

MESSAGE

The “Bhutanese Peoples’ Suggestions” as a response to the unveiling of the “Draft Constitution” of the Kingdom of Bhutan is well written, given the twenty-first century global scenario. In consideration of the situation of Bhutan, the initiatives and efforts of the National Front for Democracy, Bhutan (NFD-Bhutan), using all the available resources, input from the Bhutanese senior citizens, intellectuals, former parliamentarians, expertise of local and the international intellectuals, are highly laudable.

This reflects true aspirations of the people. It is hoped that the forthcoming interim government, will give due consideration to the democratic aspirations of the Bhutanese people.

On behalf of the members of the Bhutanese Movement Steering Committee (BMSC) and on my own behalf, I have the privilege of supporting the formal declaration and release of the “**Peoples’ Suggestions**”

Mechi Bridge,
Indo-Nepal Border
July 17, 2006



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BACKGROUND

The NFD-Bhutan (National Front for Democracy in Bhutan) has cautiously welcomed the Draft Constitution of the Kingdom of Bhutan, unveiled on March 26, 2005 as a positive aspect of the step taken by His Majesty the King and peoples' achievement of the one and a half decade long political struggle for democracy.

It is the beginning of the end of dictatorial and absolute monarchy as the ninety-seven year old monarchy was shaken with 1990 peaceful demonstrations in south Bhutan, followed by 1997 eastern Bhutanese peaceful movement that projected true picture of the peoples' demand for democracy and human rights. Cabinet fell to the ground and was revamped with new reforms. Economic benefits to the civil servants and the military force were enhanced tremendously as a measure to effectively counter political forces that began growing into scores.

The King's statement to the National Assembly in 1990 to abdicate throne in the event of failure to resolve Bhutanese political crisis in two years remained a mere statement. The promise in 1990 to release Dasho Tek Nath Rizal, former Royal Advisory Councilor upon resolving the Lhotshampa issue also proved to be fallacious as Dasho Rizal was released on December 17, 1999 even before completing the pilot verification of the refugees. The government's assurance to solve refugee issue turned out to be a mere gimmick to the international community as the process was derailed in 2003, following a brief provocation growing into a scuffle which was preplanned by Bhutan.

The political pressure from the people in one hand and the national security crisis on the other with the presence of Indian insurgents, government had no other way but to further strengthen its cabinet by enhancing council of ministers to ten. Scores of senior civil servants belonging to various ethnicities paved their way into higher positions promoting pseudo democratization process.

The 'Draft Constitution' circulated through website provoked democracy loving people albeit opinions and criticisms are not welcomed. At home, silent observers from the intellectual groups reacted through internet media using either fake names or remaining in anonymity.

The NFD-Bhutan submitted a memorandum to His Majesty the King on April 26, 2005 and appealed for consideration to include refugees, the political parties in exile and at the same time also release political prisoners unconditionally so as to widely open the space for true participation of the people in the Constitution writing before finally going into referendum and enactment. The memo sought for reconsideration within one month and had cautioned to go for alternative Constitution in the event of not responding to the submission.

Therefore, in absence of any positive response, the NFD-Bhutan began consulting Legal and Constitutional experts to write the Constitution of the Peoples' choice and thus reached to this conclusion on the basis of the opinion developed after reviewing the "Draft Constitution" during the period of last one year.

The Draft Constitution with thirty four Articles can be summarized as an inadequately addressed Constitution that carries the pride, "the Shining Symbol of the devolution of

power...that conveys the eternal message of justice, liberty and equality to the citizens of Bhutan", while it has manifested itself as "Guided package" - and aptly emerged as a chapter of new "Royal Legacy" devoid of peoples' participation.

Absence of sincerity on the part of Royal Government can be ascertained from the skeptic and staggering population data of .7m against 1.8m of the UN. On the other hand, the "Gross National Happiness" has been Bhutan's banner for international campaign contradicting its report on the growing food security vulnerability in 51 of 201 Geogs (Kuensel January 21, 2006). Government's declaration of US\$710 per capita too differs as the Kuensel reported over 31% of the population living on Nu.740 per capita with 50.5% of the population unable to produce enough food to survive 12 months whereby the 'farmers either borrowed or bartered or sold labor for food' for their sustenance. The agriculture workers in Bhutan represent 72% and poverty incidence in the rural areas accounts to 97%.

His Majesty the King's statement at the ceremonial declaration of the unveiling of the 'Draft Constitution' ignored amongst others, some of the following crucial issues:

- ❖ Acceptance of the presence of political parties struggling from exile
- ❖ Willingness to resolve protracted refugee crisis
- ❖ The realities of post eviction Internally Displaced Persons (IDPs) and their Resettlement and rehabilitation
- ❖ Granting of general amnesty to the dissident groups
- ❖ Release of the political prisoners

The people of Bhutan were caught unaware with the December 17, 2005 proclamation of Druk Gyalpo to abdicate the Golden Throne in 2008, at Trashi Yangtse Dzongkhag during public gathering. It gives the message of an effort to patch up family dispute over legitimacy to the Golden Throne. Of the five princes born to the four queens, four were born before the royal nuptial ceremony. Eldest prince born (1980) to the third queen heading for the throne by 2008; and the proclamation deprives right of the youngest prince born (1994) to the second queen; who, in fact, happens to be the only son born after the royal wedding.

The "Draft Constitution", with Articles, concerning Religion and Language required consideration in view of its vitality in the aspects of cultural sentiments of the multiracial, lingual and multi-Religious society of the Kingdom of Bhutan.

Article 2, Clause 16, Sub-clause (e) contravenes Article 1(1), "*sovereign power belongs to the people of Bhutan*" as the powers vested with the King, may, in the exercise of these powers, act without advice or recommendation of the cabinet or the Parliament.

Article 2, Clause 19, gives the King crucial powers of appointing constitutional functionaries. Vesting vast powers with the King, who may, in the exercise of these powers, act without advice or recommendation. Heads of State, in countries where there are different heads of government, usually exercise these powers on the advice of the executive. Therefore, we felt it necessary to be redrafted to allow the King to exercise these powers on the advice of the Cabinet.

Article 2, Clause 24, "Referendum", undermines peoples' representation in the Parliament. It gives the

suspicion of proliferating absolute interest in the people at the grass roots level whereby, assassinates the sanctity of the democracy. Hence, in the context of the Kingdom of Bhutan, “Referendum”, we felt, is not practicable.

Major issues concerning Religion, Language and Dress have been considered vital parts of the Constitution as it pertains to sentiment and emotions of the people as a whole. Politically conscious society of the 21st century would show frequent resentments if due consideration to address the daily way of life is not looked into. Therefore, Article 4, Clause 3, has been debated and incorporated with specific guidelines considering languages and dresses of minorities as well to give a broader scope.

Article 6, Clause 1, refers to Citizenship Act. The grant of citizenship cannot be considered independent of the exodus of Lhotshampas (Nepali speaking community), which has resulted in a percentage of the population of Bhutan to become refugees. In some senses the cutoff date of December 31, 1958 transgresses latter legislation. Constitution of Bhutan is anticipated to develop peace, stability and harmony of the diverse population. We therefore felt it necessary to reframe the clause specifying naturalization, most appropriately incorporating 1985 as the 'cut-off-point'.

The concept of “Draft Constitution” as appeared in Article 6, Clause 2, is not feasible in view of non-existence of the Census Department in 1958. It may be pertinent to mention here, that the Home Ministry was established in 1965, and the nationwide census of the population, which began in 1964, was concluded in 1974.

Article 11 and Article 12 concerning the National Council and the National Assembly respectively have been reviewed on the basis of regional demography. Therefore,

appropriate representation in the two houses of National Council and the National Assembly respectively are recommendation in order to give justice to the diverse population.

Human Rights in other words is Watch Dog and basic infrastructure of Democracy. Such a provision is not found in the Draft Constitution of Bhutan. In keeping with the essence of Democracy, establishment of a National Human Rights Commission is vital to educate, safeguard, advocate and protect the people from human rights abuses.

Similarly, new Articles 34, Amendments and Authoritative Text, Article 35, Financial Procedures and Article 36, Declaration of Accounts Showing Particulars of Assets and Liabilities have been recommended.

Observations revealed amongst others, shortage of fundamental Articles for the purpose of dealing with financial procedures, declaration of accounts showing particulars of assets and liabilities in order to either prevent or curb down corruptions. Therefore, additional Articles have been recommended with clauses defining respective principles of its functions thereby enriching and enhancing the Articles to 37 against 34 providing the best feasible substance to the "Draft Constitution of Bhutan".

The NFD-Bhutan in our efforts of reviewing and building up peoples' opinions consulted both regional and international constitutional and legal experts before finalization of the suggestions. The opinion of the twenty six members Drafting Committee representing the people from all dzongkhags and multiethnic society representing diverse religion and culture, refugees' representatives and senior citizens show only those Articles which the people thought

were necessary for improvement, alteration, enhancement and or incorporation as additional Articles. In the process, the NFD-Bhutan's opinion of the Draft Constitution contains 37 over government's 34 Articles. The additional Articles, (35) Financial Procedures, (36) Declaration of Accounts Showing Particulars of Assets and Liabilities and (37). Miscellaneous were felt inevitable for a vibrant democracy in Bhutan.

The NFD-Bhutan looks forward to the achievements of the following pre-democracy demands before any further step is taken to institute the peoples' aspired democracy:


Pre democracy demands:

1. General Amnesty for all the people in exile
2. Immediate release of the political prisoners unconditionally
3. Consider to accommodate representation from all sections of the people in the Drafting of the Constitution
4. Declare acceptance of the presence of the political parties in exile and accommodate party representations in the process of democratization
5. Expedite process of repatriation of all the Bhutanese refugees back to their homesteads
6. Demilitarization of Lhotsham region occupied since 1990
7. Vacate refugee owned lands and rehabilitate new settlers appropriately to pave way for repatriation

Democracy is the inalienable right of the people and in the context of the Bhutanese people; it is the subject matter of solicitation, as Bhutan is preparing for Multiparty Democracy in 2008. Thus, it is earnestly hoped that the opinions expressed by the people in the form of suggestions

to the Draft Constitution would be duly considered by the forthcoming interim government comprised of the representations inclusive of those from all sections of the population irrespective of race, religion, language and culture, that will shoulder full responsibility of manifesting Monarch's noble vision, thereby establishing long aspired Multi-Party Democracy in Bhutan.

July 17, 2006



(Thinley Penjore)
Chairman

Drafting Committee of the Peoples' Suggestions for the Draft
Constitution initiated by the NFD - Bhutan

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PREAMBLE

We, the people of the Land of the Thunder Dragon:

Blessed with the Divine powers of the Dharma Protectors of the Palden Drukpa and endowed by multi-diversity of race, religion, language and culture, cautiously welcoming unveiling the “Draft Constitution” of the Kingdom of Bhutan on March 26, 2005;

Considering Constitution as the Roof and Pillars of the Democracy for the people of Bhutan;

In exercise of the Peoples’ Right to equal participation and responsibility for the future of Bhutan;

Taking into consideration the concerns of the people in entirety;

Look forward to the incorporation of the peoples' concerns in the finalization of the "Constitution Writing" of the Druk-Yul - the Land of the Thunder Dragon" – by the interim government;

RELEASE THIS "PEOPLES' SUGGESTIONS" THROUGH THE PEOPLES' ASSEMBLY HELD AT THE MECHE BRIDGE, INDO-NEPAL BORDER ON THIS TWENTY-SECOND DAY OF THE FIFTH MONTH OF THE FIRE-MALE DOG YEAR, CORRESPONDING TO THE SEVENTEENTH DAY OF THE MONTH OF JULY 2006.

Clause

**Article 1
Kingdom of Bhutan**

1. Bhutan is a Sovereign Kingdom and the Sovereign power belongs to the people of Bhutan.
2. The form of government shall be that of a Democratic Constitutional Monarchy and Parliamentary system. Any other form of government shall be unconstitutional and is prohibited.
3. The international territorial boundary of Bhutan is inviolable and any alteration of areas and boundaries thereof shall be done with the consent of not less than two-third of the total number of members of parliament.
4. The territory of Bhutan shall comprise twenty dzongkhags with each dzongkhag consisting of Geogs and Thromde. Creation of any new dzongkhag or geog and alteration of areas and boundaries thereof shall be done only with the consent of not less than two-third of the total number of members of parliament.

5. The National Flag and the National Emblem of Bhutan shall be as per the First Schedule of this Constitution.
6. The National Anthem of Bhutan shall be as per the Second Schedule of this Constitution.
7. (1) The National Day of Bhutan shall be Wood Sheep Year of 11th Rabjung corresponding to 1655, the day (...date to be decided by consensus of the history writers of Bhutan...) of Unification by Second Desid Tenzin Drugdra during the sacred retreat of the Zhabdrung, Dudjom Dorje.
(2) The Seventeenth day of December each year shall be celebrated as the Monarchy Establishment Day.
8. Dzongkha is the Official Language of Bhutan. Others like Tshangla, Ngalong, Nepali, Bumthang, Mangdi and Kheng languages will be recognized as National Language of Bhutan.
9. This Constitution is the Supreme Law of the State.
10. All laws in force in the territory of Bhutan shall continue in force therein until altered, repealed or amended by Parliament. However, the provisions of any law, whether made before or after the coming into force of this Constitution, which are inconsistent with this Constitution, shall be considered null and void.
11. The Supreme Court shall be a court of record and shall be the guardian of this Constitution and the final authority on its interpretation.
12. The rights over mineral resources, rivers, lakes and all other natural resources shall vest in the State and are the properties of the State, which shall be regulated by law.
13. There shall be separation of the Executive, the Legislature and the Judiciary and no

encroachment of each other's powers is permissible except to the extent provided for by this Constitution.

