

BCSE

Bhutan Civics

Classes IX & X



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ROYAL GOVERNMENT OF BHUTAN

ཤེས་རིག་ལྷན་ཁག།

MINISTRY OF EDUCATION
THIMPHU :BHUTAN

Cultivating the Grace of Our Mind



October 30, 2008

FOREWORD

Plato believed that it was the duty of every citizen to participate in the political life of the state. Then, politics was still a highly respected and a much-desired field that brought out the best in the citizens. It was not for no reason that he contemplated the Ideal State to come. Over time, though, politics has acquired an image that is not particularly flattering or inspiring. However, in as much as all humans possess inherent political instincts of sorts, it becomes necessary to learn about the way human beings organize their life and build institutions to guide and govern themselves.

Civics is more than an academic discipline. It is in the nature and role of Civics to concern itself with an examination of the way governments are formed and the manner in which they relate to and influence the life of citizens, including their rights and responsibilities as members of the state. As the children of the new Constitution of the Kingdom of Bhutan, it is in the fitness of things that our school students develop a broad historical perspective and understand the basic principles of how governments are formed and how they operate.

As a powerful nation-building discipline, Civics should inspire an appreciation of the need to develop the necessary qualities of head and heart that help young men and women to live as good fellow-citizens in a democratic society that is based on the principle of mutual respect and trust. Civics, as indeed any discipline, should help develop insight, and not content itself with mere collection of information and facts.

I learn that this edition of *Bhutan Civics* has had the privilege of having been examined and approved by some of our finest minds in the country besides being the collective effort of some seventy of our educators in the country. The book incorporates some of current topics including an introduction to our Constitution and the advent of parliamentary democracy in the country.

I trust that the book will serve the purpose of informing as well as inspiring our scholars. I would like to express my deep appreciation to all our experts and educators for the hard work put in by all of them in the development of the *Bhutan Civics* titles.

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INTRODUCTION

Democratic Constitutional Monarchy was instituted in 2008. The Constitution was also adopted on July 18, 2008. To be able to contribute to the democratic process it is fundamental that the Bhutanese youth understands democracy and its elements in the Bhutanese context from their early stages of education. Thus, the objective of this Civics textbook is to introduce class IX-X students to the new form of government. It will form a part of History.

The textbook is divided into three units. Each unit has several chapters. Units one and two are to be offered in class IX and unit three in class X. Unit one is on Constitution and it has three chapters. They are History of Constitution of Bhutan, Salient Features of the Constitution of Bhutan and Fundamental Rights and Duties. Unit two on Election and Formation of Political Parties has two chapters which are Election and Formation of Political Parties.

The topics addressed in class IX are targeted to help the students understand the gradual development towards a parliamentary democracy in Bhutan. It will provide the the background and drafting process of the Constitution and enable students to identify and appreciate its significance and salient features. Further, the students will be introduced to the meaning, features and significance of fundamental rights and duties. The students will be able to understand the meaning, formation and the role of political parties as well as the need, types and the process of election. This will familiarize the students about their roles in election.

Unit Three on Government has six chapters. They are Legislature, Executive, Judiciary, Constitutional Bodies, Local Government and Gross National Happiness and Good Governance.

In class X, the topics will allow the students understand the structure and roles of Gyalyong Tshogdu and Gyalyong Tshogde; relationship between Gyalyong Tshogdu and Gyalyong Tshogde; and role and significance of the Ruling and Opposition Parties. Further, the students will understand the composition and functions of the executive branch of the government, semi-autonomous bodies and autonomous bodies; expected code of conduct of civil servants in Bhutan; evolution of laws, the structure, features and functions of the constitutional bodies and their relationship with other organs and bodies; Local Government; and Good Governance in the context of Gross National Happiness and democracy in Bhutan.

Overall, the course in classes IX-X will prepare students to live productively in a democratic society. They will be able to contribute to the growth of democracy which is still in its infancy in Bhutan.

