

RULES & REGULATIONS OF THE ROYAL ADVISORY COUNCIL 1993.

INTRODUCTION

In the year 1952 corresponding to the Water Dragon Year and the 45th year of the reign of the Wangchuck Dynasty, His Majesty Jigme Dorji Wangchuck, the Third Druk Gyalpo, ascended the throne.

In the following year, King Jigme Dorji Wangchuck established for the first time a National Assembly in Bhutan. The Assembly was inaugurated in the Tshokhang of the Namgyel-Tse in Pungthang Dechen Phodrang, the old capital. Thereafter, the Assembly was convened as and when necessary by a royal summon issued through the Speaker. The frequency of such meetings increased with enhanced developmental activities and with the steady expansion of the Kingdom's relations with the outside world. The need for a permanent body to advise the King and the Royal Government of Bhutan became necessary. His Majesty Jigme Dorji Wangchuck therefore established the Royal Advisory Council in 1965. The council, comprising Representatives of the Government, the Monastic Body and the People, became the highest advisory body in the Kingdom.

CHAPTER I

DATE OF COMMENCEMENT AND AMENDMENT

1.1 Date of Commencement

These rules and regulations shall come into effect from 1st August, 1993 corresponding to the 14th day of 6th month of the Water Bird Year and it shall supersede all previous Rules and Regulations on the subject.

1.2 Amendment

Amendment to these Rules and Regulations shall be made only with the approval of His Majesty the King.

CHAPTER II

COMPOSITION

The Royal Advisory Council shall consist of :

2.1 Representative of the Government, (Kalyon) - 1

2.2	Representatives of the Religious Bodies	-	2
2.3	Representatives of the People	-	6

	Total number of Representatives in the Royal Advisory Council	-	9

CHAPTER III

CRITERION

- 3.1 A person who is a citizen of Bhutan.
- 3.2 A person who is not less than 30 years of age on the date of nomination as a candidate to stand election.
- 3.3 A person who is trustworthy and of sound mental health.
- 3.4 A person who is familiar with national policies and capable of shouldering the responsibilities of this high office with integrity and honesty.
- 3.5 A person who is not married to a foreign national.
- 3.6 A person without criminal or prison records both within and outside the country.
- 3.7 A person who has not been terminated or sent on compulsory retirement from Government service, the National Assembly, the Dzongkhag Yargye Tshogchung and the Gewog Yargye Tshogchung.
- 3.8 A person who is able to read, write and speak Dzongkha.
- 3.9 A person who has knowledge of and appreciates the traditions and cultural heritage of the Kingdom.
- 3.10 In addition to the above criterion, the candidates for the representatives of the Religious Bodies should not only be fully conversant on religious matters but also understand government policies.

CHAPTER IV

FUNCTIONS AND RESPONSIBILITIES OF ROYAL ADVISORY COUNCIL

- 4.1 The Royal Advisory Council shall be primarily responsible for

promoting and safeguarding the trust, confidence and the harmonious relations existing between the Government and the People of the Kingdom. In this regard, should the Council or anyone of it's members become aware of situations or threats that may undermine the security, peace and stability of the Kingdom, such information should be immediately brought to the attention of His Majesty the King.

- 4.2 The Royal Advisory Council shall be the guardian of the policies, laws and resolutions passed by the National Assembly and it shall ensure their faithful implementation by the government and the people.
- 4.3 The Royal Advisory Council shall endeavour to ascertain whether the national policies, plans and programs are being implemented by the government and the people. Should the Royal Advisory Council, in its judgement, find that this is not the case, it shall bring the matter to the attention of His Majesty the King, and thereafter, if necessary, to the attention of the Lhengyal Shungtsog and the National Assembly.
- 4.4 The Royal Advisory Council shall discharge all its functions and responsibilities without fear or favour and with complete impartiality, integrity, loyalty and dedication.
- 4.5 The Royal Advisory Council shall render advice to His MAJESTY THE King with utmost dedication, loyalty and sincerity keeping in view the interests of the Kingdom and the well - being of the people.
- 4.6 Besides participation in the policy and legislative bodies such as the National Assembly and the Lhengyal Shungtsog, the Royal Advisory Council as and when desired by His Majesty the King, shall attend meetings dealing with issues of national importance.
- 4.7 Should the Royal Advisory Council find any action or activity of any person or organization including that of the King himself, to be detrimental to the interests of the Kingdom and the People, they shall, without any hesitation whatsoever, report such matters to His Majesty the King and thereafter, if necessary, to the Lhengyal Shungtsog and the National Assembly.

