

THE LOCAL GOVERNMENTS' ACT OF BHUTAN, 2007

Preamble

In order to facilitate direct participation of the people in the development and management of their own social, economic and environmental wellbeing through decentralization and devolution of power and authority; and

Recognizing that Local Governments are elected bodies to represent the interests of local communities and to fulfil their aspirations and needs;

The National Assembly of Bhutan hereby enacts the Local Governments' Act of Bhutan as follows:

CHAPTER 1 Preliminary

Short Title, Commencement and Extent

1. This Act shall:
 - (a) Be called THE LOCAL GOVERNMENTS' ACT OF BHUTAN, 2007

- (b) Come into force on the 16 Day, of 6 Month of 2007 Year of the Bhutanese Calendar corresponding to 31 Day of the 7 Month of 2007; and
- (c) Extend to the whole of Bhutan

Repeal

- 2. On enactment of this Act, the Dzongkhag Yargay Tshogdu Chathrim, 2002, the Gewog Yargay Tshogchung Chathrim, 2002, and the Bhutan Municipal Act, 1999, shall be amended as per the articles of the Local Governments' Act of Bhutan, 2007

CHAPTER 2 Local Governments

Local Governments

- 3. There shall be Local Governments in each of the twenty Dzongkhags. Each Dzongkhag shall be divided into several Gewogs. Larger Dzongkhags may be divided into Dungkhangs which shall comprise of a number of Gewogs. A Gewog shall be made up of several Chiwogs. A Chiwog may comprise of several villages.

4. Local Governments shall be supported by administrative machinery, staffed by civil servants except unless provided for by law.
5. Local Governments shall comprise the following categories:
 - a) The Dzongkhag Tshogdu, supported by the Dzongkhag Administration in each Dzongkhag;
 - b) The Gewog Tshogde, supported by the Gewog Administration in each Gewog; and
 - c) The Dzongkhag Thromde Tshogde, supported by the Dzongkhag Thromde Administration in each Dzongkhag Thromde.
6. The election of the members of the Local Governments shall be governed by the provisions of the Election Act of Bhutan.
7. Under the umbrella of the Local Governments' Act, the above shall be governed by this Act and likewise Dzongkhag Tshogdu by Dzongkhag Tshogdu Chathrim; Gewog Tshogde by Gewog Tshogde Chathrim and Dzongkhag Thromde Tshogde by Thromde Chathrim.

8. The Dzongkhag Tshogdu Chathrim, Gewog Tshogde Chathrim and Thromde Chathrim shall be consistent with provisions of this Act.

Dzongkhag Tshogdu

9. The Dzongkhag Tshogdu shall be the highest decision making body in the Dzongkhag. It shall comprise the Gup and Mangmi as the two elected representatives from each Gewog, one elected representative to represent the Dzongkhag Thromde and one elected representative to represent the Yenla Throm.
10. The Dzongkhag Tshogdu shall not be a Law making body, and thus shall not have legislative functions while it may make rules and regulations consistent with national laws.

Dzongkhag Thromde Tshogde

11. Dzongkhag capital towns in the immediate vicinity of the Dzongkhag Administration Secretariat which do not have adequate economic and administrative capacity to function independently shall be considered as Dzongkhag Thromde. The Dzongkhag Thromde Tshogde shall decide all issues pertaining to the planning and budgeting of these towns which shall be managed by a town committee under control of the Dzongkhag Administration.

12. The Dzongkhag Thromde Tshogde shall not be a Law making body, and thus shall not have legislative functions while it may make rules and regulations consistent with national laws.

Gewog Tshogde

13. The Gewog Tshogde shall be the highest decision making body in the Gewog. It shall comprise the Gup, Mangmi and Tshogpas.
14. It shall not be a Law making body, and thus shall not have legislative functions while it may make rules and regulations consistent with national laws.
15. The number of Chiwogs shall be determined by the Gewog Tshogde. A Tshogpa shall represent one or more Chiwogs as may be determined by the Gewog Tshogde and approved by the Dzongkhag Tshogdu.
16. Any commercial centre near the Gewog centre shall be considered a Gewog Throm.
17. All members of the Gewog Tshogde shall be elected directly by the people of the Gewog.