Thus, maximum advantage should be taken to use the latest possible materials and information when delivering on these topics. Moreover, real latest examples should be used when discussing these topics to enable the students to fully capture the significance of democracy and the role of other organisations in a democratic society.

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UNIT ONE: CONSTITUTION

Chapter One History of the Constitution in Bhutan

Key Terms	Learning Objectives
<ul style="list-style-type: none">• Sovereignty• Articles• Principles of State Policy• Lhengye Zhungtshog• Dissemination• Constitution• Democratic Constitutional Monarchy	<ul style="list-style-type: none">• Explain the Evolution of Monarchy in Bhutan• Explain the background of benefits of the establishment of DYT and GYT• Write the significance of devolution of power in 1998• Explain the need to have public consultation with regard to the constitution• Write the significance of our Constitution

Introduction

You have briefly learnt about the Constitution in class VIII. We know that Constitution is essential for any Government to function smoothly. It also makes a country strong and well-defined. The makers of our Constitution studied the Constitutions of more than 50 countries and they incorporated good and relevant ideas that suited Bhutan's needs. This makes our Constitution relevant for our country.

Now in this chapter, you will learn about political reforms, the making of the Constitution and the significance of the Constitution in our country.

Political Reforms

You have learnt in History that the First King Druk Gyalpo Ugyen Wangchuck ascended the Golden Throne as the Druk Ngadag Gyalpo (King of Bhutan) on the 17th of December 1907, at Punakha Dzong, corresponding to the signing of the historic *gyenja* of the Thirteenth Day, Eleventh Month of the Earth Monkey Year. Druk Gyalpo Ugyen Wangchuck thus became the first, in the line of hereditary monarchs, to rule our country. The institution of Monarchy has helped to secure and sustain Bhutan's sovereign independent status.

While the supreme political authority in Bhutan used to be vested in the monarchy, it is nevertheless the monarchy itself that has taken the important steps to democratize the task of governing the country.

In 1953, the Third King Druk Gyalpo Jigme Dorji Wangchuck established the *Tshogdu* or the National Assembly. It was introduced as the supreme legislative organ. This initiative was taken not only to develop political consciousness amongst the people but to introduce a representative government in the political system. This was the first step towards establishing constitutional monarchy. The institution of the *Tshogdu* also allowed people to participate in the decision making process.

The establishment of *Lodroe Tshogde* or the Royal Advisory Council in 1963 but formally constituted in 1965 in addition to the *Tshogdu* was another milestone in the move towards democracy.

The *Lodroe Tshogde* was entrusted with the responsibility of advising the King and the Council of Ministers on all matters of national importance. The third King also ensured the legislative supremacy of the National Assembly when in 1968 he conceded his right to veto any decisions of the Assembly. In this way, he ensured the sovereignty of the National Assembly.

Under the leadership of the fourth Druk Gyalpo Jigme Singye Wangchuck, the administrative structure has undergone remarkable changes to cater to the roles and responsibilities of a modern State. In 1981, *Dzongkhag Yargay Tshogdu* (DYI) or District Development Committee was introduced in each Dzongkhag to encourage people's participation in the formulation of development plans and programmes at the grassroots level. Another step taken by the Royal Government of Bhutan towards greater participation of the people in the development plans was the institution of *Gewog Yargay Tshogchung* (GYI) or Block Development Committee on 15 July 1991.

These committees are the best examples of decentralisation of power from the centre to the people. It empowered the people to decide, choose and propose their decisions to the Government. The *Gewog Yargye Tshogchung* besides facilitating greater participation by the people also revived community based self-help.