Clause

Article 2

The Institution of Monarchy

1. His Majesty the Druk Gyalpo is the Head of State and symbol of unity of the Kingdom and of the people of Bhutan.
2. 'Kanying-Zungdrel' or 'Co-existence of Kagyupa and Nyingmapa' of the Mahayana Buddhism shall be unified in the person of the Druk Gyalpo who, as a Buddhist, shall be the upholder of the State Religion, while other religions shall enjoy respective supremacy as a secular state and manage under respective trusts.
3. The title to the Golden Throne of Bhutan shall vest in the legitimate descendants of His Majesty Druk Gyalpo Ugyen Wangchuck as enshrined in the inviolable and historic Gyenja of the Thirteenth Day, Eleventh Month of the Earth Monkey Year, corresponding to the Seventeenth Day of December, Nineteen Hundred and Seven and shall:
 - (1) Pass only to children born of lawful marriage;
 - (2) Pass by hereditary succession to the direct lineal descendants on the abdication or demise of the Druk Gyalpo, in order of seniority, with a prince taking precedence over a princess,

subject to the requirement that, in the event of shortcomings in the elder prince, it shall be the sacred duty of the Druk Gyalpo to select and proclaim the most capable prince or princess as heir to the Throne;

(3) Pass to the child of the Queen who is pregnant at the time of the demise of the Druk Gyalpo if no heir exists under section 3(2);

(4) Pass to the nearest collateral line of the descendants of the Druk Gyalpo in accordance with the principle of lineal descent, with preference being given for elder over the younger, if the Druk Gyalpo has no direct lineal descendant.

4. The successor to the Throne shall receive dar form the Machhen of Zhabdrung Ngawang Namgyal at Punakha Dzong and shall be crowned on the Golden Throne.
5. Upon the ascension of the Druk Gyalpo to the Throne, he shall be required to take an oath of Allegiance to the Constitution of the Kingdom of Bhutan.
6. The Druk Gyalpo shall have no retiring age.
7. There shall, subject to the provision of section 9 of this Article, be a Council of Regency when:
 - (1) The successor to the Throne has not attained the age of twenty-one years;
 - (2) It has been resolved by not less than two-third of the total number of members of parliament in a joint sitting that the Druk Gyalpo is unable to exercise the Royal Prerogatives by reason of temporary physical or mental infirmity; or
 - (3) The Druk Gyalpo has temporarily relinquished, by Proclamation, the exercise of the Royal Prerogatives.

8. The Council of Regency shall collectively exercise the Royal Prerogatives and the powers vested in the Druk Gyalpo under this Constitution and shall be composed of:
 - (1) A senior member of the Royal Family nominated by the Privy Council;
 - (2) The Prime Minister;
 - (3) The Chief Justice of Bhutan;
 - (4) The Speaker;
 - (5) The Chairperson of the National Council;
 - and
 - (6) The Leader of the Opposition Party.
9. In the case specified under clause 7(2) or 7 (3) of this Article, the descendant of the Druk Gyalpo, who is the heir presumptive, shall, instead of the Council of Regency, become Regent by right, if the heir presumptive has attained the age of twenty-one years.
10. The members of the Council of Regency shall swear an Oath of Allegiance before Parliament to faithfully discharge their duties.
11. As soon as the Druk Gyalpo regains the ability to exercise the Royal Prerogatives, notice shall be given to that effect by resolution of Parliament or when the Druk Gyalpo resumes the exercise of the Royal Prerogatives under clause 7(3) of this Article, such notice shall be by Proclamation.
12. The members of the Royal Family shall be the reigning and past Monarchs and their Queens and Royal children of reigning and past Monarchs.
13. The Druk Gyalpo and the members of the Royal Family shall be entitled to:
 - (1) Annuities from the State in accordance with law made by Parliament;

- (2) All rights and privileges including the provision of palaces and residences for official and personal use; and
 - (3) Exemption from taxation on the royal annuity and properties covered under clause 13(1) and clause 13(2) of this Article.
- 14. There shall be a Privy Council, which shall consist of one member appointed by the Druk Gyalpo and two members nominated by the Lhengye Zhungtshog. The Privy Council shall be responsible for:
 - (1) All matters pertaining to the privileges of the Druk Gyalpo and the Royal Family;
 - (2) All matters pertaining to the conduct of the Royal Family;
 - (3) Rendering advice to the Druk Gyalpo on matters concerning the Throne and the Royal Family;
 - (4) All matters pertaining to crown properties;
 - (5) All matters pertaining to Royal Projects as may be defined and recommended by the Parliament from time to time.
- 15. In upholding the sanctity of the Constitution as a Supreme Law of the Kingdom of Bhutan, the Druk Gyalpo shall do no wrong.
- 16. The Druk Gyalpo may, on the advice of the Cabinet, exercise the following Royal Prerogatives.
 - (1) Award titles, decorations and *dar* for Council of Ministers.
 - (2) Grant citizenship, land and other *kidugs* with intimation by copy of Kasho to concerned Ministries/Departments.
 - (3) Grant amnesty and reduction of sentences;
 - (4) Command Bills and other measures to be introduced in Parliament; and

- (5) Shall call for the formation of coalition of the parties to form the government in the event of not achieving majority seats in the Parliament during the general election.
 - (6) Shall exercise powers relating to matters, which are not provided under this Constitution or other laws on the advice of the Cabinet.
17. The Druk Gyalpo may promote goodwill and good relation with other countries by receiving state guests and undertaking state visits to other countries.
18. The Druk Gyalpo shall protect and uphold this Constitution in the best interest and welfare of the people of Bhutan.
19. The Druk Gyalpo may, on the advice of the Cabinet, exercise the following Royal Prerogatives:
 - (1) The Chief Justice of Bhutan, Drangpons of Supreme Court, the Chief Justice of High Court, the Drangpons of High Court and the Dzongkhag Courts shall be appointed by Druk Gyalpo from among the list recommended by the Cabinet in consultation with the National Judicial Commission pursuant to clause 3,4,10 and 11 sub-clause (1) of Article 21.
 - (2) The holders of Constitutional offices shall be appointed by the Druk Gyalpo from the list of names recommended by Constitutional Council pursuant to clause 1 sub-clause (1) of Article 37.
 - (3) The heads of the Defence Forces from a list of names recommended by the National Defense Council;
 - (4) The Attorney General on the recommendation of the Prime Minister;

- (5) The Governor of the Central Bank of Bhutan on the recommendation of the Prime Minister;
 - (6) The Chairperson of the Pay Commission on the recommendation of the Prime Minister;
 - (7) The Cabinet Secretary on the recommendation of the Prime Minister;
 - (8) The Secretary General of the respective Houses on the recommendation of the Speaker of the National Assembly and the Chairperson of the National Council;
 - (9) Ambassadors and Consuls on the recommendation of the Prime Minister;
 - (10) The Secretaries to the Government on the recommendation of the Prime Minister who shall obtain nominations from the Royal Civil Service Commission on the basis of merit and seniority and as per other relevant rules and regulations; and
 - (11) Dzongdags on the recommendation of the Prime Minister who shall obtain nominations from the Royal Civil Service Commission.
20. The Druk Gyalpo shall abdicate the Throne for willful violations of this Constitution for being subject to permanent mental disability, on a motion passed by a joint sitting of Parliament in accordance with the procedure as laid down in clauses 21,22, 23, 24,and 25 of this Article.
21. Such motion shall be included in the agenda for discussion at a joint sitting of Parliament if, not less than one-third of the total number of the members of Parliament submits such a motion based on any of the grounds in clause 20 of this Article.

22. Such motion moved by one-third of the total number of the members of the parliament shall be investigated by the National Council in which case the Druk Gyalpo shall have the right to appear and to be represented at such investigation.
23. The Chief Justice of Bhutan shall preside over the joint sitting of Parliament mentioned in clause 21 of this Article.
24. If, at such joint sitting of the Parliament, not less than two-third of the total number of the members of Parliament passes the motion for abdication, the Druk Gyalpo shall abdicate in favour of the heir apparent.
25. On such a resolution being approved by a simple majority of the total number of votes cast and counted from all the Dzongkhags in the Kingdom, the Druk Gyalpo shall abdicate in favor of the heir apparent.
26. Parliament shall be the only authority to make laws or exercise its powers with two-third of the total number of members of Parliament to amend or rectify provisions of this Article.

Clause

Article 3

Spiritual Heritage

1. Buddhism is the spiritual heritage of Bhutan, which promotes among others the principles and values of peace, non-violence, compassion and tolerance. All religions will have equivalence in Bhutan.
2. Bhutan shall continue to be a Buddhist Nation with Kanying-Zungdrel existing in complete peace and harmony. The Druk Gyalpo shall be the protector of all religions.

3. Bhutan shall respect secularism. All the religious institutions shall function under respective charity trusts.
4. The Je Khenpo shall receive his Dar from the Punakha Machhen as per tradition.

Clause

Article 4

Culture

1. The State shall endeavor to preserve, protect and promote the cultural heritage of the country, including monuments, places and objects of artistic or historic interest, Dzongs, Lhakhangs, Goendeys, Tensum, Nyes, language, literature, music and religion to enrich society and the cultural life of the citizens.
2. The State shall recognize culture as an evolving dynamic force and shall endeavour to strengthen and facilitate the continue evolution of traditional values and institutions that are sustainable as a progressive society.
3. The State shall conserve and encourage research on all languages, local arts, custom, knowledge, culture and all the minorities possessing its own style of dress.
4. All office goers shall be expected to attend in decent national dress during working hours. The public places like the temples, dzongs and assemblage of monks and priests must be paid due respects by presenting in proper national dress with out any compromise. While National dress shall be compulsory for official functions and specific areas, the dresses of diversity shall also be respected equally as national costume in respective areas.

Clause

Article 5

Environment

1. Every Bhutanese is a trustee of the Kingdom's natural resources and environment for the benefit of the present and future generations and it is the fundamental duty of every citizen to contribute to the protection of the natural environment, conservation of the rich biodiversity and prevention of all forms of ecological degradation including noise, visual and physical pollution through the adoption of environment friendly practices and ethos.
2. The Royal Government shall;
 - (1) Protect, conserve and improve the pristine environment and safeguard the biodiversity of the country;
 - (2) Prevent pollution and ecological degradation;
 - (3) Secure ecologically balanced sustainable development while promoting justifiable economic and social development; and
 - (4) Ensure a safe and healthy environment.
3. The government shall ensure that, in order to conserve the country's natural resources and to prevent degradation of the fragile mountain ecosystem, a minimum of sixty percent of Bhutan's total land shall be maintained under forest cover for all time.
4. Parliament may, in order to ensure sustainable use of natural resources, enact environmental legislation and implement environmental standards and instruments based on the precautionary principle, polluter pay principle, maintenance of intergenerational equity, and reaffirm the sovereign rights of the State over its own biological resources.

5. Parliament may, by law, declare any part of the country to be a National Park, Wildlife Reserve, Nature Reserve, Protected Forest, Biosphere Reserve, Critical watershed and such other categories meriting protection.

Clause

**Article 6
Citizenship**

1. (1) A person, both of whose parents are citizens of Bhutan, shall be a natural born citizen of Bhutan.
(2) 1985 shall be considered as the cutoff point for consideration of the issuance of the National Citizenship.
2. A person who applies for citizenship by naturalization shall:
 - (1) Have resided in Bhutan for at least fifteen years;
 - (2) Not have any record of imprisonment for criminal offences within the country or outside;
 - (3) Be able to speak and write Dzongkha;
 - (4) Have a good knowledge of the culture, customs, traditions and history of Bhutan.
 - (5) Have no record of having spoken or acted against Tsa-wa-sum.
 - (6) Renounce the citizenship, if any, of a foreign State on being conferred Bhutanese Citizenship; and
 - (7) Take a solemn Oath of Allegiance to the Tsa-wa-Sum as may be prescribed.
3. The grant of citizenship by naturalization shall take effect by a Royal Kasho of the Druk Gyalpo as per Article 6, clause 2.
4. If any citizen of Bhutan acquires the citizenship of a foreign state, his citizenship shall be terminated.

5. Subject to the provisions of this Article and the Citizenship Acts, Parliament shall, by law, regulate all other matters relating to citizenship.

Clause

Article 7

Fundamental Rights

1. A Bhutanese citizen shall have the right to life, liberty and security of person and shall not be deprived of such rights except in accordance with the due process of law.
2. A Bhutanese citizen shall have the right to freedom of speech, opinion and expression.
3. A Bhutanese citizen shall have the right to freedom of thought, conscience and religion. No person shall be compelled to belong to another faith by means of coercion or inducement.
4. There shall be freedom of the press, radio and television and other forms of electronic dissemination of information.
5. A Bhutanese citizen shall have the right to information.
6. A Bhutanese citizen shall have the right to vote and the exercise of adult franchise.
7. A Bhutanese citizen shall have the right to freedom of movement and residence within Bhutan.
8. A Bhutanese citizen shall have the right to equal access and opportunity to join the Public Service.
9. A Bhutanese citizen shall have the right to won property, but shall not have the right to sell or transfer land or any immovable property to a person

who is not a citizen of Bhutan, except in keeping with laws enacted by Parliament.

