate, which is Nu. 11,250 (125x30x3).

- If the duration of marriage does not exceed five years then the compensation is calculated for five months of the daily wage rate, which is Nu. 18,750 (125x30x5).

- If the duration of marriage exceeds seven years then the compensation is calculated for seven months of the daily wage rate which is Nu. 26,250.

Gao is a one-time compensation for adultery. Married couple may decide to continue their marriage union or to go in for divorce due to this reason. However, the frequency of claiming of Gao is limited to only three times during the lifetime of that person. If that person commits adultery for the fourth time, then that person is not entitled for Gao or marriage certificate.

Log-Jyel

Log-Jyel is a compensation in an instance where a person commits adultery with a spouse of another person and subsequently marries that person. The Log-Jyel is paid by the spouse committing adultery and marrying that person, to the other spouse. The prevailing rate of amount of Log-Jyel as per NMDW is:

- If the duration of the marriage has not exceeded three years, then the compensation is calculated for three months of the daily wage rate, which is Nu. 11,250 (125x30x3).

- If the duration of the marriage does not exceed five years then the compensation is calculated for five months of the daily wage rate, which is Nu. 18,750 (125x30x5).

- If the duration of the marriage exceeds seven years then the compensation is calculated for seven months of the daily wage rate which is Nu. 26,250.

Dro Zhenpai Zhenthue

Dro Zhenpai Zhenthue is paid by the spouse who wants a divorce and decides to leave the other spouse. The prevailing rate of amount of Log-Jyel as per the NMDW is:

- If the duration of the marriage has not exceeded three years, then the compensation is calculated for three months of the daily wage rate, which is Nu. 11,250 (125x30x3).

- If the duration of the marriage does not exceed five years then the compensation is calculated for five months of the daily wage rate, which is Nu. 18,750 (125x30x5).

- If the duration of the marriage exceeds seven years then the compensation is calculated for seven months of the daily wage rate which is Nu. 26,250.

As per the Marriage Act of Bhutan, a married person will get a one-time alimony of a maximum of Nu. 78,750 (Gao + Log-Jyel + Dro Zhenpai Zhenthue), on divorce.

The above calculations are based on the NMDW rate of Nu. 125 per day, even though the Marriage (Amendment) Act of 1996 mentioning that the calculation of compensation should be based on “According to the National Workers’ Daily Wage Act” This means all compensation has to be paid as per the Chathrim of Daily Wage Rate of the National Workforce. There is no mention of the compensation to be calculated at the lowest or the NMDW rate. Further, now that the Labour laws are in force and NMDW rate has been revised at least three times, it is high time for the judiciary to revise the rate of compensation

as per the latest revision. It is not for the Parliament to enforce as it has already done through three revisions. The mention of minimum daily wage rate to be followed by the judiciary was due to the fact that there were no specific laws, circulars or rules and regulations mandating the NMDW rate for compensations or matrimonial allowances, determination of a rate for valuebased sentencing or compensatory damages.

Thus, if the compensation has to be as per the “**According to the National Daily Wage Act**” then the compensation should be based on the latest revision of the NMDW rate which is Nu. 400 per day. Further, the Act of 1996 doesn’t particularly state that the NMDW rate means the lowest of the wages. Bhutan has five NMDW rates, and the law doesn’t specifically state that the courts should follow the lowest of the rates. So, is it correct to follow the lowest minimum of the wage rates when it is not specifically mentioned in the law?

b) Impacts on Value-Based Sentencing Frameworks

According to Section 5, Article 9 of the Constitution, the State has to strive to provide justice through a fair, transparent, and expeditious process. This implies that the State should establish procedures for providing justice fairly that are transparent, and

without delay. Further, Section 1, Article 21 of the Constitution requires the Judiciary to “safeguard, uphold, and administer Justice fairly and independently without fear, favour, or undue delay in accordance with the Rule of Law to inspire trust and confidence and to enhance access to Justice.” This Article empowers the judiciary to uphold the law and administer justice. This would entail the justice, equity and good conscience. There should be no fear or favour when administering justice and upholding justice.

There are four basic principles of sentencing models followed by criminal justice systems around the world. Some have combined sentencing models. Bhutan has also combined the systems, but it seems the judicial system in Bhutan enforces the Indeterminate-Indefinite sentencing approach. The positive sentencing system of the Bhutanese criminal justice system has remained static since 2004. The NMDW rate in Bhutan has significant implications for sentencing frameworks within the country’s legal system, as courts often rely on the NMDW as a benchmark for determining fines and penalties in almost every case. This brings a pressing need to either reevaluate the role of the NMDW in sentencing frameworks or explore alternative approaches to achieving justice.