The year 1998 saw another landmark as His Majesty Druk Gyalpo Jigme Singye Wangchuck “handed over the reins of governance” to a new cabinet of elected Council of Ministers during the 76th session of the National Assembly. Until then, the King had been both the Head of the Government and the State. He is now the Head of the State while the Chairman (Prime Minister) of the Cabinet, which was to be rotated among the elected ministers after a term of one year, heads the Government. The Royal Kasho issued by His Majesty in the 76th session of the Tshogdu Chhenmo states:

“It has been my endeavour to encourage and prepare our people to participate actively and fully in the decision making process of our country. The time has now come to further promote the people’s participation in the decision making process. Our country must have a system of government, which enjoys the mandate of the people, provides clean and efficient government and has an in-built mechanism of checks and balances to safeguard our national interests and security. As an important step towards achieving this goal, the Lhengye Zhungtshog, should now be restructured into an elected council of ministers that is vested with full executive powers to provide efficient and effective governance of our country.”

The reign of the First and the Second Kings consolidated and strengthened the security and sovereignty of Bhutan and created a conducive situation for the Government to evolve itself into Parliamentary Democracy. The Third and the Fourth Kings took up and gradually decentralised powers as steps towards democratisation in 2008. Thus, the process of moving towards a Democratic Constitutional Monarchy is not an ad-hoc development but a well conceived change that has seen gradual and planned progress.

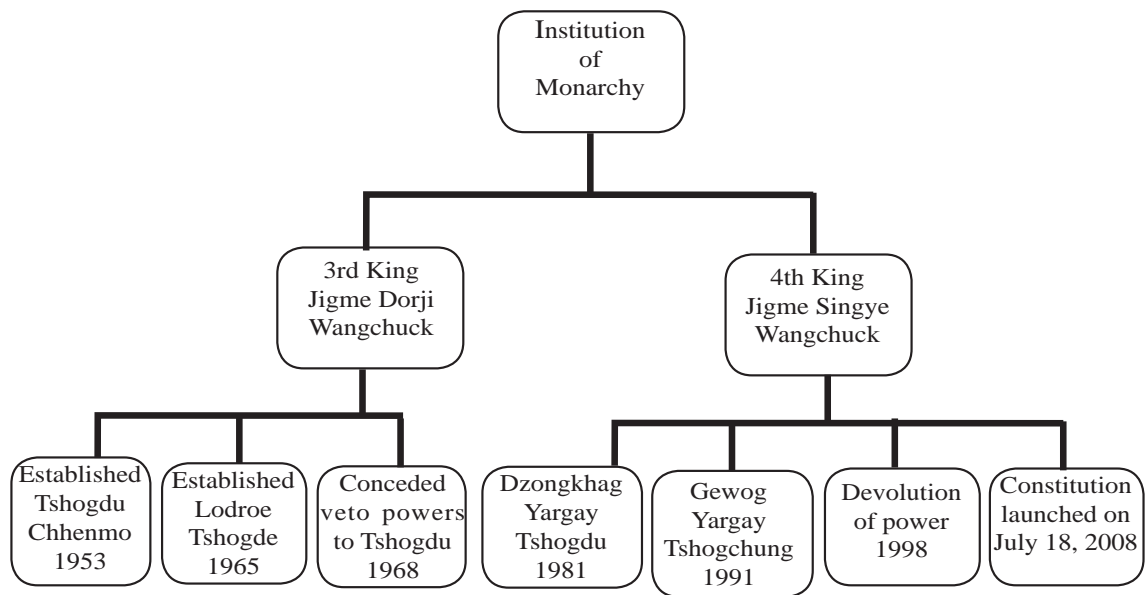


Figure 1.1.1 History of the Constitution

Making of the Constitution

Origin of the Constitution

As you have studied earlier in this chapter, most of the dynamic changes in the Government and the country were made by our beloved third and fourth Druk Gyalpos.

Another revolutionary change that transformed the system of Government came on 4 September 2001, when His Majesty the Fourth Druk Gyalpo briefed the Council of Ministers, the Chief Justice and the Chairperson of the Royal Advisory Council to draft a formal Constitution for the Kingdom of Bhutan. Accordingly, under the Royal command, the Constitution Drafting Committee, comprising thirty nine members, was formed with the Chief Justice Lyonpo Sonam Tobgye as its Chairperson. The members consisted of representatives from the monk body, people, judiciary and the Royal Government.