10. A Bhutanese citizen shall not be deprived of property by acquisition or requisition, except for public purpose and on payment of fair compensation in accordance with the provisions of the law.
11. A Bhutanese citizen shall have the right to material interests resulting from any scientific, literary or artistic production of which he is the author or creator.
12. A Bhutanese citizen shall have the right to practice any lawful trade, profession or vocation.
13. A Bhutanese citizen shall have the right to equal pay for equal value.
14. (1) A Bhutanese citizen shall have the right to form political parties, organization, unions and associations.
(2) A Bhutanese citizen shall have the right to freedom of peaceful assembly and freedom of association, other than membership of associations that are harmful to the peace and unity of the country, and shall have the right not to be compelled to belong to any association.
15. All persons are equal before the law and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status.
16. A person charged with a penal offence has the right to be presumed innocent until proven guilty in accordance with the law.
17. A person shall not be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
18. A person shall not be subjected to arbitrary or unlawful interference with his privacy, family, home

or correspondence nor to unlawful attacks on his honour and reputation.

19. (1) A person shall not be subjected to arbitrary arrest or detention.
(2) No person who is arrested shall be detained in custody without being informed to his/her parents, guardians and relatives within twenty-four hours, of the ground for such arrests, nor shall he be denied the right to consult a legal practitioner of his/her choice.
(3) Every person who is arrested shall be informed promptly and in details in a language, which he understands of the nature and cause of the charge against him.
(4) Every person who is arrested and detained in custody without the authority of the Drangpon shall be produced before the nearest Thrimkhang within a period of twenty-four hours of such arrests.
20. Nothing in clause 2 and 4 of this Article shall effect the operation of existing law, or prevent the State from making any law, imposing reasonable restrictions on the exercise of the right conferred by the said clauses in the interest of the sovereignty, security and integrity of Bhutan, friendly relations with foreign states, public order, or in relation to an incitement to an offence.
 - (1) Nothing in clause 3 of this Article shall effect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of the rights conferred by the said clause in the interest of the public order, health and social welfare.
 - (2) Nothing in clause 12 of this Article shall effect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions based on professional or

technical qualifications necessary for practicing any trade, profession or vocation.

- (3) Nothing in clause 14 of this Article shall effect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interest of the sovereignty and integrity of Bhutan public order, reasonable restrictions on the exercise of the rights conferred by the said Section.
 - (4) Nothing in clause 8 and 15 of this Article shall prevent the State from making any special provision for women and children and other vulnerable communities.
21. The right to initiate appropriate proceedings in the Supreme Court or High Court against the State for the enforcement of the rights conferred by this Article shall be guaranteed.
 22. Right to education: All children shall have the right to free and compulsory education to be provided by the state pursuant to clause 16 of Article 9.
 23. Right to Constitutional Remedies: Remedies for enforcement of rights conferred by this Part;
 - (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this part is guaranteed.
 - (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, which ever may be appropriate, for the enforcement of any of the rights conferred by this part.
 - (3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its

jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

24. Economics and Cultural Rights: The Government and all societies living within the territory of Bhutan shall ensure the equal right of men and women to the enjoyment of all Economic, Social and Cultural Rights.

Clause

Article 8

Fundamental Duties

1. A Bhutanese citizen shall preserve, protect and defend the sovereignty, integrity, security and unity of Bhutan and render national service when called upon to do so.
2. A Bhutanese citizen shall have the duty to preserve, protect and respect the culture and heritage of the nation.
3. A Bhutanese citizen shall foster tolerance, mutual respect and spirit of brotherhood amongst all the people of Bhutan transcending religious, linguistic, regional or sectional diversities.
4. A person shall respect the National Flag and the National Anthem.
5. A person shall not tolerate or participate in acts of injury, torture or killing of another person, terrorism, abuse of women, children or any other person and shall take necessary steps to prevent such acts.
6. A person shall have the responsibility to provide help, to the greatest possible extent, to victims of accidents and in times of natural calamity.

7. A person shall have the responsibility to safeguard public property.
8. A person shall have the responsibility to pay taxes in accordance with the law.
9. Every person shall have the duty to uphold justice and to act against corruption.
10. Every person shall have the duty to act in aid of the law.
11. Every person shall have the duty and responsibility to respect and abide by the provisions of this Constitution.
12. In exercise of the Right to Vote, every person shall have the duty to vote at an election. Non compliance to the duty shall require person to notify the reason for absence. Failing to exercise the duty to vote shall lose the right to vote as may be provided by the law of the Kingdom.
13. All civil servants irrespective of their status and grade in which they are placed shall have a duty to act in compliance with the law and with political impartiality in order to protect public interest and provide convenience and service to the people. Non compliance to this provision shall invite action according to the law.

Clause

Article 9

Directive Principles

and

Fundamental State Policies

1. The State shall protect and uphold the Institution of Hereditary Monarchy and the Independence and integrity of its territories.
2. The State shall patronize and protect Buddhism and other religions, promote good understanding and harmony among followers of all Religions as well as encourage the application of religious principles to create virtue and develop the quality of life.
3. The State shall endeavor to create a civil society free of oppression, discrimination and violence based on the rule of law, protection of human rights and dignity, and to ensure the fundamental rights and freedom of the people.
4. The State shall endeavor to protect a person from being unlawfully intercepted in telephonic, mail or any other mode of communication.
5. The state shall endeavor to provide justice through a fair, transparent and expeditious process.
6. The State shall endeavor to provide legal aid to secure justice, which shall not be denied to any person by reason of economic or other disabilities.
7. The State shall endeavor to develop and execute policies to minimize inequalities of income, concentration of wealth among citizens, and promote equitable distribution of public facilities among individuals and people living in different parts of the Kingdom.

8. The State shall endeavor to ensure that all the Dzongkhags are treated with equity on the basis of different needs so that allocation of national resources shall result in comparable socio-economic development.
9. The State shall endeavor to achieve economic self-reliance within an open and progressive economy.
10. The State shall encourage and foster private sector development through fair market competition and prevent the growth of commercial monopolies.
11. The State shall endeavor to promote those circumstances that would enable the citizens to secure an adequate livelihood.
12. The State Shall endeavor to provide the right to work, vocational guidance and training and just and favorable conditions of work.
13. The State shall endeavor to provide the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.
14. The State shall endeavor to provide the right to fair and reasonable remuneration for one's work.
15. The State shall endeavor to provide education for the purpose of improving and increasing knowledge, values and skills of the entire population with education being directed towards the full development of the human personality.
16. The State shall provide free education to all children of school going age up to tenth standard and ensure that technical and professional education shall be made generally available and that higher education shall be equality accessible to all on the basis of merit.
17. The State shall endeavor to take all appropriate measures to eliminate all forms of discrimination and exploitation against women including trafficking, prostitution, abuse, violence, harassment and

intimidation at work in both public and private spheres.

18. The State shall endeavor to take all appropriate measures to ensure that the child is protected against all forms of discrimination and exploitation including trafficking, prostitution, abuse, violence, degrading treatment and economic exploitation.
19. The State shall endeavor to promote those circumstances that are conducive to co-operation in community life and the integrity of the extended family structure.
20. The State shall strive to create condition that will enable the true and sustainable development of a good and compassionate society rooted in Buddhist ethos and universal human values.
21. The State shall provide free access to basic public health services in both modern and traditional medicines.
22. The State shall endeavor to provide security in the event of sickness and disability or lack of adequate means of livelihood for reasons beyond one's control.
23. The State shall encourage the free participation in the cultural life of the community to promote the arts and sciences and to foster technological innovation.
24. The State shall endeavor to promote goodwill and co-operation with nations, foster respect for international law and treaty obligations, and encourage settlement of international disputes by peaceful means in order to promote international peace and security.

Clause

Article 10

Parliament

1. There shall be a Parliament for Bhutan in which all legislative power under this constitution shall be vested and which shall consist of the Druk Gyalpo, the National Council and the national Assembly.
2. Parliament shall ensure a Government that safeguards the interests of the nation and fulfills the aspirations of the people through public review of policies and issues, Bills and legislation, and scrutiny functions.
3. The election of the members of parliament shall be in accordance with the provisions of the Election Act of Bhutan.
4. A person shall not be a member of the national Council as well as the National Assembly or a Local Government at the same time.
5. The Druk Gyalpo shall summon the first sitting of Parliament after each general election.
6. AT the commencement of each session of Parliament, the Druk Gyalpo shall be received in a joint sitting of Parliament with Chibdrel Ceremony and the session shall be opened with a Zhug-drel-phunsum tshog-pai ten-drel, and each session shall conclude with the Tashi-mom-lam.
7. The Druk Gyalpo may address or sit in the proceedings of either House or a joint sitting of Parliament as and when deemed expedient.
8. The Druk Gyalpo may send messages to either or both the House as deemed expedient.

9. The House receiving the command shall, as early as possible, consider the matter referred to in the message and submit its opinion to the Druk Gyalpo.
10. The Prime Minister shall present an Annual Report on the state of the nation, which shall include legislative plans and the annual plans and priorities of the Government to the Druk Gyalpo and to a joint sitting of Parliament.
11. Each House of Parliament may determine its rules of procedure and the Speaker or the Chairperson shall conduct the proceedings of the respective Houses in accordance with the rules and may also provide for appointment of Committees to carry out the business of Parliament.
12. The Speaker and the Chairperson shall convene an extraordinary session of Parliament on the command of the Druk Gyalpo who shall, in this regard, act on the advice of the Cabinet if the exigencies of the situation so demand.
13. The presence of not less than two-thirds of the total number of members shall be required to constitute a quorum for a sitting of the National Council or the national Assembly.
14. The proceedings of Parliament shall be conducted in public. However, the Speaker or the Chairperson may exclude the press and the public from all or any part of the proceedings if there is a compelling need to do so in the interests of public order, national security or any other situation, where publicity would seriously prejudice public interest.
15. The Speaker shall preside over the proceedings of a joint sitting and the venue for the joint sitting of the Houses shall be the hall of the national Assembly.
16. The members of Parliament and Local Governments shall take an Oath or Affirmation of Office, as

provided in the Third Schedule of this Constitution, before assuming their responsibilities.

17. The Prime Minister, the Ministers, the Speaker and the Deputy Speaker and the Chairperson and the Vice Chairperson of the National Council shall take an Oath or Affirmation of Secrecy, as provided in the Fourth Schedule of this Constitution, before assuming office.
18. Every members of Parliament shall subscribe to maintaining the decorum and dignity of the House and shall desist from acts of defamation and use of physical force.
19. The members of Parliament or any Committee thereof, shall be immune from any inquiry, arrest, detention or prosecution on account of any opinion expressed in the course of the discharge of their functions or vote cast in Parliament and no person shall be liable in respect of any report, paper or proceedings made or published under the authority of Parliament.
20. The immunities herein granted shall not cover corrupt acts committed by the members in connection with the discharge of their duties and shall also not cover other acts of accepting money or any other valuable consideration to speak or to vote in a particular manner.
21.
 1. The National Assembly shall continue for five years from the date of the first sitting. Premature dissolution of the National Assembly may take place on the recommendation of the Prime Minister to the Druk Gyalpo or in the event of a motion of no confidence vote against the Government being passed in the National Assembly.
 2. (a) The Prime Minister, while he holds office, may, whenever he is of the opinion that it is necessary

or appropriate to obtain a vote of confidence from the members of the House of Representatives, table a resolution to that effect in the House of Representatives.

(b) One-fourth of the total number of members of the House of Representatives may table in writing a no confidence motion against the Prime Minister:

Provided that a no confidence motion shall not be presented more than once in the same session.

(c) A decision on a resolution tabled pursuant to sub-clauses 2(a) and 2(b) clause 21 of this Article shall be made by a simple majority of the total number of the members of the House of Representatives.

22. Except for existing International Conventions, Covenants, Treaties, Protocols and Agreements entered into by Bhutan, which shall continue in force, all International Conventions, Covenants, Treaties, Protocols and Agreements duly accepted to by the Government hereafter, shall be deemed to be the law of the Kingdom only upon ratification by Parliament.
23. Parliament has exclusive power to make laws with respect to any of the matters not enumerated in the Constitution or any other Laws.
24. Restriction on discussion in the parliament: No discussion shall take place in parliament with respect to the conduct of any of the judges of all Courts of the Kingdom of Bhutan in the discharge of his/her duties except upon a motion for presenting an address to the Druk Gyalpo praying for the removal of the judge as hereinafter provided.
25. Ministers Entitled to Take Part in Both the Houses: A Minister shall be entitled to attend and take part in the proceedings and deliberations of either House of

Parliament and its committees; Provided that he shall not be entitled to vote in a House or committee of which he is not a member.

26. Penalty for Unauthorized Presence or Voting: If a person sits or votes in a meeting of either House of Parliament as a member without taking an oath pursuant to clause 27 of this Article or knowing that he is not qualified for membership in the House, he shall, on the order of the person chairing the House, be liable to a fine of Ngultrums One thousand for each day of his presence or voting. The fine shall be recovered as government dues at source from the concerned from his salary of the preceding month and ensure deposit in the government revenue.
27. Oath: The members of each House of Parliament shall, before taking part for the first time in a meeting of that House or any of its Committees, take an oath in the specified forms as per Fifth Schedule.
28. Voting in Houses, Power of Houses to act notwithstanding vacancies and Quorum:
 - (1) Save as otherwise provided in this Constitution, all questions at any sitting of either House or joint sitting of the Houses shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as Chairperson or Speaker.
The Chairperson or Speaker, or person acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.
 - (2) Either House of Parliament shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in Parliament shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(1) After the commencement of its first session, the National Council shall, as soon as possible, elect a Chairperson and Vice Chairperson from among its members. If the office of the Chairperson or the Vice Chairperson falls vacant, the National Council shall fill the vacancy through election from among its members.

(2) The Vice Chairperson shall, in the absence of the Chairperson of the National Council, chair the National Council.

(3) If the election of the Chairperson and the Vice Chairperson has not taken place, or if both the positions have become vacant, the members of the National Council who is by age the senior most shall preside over the meeting of the National Council.