18. A Gewog Tshogde shall not have more than ten and fewer than seven elected members.

Gyelyong Thromde Tshogdu

19. A large urban area within a Dzongkhag shall be an independent jurisdiction with its own decision making Council called Gyelyong Thromde Tshogdu. Such a jurisdiction shall be called a Gyelyong Thromde.
20. The Gyelyong Thromde Tshogdu shall not be a Law making body, and thus shall not have legislative functions while it may make rules and regulations consistent with national laws.
21. All issues regarding planning and budgeting shall be decided by the Gyelyong Thromde Tshogdu. The Gyelyong Thromde shall be independent of the administrative control of the Dzongkhag Administration.
22. A Gyelyong Thromde shall be divided into constituencies for the election of the members of the Gyelyong Thromde Tshogdu.
23. Each constituency shall elect one member to the Gyelyong Thromde Tshogdu.

24. The Thrompon shall be directly elected by the people of the Gyelyong Thromde.
25. A Gyelyong Thromde Tshogdu shall not have more than ten and fewer than seven elected members.

Functions of Local Governments

26. Local Governments shall:
 - (a) Provide democratic and accountable government for local communities;
 - (b) Ensure the provision of such social and economic services for the general wellbeing of the residents of the communities in a sustainable and equitable manner;
 - (c) Ensure that development occurs in a planned and harmonious manner;
 - (d) Undertake any activity consistent with other relevant laws and policies of the country which may conserve and enhance the environment within the limits of the areas under its jurisdiction;
 - (e) Encourage the involvement of communities and community organizations in matters of local governance; and
 - (f) Discharge any other responsibilities as may be prescribed by Parliament.

27. Local Governments shall be supported by the Central Government in the development of administrative, technical and managerial capacities and structures which are responsive, transparent and accountable.
28. Local Governments shall be 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 law.
29. Local Governments shall be entitled to financial resources from the Government in the form of annual grants.
30. Local Governments shall be allocated a proportion of the national revenue to promote self-reliant and self-sustaining units or activities of Local Self-Government.
31. Local Governments shall be supported by the Government to promote holistic and integrated area-based development planning.
32. Local Governments shall be entitled to own assets and incur liabilities by borrowing on their own account subject to such limitations as may be provided for by law.

CHAPTER 3

Qualifications and Disqualifications for Candidates and Members

33. A candidate to, or an elected member of a Local Government shall not belong to any political party. A **member** must resign if he **becomes** a member of a political party and a copy of his resignation **letter** from the political party shall be submitted to the Election Commission.

An elected official in the Local Government shall refrain from engaging in any party politics and activities during his term in office. He shall file a written statement to the Election Commission at the end of each year, stating his non involvement in party politics and activities.

34. Except as provided under the Constitution or this Act, no member of a Local Government shall be a member of the National Council, the National Assembly or any other Local Government at the same time.

Qualifications

35. A person shall be qualified to be elected as a member of a Local Government, if he is:
- (a) A citizen of Bhutan as evidenced by the citizenship identity card;
 - (b) Registered in the civil registry of the Government pertaining to that constituency and having his Gung or Mitsi in that place for not less than one year before the date of elections;
 - (c) Of the minimum age of twenty five years and not more than maximum age of sixty five years at the time of filing the nomination; and
 - (d) Functionally literate and possesses skills adequate to discharge his responsibilities.
36. A person shall be disqualified as a candidate or a member of a Local Government, if he:
- (a) Has been convicted for a criminal offence and sentenced to imprisonment;
 - (b) Has been found guilty of corrupt practice at an election;
 - (c) Has been dismissed or removed from public service;

- (d) Is married to a person who is not a citizen of Bhutan;
- (e) Is in arrears of taxes or other dues to government;
- (f) Has an existing contract with the government which has not been fully performed;
- (g) Is a civil servant;
- (h) Holds any office of profit under the government or public company or public corporation; or
- (i) Engages in political party activities or is found registered as a member of a political party;
- (j) Engages in activities that are in breach of his duties or otherwise misuses his office for personal gains;
- (k) Remains absent for more than one-fourth the number of days in a session or two successive sessions, without the permission of the Chairman;
- (l) Commits any wilful violation of the Constitution or provisions of this Act;
- (m) Acquires the citizenship of another country;
- (n) Brings disrepute to the Local Government by personal conduct;

Decision on Disqualifications

37. No person declared ineligible under this Act shall be elected as a member of a Local Government.

38. Any disqualification under this Act shall be adjudicated by the High Court, on an election petition filed pursuant to a law made by Parliament, with a right of appeal to the Supreme Court.

Resignation

39. A member of a Local Government may resign from Local Government by submitting a letter of resignation to the Chairperson.

40. A member of a Local Government may resign from his seat by submitting a letter of resignation to the officiating Chairperson / Deputy Chairperson in the absence of the Chairperson from the constituency, or if the member who intends to resign is the Chairperson.