CHAPTER V

TERM, RESIGNATION AND TERMINATION

- 5.1 The duration of the term of office for the Councillor from the date of appointment are as follows:

- a) Representative of the Government - shall serve at the pleasure of His Majesty the King.
 - b) Representatives of the Religious Bodies - One Year
 - c) Representatives of the People - Three years
- 5.2 The representatives of the religious bodies and the People shall not be eligible to stand for election immediately after completing a full term of office.
- 5.3 A Councillor may resign prior to the expiry of his/her term with the approval of His Majesty the King.
- 5.4 In the event of any serious charge against any of the councillor, the Chairman of the Royal Advisory Council shall be responsible for bringing it to the notice of His Majesty the King. Such matters shall, thereafter, be dealt with in keeping with the laws of the land (Thrimshung Chhenpo).
- 5.5 In the event of any vacancy caused by the resignation or termination of a Councillor, his/her substitute shall be elected by the National Assembly for the remaining period of the Councillor's term.
- 5.6 On retirement or resignation, a Councillor is allowed to wear blue kabney without patang.

CHAPTER VI

CODE OF CONDUCT

- 6.1 All decisions in the course of carrying out the functions and responsibilities of the Royal Advisory Council are required to be taken after duly discussing it in the meetings of the Council.
- 6.2 In the normal course, decisions of the Council shall be by consensus. In the event a consensus cannot be reached, a decision may be taken by a two-third majority of the Councillor present. The quorum in such a situation shall be six members including the Chairman.
- 6.3 While the Royal Advisory Councillor have to discuss all issues openly and frankly, all deliberations in the meeting of the council shall be treated as confidential.

- 6.4 The Chairman of the Royal Advisory Council shall appoint one of the Councillor to officiate in his/her place during his/her absence.

CHAPTER VII

PROCEDURES FOR ELECTION OF ROYAL ADVISORY COUNCILLOR

7.1 Government Representative

The Government Representative shall be appointed by His Majesty the King.

7.2 Representatives of Religious Bodies

- (a) The Dratshang Lhengtshog shall elect one Representative each from the central Dratshang and the Rabdeys on rotation basis. The Dratshang Lhengtshog shall forward the bio-data of the two Representatives to the Speaker of the National Assembly for scrutiny and confirmation.
- (b) The two Representatives of the clergy shall be elected by the general body of the Dratshang and the general body of the concerned Rabdey for their nomination to be accepted.

7.3 People's Representatives

- (a) Six Royal Advisory Councillor shall be elected by the National Assembly from the Dzongkhag candidates through secret ballot.
- (b) One ballot box with the photograph of each candidate shall be placed before the Assembly. Before the voting process begins, the members shall be shown that the boxes are empty. Thereafter, each of the boxes shall be sealed in the presence of the Assembly. Each member shall cast his/her vote in the box of their choice.
- (c) On completion of the voting process in respect of all the candidates, the ballot boxes of each candidate shall be opened and the votes counted in the presence of the Assembly Members. The number of votes obtained by each candidate shall be announced after counting the votes in each ballot box.
- (d) The six candidates obtaining the highest number of votes shall be declared elected. In the event of a tie by two or more candidates resulting in more than six candidates

obtaining the highest number of votes, a second round of voting shall be carried out for the candidates tied for the last available seat/seats.

- (e) In the second round of voting also, if there is a tie for the last available seat, the election shall be decided by drawing of lots.
- (f) 1. Candidates or their supporters shall not indulge in any illegal or improper means for securing their election at the gewog, Dzongkhag or national level through such acts as bribery, favours, intimidation or misuse of status and official position. If a report is made of such activities in securing election at the gewog or dzongkhag level, the concerned Dzongda after a thorough investigation, and if the report is found to be true, shall disqualify the candidate and forward the case to the Dzongkhag Thrimkhag for further investigation and legal action against the persons concerned. If a report of such activities for securing votes during the election in the National Assembly is made, the Speaker of the National Assembly and the Chairman of the Royal Advisory Council shall together investigate the matter. If the report is found to be true, the candidate shall be disqualified and the case forwarded to the High Court for further investigation and legal action against the persons concerned.

2. Under the clause-F(1), if a candidate is disqualified the candidate securing the second highest number of votes shall be declared the winner.

3. If the disqualified candidate or his/her supporters involved in illegal or improper electoral practices are Government servants or hold public office, they shall not only be terminated from the service but shall also be punished according to the Thrimshung Chhenpo after due investigation by the Dzongkhag Thrimkhag/High Court.
- (g) After completion of the voting process, the six candidates securing the highest number of votes shall be declared as People's Representatives in the royal Advisory Council.
- (h) In the event of a Government employee being elected as a Royal Advisory Councillor by the National Assembly, the concerned Government employee shall have the option to resign or be granted an extraordinary leave of three years by the RCSC.