(4) The office of the Chairperson and the Vice Chairperson shall become vacant in the following circumstances:

(a) If he ceases to be member of the National Council; or

(b) If he submits a written resignation; or

(c) If a resolution is passed by a majority of two-thirds of the total number of members of the National Council to the effect that his conduct is not compatible with his position.

(5) The Vice Chairperson shall preside over a meeting at which deliberations are to be held on a resolution that the conduct of the Chairperson of the National Council is not compatible with his position. The Chairperson shall be entitled to take part and vote in the deliberation on such resolution.

5. The Druk Gyalpo shall, by warrant under His hand and seal, confer Dakyen to the Chairperson.
6. The National Council shall assemble at least twice a year.

7. The tenure of the office of the members of the National Council shall be six years.
8. For the first time after the commencement of this Constitution, arrangements shall be made by drawing lots to retire one third of the members on the expiry of two years, another one-third on the expiry of four years, and the final one-third on the expiry of six years.
9. The term of office of the members, including any unfilled seats, shall be deemed to have started on the date on which the National Council commences its first session.
10. The vacancies of seats in the National Council shall be filled in the same manner of election or nomination as per sub-clause (1) and (2) of clause 1 of this article through which the seat of the vacating member was filled.
11. If any seat of a member of National Council falls vacant during his tenure of office the vacancy shall be filled in accordance with clause 12, by election or nomination, as the case may be, for the remainder of the term.
12. **Qualification for membership:**
 - (1) In order to become a member, any person:
 - (a) must be citizen of Bhutan
 - (b) must have attained thirty-five years of age
 - (c) should not be disqualified under any law; and
 - (d) should not hold any office of profit.

Explanation: For the purpose of this sub-clause, "Office of Profit" means any position, other than a political position to be filled by election or nomination for which a remuneration or economic benefit is paid out of a government fund.

- (e) appear on the voters list in the concerned constituency from which the candidate should be elected to the parliament
- (2) no person shall be a member of both the houses simultaneously.

Disqualification of members:

- (1) Absence of any or whole of the criterion mentioned herein above at clause 12, sub-clause 1(a), (b), (c), (d) and (e) and sub-clause 2 of clause 12 shall mean disqualification of a person to become a member.
- (2) A member qualified under sub-clause 1(a), (b), (c), (d) and (e) and sub-clause 2 of clause 12; and absenting a session for a continuous period of five days at a stretch without written permission of the chairperson, the House shall declare his seat vacant.

Clause

Article 12

The National Assembly

1. The National Assembly shall have a maximum of One Hundred-Five members elected by each Dzongkhag in proportion to its population, provided that no Dzongkhag shall have less than two members or more than seven members, for which purpose Parliament shall, by law, provide for each Dzongkhag to be divided into constituencies through appropriate delimitation, and for the voters in each constituency directly electing one member to the national Assembly.
2. The number of elected members from each Dzongkhag shall be reapportioned to reflect the changing population after every ten years, after the census for that year has been taken, subject to the

limitation of a minimum of two and a maximum of seven members from each Dzongkhag.

3. At the first sitting after any general election, or when necessary to till a vacancy, the National Assembly shall elect a Speaker and a Deputy Speaker from among its members.
4. The Druk Gyalpo shall, by warrant under His hand and seal, confer Dakyen to the Speaker.
5. The National Assembly shall assemble at least twice a year.
6. Qualification for membership:
 1. In order to become a member, any person-(a) must be citizen of Bhutan, (b) must have attained twenty-five years of age, (c) should not be disqualified under any law; and (d) should not hold any office of profit, (e) appear on the voters list in the concerned constituency from which the candidate should be elected to the parliament

Explanation: *For the purpose of this sub-clause, "Office of Profit" means any position, other than a political position to be filled by election or nomination for which a remuneration or economic benefit is paid out of a government fund.*

2. No person shall be a member of both the houses simultaneously.

7. **DISQUALIFICATION OF MEMBERS:**

(1) Absence of any or whole of the criterion mentioned herein above at sub-clause 1(a), (b), (c), (d) and (e) and sub-clause 2 of clause 6 shall mean disqualification of a person to become a member.

(2) A member qualified under sub-clause 1(a), (b), (c), (d) and (e) and sub-clause 2 of Clause 6; and absenting a session for a continuous period of five

days at a stretch without written permission of the Speaker, the House shall declare his seat vacant.

8. If any seat of a member of National Assembly falls vacant during his tenure of office the vacancy shall be filled in accordance with clause 6 of Article -12 by-elections for the remainder of the term.

9. **The Speaker and the Deputy Speaker of the National Assembly of Bhutan:**

The National Assembly of Bhutan shall, as soon as may be, choose two members of the House to be respectively Speaker and Deputy Speaker thereof, and so often as the office of Speaker or Deputy Speaker becomes vacant, the House shall elect another member to be Speaker or Deputy Speaker, as the case may be.

10. **Vacation and resignation of, and removal from, the office of Speaker and Deputy Speaker:**

A member holding office as Speaker or Deputy Speaker of the House of the People:

(1) shall vacate his office if he ceases to be member of the House of the People;

(2) may at any time, by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office, and

(3) may be removed from his office by a resolution of the House of the People passed by a majority of all the members of the House;

Provided that no resolution for the purpose of sub-clause (3) shall be moved unless at least fourteen days notice has been given of the intention to move the resolution:

Provided further that, whenever the House of the People is dissolved, the Speaker shall not vacate his office until immediately before the first

meeting of the House of the People after the dissolution.

11. Power of the Deputy Speaker or the other person to perform the duties of the office of, or to act as, Speaker:

(1) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of the Deputy Speaker is also vacant, by such member of the House of the People as the Druk Gyalpo may appoint for the purpose.

During the absence of the Speaker from any sitting of the House of the People the Deputy Speaker or, if he is also absent such person may be determined by the rules of the procedure of the House, or, if no such person is present, such other person as may be determined by the House, shall act as Speaker.

12. The Speaker or the Deputy Speaker not to preside while a resolution found his removal from office is under consideration:

(1) At any sitting of the House of the People, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside, and the provisions of the sub-clause (2) of clause 11 of this Article shall apply in relation to every such sitting as applied in relation to sitting from which the Speaker, or, as the case may be, the Deputy Speaker, is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the House of the People while any resolution for his removal from office is under

consideration in the House and shall, notwithstanding anything in clause 28 of Article 10 the provides entitlement to vote only in the first instance on such resolution or on any other matter during such proceeding but not in the case of an equality of votes.

Clause

Article 13

Legislative Procedures

1. A Bill passed by Parliament shall come into force upon Assent of the Druk Gyalpo.
2. Money Bills and financial Bills shall originate only in the National Assembly where as any other legislative Bills may originate in either House.
3. A Bill pending in either House shall not lapse by reason of the prorogation of either House.
4. A Bill shall be passed by a simple majority of the total number of members of the respective House or by not less than two-thirds of the total number of members of both Houses present and voting, in the case of a joint sitting.
5. Where a Bill has been introduced and passed by one House, it shall present the Bill to the other House within thirty days from the date of passing and that Bill may be passed during the next session of Parliament. In the case of Budget and Urgent Bills, they shall be passed in the same session of Parliament.

6. Where the other House also passes the Bill, that House shall submit the Bill to the Druk Gyalpo for Assent within fifteen days from the date of passing of such Bill.
7. Where the other House does not pass the Bill, that House shall return it to the House in which the Bill originated with amendments or objection for re-deliberation which, when passed, shall be presented to the Druk Gyalpo for Assent within fifteen days from the date of passing of such Bill.
8. Were the house in which the Bill originated refuses to incorporate such amendments or objections of the other house, it shall submit the Bill to the Druk Gyalpo, who shall then command the Houses to deliberate and vote on the Bill in a joint sitting.
9. Where the other House neither passes nor returns the Bill within the prescribed period under clause 5 of this Article, the Bill shall be deemed to have been passed by that House and the House in which the Bill originated shall present the Bill within fifteen days to the Druk Gyalpo for Assent.
10. Where the Druk Gyalpo withholds Assent to the Bill, He shall return the Bill with such amendments that he may propose, to the Houses for their reconsideration.
11. Upon such reconsideration by the Houses, the Bill shall be resubmitted with or without the proposed amendments to the Druk Gyalpo for Assent and the Druk Gyalpo grants Assent thereto.
12. If the Druk Gyalpo refuses His assent to a Bill and either returns it to the National Assembly or does not return it within ninety days, the National Assembly must redeliberate such Bill. If the National Assembly resolves to reaffirm the Bill with the votes not less than two-thirds of the total number of existing

members of both Houses, the Speaker shall present such Bill to the Druk Gyalpo for His assent once again. If the Druk Gyalpo does not grant assent and return the Bill within thirty days, the Speaker shall cause the Bill to be promulgated as an Act in the Government gazette as if Druk Gyalpo had granted His assent.

Clause

Article 14

Finance, Trade and Commerce

1. Taxes, fees and other forms of levies shall not be imposed or altered except by law.
2. There shall be a Consolidated Fund into which shall be deposited all revenue not allocated to specific purposes by law and from which expenditure of the State shall be met.
3. Public money shall not be drawn from the treasury except through appropriation in accordance with the law.
4. The State, in public interest, may raise loans, make grants or guarantee loans in accordance with the law.
5. The Government shall exercise proper management of the monetary system and public finance. It shall ensure that the servicing of public debt will not place undue burden on future generations.
6. It shall be an important objective for the Government to ensure that the cost of recurrent expenditures is met from internal resources of the country.
7. A minimum foreign currency reserve that is adequate to meet the cost of not less than one year's import must be maintained.

8. The annual budget, with a report on the budget of the previous fiscal year, shall be presented to the National Assembly by the Finance Minister.
9. Where the budget has not been approved by the National Assembly before the beginning of the fiscal year, the preceding budget on current expenses shall be applied until the new one is sanctioned. Revenues shall be collected and disbursements made in accordance with the law in force at the end of the preceding year. However, if one or more parts of the new budget have been approved, they shall be put into effect.
10. Any expenditure not included in the budget, or in excess of the budget appropriation, as well as the transfer of any fund from one part of the budget to another, shall be made in accordance with the law.
11. Funds for more than one fiscal year may be appropriated in accordance with the law if the nature of the expenditure so requires. In such a case, each annual successive budget shall include the funds allocated for that year.
12. Parliament shall establish a relief fund and the Druk Gyalpo shall have the prerogative to use this fund for urgent and unforeseen humanitarian relief.
13. The State shall make adequate financial provisions for the independent administration of constitutional bodies.
14. Unless otherwise provided under the provisions of this Constitution or any other law, there shall be free movement of goods and services among all the Dzongkhags.
15. Trade and Commerce with foreign nations shall be regulated by law.
16. Parliament shall not enact laws that allow monopoly except to safeguard national security.

Clause

Article 15

Political Parties

1. Political parties shall ensure that national interests prevail over all other interests and, for this purpose, shall provide choices based on the values and aspirations of the people for responsible and good governance.
2. Political parties shall promote national unity and progressive economic development and strive to ensure the well-being of the nation.
3. Independent candidates and political parties shall not resort to regionalism, ethnicity and religion to incite voters for electoral gains.
4. (1) Any political organization or a party wishing to secure recognition from the Election Commission for the purposes of the elections shall be required to register its name with the office of the Election Commission in accordance with the procedure as determined by the Commission. A Petition so submitted for registration shall contain clear information about the name of the concerned political organization or party, names and addresses of the members of its executive committee or any such committee and such petition shall be accompanied by the rules and manifesto of the organization or the party.
(2) A political party shall be registered by the Election Commission on its satisfying the qualification and requirements set out hereinafter, that:

- (a) Its membership is not based on region, sex, language, religion or social origin;
 - (b) It is broad-based with cross-national membership and support and is committed to national cohesion and stability;
 - (c) It does not receive money or any assistance from foreign sources, be it governmental, non-governmental, private organizations or from private parties or individuals;
 - (d) The members of the party shall bear true faith and allegiances to this Constitution and uphold the sovereignty, security, unity and integrity of the Kingdom;
 - (e) The party is established for the advancement of democracy and for the social, economic and political growth of Bhutan;
 - (f) The constitution or the rules of the organization or party must provide for election of office bearers of the organization or party at least once every five years.
- 5. Representation in the National Assembly shall be by Multi Party.
 - 6. The party, which wins the majority of seats in the National Assembly in the general election, shall be declared as the ruling party and the other as the opposition party.
 - 7. Members of the National Assembly belonging to one party shall be disqualified from the membership of the House if they defect to the other party unless the number of people so defecting equal or exceed one-third of the party in the House from which they are defecting.
 - 8. A political party shall stand dissolved:
 - (1) By declaration of the Supreme Court, if the objectives or activities of the party are in

contravention of the provisions of this Constitution;

(2) If it has received money or assistance from foreign sources or has acted against the security, unity and integrity of Bhutan;

(3) On declaration by the Supreme Court on such other grounds as may be prescribed by Parliament or under a law in force; or

(4) On violation of the Election Act.

9. Where the parties come to the ruling or opposition parties in the National Assembly stands dissolved under clause 8 of this Article or a Government could not be formed under clause 6 of Article 17, the National Assembly shall also stand dissolved and, accordingly, clauses 1 - 6 of this Article shall apply.
10. Parliament shall, by law, regulate the formation, functions, ethical standards, and intra party organization of political parties and shall ensure the transparency of party funds through regular auditing of their accounts.
11. If any candidate belonging to a party, which has secured less than 3% of the total votes cast, is elected to the National Assembly, such person shall be deemed to be an independent not belonging to an organization or party.
12. For the purposes of elections to the National Assembly, at least 10% of the total number of candidates contesting an election from any organization or party must be women candidate.