41. If a member of a Local Government tenders resignation in the manner provided under sections 39 or 40 of this Act, he is deemed to have vacated the seat and ceases to be a member of the Local Government.

42. A person holding a seat in a Local Government shall not tender resignation of the seat while his election as a member of the Local Government is lawfully contested.

Removal

43. Membership of a Local Government shall be terminated upon incurring any disqualification laid down in this Act and in accordance with the procedures established by law.

Vacation of office

44. A member of a Local Government shall vacate office upon:

- (a) Resignation;
- (b) Disqualification or removal;
- (c) Expiration of the term of office; or
- (d) Prolonged ill health or death.

Issue of writ in case of vacancy

45. Where a vacancy occurs in a Local Government for any reason before the expiry of its term, the Chairperson shall without delay, address a warrant to the Election Commissioner/Officer of the locality for the issue of a writ

for elections to fill such vacancy, provided the remainder of the term is not less than six months.

46. Where a vacancy occurs in a Local Government and there is no Chairperson of the Local Government, the Chairperson is absent from the locality or the member whose seat is vacated is the Chairperson, then that member referred to under section 40 of this Act shall address a warrant, under his hand and seal, to the Election Commissioner/Officer of the locality for the issue of a writ for elections to fill such vacancy.
47. The member elected under sections 45 or 46 of this Act shall serve for a term of five years.

CHAPTER 4

Chairperson

Chairperson

48. At the first sitting after any election, or when necessary to fill a vacancy, the Dzongkhag Tshogdu shall elect a Chairperson from among its members through secret ballot. A nomination shall be made from among the members, by any member and seconded accordingly. The Secretary of the Dzongkhag Tshogdu shall preside over the election of the Chairperson of the Dzongkhag Tshogdu.

49. The member who receives highest number of the votes cast shall be elected as the Chairperson of the Dzongkhag Tshogdu. In the event two or more members secure equal number of highest votes, rounds of ballot shall be cast till one is elected as the Chairperson.
50. The Dzongkhag Tshogdu shall also elect a Deputy Chairperson through secret ballot for which nominations shall be made from among the members by any member and seconded accordingly.
51. The Gup shall be the Chairperson of the Gewog Tshogde and the Thrompon shall be the Chairperson of the Dzongkhag Thromde Tshogde. The Mangmi shall be the Deputy Chairperson of the Gewog Tshogde.
52. At the first sitting after any election, or when necessary to fill a vacancy, the Dzongkhag Thromde Tshogde shall elect a Deputy Chairperson from among its members through secret ballot.
53. The Chairperson of a Local Government shall hold office until the expiration of the term of a Local Government, but in the case of death, resignation or removal during the term of the Local Government, a new Chairperson shall be elected within one month.

54. Whenever the Chairperson, from illness or other causes, finds it necessary to leave the chair during any part of the sittings of a Local Government, the Deputy Chairperson shall preside over such sittings, until the Chairperson resumes the chair.
55. The Deputy Chairperson presiding over the sittings under sections 54 of this Act shall enjoy the powers and privileges and also perform the duties of the Chairperson; and every such act performed by him shall have the same effect and validity, as if the Chairperson himself had performed the act.

Powers and Responsibilities of the Chairperson

56. During deliberations, if discussions emerge, which may not be in accordance with the rules of procedure, the Chairperson may stop the same or direct that the matter be forwarded to the appropriate agency after consultation with the Dzongkhag Administration or Dzongkhag Thromde Administration.
57. The Chairperson may call to order a member resorting to disorderly behaviour, disregarding the authority of the Chair or contravening the prescribed Code of Conduct, whereby he wilfully obstructs the business of the Local Government.
58. If the member fails to heed such a call, the Chairperson may order him to leave the Local Government Hall; and he shall not be entitled to attend the sittings of the Local Government for the rest of the day.

59. If the suspended member does not leave the Local Government Hall immediately, pursuant to section 59 of this Act, the Chairperson may have him forcefully removed from the Local Government Hall.

60. A member persistently obstructing the business of the Local Government, by deliberately indulging in disorderly behaviour or intentionally contravening the prescribed Code of Conduct shall be barred from attending the sittings of the Local Government for the rest of the session.

61. If a member uses force or attempts to use force which is derogatory to the dignity of the Local Government, the Chairperson may suspend him for the whole or any part of the session as he may deem fit.

62. If a member suspended under this Act acknowledges his fault and tenders a written apology to the Chairperson, the Chairperson may, after considering the matter remit the suspension.