Commencement of Drafting Constitution

The Drafting of the Constitution started on 30 November 2001. During the inauguration, His Majesty said, *“Bhutan must move with the time to ensure that the nation not only overcomes all internal and external threats, but continues to prosper in an atmosphere of peace and stability.”* In the process of drafting the Constitution, the committee studied the constitution of more than 50 other countries. The idea was not to copy other constitution but to study what was good and relevant for Bhutan. The Chairman of the constitution drafting committee, Lyonpo Sonam Tobgye, said that the committee had been continuously inspired by the radiance of His Majesty’s vision during all its discussions. The Constitution of Bhutan was unique to Bhutanese as it was *“an exemplary and courageous act of devolution of power to the people without people’s demand, and a constitution with comprehensive rights and constitutional principles, that can be amended through direct democracy, referendum and vote of confidence. The greatest power rests with the people.”* (Lyonpo Sonam Tobgye, see reference).

Submission of the first Draft to His Majesty

The Constitution drafting Committee submitted the first formal Draft of the Constitution to His Majesty the King Jigme Singye Wangchuck on 9 December 2002. His Majesty then briefed the *Lhengye Zhungtshog* on 21 March 2005, saying, *“The adoption of the Constitution will provide the legal framework for a democratic, political system that is best suited for Bhutan and will establish a system of governance that will safeguard the security and sovereignty of the nation and ensure the well-being of the Bhutanese people for all times to come.”*

Distribution of the Draft Constitution

On 26 March 2005, the first draft Constitution was released and its website was launched simultaneously so that views could also be sought from the Bhutanese outside Bhutan. The simplified second draft Constitution was distributed on 18 August 2005 for further clarity.

Dissemination of the provisions of the Draft Constitution

The provisions of the Draft Constitution have been aired on the radio as well as the television. Panel discussions on the various Articles were held on the Draft Constitution. The Draft Constitution was, thus, given utmost importance.

Public Consultation with the Dzongkhags

In order to empower the people for mass public participation, His Majesty the fourth Druk Gyalpo Jigme Singye Wangchuck held consultations with the people of seven Dzongkhags and the then *Chhoetse Penlop*, now the fifth Druk Gyalpo held consultation with the people in the remaining thirteen Dzongkhags. The public consultations started with Thimphu Dzongkhag on 29 October 2005 and ended in Trongsa Dzongkhag on 27 May 2006.

His Royal Highness the *Chhoetse Penlop* concluded the nationwide consultation in Trongsa with the following line, “*On this day, we have discussed the Constitution for the future of Bhutan....a document that places a sacred duty on all Bhutanese which, if borne well, will accord you a special place in the nation’s history.*”

The public consultation was done mainly to create mass awareness and to listen to the recommendations and suggestions of the people to further refine the draft Constitution of Bhutan. The issues raised during the public consultation were incorporated and the refined draft released on 1 August 2007 on www.constitution.bt

The enactment of the Constitution on 18 July 2008 will usher in a dawn of a new era in the history of Bhutan.

Significance of the Constitution

The new Constitution of the Kingdom of Bhutan is a big move towards a democratic process initiated by the fourth Druk Gyalpo Jigme Singye Wangchuk. The Constitution is important to the Bhutanese because of the following reasons: It opens with a *Preamble* where the people of the Kingdom solemnly pledges to strengthen sovereignty, secure liberty, ensure justice and enhance the unity, happiness and well-being of the people for all time.

Article 1 describes the “Kingdom of Bhutan” as a Democratic Constitutional Monarchy and that the sovereign power belongs to the people of Bhutan. Article 2 is on the Institution of Monarchy, which aims to ensure that Bhutan has a good and a capable king. He would be able to serve the country and people meaningfully. The Bhutanese Constitution provides a parliamentary system of government where the Monarch is the constitutional head and the real executive authority is exercised by the Prime Minister.