The current Value-Based Sentencing Framework is as hereunder:

Sl. No.	Value of amount	Degree of Offence	Sentencing Range	
			Min	Max
1	If the value of the amounts involved in the crime is NMDW rate of 35 years or more = Nu. 1,575,000 (125x30x12x35)	Felony of 2nd Degree	9	<15
2	If the value of the amounts involved in the crime is NMDW rate of 30 years but less than 35 years = Nu. 13,50,000 to less than Nu. 1,575,000	Felony of 3rd Degree	5	<9
3	If the value of the amounts involved in the crime is NMDW rate of 15 years but less than 30 years = Nu. 6,75,000 to less than Nu. 1,575,000	Felony of 4th Degree	3	<5
4	If the value of the amounts involved in the crime is NMDW rate of 7 years but less than 15 years = Nu. 3,15,000 to less than Nu. 6,75,000	Misdemeanour	1	<3
5	If the value of the amounts involved in the crime is 7 years or less = Nu. 3,15,000	Petty Misdemeanour	1 month	3 months

As per this table, if the value of the amount involved in a crime is Nu. 6,75,000 or more, then the offence becomes non-compoundable offence of compulsory imprisonment.

However, if the value is taken in line with the third Circular, where the MDW rate is Nu. 400, then the value-based sentencing would be:

Sl. No.	Value of amount	Degree of Offence	Sentencing Range	
			Min	Max
1	If the value of the amounts involved in the crime is NMDW rate of 35 years or more = Nu. 50,40,000 (400x30x12x35)	Felony of 2nd Degree	9	<15
2	If the value of the amounts involved in the crime is NMDW rate of 30 years but less than 35 years = Nu. 43,20,000 to less than Nu. 50,40,000	Felony of 3rd Degree	5	<9
3	If the value of the amounts involved in the crime is NMDW rate of 15 years but less than 30 years = Nu. 21,60,000 to less than Nu. 43,20,000	Felony of 4th Degree	3	<5
4	If the value of the amounts involved in the crime is NMDW rate of 7 years but less than 15 years = Nu. 10,08,000 to less than Nu. 21,60,000	Misdemeanour	1	<3
5	If the value of the amounts involved in the crime is 7 years or less = Nu. 10,08,000	Petty Misdemeanour	1 month	3 months

As per this table, if the value of the amount involved in a crime is Nu. 21,60,000 or more, then the offence becomes non-compoundable offence of compulsory imprisonment. The difference of amount is huge, and if the second table is considered (which should have been), then it will ease many penitentiaries.

Impact on Compensatory Damages

The basis for compensatory damages is also based on NMDW rate. This part provides an insight into three laws under which compensatory damages are granted in normal circumstances, which are:

The Worker's compensation

The worker's compensation is granted under the Labour and Employment Act of Bhutan, wherein an employer is required to "compensate all employees for injuries or diseases or death arising out of and in the course of employment, the employer shall be liable to pay compensation..." Except for Emergency Care, Medical care and Surgery, adaption to workplace, and medical leave, wherein a worker is compensated by the employer or the insurer for all expenses related to occupational diseases, the other compensations are based on the NMDW rate.

In case of a total Permanent and Partial Permanent Disablement the compensation is a lumpsum payment of an amount obtained by multiplying 30 days of the Daily National Minimum Wage by appropriate age factors of 181 to 144 according to the age

The compensatory damages as per the Penal Code of Bhutan is:

Sl. No.	Harm	Compensatory damages	Amount
1	Death	Maximum of Daily minimum wage of up to 10 years and the cost of 49 days for 7 people for funeral rites	125x30x12x10 = 4,50,000 125x49x7 = 42,875 Total: 4,92,875
2	Permanent disability	Daily minimum wage of up to 10 years	125x30x12x10 = 4,50,000
3	Partial disability	Daily minimum wage of up to 7 years	125x30x12x7 = 3,15,000
4	Bodily injury	Daily minimum wage of up to 5 years	125x30x12x5 = 2,25,000
5	Temporary loss of wages	Actual wages lost	Based on the duration of the loss of wages

The compensation under this part is irrespective of age. Even the temporary loss of wages depends on the actual loss of wages and not the victim's age.