CHAPTER 5
Roles and Responsibilities of Members

63. All members of Local Governments shall not be bound or influenced by voters, interest groups, parliamentary groups or political parties in the discharge of their duties.

64. All members of Local Governments shall serve the interests of their constituencies and the territory under their respective Local Governments, bearing in mind national interests, goals and policies.

65. All members shall take active part in the issues being raised in the Local Government.

Declaration

66. Every member of the Local Government shall file copies of affidavits of declaration along with the nomination during the elections as provided for in the Election Act of Bhutan, with the Secretariat within 7 days from the date on which he subscribes an oath or affirmation pursuant to section 81 of this Act.

67. Members may file revised forms whenever any change occurs in the details of the affidavits under section 66 and also at the end of their tenure as members of the Local Government.

CHAPTER 6

Sessions and Proceedings of the Local Governments

68. The Dzongkhag Tshogdu shall meet at least once every six months.
69. The Gewog Tshogde and the Dzongkhag Thromde Tshogde shall meet at least once every four months.
70. Whenever deemed necessary by the Chairperson, or whenever one third of the members so decide, the Chairperson of the Local Government shall consider an additional sitting.
71. During an additional sitting, the Local Government shall consider only those matters for which it has been convened or which are inseparably connected thereto.
72. There shall be a fixed agenda for every meeting.

73. The members shall normally be notified two weeks in advance of any sitting of the Local Government with an agenda.
74. Minutes of each meeting shall be recorded and read out during the session for confirmation. If no comments or amendments are submitted by the members, the Chairperson shall authorise the implementation of decisions taken. The Chairperson presiding shall sign and ratify the minutes.
75. A Local Government shall not discuss any matter which is sub-judice in the Court or legal proceedings are active.

First session after election

76. A list of members who have submitted their certificate of election shall be presented to the Secretary to the Local Government, any working day before the day on which the Local Government convenes for the first time after an election.
77. A certificate submitted under section 76 of this Act shall be inspected by the Secretary to the Local Government to determine its authenticity and validity.
78. A certificate referred to under section 76 of this Act, presented on a later date shall be inspected immediately and, thereupon such member shall be administered oath or affirmation as prescribed under this Act.

79. Changes in the composition of the Local Government shall be entered in the list to be maintained by the Secretary to the Local Government.

Oath

80. The members of the Local Government shall take an Oath of Office, as provided in the Third schedule of the Constitution, before assuming their responsibilities.

Opening and Closing Ceremonies of Local Governments

81. Each session of a Local Government shall commence and end with traditional ceremonies.

Prorogation

82. Whenever the Chairperson finds it necessary to prorogue the session of the Local Government, he shall announce the notice to this effect.

Open Proceedings

83. The proceedings of the Local Government shall be conducted in public. However, the Chairperson may exclude the press and the public from all or any part of the proceedings,

in the event of a compelling necessity where publicity would seriously prejudice public interest.

Term

84. The Local Governments, unless sooner dissolved in accordance with law, shall continue for five years from the date of the first sitting.

CHAPTER 7 Conduct of Business

85. The proceedings of the Local Government shall be conducted in the National Language.
86. All members, after due consultation with the public of their respective constituencies, shall make their submissions for inclusion in the agenda.
87. The Local Government may require a Government Official concerned to address or submit any information or explanation either orally or in writing whenever a matter relating to that Government Agency is under discussion.
88. Only after obtaining the prior approval of the Chairperson, a member shall point out, with supporting evidence an error or inconsistency in a

statement made by a Government Official or any other member.

89. Except for the purpose of rescinding a resolution of the meeting, a member shall not reopen the issue that has been adopted by the house.
90. Whenever necessary, the Chairperson may invite any Government official or person as an observer during the sessions of the Local Government.

Exclusion of Matters

91. The Chairperson shall not refuse to take up any matter that has been presented for consideration or to present matters for voting, unless he considers it to be contrary to the provisions of the Constitution, to existing decision of the Parliament or to any law in force. In such a case, the Chairperson shall state the grounds for his refusal.

Quorum

92. The presence of not less than two-thirds of the total number of members of the Local Government shall constitute a quorum for a sitting.

Adjournment

93. The Chairperson shall announce the date of commencement and adjournment.

94. The sitting of the Local Government shall be determined by rules of procedure.
95. In case of any change in the day, time and programme of the sitting of the Local Government forum, the Secretary shall serve notice to this effect to the members on the preceding day.