Articles 3 and 4 endeavour to preserve and promote spiritual and cultural heritage while ensuring the separation of religion from politics in Bhutan. In order to promote the unity and integrity of the people in different parts of the country, the Constitution introduces single citizen in Article 6 and allows freedom to vote for all citizens above 18 years of age and who are mentally sound.

The Principles of State Policy under Article 9 are the instructions which the State will uphold while framing the policies. This would inspire the state to work for the good of the people and establish social and economic democracy in the country. It further guarantees Fundamental Rights (Article 7) to all citizens of Bhutan. The Supreme Court has been made the guardian of the rights of the people. The Fundamental Duties (Article 8) have been enshrined in our Constitution and especially lays emphasis on our duty towards the state. Fundamental Rights and Duties are the two sides of a coin. The State gives Fundamental Rights and protects the rights of the citizens, enabling the people to perform their duties to the state. This would assure and enhance Good Governance to realise the vision of Gross National Happiness.

Bhutan is fortunate since its Constitution was not drafted during difficult times, under political pressure and turmoil. It was a gift to the people from the King. In Bhutan, the drafting of the constitution was initiated by the throne which makes it more sacred and unique.

Conclusion

Bhutan enjoyed long, unprecedented peace under the benevolent and dynamic leadership under our Monarchy system. The move towards the Democratic Constitutional Monarchy form of government can be traced back to the reign of third Druk Gyalpo Jigme Dorji Wangchuck. He introduced revolutionary political reforms to empower the people in participating and decision making with regard to governmental affairs. These political reforms culminated in the formation of *Dzongkbag Yargay Tshogdu*, *Gewog Yargay Tshogchung*, Devolution of Power and the writing of the Constitution during the reign of fourth Druk Gyalpo Jigme Singye Wangchuck. The first two kings consolidated the sovereignty and security of the nation while the third and fourth kings decentralised powers to the people gradually leading to democracy in the country during the time of fifth King.

Student activity

1. Conduct a debate in the class on the motion; “Constitution earned by the people is more valuable than a constitution given to the people”. After the debate is over, the teacher can supplement on the points debated and respond to the questions of the students.
2. List down the processes involved in the institution of Democratic Constitutional Monarchy in Bhutan.
3. Our constitution was drafted during unprecedented peace in the country. How different is it from the drafting of the constitution in other countries?
4. Write down the significances of the constitution.
5. Name the body that drafted the constitution of Bhutan.
6. Name the Chairperson of the Constitution Drafting Committee.
7. What is the reason for conferring single citizenship?
8. Which body in Bhutan is known as the guardian of the rights of the people?

Chapter Two

The Salient Features of the Constitution of Bhutan

Key Terms	Learning Objectives
<ul style="list-style-type: none">• Cultural heritage• Liberty• Justice• Spiritual heritage• Institution of Monarchy• Thromde• Abdication	<ul style="list-style-type: none">• Explain the significance of the Preamble• Write the elements that consolidate and make the Kingdom of Bhutan• Write the criteria that govern becoming a Monarch in Bhutan• Explain the importance of the Principles of State Policy in the Constitution

Introduction

You came to know about the Constitution and its making in chapter one. You must have realised how significant the Constitution is for the people and the State. The hard work of the Constitution Drafting Committee itself is an evidence of the strength of the Constitution of Bhutan.

Now, in this chapter you will be learning about the salient features of the Constitution of Bhutan. We will discuss mainly Preamble, features of the Kingdom of Bhutan (Article 1), Institution of Monarchy (Article 2), Spiritual and Cultural heritage (Article 3 and 4) and Directive Principles of State Policy (Article 9).

