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Lhengye Zhungtsho Act  
1999

## **CHATHRIM FOR THE LHENGYE ZHUNGTSHOG, 1999**

### **Preamble**

Whereas, on 17<sup>th</sup> December 1907, the whole body of the Clergy, the State Councilors, the Penlops and Dzongpons of all the regions and Dzongkhags, and the representatives of the people, in order to promote peace, progress, prosperity and stability in the country, and to strengthen the security and sovereignty of the Land of the Glorious Palden Drukpa, unanimously elected Trongsa Penlop, Gongsar Ugyen Wangchuck as the first hereditary Monarch of Bhutan;

Whereas, His Majesty King Jigme Singye Wangchuk, the Fourth Druk Gyalpo, has since gifted Bhutan with a unique system of government suitable to the ideals of the people of Bhutan, based on the principles of decentralization and people's participation in the decision making process of the country, in order to bring progress and prosperity to the Bhutanese people and to safeguard the national interest and security of the land of the glorious Palden Drukpa;

Whereas, His Majesty has further ordained, through a Royal Kasho issued on the eve of the 76<sup>th</sup> Session of the National Assembly in 1998, that Bhutan must be ensured to always have a system of government which enjoys the mandate of the people, provides clean and efficient governance, and also has an in-built mechanism of checks and balances to safeguard the national interest and security, protect and preserve the country's rich natural and cultural heritage, and maintain its sovereign, independent status;

Now, therefore, with the devolution of full executive powers to an elected Council of Ministers through the Royal Kasho, the National Assembly of Bhutan, during its 77<sup>th</sup> session, enacts this Chathrim for the Lhengye Zhungtshog, the executive branch of the Government, on this day 26<sup>th</sup> of July, 1999 corresponding to the 13<sup>th</sup> day of 6<sup>th</sup> month of the Earth Hare Year.

### **1. Short Title**

- (1) These Rules and Regulations shall be called the Chathrim for the Lhengye Zhungtshog of the Female Earth Hare Year, corresponding to the year Nineteen Hundred and Ninety Nine.

### **2. Commencement and Extent**

- (1) It shall come into force on the 13<sup>th</sup> day of the 6<sup>th</sup> month of the Female Earth Hare Year, corresponding to 26<sup>th</sup> July, 1999.
- (2) It shall extend to the whole of the Kingdom of Bhutan.

### **3. Repeal and Amendment**

- (1) This Chathrim shall supersede all previous Rules and Regulations of the Lhengye Zhungtshog.
- (2) The Chathrim may be amended by the National Assembly of Bhutan.

### **4. Composition of the Lhengye Zhungtshog**

- (1) The Lhengye zhungtshog shall consist of the elected Ministers, members of the Royal Advisory Council and the Kalyon.
- (2) The election procedure for the Royal Advisory Councilors shall be in accordance with the Chathrim for the Royal Advisory Council.
- (3) The election procedure for the Ministers shall be as follows:

#### **(a) Eligibility**

A ministerial candidate for the Lhengye Zhungtshog shall be:

- (i) a natural born citizen of Bhutan;
- (ii) a citizen of Bhutan not married to a foreign national;
- (iii) a person who has held senior government posts at the rank of Secretary to the Royal Government and above;
- (iv) a person capable of shouldering the responsibilities of this high office with integrity and honesty; and
- (v) a person who has unwavering loyalty and dedication to the Tsa-Wa-Sum.

#### **(b) Nomination Procedure**

The ministerial candidates for the Lhengye Zhungtshog shall be:

- (i) nominated by His Majesty the King from among the persons who have held senior government posts at the rank of Secretary to the Royal Government and above; and
- (ii) a biodata of each candidate will be circulated among the Hon'ble members of the National Assembly, and also read out in the house, before the candidates are elected through secret ballot.

**(c) Election Procedure**

- (i) The ministerial candidates securing 51 percent and above of the votes cast through secret ballot shall be considered elected.
- (ii) The scarf of office and the portfolios for the elected ministers of the Lhengye Zhungtshog shall be awarded by His Majesty the King.
- (iii) The ministerial candidates and their supporters shall not indulge in any illegal or improper means for securing their election through such acts as bribery, favour, intimidation or misuse of status and official position. Where an allegation on such activities for securing votes before or during the election in the National Assembly is made, the Speaker shall appoint a Commission comprising members of the National Assembly to investigate the matter. If the allegation is found to be true, the candidate shall be disqualified for fraud and deceit and the case shall be forwarded to the High Court for adjudication.
- (iv) The supporters of the disqualified candidate involved in such cases shall be liable for prosecution under the laws of the country.

**(d) Oath of Affirmation and Secrecy**

- (i) After receiving the scarf of office, the Cabinet Minister, before entering upon the execution of his office, shall make the following solemn declaration in writing:-

“I solemnly pledge that I will faithfully serve His Majesty the Druk Gyalpo and execute the Office of Minister of the Kingdom of Bhutan with unwavering Tha-Damtsi and constant awareness of the principle of Ley-Jumdre, and that I will endeavour with full effort of Lui-Ngag-Yi-Sum (Body, Speech and Mind) to preserve, protect and defend the Tsa-Wa-Sum. I also give my pledge to maintain full confidentiality and secrecy of all matters of office pertaining to the security and national interest of the Kingdom of Bhutan.

In witness thereof, I invoke the sacred names of the Guardian Deities of the glorious Palden Drukpa and take this Oath of Allegiance and Secrecy.”

Signature of the Cabinet Minister.