Damages when a harm is caused by negligence

When harm is caused by negligence, the compensation for which the victim might be eligible is under punitive or exemplary damages, damages for death, damages for loss of earnings, and damages for non-economic loss as provided under the Civil Liability Act of Bhutan.

The punitive or exemplary damages is mentioned as specifically for defamation. The maximum damages are equivalent to ten years minimum wage, which is Nu. 3750x12x10 = 4,50,000.

In cases of death, the maximum number of damages that may be awarded is fifteen years minimum wage, which is Nu. 3750x12x15 = 6,75,000. However, the victim shall be entitled to the funeral rite expenses for forty-nine days for seven people, which is Nu. 125x49x7 = 42,875, in addition to reasonable medical expenses of

on the next birthday of the employee at the time of the accident, multiplied by the percentage of incapacity.

For example, if a worker was 14 years of age when he lost two limbs, the next age is taken as 15 years. So, the calculation for compensation shall be Nu. 3750 (one-month NMDW) x 180 (age multiplying factor) x 100% (percentage of loss of earning capacity) = Nu. 6,75,000/- In case of death while under an employment, the compensation has to be paid to the dependants of that employee. The amount is a lump sum payment, which is obtained by multiplying the 30 days of the National Minimum Wage by the appropriate factors according to the age of the employee on the next birthday from the time of the accident.

For example, if a worker was 18 years and below during the time of death, then the amount of compensation is Nu. 3750 x 134 (age multiplying factor) = Nu. 5,02,500. A closer look at this provision doesn't provide for the compensation for the remaining years of meaningful income from future employment, although the basis of compensation is on age.

Compensation in case of harm or injury or when a death is caused

Under this part, compensation in case of harm or injury or where a death is caused to a victim, then, as per Sections 38-43 of the Penal Code of Bhutan, the Royal Courts of Justice grants compensatory damages in case of death, disability, injury, or valued loss to victims or affected persons.

the victim in relation to the injury that resulted in the death.

In cases of loss of earnings, an award of an amount equal to at least ten years to a maximum of fifteen years of the minimum wage rate is awarded if a precise calculation of income or earning of the deceased or injured cannot be made. This is an amount equivalent to a minimum of Nu. 450,000 to a maximum of Nu. 675,000/-. In cases of non-economic loss, the maximum damages is ten years of minimum wage, which is Nu. 450,000.

Thus, the NMDW rate is a yardstick for all laws, compensations, and damages awarded to the claimant or victim. However, it is not clear whether compensations in all the above three or the highest amount of the three can be combined to be given to the victim. But at the same time, while the compensation under the labour laws cannot necessarily be a physical harm caused by the employer or someone else, it is different in the case of compensation under the Penal Code of Bhutan, where a harm is caused by the defendant, while in the case of damages under the Civil Liability Act, the damages are due to negligence. At

the same time, the above laws do not have specific provisions affecting amendment or repeals against each other.

Is there a mix-up somewhere?

The Road Safety and Transport Regulations contain Penalty Units for the traffic infringements. One penalty unit is equivalent to Ngultrum Fifty. The Immigration Rules and Regulations follow the NMDW rate of Nu. 215 per day of the NWF for fines and penalties. The Marriage (Amendment) Act clearly states that the rate of compensation or alimony under the marriage laws should be based on the NMDW rate of NWF, which is mentioned in Dzongkha as “**According to the National Workers’ Daily Wage Act**” But the court follows the NMDW rate of Nu. 125 and not Nu. 215 or the latest NMDW Rate of Nu. 400 per day. Bio-diversity Rules and Regulations have particular amounts against the penalties and are not based on NMDW Rate.

Reading through all these laws, the basis of basing the rate of compensation, alimony, or sentencing framework on the NMDW rate, which was issued as a circular and not as a law, seems to be ultra vires to established principles of the NMDW rate before that circular. The practice of the courts has taken NMDW rate and the rate of NWF as two separate minimum wages, with the courts choosing the lowest of the two minimums. However, it has been seen above that the origin of the NMDW rate is from various resolutions of the National Assembly. The wages for various types of works for workers not under the aegis of the Royal Civil Service Commission was discussed in the National Assembly resolutions. Further, different types of labour systems culminated into the types of labour systems of Gung Dang Woola, Zhapto Leyme and finally the Gyalyong Layme (NWF).