- (i) On completion of his/her term as a Royal Advisory Councillor, the RCSC shall be required to re-employ him/her in a suitable vacant post in the same grade he/she belonged prior to being elected a Councillor.
- (j) Should the Government employee wish to retire from Government service on being elected a Councillor, he/she shall be entitled to all post service benefits as per BCSR.

CHAPTER VIII

RESPONSIBILITY OF THE SPEAKER OF THE NATIONAL ASSEMBLY

- 8.1 Six months prior to the expiry of the tenure of the Councillor, the Speaker of the National Assembly shall notify the Dratshang Lhengtshog and the Dzongkhags to initiate the process of selecting their nominees.
- 8.2 The Speaker of the National Assembly shall determine whether the nominations have been made as per the prescribed procedures. In the event the Speaker finds that irregularities have occurred in the nomination process, the Speaker shall declare the nominations null and void and issue orders for fresh election of a Candidate.
- 8.3 The 6 candidates elected by the National Assembly shall take Oath of Allegiance as prescribed at Annexure II and from the date they are conferred "DAR" by His Majesty the King, they shall be considered as Royal Advisory Councillor. A Royal Advisory Councillor shall wear Blue Kabney with Patang.

CHAPTER IX

RESPONSIBILITY OF DZONGDAS

- 9.1 In accordance with the order of the Speaker of the National Assembly, the concerned Dzongda shall notify all dungkhags and gewogs under their jurisdiction for fresh nomination of their representative. The Dzongda must be present at each gewog on the day of the meeting fixed for selecting gewog nominees.
- 9.2 Prior to the conduct of the selection process, the rules, regulations and procedures for the election of Royal Advisory Councillor shall be explained in detail to all concerned including gups, chimis and chipons present.
- 9.3 The suitability of a candidate on grounds of health and advanced age shall be determined by the public of the

concerned Gewog. the Dzongda is not empowered to make decisions on the matter.

- 9.4 The Dzongda shall oversee whether the election are carried out as per the rules and procedures and therefore shall not interfere in the nomination of candidates from the gewogs. However, if the prescribed procedure is not followed in selecting a candidate from a gewog, the Dzongda is empowered to call for a fresh nomination on the spot.
- 9.5 During the elections of the candidate in the Gewogs and Dzongkhag Yargye Tshongchungs, the Dzongda shall be solely responsible to ensure free and fair election in strict accordance to the prescribed rules and procedures.

CHAPTER X

RESPONSIBILITY OF GUPS AND PEOPLE OF GEWOG

- 10.1 Each gewog shall make every effort towards nominating a person who would be capable of rendering meaningful and dedicated service to the King, Country and People (Tsa-wa-sum).
- 10.2 In the event a gewog is unable to find a suitable candidate, it shall not be eligible to nominate or support the candidate of another gewog.
- 10.3 In the event of a gewog not being able to find a suitable candidate for nomination, it shall notify in writing to the concerned Dzongda of its inability to do so. This shall be done under the signatures of the heads of all households in the gewogs, the gups and the chimis.
- 10.4 From the day the circular for the election of candidates is issued by the Speaker till the Dzongkhag candidate is finally announced, no persons shall be allowed to transfer their census records to another Gewog, Dungkhag and Dzongkhag to become eligible as a candidate from that Gewog, Dungkhag or Dzongkhag.
- 10.5 The census record in a gewog and possession of a Citizenship Identity Card of the concerned gewog shall constitute proof that the candidate belongs to that particular gewog.
- 10.6 During the course of nomination meetings, candidates shall refrain from undertaking activities to influence the decisions of such meetings.
- 10.7 The Gewog shall forward the name of the candidate to the Dzongkhag Yargye Tshongchung after receiving confirmation of

his/her acceptance of the candidature from the concerned candidate.

- 10.8 After nominating/electing a candidate, a gewog is required to submit the name of the candidate in writing to the concerned Dzongda under the signatures of the heads of the house-holds, the chimi and gup present in the meeting of nomination/election.
- 10.9 In the event of two or more candidates emerging from one Gewog, the candidate shall be decided by the public through secret ballot.

Note : The voting procedures shall be identical to that of the national level.