Manner of Voting

96. Only members shall have the right to vote in decisions made by the Local Government.
97. A member is entitled to one vote per proposal and the right to vote shall not be exercised by proxy.
98. When a debate has been formally concluded, the Chairperson shall present a summary of the deliberations. If an objection is offered to the summary and the Chairperson considers the objection justified, he shall rectify the summary of the deliberations.
99. After the presentation of the summary, the Chairperson shall present a proposal for the voting order of the motions. If a change in the voting order is demanded and the Chairperson does not consider that the demand is justified, the voting order shall not be changed.

100. After the voting order has been approved, the Chairperson shall present the matter for voting, which shall be by a roll call vote or in any other manner as the Chairperson may deem fit as per the rules of procedure.
101. If there are several motions, one shall be presented for voting against another, until all of the proposals have been thus voted on.
102. The Chairperson presiding over the proceedings of the Local Government forum shall not vote in the first instance, but he:
 - (a) shall cast the deciding vote when votes are tied; and
 - (b) may cast a deliberative vote when a question must be decided with a supporting vote of at least two-thirds of the members of the Local Government.

Dissenting Opinion

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

Protocol about absence

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

CHAPTER 8 Recording of Proceedings and Resolution

Record of Proceeding

105. The Secretary to the Local Government shall maintain records of proceedings at each meeting.
106. The Secretary to the Local Government shall submit the report of resolutions to the Local Government for endorsement, wherein a member may bring to the notice of the Local Government any patent error, which shall stand corrected but such resolutions once adopted shall not be permitted for deliberation.

Distribution of the Copies of the Minutes

107. The Secretary to the Local Government shall dispatch the minutes, within one week, to all members as well as to other officials, ministries and departments concerned for necessary action. The officials, ministries and departments concerned shall report back on the action taken within one month from the receipt of the minutes.

Record of Votes

108. The Chairperson shall cause the votes of each member to be recorded and open to disclosure, except for votes cast through secret ballot.

CHAPTER 9 Transparency and Accountability

109. As elected representatives, Local Governments shall not only be transparent and accountable to the people in their respective constituencies, but shall also promote, institute and enhance transparency and accountability mechanisms.

110. Local Governments shall publish their respective five year and annual plans, including annual programmes and budgets which shall be made available to the public.

Public Participation

111. All sessions of Local Governments shall be open to members of their respective constituencies as observers, except for closed door sessions.
112. Observers under section 111 shall enjoy the right to speak during the last session of a calendar year as per the prescribed rules.
113. Local Governments shall make every effort to ensure public participation in the development of various plans and programmes.

Annual Report

114. Local Governments shall publish an annual report which shall contain, among others, the following:
 - a) a statement of all funds received, including revenue, income and subsidy and expenditure incurred thereof;
 - b) list of tenders for works, goods and services awarded along with corresponding budget, recipients and contract value;

- c) latest annual audited statements;
- d) list of all commercial investments and returns;
- e) list of inventory of all immovable property; and
- f) list of land and building with duration of lease and rental.

Public Notice Board

115. All local Governments shall have public notice boards which shall be visibly and prominently displayed at the entrance of the office of the Local Government. Agenda for the next meeting, annual budget, annual work plan and call for tenders must be displayed on public notice boards.

Appraisal of the People

116. All members shall make every effort to ensure that people of their respective constituencies are informed of the various plans, policies and programmes of the Local Government.
117. Any time after the adoption of resolutions and within 2 weeks of the distribution of the copies of such resolutions under section 107 of this Act, all members shall apprise the people of their constituencies of the resolutions adopted in the meetings of their respective Local Government.

CHAPTER 10
Privileges, Immunities and Salaries

Privileges

118. On any inquiry concerning the privileges, immunities and powers of the Local Government any copy of the journals of the Local Government shall be admitted as evidence.
119. Subject to the provisions of the Constitution, all members by virtue of their office have the right to speak freely in the proceedings of the Local Government or any Committee thereof.

Immunities

120. Members of a Local Government 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. This includes votes cast in Local Government meetings and no person shall be liable in respect of any report, paper or proceedings made or published under the authority of the Local Government

121. In addition to section 120 of this Act, a member shall not be prosecuted or arrested for an offence when the Local Government is in session, without first informing the Chairperson.
122. The immunities under section 120 shall not cover corrupt acts committed by the members in connection with the discharge of their duties, including the acceptance of money or gifts with the intention to speak or to vote in a particular manner.
123. Members or officers of the Local Government shall not be compelled to give evidence or produce documents in a Court of Law, relating to the proceedings of the Local Government without the prior permission of the Chairperson.
124. No judicial summons or writs shall be served or arrest made within the precincts of the Local Government when the Local Government is in session.
125. The Local Government has the right to receive immediate information of the arrest, detention, bail, conviction, imprisonment or release of a member from the authority concerned.