Clause

Article 16

Public Campaign Financing

1. Parliament shall, by law, establish a Public Election Fund into which shall be paid every year such

amounts as the Election Commission may consider appropriate to fund candidates and political parties during elections to the National Assembly. The payment, out of the Public Election Fund, shall be made by the Election Commission in a non-discriminatory manner to political parties registered by the Election Commission under Clause 4 of Article 15 and in accordance with the laws made by Parliaments or a law in force.

2. The Election Commission shall fix a ceiling for the total expenditure, including the funding received from the Election Commission that may be incurred by political parties and candidates taking part in elections to the National Assembly.
3. The funding received by political parties and candidates, from the Election Commission shall be subjected to scrutiny and auditing as called for by the Election Commission.

Clause

Article 17

Formation of Government

1. The Druk Gyalpo shall award Dakyen to the leader or nominee of the party, which wins the majority of seats in the National Assembly, as the Prime Minister.
2. A person shall hold office as Prime Minister for a maximum of two terms at a stretch.
3. The Druk Gyalpo shall appoint Ministers from among the members of the National Assembly, on the recommendation of the Prime Minister, or shall remove a Minister on the advice of the Prime Minister.

4. A candidate for the post of Prime Minister shall be an elected member of the National Assembly and a natural born citizen of Bhutan.
5. Not more than two members elected from the electoral constituencies of the same Dzongkhag shall be entitled to be appointed as Ministers.
6. (1) The Political Party achieving majority of seats in the Parliament (National Assembly) in general election will form the government.
(2) In the event of not achieving majority of seats as stated herein above, formation of coalition of the parties will be called for by the Druk Gyalpo.
7. A motion of no confidence against the Government may be moved by not less than one-third of the total number of members of the national Assembly.
8. A vote of no confidence against the Government, if passed by not less than two-thirds of the total number of members of the National Assembly, shall require the Government to be dismissed by the Druk Gyalpo, and the parties shall be called upon to demonstrate their strength to form a Government, failing which general election shall be conducted pursuant to clause 1 of Article 19.

Clause

Article 18

The Opposition Party

1. The Opposition Party shall play a constructive role to ensure that the Government and the ruling party function in accordance with the provisions of this Constitution provide good governance and strive to promote national interest and fulfill the aspirations of the people.

2. The Opposition Party shall promote national integrity, unity, and harmony and co-operation among all sections of society.
3. The Opposition Party shall endeavour to promote and engage in constructive and responsible debate in Parliament while providing healthy and dignified opposition to the Government.
4. The Opposition Party shall not allow party interests to prevail over the national interest. Its aim must be to make the Government responsible, accountable and transparent.
5. The Opposition Party shall have the right to oppose the elected Government's conduct of public business.
6. The Opposition Party shall aid and support the Government in times of external threat, natural calamities and such other national crises when the life of the nation is at stake.

Clause

Article 19

Interim Government

1. For the purpose of holding the first election, after the adoption of this Constitution, and whenever the National Assembly is dissolved, the Druk Gyalpo shall appoint an Interim Government to function for a period, which shall not exceed ninety days to enable the Election Commission to hold free and fair elections.
2. The Interim Government shall consist of a Chief Advisor and other Advisors as deemed necessary who shall be appointed by the Druk Gyalpo within fifteen days after the dissolution of the National

Assembly. The Chief Justice of Bhutan shall be appointed as the Chief Advisor.

3. On the Interim Government being appointed the Prime Minister and the Ministers, who were in office immediately before the national Assembly was dissolved shall resign from office.
4. The Interim Government shall carry out the routine functions of the Government but shall be entitled to take any policy decisions or enter into any agreement with foreign governments or organizations.
5. The Government shall be formed within ninety days from the date of dissolution of the National Assembly.
6. The Interim Government shall cease to exist from the date of which the new Prime Minister enters office on the new national Assembly being constituted.

Clause

Article 20

The Executive

1. The Royal Government of Bhutan shall protect and strengthen the sovereignty of the Kingdom, provide good governance, and ensure peace, security, well-being and happiness of the people.
2. The Executive Power shall be vested in the Lhengye Zhungtshong which shall consist of the Ministers headed by the Prime Minister. The number of Ministers shall be determined by the number of Ministers required to provide efficient and good governance. Ministries shall not be created for the purpose of appointing Ministers.
3. The Lhengye Zhungtshog, headed by the Prime Minister, shall aid and advise the Druk Gyalpo in the exercise of His functions including international

affairs and the Druk Gyalpo shall act in accordance with such advice.

4. The Prime Minister shall keep the Druk Gyalpo informed from time to time about the affairs of the State, including international affairs, and shall submit such information as called for by the Druk Gyalpo.
5. The Lhengye Zhungtshog shall:
 - (a) Assess the state of affairs arising from developments in the State and society and from events at home and abroad;
 - (b) Define the goals of State action and determine the resources required to achieve them;
 - (c) Plan and co-ordinate government policies and ensure its implementation; and
 - (d) Represent the kingdom at home and abroad.
6. The Lhengye Zhungtshog shall promote an efficient civil administration based on the democratic values and principles enshrined in this Constitution.
7. The Lhengye Zhungtshog shall be collectively responsible to the National Assembly.
8. The responsibility of issuing any executive order, circular, rule or notification in accordance to the provisions of a law made by Parliament or a law in force shall lie in the Council of Ministers.

Clause

Article 21

The Judiciary

1. The Judiciary shall safeguard, uphold, and administer Justice fairly and independently without fear, favor, or undue delay in accordance with the Rule of Law to

inspire trust and confidence and to enhance access to Justice.

2. The judicial authority of Bhutan shall be vested in the Royal Courts of Justice comprising the Supreme Court, the High Court, the Dzongkhag Court, the Drungkhag Court and such other Courts and Tribunals as may be established, from time to time, by the Druk Gyalpo on the recommendation of the National Judicial Commission.
3. The Chief Justice of Bhutan shall be appointed on the advice of the Cabinet, in consultation with the National Judicial Commission, from among the Drangpons of the Supreme Court on the basis of hierarchy or from among eminent jurists by the Druk Gyalpo by warrant under His hand and seal.
4. The Drangpons of the Supreme Court shall be appointed on the advice of the Cabinet, in consultation with the National Judicial Commission, from among the Drangpons of the High Court on the basis of hierarchy or from among eminent jurists by the Druk Gyalpo by warrant under His hand and seal.
5. The term of office of:
 - (a) The Chief Justice of Bhutan shall be five years or until attaining the age of sixty-five years, whichever is earlier; and
 - (b) The Drangpons of the Supreme Court shall be ten years or until attaining the age of sixty-five years, whichever is earlier.
6. The Supreme Court of Bhutan, which shall comprise the Chief Justice and four Drangpons, shall be the highest appellate authority to entertain appeals against the judgments, orders, or decisions of the High Court in all matters and subject to the rules made under section 18 of this Article, shall have the power to review its judgments and orders.

7. Where a question of law or fact is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court, the Druk Gyalpo may refer the question to the Supreme Court for its consideration, which shall hear the reference and submit its opinion to Him.
8. The Supreme Court may, on its own motion or an application made by the Attorney General or by a party to a case, withdraws any case pending before the High Court involving a substantial question of law of general importance relating to the interpretation of this Constitution and dispose off the case itself.
9. The Supreme Court and the high Court shall have exclusive jurisdiction to enforce the fundamental rights under Article 7 and for this purpose, the said Courts may issue such declarations, orders, directions or writes as may be appropriate in the circumstances of each case.
10. The Chief Justice of the High Court shall be appointed on the advice of the Cabinet, in consultation with the National Judicial Commission, from among the Drangpons of the High Court and Dzongkhag Courts on the basis of hierarchy or from among eminent jurists by the Druk Gyalpo by warrant under His hand and seal.
11. (1) The Drangpons of High Court and the Dzongkhag Courts shall be appointed on the advice of the Cabinet in consultation with the National Judicial Commission, from among the Drangpons of Dzongkhag Courts and the Drungkhag Court respectively on the basis of hierarchy or from eminent jurists by the Druk Gyalpo by warrant under His hand and seal.

(2) The Drangpons of Drungkhag Courts shall be appointed on the advice of the National Judicial Commission, from among the eminent jurists or candidates holding degree in law having minimum of five years experience in the practice of law in any court in Bhutan, under the hand and seal of the Chief Justice of Bhutan.

12. Every person appointed to the post of Chief Justice of Bhutan, Drangpons of the Supreme Court, the Chief Justice and the Drangpons of the High Court and the Drangpons of the Dzongkhag Courts shall, before he enters upon his office, make and subscribe before the Druk Gyalpo or some person appointed in that behalf by Him, Oath or Affirmation of Office and Oath or Affirmation of Secrecy. Similarly, the Drangpons of Drungkhag Courts shall before he enters upon his office, make and subscribe before the Chief Justice or some person appointed in that behalf by the Chief Justice, an Oath or Affirmation of Office and Oath or Affirmation of Secrecy.

The term of office of the Chief Justice and the Drangpons of the High Court shall be ten years or until attaining the age of sixty years, whichever is earlier.

13. The High Court of Bhutan, which shall comprise of a Chief Justice and eight Drangpons, shall be the court of appeal from the Dzongkhag Courts and Tribunals in all matters and shall exercise original jurisdiction in matters not within the jurisdiction of the Dzongkhag Courts and Tribunals.
14. The independence of the Drangpons of the Supreme Court and the High Court shall be guaranteed, provided that a Drangpon may be censored for proven misbehavior by the Druk Gyalpo on the command of the National Judicial Commission which

shall, in this regard, issue such command only after deliberation on a reference made to them by the Cabinet.

15. Parliament may, by law, establish impartial and independent Administrative Tribunals as well as Alternative Dispute Resolution centers.
16. The Druk Gyalpo shall appoint on the advice of the Cabinet, members of the National Judicial Commission by warrant under His hand and seal. The National Judicial Commission shall comprise:
 - (1) The Chief Justice of Bhutan as Chairperson;
 - (2) The senior most Drangpon of Supreme Court;
 - (3) The Chairperson of the Legislative Committee;
 - and
 - (4) The Attorney General
17. Every person shall have the right to approach the Courts for enforcement of the rights conferred on him by this Constitution or by the laws.
18. The Supreme Court may, from time to time, make rules to regulate the general practices and procedures of the courts as required to enhance efficiency and effectiveness of the judicial process and system in the Kingdom.
19. The hearing of a case requires a full quorum of drangpons. Any drangpon not sitting at the hearing of the case shall not give judgment or a decision of such case, except for the case of *force majeure* or any other unavoidable necessity as provided by law.
20. In a criminal case, a search in a private place shall not be made except where an order or a warrant of the Court is obtained or there is a reasonable ground to search with out an order or warrant of the Court as provided by law.
21. (1) An application for a bail of the suspect or the accused in a criminal case must be accepted for

consideration with out delay, and an excessive bail shall not be demanded. The refusal of a bail must be based upon the grounds specifically provided by law, and the suspect or the accused must be informed of such ground without delay.

(2) The right to appeal against the refusal of a bail is protected as provided by law.

(3) A person being kept in custody, detained or imprisoned has the right to see and consult his or her advocate in private and receive a visit as may be appropriate.

22. In the case of the detention of a person in a criminal case or any other case, the detainee, the public prosecutor or other person acting in the interest of the detainee has the right to lodge with the Court having criminal jurisdiction a plaint that the detention is unlawful. Upon receipt of such plaint, the Court shall forthwith proceed with an *ex parte* examination. If, in the opinion of the Court, the plaint presents a *prima facie* case, the Court shall have the power to order the person responsible for the detention to produce the detainee promptly before the Court, and if the person responsible for the detention can not satisfy the Court that the detention is lawful, the Court shall order an immediate release of the detainee.

23. (1) In a criminal case, the suspect or the accused has the right to a speedy, continuous and fair enquiry or trial.

(2) At the enquiry stage, the suspect has the right to have an advocate or a person of his or her confidence attend and listen to interrogations.

(3) An injured person or the accused in a criminal case has the right to inspect or require a copy of his or her statements may during the enquiry or documents

pertaining thereto when the public prosecutor has taken prosecution as provided by law.

(4) In a criminal case for which the public prosecutor issues a final non-prosecution order, an injured person, the suspect or an interested person has the right to know a summary of evidence together with the opinion of the enquiry official and the public prosecutor with respect to the making of the order for the case, as provided by the law.

24. (1) In a criminal case, the suspect or the accused has the right to receive an aid from the State by providing an advocate as provided by law. In the case where a person being kept in custody or detained cannot find an advocate, the State shall render assistance by providing an advocate without delay.

(2) In a civil case, a person has the right to receive a legal aid from the State, as provided by law.

25. (1) A person has the right not to make a statement incriminating himself which may result in criminal prosecution being taken against him.

(2) Any statement of a person obtained from inducement, a promise, threat, deceit, torture, physical force, any other unlawful act shall be inadmissible in evidence.

26. In a criminal case, a witness has the right to protection, proper treatment, necessary and appropriate remuneration from the State as provided by law.

27. (1) In a criminal case, an injured person has the right to protection, proper treatment and necessary and appropriate remuneration from the State, as provided by law.