CHAPTER XI

RESPONSIBILITY OF DZONGKHAG YARGYE TSHONGCHUNG (DYT)

- 11.1 The Chairman of the DYT shall fix the date for electing the People's Representatives on receipt of the nominations from the gewogs.
- 11.2 A nominated candidate of a gewog can withdraw his/her nomination by submitting a written petition to the Chairman of the DYT through the concerned gup. In such a case, the concerned gewog will be considered as having no candidate for People's Representative.
- 11.3 The Chairman of the DYT shall read out the bio-data of all the nominated candidates and introduce them to the DYT members.
- 11.4 The members of the DYT, excluding the government officials and Representatives of Monk Body shall express their views freely on the merits of each candidate, and confirm whether the candidate belongs to their gewog or not, because once the selection is made, the person so selected shall be declared as the Dzongkhag candidate.
- 11.5 The Voting System at the Dzongkhag level shall be the same as the system adopted at the national level. No other procedures including hand raising, rolling of dice and "Tagril" system shall be adopted.
- 11.6 While electing the Dzongkhag candidate in the Dzongkhag Yargye Tshongchung, whether by consensus or through secret ballot, only the public representatives shall participate. The government representatives and the representatives of the religious bodies shall not participate in the voting or other

procedures.

- 11.7 A person selected by consensus by the DYT members shall be accepted as candidate of the Dzongkhag without votes having to be cast.
- 11.8 In the event consensus cannot be reached on the selection of a single candidate, the Dzongkhag candidate shall be elected through secret ballot. The candidate receiving a simple majority shall be declared the Dzongkhag candidate.
- 11.9 In the event the candidate elected by the Dzongkhag Yargye Tshongchung has to withdraw his/her nomination for any reason, the candidate obtaining the second highest number of votes shall be nominated. If the second candidate also withdraws, the third candidate shall be nominated.
- 11.10 If two or more candidates tie for the highest number of votes, a secret ballot shall again be conducted to elect the Dzongkhag candidate from among them.
- 11.11 If two or more candidates again obtain equal votes, the candidate shall be decided by drawing of lots. The name of the candidate picked first shall be declared the winner.
- 11.12 If any members of the Dzongkhag Yargye Tshongchung lodges a complaint regarding the candidate whose election has been declared by the Dzongkhag Yargye Tshogchung, the complainant shall file a written complaint fulfilling legal procedures. The decision taken by the Dzongkhag Yargye Tshogchung on the complaint shall be final and binding.
- 11.13 If any person from another Gewog/Dzongkhag lodges a complaint regarding a candidate, the concerned Dzongda and the Dzongkhag Yargye Tshogchung shall investigate the validity and seriousness of the complaint and decide upon it. However, such complaints shall not be entertained if the Gewog/Dzongkhag candidate has already been announced.
- 11.14 The result of the election shall require to be authenticated by all the DYT members.
- 11.15 The nominations of the Central Monastic Body and Dzongkhags shall be submitted in proforma shown in Annexure 'I' to the Speaker of the National Assembly at least one month before the convening of the National Assembly session.

-N.B. : These procedures, rules and regulations pertaining to the Royal Advisory Council have been translated from Dzongkha. The Dzongkha text shall be considered the authoritative text in case of differences between the Dzongkha and English texts.

ANNEXURE - 1

BOI-DATA OF CANDIDATE NOMINATED TO ROYAL ADVISORY COUNCIL

1. Name
2. Place of Birth
3. Date of Birth/Lopta
4. House No.....
5. Citizenship card No.....
6. Thram
No.....
7. Permanent
Address.....
.....
.
8. Gewog, Dzongkhag/
Dratshang/Rabdey.....
9. Qualification
10. Occupation and Place of Work
11. Remarks

Certified that the above candidate has been elected strictly as per the Rules and Regulations of the Royal Advisory Council and there should arise no problem in connection with the election of the above candidate.

Date :

Seal and Signature of
Dratshang/Rabdey/
Dzongkhag.

ANNEXURE - II

OATH OF ALLEGIANCE FOR COUNCILLOR

In keeping with this auspicious day, having the honour of receiving the trust of His Majesty the King, the Kingdom, and the People of Bhutan, I _____ am honoured to serve in the capacity of a Councillor in the Royal Advisory Council.

I pledge to serve His Majesty the King with Lui Ngag Yi Sum (Body, Speech and Mind) and with Tha Damtsi and "Ley Jundre" (complete Faith, Trust, Confidence and Loyalty),

And also serve the cause of the sovereignty, independence and security of the Kingdom of Bhutan and the well-being of its people and I shall uphold the values, traditions and customs of the Kingdom with full commitment and dedication, and

I pledge to obey all Royal Commands and abide by the laws of the Kingdom in discharging my responsibilities.

In witness thereof, this day _____ in the name of the Guardian Deities of the Kingdom of Bhutan and in the presence of Venerable Lopons and the Speaker of the National Assembly, I take this Oath of Allegiance and in proof thereof I append my signature hereunder.

Date :

Signature of the Councillor