**(e) Tenure of Office**

- (i) A Cabinet Minister shall serve for a term of five years upon which the minister shall submit his/her resignation to His Majesty the King. If the minister is nominated for another term of office by His Majesty the King, he/she shall face a vote of confidence in the National Assembly.
- (ii) A minister shall not serve for more than two full consecutive terms.

**5. Functions and Procedures of the Lhengye Zhungtshog**

- (1) The Chairmanship of the Lhengye Zhungtshog shall be held on a rotation basis among the ministers for a term of one year each on the basis of the number of votes secured in their election. In case of two or more ministers securing equal number of votes in the election, drawing of lots shall be resorted to.
- (2) The ministerial candidate who secures the highest number of votes in the election shall be the first Chairman of the Lhengye Zhungtshog.
- (3) The Lhengye Zhungtshog shall meet as and when necessary.
- (4) The Lhengye Zhungtshog shall not be convened without two-thirds of its members present.
- (5) Decisions of the Lhengye Zhungtshog shall be taken by consensus. If the members fail to arrive at a consensus, the decision shall be taken on the basis of a two-thirds majority.
- (6) During the absence of the Chairman, the Minister who secured the highest number of votes immediate to that of the incumbant Chairman in the order of succession shall act as officiating Chairman.
- (7) The agenda and the resolutions of the Lhengye Zhungtshog shall be maintained in Dzongkha.
- (8) The members of the Lhengye Zhungtshog shall express their opinions freely and frankly while deliberating issues concerning the well-being and interest of the nation and not express contrary views outside the meeting hall of the Lhengye Zhungtshog.
- (9) Any member of the Lhengye Zhungtshog may submit proposals for deliberation in writing to the Chairman.

- (10) The authority to amend or repeal the decisions taken by the Lhengye Zhungtshog shall be vested only in His Majesty the King and the National Assembly.

## **6. Powers and Responsibilities of the Lhengye Zhungtshog**

- (1) The executive power of the Royal Government of Bhutan is derived from His Majesty the King through the Royal Kasho devolving full executive powers of governance to elected Council of Ministers.
- (2) The Lhengye zhungtshog shall be the highest executive body, and its members shall be collectively responsible to His Majesty the King and the National Assembly.
- (3) The Lhengye Zhungtshog shall ensure the preservation and promotion of the established institutions of the Kingdom, both religious and secular, and the rich traditions and cultural values of Bhutan that embody its unique national identity and strengthen its status as a sovereign, independent country.
- (4) All acts, treaties and conventions, and important national policies shall be submitted to the National Assembly through the Lhengye Zhungtshog for enactment and approval.
- (5) The Lhengye Zhungtshog shall implement the national policies.
- (6) The Lhengye zhungtshog shall keep His Majesty the King fully informed on all matters concerning the security and sovereignty of the country.
- (7) The prerogative to dissolve the Lhengye zhungtshog, if necessary in the interest of the country, shall vest in His Majesty the King.
- (8) The Lhengye Zhungtshog shall exercise executive power in conformity with the laws of the country and shall be accountable to His Majesty the King and the National Assembly of Bhutan.

## **7. Responsibilities of the Chairman**

The responsibilities of the Chairman shall be:

- (a) to serve as Head of the Government;
- (b) to preside over the sessions of the Lhengye Zhungtshog;
- (c) to submit reports to His Majesty the King; and

- (d) to submit reports to the National Assembly.

## **8. Terms of Office**

- (1) A minister may be removed from his/her office under the authority of His Majesty the King if he/she is found to have committed any serious violation of the laws of the land.
- (2) If any member of the Lhengye Zhungtshog attempts to violate or violates the laws of the land or commit treason against the Tsa-Wa-Sum, such matter shall be deliberated in the Lhengye Zhungtshog and submitted to His Majesty the King, and thereafter, if necessary, brought to the attention of the National Assembly.
- (3) Any serious violation of the law by a member of the Lhengye Zhungtshog will not only undermine the credibility of the Executive but also be very detrimental to the interests of the country and the people. It shall, therefore, be incumbent upon all members of the Lhengye Zhungtshog, in particular the Royal Advisory Councillors, in view of Chapter 4.7 of the Royal Advisory Council Chathrim, to bring to the notice of His Majesty the King, to the Lhengye Zhungtshog and the National Assembly, any action by a member which is harmful to the credibility of the Executive and the interests of the country.
- (4) In the event a member of the Lhengye Zhungtshog has to retire from his/her office, he/she shall submit a letter of resignation to His Majesty the King for Royal approval.
- (5) In the event of a vacancy/vacancies caused by the resignation or termination of a member of the Lhengye Zhungtshog, candidates shall be elected through secret ballot by the National Assembly.

## **9. Responsibilities of the Secretary of the Lhengye Zhungtshog**

- (1) The Lhengye Zhungtshog may appoint a suitable Civil Servant to be the Secretary to the Cabinet through unanimous decision.
- (2) The Secretary to the Cabinet shall:
  - (a) hold responsibilities in cabinet affairs in accordance with such instructions as may be given to him/her by the Chairman;
  - (b) be responsible for arranging the business for, and keeping the minutes of, the meetings of the Cabinet;
  - (c) submit the agenda for discussion by the Cabinet;

- (d) be responsible for conveying the decisions of the Cabinet to the appropriate person or authority; and
- (e) have such other functions as the Chairman may from time to time direct.

N.B. This Chathrim for the Legye Zhungtshog has been translated from the Dzongkha. In case of differences between the Dzongkha and the English texts, the Dzongkha text shall prevail.