(2) In the case where any person suffers an injury to the life, body or mind on account of the commission of a criminal offence by other person with out the

2. Bhutan shall have Local Governments in each of the twenty Dzongkhags comprising the Dzongkhag Tshogdu, Gewog Tshogde and Thromde Tshogde.
3. Local Governments shall ensure that local interest are taken into account in the national sphere of governance by providing a forum for public consideration on issues affecting the local territory.
4. The objectives of Local Government shall be to:
 - (1) Provide democratic and accountable government for local communities;
 - (2) Ensure the provision of services to communities in a sustainable manner;
 - (3) Encourage the involvement of communities and community organization in the matters of local governance; and
 - (4) Discharge any other responsibilities as may be prescribed by law make by Parliament.
5. A Local Government shall strive, within its financial and administrative capacity, to achieve the objectives set out under this Article.
6. The Dzongkhag Tshogdu shall comprise of:
 - (1) The Gup and Mangmi as the two elected representatives from each Gewog; and
 - (2) Two elected representatives from each Thromde.
7. A Gewog shall be divided into Chiwogs for the election of the Tshogpas to the Gewog Tshogde. The Gup who is elected by the people of the Gewog shall be the Chairperson of the Gewog Thsogde.
8. A large urban area shall have a Thromde Tshogde, which shall be headed by a Thrompon appointed by the Government, while a small urban area shall have a Thromde Tshogde, which shall be headed by a Chairperson elected from among its members. The powers and functions of the Thrompon and the

Chairperson shall be as defined by law made by Parliament.

9. A Thromde shall be divided into constituencies for the election of the members of the Thromde Tshogde.
10. A Gewog Tshogdey or a Thromde Tshogdey shall not have more than ten and fewer than seven elected members.
11. The Dzongkha Tshogdu and the Gewog Tshogde shall elect their respective Chairpersons from among their members.
12. The Dzongkhag Tshogdu shall meet at least twice a year while the Gewog Tshogde and the Thromde Tshogde shall assemble at least thrice a year.
13. The presence of not less than two-thirds of the total number of members shall be required to constitute a quorum for a sitting of a Local Government.
14. The election of the members of Local Governments shall be conducted as per the provisions of the Election Act of Bhutan.
15. Candidates for election to Local Governments may belong to political parties or be independent candidates.
16. Local Governments shall be:
 - (1) Supported by the Royal Government in the development of administrative, technical, and managerial capacities and structures, which are responsive, transparent, and accountable;
 - (2) Entitled to levy, collect, and appropriate taxes, duties, tolls, and fees in accordance with such procedure and subject to limitations as may be provided for by Parliament by law;
 - (3) Entitled to adequate financial resources from the Royal Government in the form of annual grants;

(4) Supported by the Royal Government to promote holistic and integrated area-based development planning; and

(5) Entitled to own assets and incur liabilities by borrowing on their own account subject to such limitations as may be provided for by parliament by law.

17. Local Governments shall be supported by an administrative machinery staffed by civil servants.
18. A Dzongkha shall have a Dzongdag as chief executive supported by civil servants. The Dzongdag shall have no political affiliation and shall discharge his responsibilities as the chief executive in the interests of the people and country.
19. The Dzongkhag Tshogdu, unless sooner dissolved, and the Gewog Tshogde as well as the Thromgyi Tshogde shall continue for five years from the date of the first sitting of the respective bodies.
20. Parliament shall, by law, regulate the powers and functions of the Dzongdag and the Local Governments to ensure self-reliant and self-sustaining units of local self-government:
 - (1) A Local Government has the power to make laws for local areas or any part as the case may be.
 - (2) If any provision of a law made by a Local Government is repugnant to any provision of a law made by Parliament, the law made by Parliament, whether passed before or after the law made by the Local Government shall prevail, and the law made by the Local Government shall, to the extent of the repugnancy, but so long only as the law made by Parliament continues to have effect, be inoperative.

Clause

Article 23

Election Commission

1. Under this Constitution, the general will of the people shall be the basis of government and it shall be expressed through periodic elections.
2. A person shall have the right to vote by direct adult suffrage through secret ballot at an election if the person is:
 - (1) A Bhutanese citizen as evidenced by a Citizenship Card or certificate, issued under law;
 - (2) Not less than eighteen years of age;
 - (3) Registered in the census of that constituency prior to the date of the election; and
 - (4) Not otherwise disqualified from voting under any law in force in Bhutan.
3. There shall be an Election Commission which shall be responsible for the preparation, maintenance, and periodical updating of electoral rolls, the election schedule, and the supervision, direction, control, and conduct of election to Parliament and Local Governments in a free and fair manner.
4. (1) The Chief Election Commissioner and Election Commissioners shall be appointed by the Druk Gyalpo from a list of names recommended by Constitutional Council.
 - (2) No person shall be eligible to be appointed as Chief Election Commissioner and Election Commissioners unless he:
 - (a) holds a bachelor's degree from a university recognized by Royal Government;

(b) has worked for at least five years as a special class officer of Royal Government or has experience in the field of accounting of not less than fifteen years;
(c) is not a member of any political party immediately before appointment; and
(d) has attained the age of forty-five.

5. The term of office of the Chief Election Commissioner and Election Commissioners shall be six years from the date of appointment. He/she shall be eligible for reappointment:

Provided that:-

(a) If before the expiry of his term, the Chief Election Commissioner and Election Commissioners attains the age of sixty-five, he shall retire;
(b) he may be removed from his office on the same grounds in the same manner as has been set forth for the removal of a Judge of the Supreme Court.

6. Law shall govern the delimitation of constituencies for election of the members of Parliament and Local Governments.

7. Parliament shall, by law, ensure that the Election Commission holds elections so that the National Assembly is re-constituted within ninety days after its dissolution.

Provided that in case of the National Council and the Local Governments, as the case may be, elections shall be held so that they are re-constituted on the date of expiry of the term of the respective bodies. In the case of the Dzongkhag Tshogdu being dissolved prematurely, it shall be re-constituted within ninety days after its dissolution.

8. Parliament shall, by law, make provisions for all matters relating to, or in connection with, elections including the filing of election petitions challenging elections to Parliament and Local Governments, and the Code of Conduct for the political parties and the conduct of the election campaign as well as all other matters necessary for the due constitution of the Houses of Parliaments and the Local Governments.
9. A candidate for an elective office under this Constitution shall:
 - (1) Be a Bhutanese citizen;
 - (2) Be listed on the register of the concerned constituency;
 - (3) Be a minimum of twenty-five years of age to be a member of Parliament (National Assembly) and minimum of thirty-five years of age to be a member of National Council; and
 - (4) Have the necessary educational and other qualifications as may be prescribed by Parliament.
10. A person shall be disqualified as a candidate or a member holding elective office under this Constitution, if the person:
 - (1) is of unsound mind or mentally infirm;
 - (2) is convicted for treason;
 - (3) is convicted for any criminal offence and sentenced to imprisonment;
 - (4) is in arrears of taxes or other dues to the Government;
 - (5) has failed to lodge accounts of election expenses within the time and in the manner required by law without good reason or justification;
 - (6) holds any office under the Government or public companies and corporations; or

- (7) is disqualified under any law made by Parliament.
11. Any disqualification under clause 10 of this Article shall be adjudicated by the High Court on an election petition filed pursuant to a law made by Parliament under section 8 of this Article.
 12. In order to provide for informed choice by the voter, a candidate for an elective office shall file, along with his nomination, an affidavit, declaring:
 - (1) The income and assets of himself, his spouse, and dependent children;
 - (2) His bio-data and educational qualifications;
 - (3) His records of criminal convictions, if any; and
 - (4) Whether he is accused in a pending case for an offence punishable with imprisonment for more than one year and in which charges are framed or cognizance is taken by a court of law prior to the date of filing of such a nomination.

Clause

Article 24

The Royal Audit Authority

1. There shall be a Royal Audit Authority to audit and report on the economy, efficiency, and effectiveness in the use of public resources.
2. (1) The Auditor General shall be appointed by the Druk Gyalpo from a list of names recommended by Constitutional Council.
(2) No person shall be eligible to be appointed as Auditor General unless he:
 - (a) holds a bachelor's degree from a university recognized by Royal Government;
 - (b) has worked for at least five years as a special class officer of Royal Government or

has experience in the field of accounting of not less than fifteen years;

(c) is not a member of any political party immediately before appointment; and

(d) has attained the age of forty-five.

3. The term of office of the Auditor General shall be six years from the date of appointment. He/she shall be eligible for reappointment:

Provided that:-

(1) If before the expiry of his term, the Auditor General attains the age of sixty-five, he shall retire;

(2) he may be removed from his office on the same grounds in the same manner as has been set forth for the removal of a Drangpon of the Supreme Court.

4. The office of the Auditor General shall be deemed vacant under the following circumstances:-

(1) If he dies; or

(2) If his resignation submitted to Druk Gyalpo in writing is accepted by Him; or

(3) If pursuant to clause 3 of this Article his term expires he is removed from his office.

5. Each year, the Auditor General shall submit Annual Report to the Royal Government on the works performed by him/her in accordance with this Constitution and other laws. The Royal Government shall cause the report to be laid before Parliament.

6. Parliament shall appoint a five member Public Accounts Committee comprising of members of Parliament, who are reputed for their integrity to review and report on the Annual Audit Report to Parliament for its consideration or on any other report presented by the Auditor General.

7. The Royal Audit Authority shall function in accordance with the Audit Act.

Clause

Article 25

The Royal Civil Service Commission

1. There shall be a Royal Civil Service Commission, which shall promote and ensure an independent and apolitical civil service that will discharge its public duties in an efficient, transparent and accountable manner.
2. (1) The Chairperson and members of the Commission shall be appointed by the Druk Gyalpo from a list of names recommended by Constitutional Council.
(2) No person shall be eligible to be appointed as Chairperson or other members unless he:
 - (a) holds a Post Graduate Degree from a university recognized by Royal Government;
 - (b) is not a member of any political party immediately before appointment;
 - (c) has at least ten years experience in the field of Public Administration and other relevant subject such as Human Resource Development; and
 - (d) has attained the age of forty-five.
3. The term of office of the Chairperson and other members shall be six years from the date of appointment. They shall be eligible for reappointment:
Provided that:-

(1) If before the expiry of his term, the Chairperson or other members attains the age of sixty-five, he shall retire;

(2) The Chairperson or other members may be removed from his office on the same grounds in the same manner as has been set forth for the removal of a Judge of the Supreme Court.

4. The office of the Chairperson or other members shall be deemed vacant under the following circumstances:-

(1) If he dies; or

(2) If his resignation submitted to Druk Gyalpo in writing is accepted by Him; or

(3) If pursuant to clause 3 his term expires if he is removed from his office.

5. Each year, the Chairperson shall submit Annual Report to the Royal Government on the works performed by him in accordance with this Constitution and other laws. The Royal Government shall cause the report to be laid before Parliament.

6. The Commission shall ensure that all civil servants shall have recourse to justice through the Administrative Tribunal established under clause 15 of Article 21 to hear their appeals against administrative decisions including those of the Commission.

7. The Commission shall be accessible to those civil servants who have been adversely affected by administrative action.

8. The Commission shall meet regularly and shall be supported by a permanent Secretariat, which shall function as the central personnel agency of Government.

9. The Commission shall submit an Annual Report on its policies and performances to the Druk Gyalpo and to the Prime Minister.
10. Parliament shall, by law, prescribe the mandates, functions, powers, and the Civil Service Values and Code as envisaged under this Constitution.

Clause

Article 26

The Anti-Corruption Commission

1. There shall be an Anti-Corruption Commission, headed by a Chairperson and comprising two members, which shall be an independent authority and shall take all necessary steps to prevent and combat corruption in the Kingdom and shall exercise such powers and functions as may be prescribed by law made by Parliament.
2. (1) The Chairperson and members of the Commission shall be appointed by the Druk Gyalpo from a list of names recommended by Constitutional Council.
(2) No person shall be eligible to be appointed as Chairperson or other members unless he:
 - (a) holds a bachelor's degree from a university recognized by Royal Government;
 - (b) is not a member of any political party immediately before appointment;
 - (c) has at least ten years experience in the field of either law, accounting, revenue, construction, development or research; and
 - (d) has attained the age of forty-five.

3. The term of office of the Chairperson and other members shall be six years from the date of appointment. They shall be eligible for reappointment:
Provided that:-
 - (a) If before the expiry of his term, the Chairperson or other members attains the age of sixty-five, he shall retire;
 - (b) The Chairperson or other members may be removed from his office on the same grounds in the same manner as has been set forth for the removal of a Drangpon of the Supreme Court.
4. The office of the Chairperson or other members shall be deemed vacant under the following circumstances:-
 - (1) If he dies; or
 - (2) If his resignation submitted to Druk Gyalpo in writing is accepted by Him; or
 - (3) If pursuant to clause 3 his term expires if he is removed from his office.
5. Each year, the Chairperson shall submit Annual Report to the Royal Government on the works performed by him/her in accordance with this Constitution and other laws. The Royal Government shall cause the report to be laid before Parliament.
6. Prosecution of individuals, parties or organizations on the basis of the findings of the Commission shall be undertaken expeditiously by the office of the Attorney General for adjudication by the courts.
7. The Anti-Corruption Commission shall function in accordance with the Anti-Corruption Act.