Breach of Privileges

126. When any individual or authority disregards any of the privileges, either of the members or of the Local Government, an offence of breach of privilege is committed.
127. Breach of privileges and contempt may include:
- (a) Reflections on the character of the Chairperson in the discharge of his duty;
 - (b) Publication of false or distorted report of the proceedings of the Local Government;
 - (c) Publication of the proceedings of the close door sittings, without the permission of the Chairperson;
 - (d) Intimidation of members to influence them in their conduct;
 - (e) Offering bribes to members to influence them in their conduct;
 - (f) Obstructing or hindering members of the Local Government in the execution of their official duties;
 - (g) Deliberately giving false or misleading information to the Local Government by a member or any person;

- (h) Disobedience to orders of the Chairperson;
- (i) Misconduct in the Local Government;
- (j) Presenting false or forged or fabricated documents to the Local Government; or
- (k) Tampering with documents presented to the Local Government.

Punishment for Contempt and Breach of Privilege

128. Except for criminal offences which shall be dealt with in accordance with the Penal Code of Bhutan, any other cases of contempt or breach of privilege by a member may be reprimanded or suspended by the Chairperson.

Remuneration

129. A member is entitled to receive such remuneration as may be determined by Parliament on the recommendation of the pay commission, during the whole term of his office and / or such daily allowances for each day during the sittings of the Local Government or while attending any other business connected with his duties as a member. The provision regarding daily allowances in this respect shall not apply when meetings of the Local Government are adjourned due to disorder, caused by its members affecting the conduct of business of the Local Government.

130. A deduction of the daily allowances of a member of Local Government shall be made for every day on which the member does not attend a sitting of Local Government for any reason, including suspension under this Act, except under section 129.
131. Notwithstanding provisions of section 129, each day shall be reckoned as a day of attendance of the member, during a session on which:
- (a) There has been no sitting of the Local Government in consequence of its having adjourned over that day; or
 - (b) The member is unable to attend by reason of being ill and leave of the Local Government has been obtained after having signed attendance in Roll of Members.
132. For the purposes of section 129 of this Act, a person shall be deemed to have become a member of the Local Government from the day on which the person is summoned to the Local Government after the election and if a member is elected or appointed after the commencement of a session, no day of a session previous to the election or appointment shall be reckoned as a day of attendance.
133. A member elected to local government may on his own volition decline to receive remuneration, or any other allowances.

CHAPTER 11

Code of Conduct

134. A member shall be guided by the highest standards of moral principles; be patriotic and owe allegiance and loyalty to the Tsa Wa Sum.
135. A member shall not indulge in any activity that adversely affects the business of Local Government, and shall be responsible to the Local Government for his actions.
136. A member shall not be influenced in any manner whatsoever by any individual or body of individuals in the discharge of his duties.
137. A member shall cast his vote solely based on the national and public interest and not on any other factors.
138. A member with any personal and pecuniary interest shall disqualify himself from voting on matters where conflict of interest may occur and circumstances seem to affect his impartiality.

Incompatibility

139. A member of the Local Government shall not:
 - (a) Purchase or lease any property of the Local Government in which he is a member even if the sale or lease thereof has been offered in public auction;

- (b) Belong simultaneously to different committees, commissions or boards, except as otherwise provided by law;
- (c) Be assigned any responsibility that may be reasonably construed to have conflict of interest;
- (d) Hold office of profit or undertake private employment or perform any function, which is liable to impair public confidence;
- (e) Misuse official status, power or public property; and
- (f) Indulge in illegal or improper means;

Other Obligations

- 140. A member shall not maintain or operate bank accounts in any country outside Bhutan.
- 141. No member shall, during a delegation to foreign countries, give press statements regarding the visit. Such briefings to the press shall be done by the leader of the delegation or by the spokesperson appointed for the purpose.
- 142. A member shall respect and subscribe to the non partisan nature of Public Service.