Salient Features of the Constitution of Bhutan

Preamble

“The objectives sought to be achieved by the Constitution are declared in clear terms in its preamble. It contains in a nutshell its ideals and aspiration.” (Subba Rao, 1993)

Like any other democratic constitution, the Bhutanese Constitution also starts with a *preamble*. A preamble comes before the Constitution or introduces the Constitution and its objectives, which the state should strive to achieve.

Preamble

WE, the people of Bhutan:

***BLESSED** the Triple Gem, the protection of our guardian deities, the wisdom of our leaders, the everlasting fortunes of the Pelden Drukpa and the guidance of His Majesty the Druk Gyalpo, Jigme Khesar Namgyel Wangchuck;*

***SOLEMNLY** pledging ourselves to strengthen the sovereignty of Bhutan, to secure the blessings of liberty, to ensure justice and tranquillity and to enhance the unity, happiness and well being of the people for all time;*

***DO HEREBY** ordain and adopt this constitution for the Kingdom of Bhutan on the Fifteenth Day of the Fifth Month of the Male Earth Rat Year corresponding to the Eighteenth Day of July, Two Thousand and Eight.*

The Preamble of the Constitution of Bhutan

Main Features of the Preamble

Source of Constitution

“We, the people of Bhutan” are opening words of the Preamble, which proclaim that the people of Bhutan are the source of the Constitution. The Constitution has been enacted by the Bhutanese people through their representatives.

Nature of State

It states that Bhutan is a Sovereign nation. The Sovereignty rests in the people of Bhutan, who are the ultimate masters of their own destiny. The term ‘Sovereign’ denotes that Bhutan is free to conduct its internal and external relations as it deems desirable.

Basic objectives of the Democratic Constitutional Monarchy

Liberty: The Constitution specifies that no citizen will be arbitrarily deprived of his or her freedom. A person cannot be subjected to arbitrary arrest or detention. There is also the freedom of expression and speech. Equal opportunities are guaranteed to all citizens for their overall development.

Justice: The Constitution aims at making laws and taking measures to protect the weaker section of the society. A few examples of justice can be categorized into the following:

- a) Social justice is secured through the right to equal pay for work of equal value.
- b) Economic justice is secured through the right to own property.
- c) Political justice implies that a citizen has the freedom to have any political views as long as they do not go against the interest of the nation. Citizens above 18 years of age and who are mentally sound have the right to vote.