Clause

Article 27

National Human Rights Commission

1. (1) The National Human Rights Commission consist of a Chairperson and ten other members appointed, by the king with the advice of the cabinet, from the persons having apparent knowledge and experiences in the protection of rights and liberties of the people, having regard also to the participation of representatives from private organizations in the field of Human Rights.
(2) The qualifications, prohibitions, selections, election, removal and determination of remuneration of members of Human Rights Commission shall be as provided by law.
(3) The members of National Human Rights Commission shall hold office for a term of six years as from the date of their appointment by Druk Gyalpo and shall serve for only one term.
2. The National Human Rights Commission have the powers and duties as follows:
 - (1) To examine and report the commission or omission of Acts which violate human rights or which do not comply with obligations under international treaties to which Bhutan is a party, and propose appropriate remedial measures to the person or agency committing or omitting such Acts for taking actions. In the case where it appears that no action has been taken as proposed, the Commission shall report to the National Assembly for further proceeding;
 - (2) To propose to the National Assembly and the Council of Ministers policies and

- recommendations with regard to the revisions of laws, rules or regulations for the purpose of promoting and protecting Human Rights;
- (3) To promote education, researches and dissemination of knowledge on Human Rights;
 - (4) To promote cooperation and coordination among Government Agencies, Private Organization and other organizations in the field of Human Rights;
 - (5) To prepare an annual report for the appraisal of situation in the sphere of Human Rights in the country and submit it to the National Assembly;
- Other powers and duties as provided by law.
3. In the performance of duties, the National Human Rights Commission shall also have regard to the interest of the country and the people.
 4. The National Human Rights Commission has the power to demand relevant documents or evidence from any person or summon any person to give statements of facts including other powers for the purpose of performing its duties as provided by law.

Clause

Article 28

Defense

1. The Druk Gyalpo shall be the Supreme commander in Chief of the Armed Forces and the Militia.
2. (1) The Royal Bhutan Army shall serve as a professional armed force forming the core of Bhutan's defence against security threats.
(2) In order to serve the Druk Gyalpo and the family, the Royal Body Guard to the maximum of one thousand well trained forces shall be maintained. This force shall also help to support the Royal Bhutan

Army at times of emergency and both internal and external security threats.

3. The Royal Bhutan Police, as a trained uniform force, shall be primarily responsible for maintaining law and order and prevention of crime under the Ministry of Home Affairs, and shall also be considered an important part of the nation's security force.
4. Parliament may, by law, require compulsory militia service for adult citizens to strengthen the defence of the country.
5. The State shall be responsible for the maintenance of the Armed Forces to safeguard the security of the country and the well-being of the nation.
6. Bhutan shall not use military force against a foreign State except in self-defense or for the purpose of maintaining its security, territorial integrity and sovereignty.

Clause

Article 29

The Attorney General

1. (1) There shall be an Office of the Attorney General, which shall be autonomous; to carry out responsibilities arising within the domain and authority of the Government and such other legal matters as may be entrusted to the office.
(2) No person shall be eligible to appointment as Attorney General unless he is qualified to be appointed as Drangpon of Supreme Court.
(3) The Office of the Attorney General shall be deemed vacant under the following circumstances:
 - (a) If he dies; or

(b) If his resignation submitted to Druk Gyalpo in writing is accepted by Him; or

(c) If he is relieved of his Office by Druk Gyalpo on the recommendation of the Prime Minister.

2. The Druk Gyalpo shall, by warrant under His hand and seal, appoint the Attorney General on the recommendation of the Prime Minister.
3. The Attorney General as the chief legal officer shall be the legal advisor to and legal representative of the Royal Government.
4. In the performance of his duties, the Attorney General shall have the right to appear before all courts.
5. The Attorney General shall have power to institute, initiate, or withdraw any case in accordance with law.
6. The Attorney General shall have the right to appear and express opinions on any legal question in Parliament.
7. Each year, the Attorney General shall submit Annual Report to Royal Government on the works performed by him in accordance with this Constitution and other laws, including a statement about crimes in the Kingdom of Bhutan and Royal Government shall cause the report to be laid before Parliament.
8. The Attorney General's Office shall function in accordance with the Office of the Attorney General's Act.

Clause

Article 30

The Pay Commission

1. There shall be a Pay Commission, headed by a Chairperson, which shall be autonomous and shall be constituted, from time to time, on the recommendation of the Prime Minister.
2. The Pay Commission shall recommend to the Government revisions in the structure of the salary, allowances, benefits, and other emoluments of the Royal Civil Service, the Judiciary, the Armed Forces, the members of Parliament and Local Governments, and all other public servants with due regard to the economy of the Kingdom and other provisions of this Constitution.
3. The recommendation of the Commission shall be implemented only on the approval of the Lhengye Zhungtshog and subject to such conditions and modifications as may be made by Parliament.

Clause

Article 31

Holders of Constitutional Offices

1. No person shall hold a constitutional office or post under this Constitution unless he is:
 - (1) A natural born citizen of Bhutan;
 - (2) Not under foreign protection
2. (1) The Chief Justice of Bhutan and the Drangpons of the Supreme Court;

- (2) The Chief Justice and the Drangpons of the High Court and the Dzongkhag Courts
3. The holders of the constitutional offices shall have no political affiliation.
 4. Parliament may, by law, prescribe necessary educational and other qualifications for the holders of constitutional offices.
 5. The holders of constitutional offices shall maintain the highest standards of ethics and integrity.
 6. The holders of constitutional offices shall take an Oath or Affirmation of Office, as provided in the Third Schedule of this Constitution, before assuming office.
 7. The salary, tenure, discipline and other conditions of service of the holders of constitutional offices shall be as prescribed by law, provided that the salary and benefits of the holders of constitutional offices shall not be varied to their disadvantage after appointment.

Clause

Article 32

Impeachment

1. The holders of constitutional offices are liable to be removed only by way of impeachment.
2. A holder of constitutional offices shall be liable to be impeached only on the ground of misbehaviour with the concurrence of not less than two-thirds of the total number of members of Parliament.
3. Parliament shall have the sole power to impeach the holders of constitutional offices.
4. The Attorney General shall submit a written report on the Articles of impeachment to the Speaker.

5. The procedure for impeachment, including the principles of natural justice, shall be as laid down by law made by Parliament.

Clause

Article 33

Emergency

1. The Druk Gyalpo may, on the written advice of the Prime Minister and the Cabinet, proclaim that an Emergency where the sovereignty, security and territorial integrity of Bhutan or any part thereof is threatened by an act of external aggression or armed rebellion or extreme economic disarray, in which case the government may take such measures as may be strictly required by the exigencies of the situation that derogate from the provisions of this Constitution to the extent allowed only by clause 7 of this Article.
2. The Druk Gyalpo may, on the written advice of the Prime Minister, proclaim that a public emergency or calamity, which threatens or affects the nation as a whole or part thereof, exists in which case the Government may take measures derogating from the provisions of this Constitution to the extent strictly required by the exigencies of the situation.
3. The Proclamation of Emergency issued under clause 1 of this Article shall be laid before each House of Parliament for approval and shall cease to operate at the expiration of twenty-one days from the date of its issue unless before the expiration of such period it has been approved by resolutions by both Houses of Parliament. A Proclamation of Emergency so approved shall, unless revoked, cease to operate on

the expiration of a period of three months from the date of its issue.

4. Not less than one-third of the total number of members of the National Assembly may move a resolution to disapprove such a Proclamation of Emergency or disapprove the continuance in force of such Proclamation by writing to the Druk Gyalpo if the House is not in session and to the Speaker if the House is in session.
5. A joint sitting shall be held at the earliest date within twenty-one days from the day on which the motion is received by the Speaker or, as the case may be, by the Druk Gyalpo , failing which the Proclamation of Emergency shall lapse.
6. Where a proclamation of Emergency is in operation, the Government shall be empowered to give appropriate directions to the concerned Local Government.
7. (1) Where a Proclamation of Emergency is in operation, the enforcement of the rights conferred by this Constitution under clauses 2,4,5,14,18 and 23 of Article 7 may be suspended.
(2) The Right to the Remedy of "habeas corpus" under clause 23 (b) of Article 7 shall, however, be not suspended.
8. The Druk Gyalpo may, on the written advice of the Prime Minister. Proclaim a Financial Emergency if His Majesty is satisfied that a situation has arisen whereby the financial stability or credit of Bhutan or of any part of the territory thereof is threatened. Such a Proclamation shall be laid before each House within a period of twenty-one days after such Proclamation unless parliament, in a joint sitting, resolves by not less than two-thirds of the total number of members of Parliament to extend it within the said period.

9. The Constitution shall not be amended during the state of emergency.
10. If, during the continuance of a Proclamation or Order under clause 1, any damage is inflicted upon any person by act of any official which was done in contravention of law or in bad faith, the affected person may, within three months from the date of termination of the Proclamation or Order, file a petition for compensation for the said damage and if the court finds the claim valid, it shall cause compensation to be delivered.
11. Every Proclamation issued under this Article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of one month unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament:

Provided that if any such Proclamation (not being a Proclamation revoking a previous Proclamation) is issued at a time when the House of the People has been dissolved, or the dissolution of the House of the People takes place during the period of one month referred to in this clause, and if a resolution approving the Proclamation has been passed by the National Council, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its resolution, unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.

Clause

Article 34

Amendments and Authoritative Text

1. Subject to the provision of clause 26 of Article 2, Parliament shall have the power to amend by way of addition, variation, or repeal the provisions of this Constitution in accordance with the procedure set out in this Article.
2. (1) There shall be no limitation what ever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this Article.
(2) A motion to amend the Constitution under clause 1 of this Article shall be initiated by one-third of the total number of members of Parliament at a joint sitting and, on being passed by not less than two-thirds of the total number of members of Parliament, the Constitution shall stand amended on Assent being granted by the Druk Gyalpo.
3. In any instance of a difference in meaning between the Dzongkha and the English texts of this Constitution, the Dzongkha text shall prevail.

Clause

Article 35

Financial Procedures

1. **No tax to be levied or loan to be raised except in accordance with the law:**
 - (1) No tax shall be levied and collected except on accordance with the law.
 - (2) No Loan shall be raised or guarantee be given by Royal Government of Bhutan except in accordance with law.

2. **Consolidated Fund:** Except for the revenues of religious endowments, all revenues received by Royal Government, all loans raised on the security of revenues and all moneys received in repayment of any loan made under the authority of any Act shall, unless otherwise provided by an Act, be credited to a Government Fund to be known as the Consolidated Fund.

3. **Expenditures from the Consolidated Fund or Government Fund:** No expenditures shall be incurred out of Consolidated Fund or any other Government Fund except the following:-

- (1) Moneys charged on Consolidated Fund;
- (2) Moneys required to meet the expenditure under an Appropriation Act;
- (3) Advance moneys authorized by an Act required to make expenditures, when an Appropriation Bill is under consideration; or
- (4) Expenditures to be incurred in extra ordinary circumstances under a Vote of Credit Act which contains only a description of expenditures:

Provided that matters relating to the Contingency Fund shall be governed in accordance with the provisions of Article 10.

4. **Expenditures Chargeable on the Consolidated Fund:** The expenditures relating to the following matters shall be charged on the Consolidated Fund and yearly approval of Parliament for this expenditures shall not be required:-

- (1) The amount provided by the Act relating to expenditures on the Royal Family;
- (2) The amount required as remuneration, privileges and pension payable to the Chief Justice and other judges of Supreme Court;

- (3) The amount required as remuneration and privileges payable to the officials viz.: Speaker and Deputy Speaker of the National Assembly, the Chairman and the Vice Chairman of the National Council, the Chief Election Commissioner and the other Election Commissioners, the Chairman of the Anti-Corruption Commission, the Auditor General, the Chairman and the members of the Civil; and the Chairman and the members of the Royal Civil Service Commission.
- (4) The administrative expenses of the Supreme Court, Anti-Corruption Commission, Royal Audit Authority, Royal Civil Service Commission, and the Election Commission
- (5) All charges relating to debts for which Royal Government is liable;
- (6) Any sum required to satisfy any judgment or decree of court against Royal Government; and
- (7) Any other sum declared by law to be chargeable on the Consolidated Fund.

5. **Estimates of Revenues and Expenditures:**

(1) The Druk Gyalpo shall, in respect of every financial year, cause to be laid before the joint sitting of Parliament an annual estimate including the following matters:-

- (a) An estimate of revenues;
 - (b) The moneys required to meet the charges on the Consolidated Funds; and
 - (c) The moneys required meeting the expenditure to be provided for by an Appropriation Act.
- (2) The annual estimate to be presented pursuant to sub-clause (1) above should

accompany by a statement of the expenses allocated to each Ministry in the previous financial year and particulars of whether the objectives of the expenses have been achieved.

6. **Appropriation Act:**

The moneys required to meet the expenditure to be provided for by any Appropriation Act shall be specified under appropriate heads in an Appropriation Bill.

7. **Supplementary Estimates:**

(1) Druk Gyalpo shall, in respect of any financial year, cause to be laid before the National Assembly a supplementary estimate if it is found -

(a) That the sum authorized to be spent for a particular service by the Appropriation Act for the current financial year is insufficient, or that a need has arisen for expenditures upon new services not provided for by the Appropriation Act for that year; or

(b) that the expenditures made during that financial year are in the excess of the amount authorized by the Appropriation Act.

(2) The sums included in the Supplementary Estimates shall be specified under separate heads in supplementary Appropriation Bill.

8. **Votes on Account:**

(1) Notwithstanding anything contained in this part, a portion of the expenditure estimated for the financial year may, when an Appropriation Bill is under consideration, be incurred in advance by an Act.

(2) A Vote on Account Bill shall not be submitted until the estimates of revenues and expenditures have been presented in accordance with the provisions of clause 5 of this Article and the sums involved in the

Vote on Account shall not exceed one-third of the estimate of the expenditures for the financial year.

(3) The expenditures incurred in accordance with the Vote on Account Act shall be included in the Appropriation Bill.

9. **Votes of Credit:** Notwithstanding anything contained in this Article, if owing to local or national emergency due to either natural causes, a threat of external aggression or internal disturbances, or the other reasons, Druk Gyalpo is of the opinion that it is impractical or inexpedient in view of the security or interest of the State to specify the details required under clause 5, He may cause to be laid before National Assembly a Vote of Credit Bill giving only a description of the proposed expenditure.
10. **Contingency Fund:** An Act may create a Contingency Fund into which shall be paid from time to time such moneys as may be determined by law. Such Fund shall be under the control of Royal Government, and any unforeseen expenditures shall be met out of such Fund by Royal Government. The amount of the expenditures so met shall be reimbursed as soon as possible by an Act.
11. **Act Relating to Financial Procedure:** Matters relating to the transfer of moneys appropriated from one head to another and other financial procedures shall be regulated by an Act.