CHAPTER 12

Standing Committees

Committees

143. Standing Committees shall be established by the Local Government for purpose of specific functions.
144. Members of a Standing Committee shall be appointed under the authority of the Chairperson of the Local Government upon having been nominated and selected by members of the Local Government.
145. A member of the Committee shall be directly appointed as the Chairperson of the Committee by the Local Government Chairperson.
146. The Committee, under the Committee Chairperson, shall work under the direction of the Local Government Chairperson.
147. A member of a Committee who has personal or pecuniary interest in any matter that is to be considered by the Committee shall inform the Local Government Chairperson through the Chairperson of the Committee.
148. Members of the Committee shall not divulge any verbal or printed information given to them as confidential, without prior approval of the Chairperson. Where such approval has been obtained, any restrictions imposed with regard to the manner and extent to which such information may be divulged, shall be strictly observed.

149. A member of a Committee or anyone having access to its proceedings shall not communicate directly to the press any information regarding its proceedings, including its report unless authorized by the Local Government Chairperson.

Ad hoc Committee

150. If any matter cannot be resolved for want of adequate knowledge, a Committee may be constituted for this purpose.

151. A Committee constituted under section 143 and 150 of this Act shall, as soon as may be prescribed or possible, place before the Local Government its opinions and recommendations on the matters referred to it and such opinion and recommendations shall aid the Local Government in its deliberations.

CHAPTER 13

Secretariat

152. The Local Government shall be supported by an office headed by a Secretary to the Local Government. The Chairperson and Committees shall receive administrative and secretarial support from the Secretariat.

Safekeeping of Records

153. The Secretary shall be responsible for writing and circulation of minutes and safe keeping of all records.
154. The Secretary shall maintain a register called the Register of Declaration of Assets and Liabilities of Members based on information supplied by members pursuant to section 66 of this Act.

Other Functions

155. The Secretariat shall keep proper record of the proposals and their date of receipt.
156. The Secretary to the Local Government shall compile and submit the agenda to the Local Government Chairperson for approval and circulation to all members and agencies concerned.
157. The Secretariat shall perform such other functions as may be determined by this Act or any other rules made under this Act.

CHAPTER 14
Local Government Administration

Local Government Administration

158. There shall be Local Government Administrations which shall comprise of the Dzongkhag Administration, the Gewog Administration and the Gyelyong Thromde Administration headed by a chief executive.

Dzongkhag Administration

159. Dzongkhag Administration, under the Dzongdag as the chief executive, shall be the executive arm of government in the Dzongkhag.
160. It shall be responsible for general administration of the Dzongkhag.
161. It shall be responsible for the implementation of social and economic development policies, plans and programs of the Dzongkhag as decided by the Dzongkhag Tshogdu.
162. It shall carry out the decisions of the Dzongkhag Tshogdu as may be conveyed through ordinances and resolutions as recorded in the approved minutes.

163. It shall be responsible for maintaining law and order in the Dzongkhag.
164. It shall execute national policies, plans and programs as directed by the Royal Government.
165. The Dzongkhag Administration shall carry such other functions as may be prescribed by this Act, any other law or rules and regulations made under this Act.

Dungkhag Administration:

166. There may be Dungkhags in the larger Dzongkhags which shall be responsible for general administration and coordination of two or more Gewogs.
167. A Dungkhag Administration shall be headed by the Dungpa and shall guide and support the Gewog Administrations.
168. It shall carry out and implement the decisions of the Dzongkhag Tshogdu.

Dungpa

169. A Dungpa shall be the chief executive of a Dungkhaḡ and shall be the head of the Dungkhaḡ Administration.
170. A Dungpa may attend the meetings of the Gewoḡ Tshoḡdes under a Dungkhaḡ as a non voting Member.
171. The Dungpa shall report directly to the Dzongdag.

Gewoḡ Administration

172. Gewoḡ Administration, under the chief executive, shall be the executive arm of the Gewoḡ.
173. It shall be responsible for implementation of socio-economic development plans and programs in the Gewoḡ.
174. It shall carry out the decisions of the Dzongkhaḡ Tshoḡdu and Gewoḡ Tshoḡde.
175. It shall be responsible for coordination within the Gewoḡ as well as with the Dzongkhaḡ Administration.

176. It shall be responsible for maintaining law and order in the Gewog.
177. The Gewog Administration shall carry out other functions as may be prescribed by this Act or any other law or as per the directives of the Dzongkhag Administration.

Gyelyong Thromde Administration:

178. The Gyelyong Thromde Administration, under the Executive Secretary as the chief executive, shall be the executive arm of the Gyelyong Thromde.
179. It shall be responsible for implementation of all social and economic development policies, plans and programs of the Gyelyong Thromde.
180. It shall carry out the decisions of the Gyelyong Thromde Tshogdu.
181. It shall be responsible for maintaining law and order in the Gyelyong Thromde.
182. It shall be responsible for the provision of utility services, including roads, electricity, water supply, drainage, sewerage, garbage collection and disposal.
183. The Gyelyong Thromde Administration shall carry out other functions as may be prescribed by this Act or any other law.