The NWF was formally formed in 1988 under the Rules and Regulations governing the National Work Force. Then the Chathrim for Wage Rate, Recruitment Agencies and Workmen’s Compensation was initiated and adopted in 1994. The Chathrim being the first comprehensive Statute on wage rate, recruitment agencies and workmen’s compensation, the wage rate for the NWF was included in Category V as ‘National Work Force on Consolidated Pay.’ Except for Gung Dang Woola, the Chathrim was applicable to those workers outside the RCSC. NWF was outside of the RCSC. Further, the Circular of 9th September issued by the then Ministry of Labour and Human Resources mentions that any unskilled worker involved in NWF should be paid Nu. 215.

When the 74th Session of the National Assembly resolved to grant the Special Government Allowance to Civil Service employees during the 1994-1995 fiscal year, it also resolved to increase the National Wage Rate by 25%. The final revision of wage rate was given during the 79th Session of the National Assembly in 2001. Nowhere in the resolutions or the laws stated that the NMDW and the NWF rate were considered separate for enforcement by courts. After the enactment of the Labour Act in 2007, the Ministry of Labour and Human Resources was empowered to fix the minimum wage in consultation with the government, employers, and employees. So, the attempt of differentiating NWF MDW and NMDW for court judgments is frivolous. The only worker who might be willing to work for Nu. 125 per day is in the judgments of the courts. The legislature

needs to change the NMDW; that change which has been dormant for over a decade.

Conclusion

In conclusion, it can be seen the dominating role played by NMDW in the determination of what a person should get due to harm or injury caused, what a husband or wife pays to the other, what a child should get as a support for its upbringing in case of divorce of parents, and what amount of money can constitute an offence to lead to a non-compoundable offence. Such instances were never based on the NMDW rate in the initial legislation of the country. Particular laws had their own amount for an offence and were never based on what a worker would receive as its daily wages. The basis of such restitutions and compensation, including alimonies, started with the new phase of legislation during the 1990s, when Bhutan experienced a resurgence of legislation from the National Assembly. The basis of NMDW rate started with amendments to marriage laws followed by Penal Code and then the Anti-Corruption laws.

The laws governing the NMDW usually come under a specific statute. In Bhutan, the NMDW rate is supposed to be regulated under the ambit of the labour laws. However, with the Ministry of Labour and Human Resources no longer in existence, the doubt lingers as to whether the NMDW rate would even be revised till another ministry is empowered under the labour laws. A national minimum wage rate applicable across the country is ‘based on the idea that every worker has equal rights to the same wage protection.’ In a country with a small population like Bhutan, one rate of NMDW across the country rather than more than one would be desirable, as the basis of compensation, alimony, and sentencing framework on the NMDW rate seems to have transcended into both the civil and criminal procedure codes of Bhutan. However, in following suit, there seem to have been a lacuna in understanding the concept and overlooking the legislative intent of the laws on the NMDW. This led to the misinterpretation and disintegration of the application of NMDW within the country. Further, the NMDW has remained rather static, thereby affecting the value of compensation, restitution, alimonies, and value-based sentencing.

The issues that the government needs to consider are matrimonial issues, restitution, and awarding of damages to the victims. Although the victims might be eligible for larger amount, the courts are imprisoned within the framework of stagnant NMDW, thereby leading to judgments being rendered on the stagnant NMDW rate. Notwithstanding all these, even the courts have erred in their rendering of judgments on the NMDW rate as per the first circular issued by the then Ministry of Labour and Human Resources, despite the Marriage (Amendment) Act of 1996 clearly stating that the restitution and calculation of amounts for child support and matrimonial alimonies should be based on the laws of NMDW rate of the NWF. Despite this, the courts have always followed the NMDW and not the MDW rate of the NWF, which has transcended into values-based sentencing, thereby affecting the rights of individuals who otherwise would have to either pay less or serve less sentences, or individuals would receive much more or serve more sentences.

Hence, it is of paramount importance that the government consider the revision of the NMDW rate to include the dynamic

provision of the NMDW rate that would help the courts in determining the rate of compensation in its judgments. The provision should also be included to allow the courts to revise the NMDW rate periodically for its usage, which would immensely help the parties affected by the current stagnant NMDW rate.

Thus, to revise the NMDW rate in the interest of justice, equity and good conscience, it is just a flip of page for the Parliament and a push of an ink for the judiciary if the welfare of citizens are a real concern in the land of GNH.

Disclaimer

The above research is purely as per the experience of the Author and literature publicly available. This article is not intended for any misinformation (and if the facts or laws are wrongly quoted by the author then the author accepts any feedback for corrections if it is accompanied by undeniable evidence), but for the author's academic interest.

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