Clause

Article 36

Declaration of Accounts

Showing Particulars of Assets and Liabilities

1. Persons holding political positions shall submit an account showing particulars of assets and liabilities of themselves, their spouses and children who have not yet become *sui juris* to the Anti-Corruption Commission on each occasion of taking or vacating office:
 - (1) Prime Minister;
 - (2) Ministers;
 - (3) Members of the National Assembly/ National Council;
 - (4) Other political officials;
 - (5) Local Administrators and Members of Local Government as provided by law.
2. The Account under clause 1 shall be submitted together with the supporting documents evidencing the actual existence of such assets and liabilities as well as copy of the personal income tax return of the previous fiscal year. The declarer shall certify the accuracy of the account and copies of the submitted documents by affixing his/her signature on every page thereof.
3. The accounts showing particulars of assets and liabilities under clause 1 shall disclose the particulars of assets and liabilities actually existing as of the date of the submission thereof and shall be submitted with in such time as follows:

- (1) In the case of taking of office, with in thirty days as from the date of taking office;
 - (2) In the case of vacation office, within thirty days as from the date of vacation;
 - (3) In the case where the person under clause 2 who has already submitted the account, dies while being in office or before submitting the same after the vacation of the office, and heir or an administrator of an estate of such person shall submit an account showing the particulars of assets and liabilities existing on the date of such persons death with in ninety days as from the date of the death.
4. In addition to the submission of the account under clause 3 sub-clause (2) the person holding the position of Prime Minister, Ministers, Local Administrator, Members of Local Government or the person holding a political position but having vacated office shall also resubmit an account showing particulars of assets and liabilities with in thirty days as from the date of expiration of one year after the vacation of office.
 5. When the accounts showing the particulars of assets and liabilities and its supporting documents have been received, the Chairperson of the Anti-Corruption Commission or the member of the Anti-Corruption Commission as entrusted by the Chairperson shall affix his/her signature on every page of the accounts.
 6. The accounts and supporting documents under clause 5 submitted by the Prime Minister and Ministers shall be disclosed to the people without delay but not later than thirty days as from the date of the expiry of the time limit for the submission of such account. The account of the persons holding other position shall not be disclosed to any person unless the disclosure

will be useful for the trial and adjudication of cases or for the making of a decision and is requested by the Courts or the Royal Audit Authority.

7. The Chairperson of the Anti-Corruption Commission shall convene a meeting of the Commission to inspect the accuracy and the actual existence of the assets and liabilities with out delay.
8. In the case where the submission of the account is made by reason of vacation of office or death of any person holding a political position, the Anti-Corruption Commission shall inspect the change of assets and liabilities of such person and prepare a report of the inspection. Such report shall be published in the Government Gazette.
9. In the case where it appears that the assets of the person under clause 8 have unusually increased, the Chairperson of the Anti-Corruption Commission shall send all documents together with the inspection report to the Attorney General to institute an action in Supreme Court for persons holding political position so that the unusually increasing assets shall vest in the State.
10. Any person holding a political position who intentionally fails to submit the accounts showing assets and liabilities and the supporting documents as provided in this Constitution or intentionally submits the same with false statement or concealed the facts which should be revealed shall vacate office as from the date of the expiration of the time limit for the submission under clause 2 or as from the date such act is discovered, as the case may be, such person shall be prohibited from holding any political position for five years as from the date of the vacation of office.

11. When the case under clause 10 occurs, the Anti-Corruption Commission shall refer the matter to the court for further decision.
12. The provision under this Article shall be applicable to the Civil Servants, Judiciary Officials and the officials of the Royal Bhutan Police falling under the category of Assistant Secretary or equivalent in the case of latter and upwards at the time of promotion to the next higher category.

Clause **Article 37**
Miscellaneous

1. **Constitutional Council:**
 - (1) There shall be a Constitutional Council, for making recommendations in accordance with this Constitution for appointment of Constitutional office holders, which shall consist of the following as Chairman and the members:-
 - (a) the Prime Minister - Chairman;
 - (b) the Chief Justice - Member;
 - (c) the Speaker of the National Assembly- Member;
 - (d) the Chairman of the National Council - Member; and
 - (e) the Leader of the Opposition in the National Assembly - Member
 - (2) For the purpose of recommendation of an appointment of the Chief Justice, Constitutional Council shall include among its members the Minister of Justice and a Judge of the Supreme Court.
 - (3) The functions, duties and the powers of the Constitutional Council shall be as determined by this Constitution and other laws.

(4) The Constitutional Council pursuant to sub-clause (1) shall have the power to regulate its working procedures on his own.

2. **National Defence Council:**

(1) There shall be a National Defence Council consisting of the following as Chairman and members:-

- (a) the Prime Minister - Chairman;
- (b) the Defence Minister - Member; and
- (c) the Commander-in- Chief - Member.

(2) The Druk Gyalpo shall operate and use the Royal Bhutan Army and the Royal Body Guards on the recommendation of the National Defence Council.

(3) The establishment and management of the Royal Bhutan Army and the Royal Body Guards, and other matters relating thereto shall be as determined by law.

(4) The National Defence Council shall have the power to regulate its working procedures on his own.

3. Druk Gyalpo shall appoint the Commander-in-Chief of the Royal Bhutan Army on the recommendation of the Defence Council.

4. **Protection of publication of proceedings of Parliament:-**

(1) No person shall be liable to any proceedings, civil or criminal, in any court in respect of the publications in a newspaper of a substantially true report of any proceedings of the either House of Parliament, unless the publication is proved to have been made with malice:

Provided that nothing in this clause shall apply to the publication of any report of the proceedings of a secret sitting of either House of Parliament.

(2) Sub-clause (1) shall apply in relation to reports or matters broadcast by means of wireless telegraphy,

email, fax, TV or any electronic media as part of any program or service provided by means of a broadcasting station as it applies in relation to reports or matters published in a news paper.

5. **Secretariat of Parliament:-**

(1) Each House of Parliament shall have a separate secretarial staff:

Provided that nothing in this clause shall be construed as preventing the creation of post common to both the House of Parliament;

(2) Parliament may by law regulate the recruitments and the conditions of service of persons appointed to the secretarial staff of either House of Parliament.

(4) Until provision is made by Parliament under sub-clause (2), the Druk Gyalpo may, after consultation with the Speaker of the National Assembly or the Chairman of the National Council, as the case may be, make rules regulating the recruitment, and the conditions of service of persons appointed, to the Secretarial staff of the National assembly or the National Council, and any rules so made shall have affect subject to the provisions of any law made under the said clause.

6. **Committees and Joint Committees:**

(1) Committees: The House of Representatives may, by rules, regulate the Constitution and management of Committees on Finance, Public Accounts, Human Rights, Foreign Relations, Natural Resources, Protection of Environment, Population and such Committees on other subjects as required.

(2) Joint Committees: (a) If a resolution is passed by either House demanding that a Joint Committee of both the Houses be constituted

for the purpose of managing the working procedure between the two houses, resolving disagreements on any bill, or for any other specified function, a Joint Committee there on shall be constituted.

(b) The Joint Committee shall consist of up to a maximum of 9 members in the ratio of 2 members from the House of Representatives to One member from the National Council.

7. **Special Measures:** Special measures of protection and assistance shall be taken on behalf of all children and young person without any discrimination for reasons of parentage or other condition. Children and young persons shall be protected from economic and social exploitation. Their employment in work harmful to their morals, or health, or dangerous to life or likely to hamper their moral development shall be punishable by law. Government shall also set age limits below which the paid employment of child labour shall be prohibited and punishable by law.
8. **Juveniles:** The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. The juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status by law.

Schedule I **The National Flag**

The upper yellow half of the flag signifies the secular authority of the king. It is the colour of fruitful action in the affairs of both religion and State.

The orange half of the flag personifies religious practice: the spiritual power of the Buddhist doctrines manifest in the Kargyu and Nyingma sects.

The dragon symbolizes the name of the Kingdom (Druk), THE NATIONAL ANTHEM OF BHUTAN and its colour, the purity of white, is indicative of the loyalty of the country's many ethnic and linguistic groups. The snarling mouth expresses the stern strength of the male and female deities protecting Bhutan, while the jewels clasped in its claws symbolize the wealth and perfection of the country.

The National Emblem of Bhutan

The national emblem, contained in a circle, is composed of a double diamond thunderbolt placed above a lotus, surmounted by a jewel and framed by two dragons. The double diamond thunderbolt represents the harmony between secular and religious power; which results from the Buddhist religion in its Vajrayana form. The lotus symbolizes purity, the jewel represents sovereign power, and the two dragons, male and female, stand for the name of the country - the thunder dragon.

Comment: In keeping with the sanctity of the Trinity, the National Anthem could be refined to express values of Tsa-wa-sum in the interest of National Sovereignty, Territorial Integrity and National Harmony.

Schedule II

The National Anthem of Bhutan

In the thunder dragon kingdom adorned with sandal woods,
The protector who guards the Teachings of the dual system,
He the Precious and Glorious Ruler, causes dominion to
spread, While his unchanging person abides in constancy,
As the Doctrine of the Lord Buddha Flourishes, May the sun
of peace and happiness shine on the people.

Schedule III

The Tsa-wa-sum (Trinity)

The 'Trinity' or the Tsa-wa-sum shall mean the Country, the People and the Constitution.

Schedule IV

The National Identity

The Constitution shall uphold Bhutan's National identities

viz.:

- (a) Nationality: Bhutanese or Drukpa;
- (b) National Dress: Gho & Kira;
- (c) National Language: Zhungkha or Dzongkha;
- (d) National Religion: Buddhism;
- (e) National Emblem: Cross Vajra;
- (f) National Flower: Blue Poppy;
- (g) National Animal: Takin;
- (h) National Bird: Raven;
- (i) National Tree: Cypress

Schedule V

Oath or Affirmation of Office

"I,..., do solemnly swear/affirm that I shall uphold the sovereignty and integrity of Bhutan, and I shall faithfully and conscientiously discharge my duties in the service of the Tsawa-Sum, and I shall to the best of my ability perform the duties of my office without fear or favor, and that I shall bear true faith and allegiance to the Constitution of Bhutan."

GLOSSARY FOR THE TSATHRIM CHHENMO Schedule VI
Oath or Affirmation of Secrecy

"I...,do solemnly swear/affirm that I shall not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as a... for the Royal Government of Bhutan except as may be required for the due discharge of my duties as...."

Schedule VII

Chhoe-sid: Religion and politics (temporal and secular).

Chhoe-sid-nyi: Dual system of religion and politics
(Temporal and Secular).

Chibdrel: A ceremonial procession to receive and honour distinguished personalities.

Chiwog: A unit under a Gewog.

Dakyen: Award of rank and responsibility.

Dar: Scarf that symbolizes the conferring of rank.

Drangpon: Judge or justice of a Royal Court of Justice.

Dratshang Lhentshog: The Commission for the Monastic Affairs.

Dratshang: Monastic Body.

Druk: Bhutan.

Druk Gyalpo: The king of Bhutan.

Druk-lu: The tradition of the Drukpa Kargyu, established by Zhabdrung Ngawang Namgyal

Dungkhag Court: Sub-district Court.

Dzong: Fortress, which is commonly used as an administrative center and traditionally is the abode of monks.

Dzongdag: District Administrator.

Dzongkha: The National Language of Bhutan.
Dzongkhag: District.
Dzongkhag Tshogdu: District Council.
Gewog: Country.
Gewog Tshogde: Country Committee.
Goendey: A monastic community.
Gup: Head of a Gewog.
Gyenja: Agreement.
Je Khenpo: The Chief Abbot of the Central Monastic Body of Bhutan.
Kargyu: One of the four orders of Mahayana Buddhism.
Kasho: A written order.
Ked-dzong: Stages of development and completion in Vajrayana practice.
Kidu: Benefits granted by the King or the Government of Bhutan.
Lhakhang: Temple
Lhengye: Ministerial position.
Lhengye Zhungtshong: Council of Ministers or Cabinet.
Lhentshog: Commission.
Lopon: Teacher.
Machhen: The holy relic of Zhabdrung Ngawang Namgyal, who unified Bhutan in the 17th century.
Mangmi: An elected representative of the Gewog, who is also a deputy Gup
Nye: Sacred pilgrimage site.
Nyi-Kyelma: Conferring a red scarf (rank and honour with the title of Dasho).
Nyingma: One of the four orders of Mahayana Buddhism.
Pelden Drukpa: Glorious Bhutan or an illustrious Bhutanese person.
Rabdeys: Monastic bodies in dzongs other than Punakha and Thimphu.
Tashi-mon-lam: Prayers for fulfillment of good wishes and aspirations.

Ten-sum: Three types of sacred treasures comprising of images, scriptures and stupas.

Thromde: Municipality.

Thromde Tshogde: Municipal Committee.

Thrompon: Municipal Administrator.

Triple Gem: Buddha, Dharma and Sangha.

Tsa Thrim Chhenmo: The Supreme Constitution.

Tsa-wa-Sum: The king, Country and People.

Tshogpa: An association or committee.

Zhug-drel-phunsum tshog-pai ten-drel: Traditional ceremony for the acquisition of the triple attributes of grace, glory and wealth during a formal and auspicious occasion.

Zhung Dratshang: Central Monastic Body.

Note: Where ever appearing 'he' would mean both genders irrevocably.