CHAPTER 15

Chief Executive

184. The Dzongdag, as the Head of the Dzongkhag Administration in the Dzongkhag, shall be the chief executive of the Dzongkhag. The Dzongdag shall be a senior civil servant appointed by His Majesty the Druk Gyalpo, as per the provisions of the Constitution. The Dzongdag shall also represent Royal Government agencies in the Dzongkhag.
185. The Gewog Administrative Officer shall be the chief executive of the Gewog and the Executive Secretary shall be the chief executive of the Gyelyong Thromde.
186. The chief executive shall be responsible for the smooth functioning of the administration of the Local Government in discharging its responsibilities.
187. The chief executive shall observe whether the Local Government is functioning properly in accordance with this Act or any rules and regulations made thereof.
188. The chief executive shall oversee the overall affairs of the jurisdiction under his respective Local Government.
189. The chief executive shall implement the decisions of the Local Government in accordance with prescribed rules and regulations.

190. The chief executive shall authorize payments for works, procurements and administrative claims and accord financial sanctions for activities approved by the Local Government.
191. The Dzongdag shall be responsible for reporting to the Government any serious shortcomings observed in the functioning of the Dzongkhag Tshogdu. Likewise, it shall be the responsibility of the Gewog Administrative Officer to report to the Dzongdag any serious shortcomings observed in the functioning of the Local Government, who shall further report the same to the Government as he may deem necessary.
192. The Dzongdag shall attend the sessions of the Dzongkhag Tshogdu as a non voting member of the Dzongkhag Tshogdu. He may also attend the sessions of the Gewog Tshogde as he deems necessary.
193. The Dzongdag shall be responsible for the implementation of program and policies as may be directly instructed by the Royal Government.
194. The chief executive shall carry out such other functions as may be prescribed by this Act or any other law.

CHAPTER 16

Monitoring and Coordination of Local Government

195. All the activities undertaken by the different sectors of the Government within the jurisdiction of a Local Government shall be supervised and monitored by the chief executive of that Local Government and he/she shall submit timely reports to the Dzongkhag Tshogdu.
196. The functioning of the Gewog Administration shall be monitored by the Dzongkhag Administration, which shall submit periodic report to DT.
197. The Ministry of Home and Cultural Affairs shall monitor the functioning of the Dzongkhag Tshogdu and the Dzongkhag Administration as well as the Gyelyong Thromde Tshogdu and Gyelyong Thromde Administration.
198. The Gewog Administration shall submit reports to the Dzongkhag Administration as may be determined by law. The Dzongkhag Administration and Gyelyong Thromde Administration shall likewise submit reports to the Royal Government.
199. The Royal Government, whenever necessary, may directly monitor and support the administrations of the Local Government
200. The Ministry of Home and Cultural Affairs shall be responsible for coordination and facilitation of inter-Dzongkhag and Centre-Dzongkhag relations.

201. The Ministry of Home and Cultural Affairs shall be empowered to prescribe rules and regulations to support the implementation of this Act.
202. The Ministry of Home and Cultural Affairs shall be responsible for capacity development of the Local Governments. It shall further coordinate Law and Order issues and situations.
203. Line Ministries shall be responsible for formulation of sectoral policies, plans that cut across Local Governments, including monitoring and evaluation of sectoral policies plans and programs for which the Dzongkhag Administrations are responsible.

CHAPTER 17

Amendment, Repeal and Authoritative Text

Rule making

204. A Local Government may determine its rules of procedure in keeping with provisions of this Act and other relevant laws; and the Chairperson shall conduct the proceedings of the Local Government in accordance with the rules. A Local Government may also appoint Committees to carry out specific functions of the Local Government.

205. The rules of a Local Government shall among others, provide for:

- a) Rules regarding policies, procedures, administration, functions, powers, authority, obligations, finances, budget, revenue, tax, land management, and others with relation to and within the jurisdiction of the Local Government which are not specified under this Act but shall be in accordance with any other laws in force.
- b) The establishment, composition, powers, functions, procedures and duration of its Committees; and
- c) Participation in the proceedings of the Local Government and its Committees, in a manner consistent with the Local Governments' Act.

Amendment

206. Any addition, variation, or repeal of this Act shall be made by the Parliament.

Authoritative text

207. The Dzongkha text shall be the authoritative text, if there arise any difference in meaning between the Dzongkha and the English text.