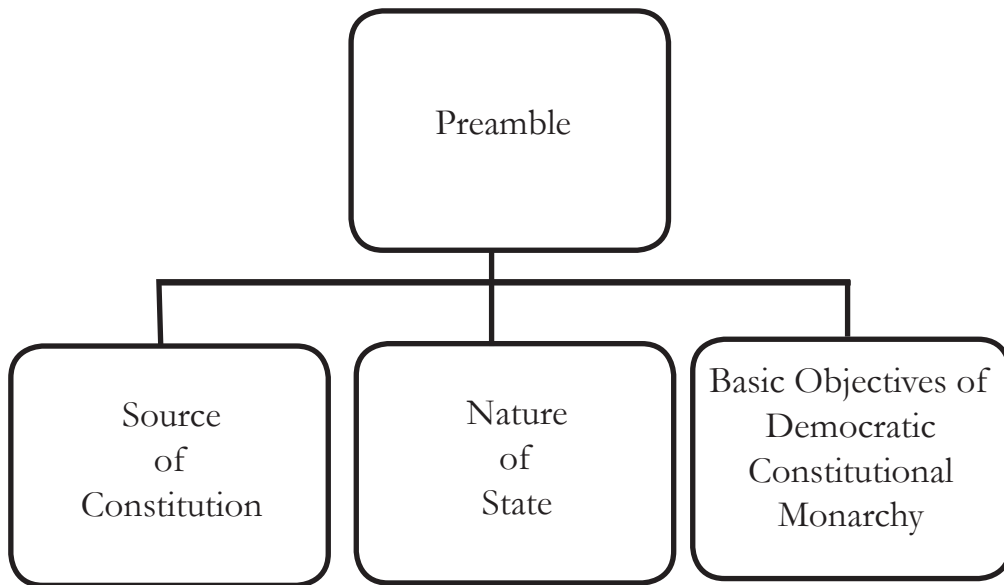


Figure 1.2.1 Main Features of the Preamble

Significance of the Preamble

The Preamble expresses the philosophy on which the Constitution is based. It states the goals for which we must strive. It indicates the type of state and the government we have. It also states the source from which Constitution has derived its authority.

The Constitution is made up of 35 Articles and four schedules. Since the preamble is not an Article in the Constitution, it is not justifiable, yet its significance cannot be denied. It is very precious to the Constitution.

Features of the “Kingdom of Bhutan” (Article 1)

The Constitution of Bhutan includes the *Preamble*, 35 Articles and 4 Schedules. The first Article is the “Kingdom of Bhutan” comprising 13 clauses and tells us of the features of the Kingdom of Bhutan. The features are as follows:

- Bhutan is a Sovereign Kingdom and the Sovereign power belongs to the people of Bhutan.
- The form of Government shall be that of a Democratic Constitutional Monarchy, any other form of Government shall be unconstitutional and is prohibited.
- The international territorial boundary of Bhutan is inviolable and any alteration of areas and boundaries thereof shall be done only with the consent of not less than three-fourths of the total number of members of parliament.
- The territory of Bhutan shall comprise twenty Dzongkhags, each Dzongkhag consisting of *Gewogs* and *Thromde*. The Creation of any new Dzongkhag or Gewog and alteration of areas and boundaries thereof shall be done only with the consent of not less than three-fourths of the total number in Parliament.
- The National Flag and National Emblem of Bhutan shall be as per the First Schedule of this Constitution.
- The National Anthem of Bhutan shall be as per the second Schedule of this Constitution.
- The National Day of Bhutan shall be the Seventeenth Day of December each year.
- Dzongkha is the National Language of Bhutan.
- This Constitution is the Supreme Law of the State.
- 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 this Constitution coming into force, which are inconsistent with this Constitution, shall be considered null and void.
- The Supreme Court shall be a court of record and shall be the guardian of this Constitution and the final authority on its interpretation.
- The rights over the 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.
- 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 in this Constitution.

It is necessary to study the 'Kingdom of Bhutan' as it tells us about the features that consolidate and make Bhutan. In our Democratic Constitutional Monarchy, the sovereign power belongs to the people. The National Flag, National Emblem, National Anthem, National Day and Dzongkha the National Language have been integrated in the 'Kingdom of Bhutan' to remind the people of their unique National Identity.

The Constitution is the Supreme Law of the State and its guardian is the Supreme Court, which has the final authority to interpret the Constitution. The laws in force in the country shall continue, unless repealed or amended by Parliament. No persons other than the State have the rights over mineral resources, rivers, lakes and forests. Like any other democratic countries, the three organs of the Government shall remain separated to allow them to discharge their functions independently.

The “Institution of Monarchy” (Article 2)

Monarchy is perhaps the oldest form of government in the world. There are two forms of Monarchy: absolute form of monarchy and constitutional form of monarchy. The former system existed until it was reformed by the third Druk Gyalpo Jigme Dorji Wangchuck. The Fourth Druk Gyalpo Jigme Singye Wangchuck, initiated the draft Constitution, which has led to the formation of Democratic Constitutional Monarchy in Bhutan. It is important to study the institution of Monarchy in order to understand the significance of the Monarch in the Democratic Constitutional Government. The “Institution of Monarchy”, Article 2 has 26 clauses with regard to enthronement, entitlements and privileges, different powers and abdication.

Article 2, Clause 3 talks about the criteria of becoming a monarch. 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 13th Day, Eleventh Month of the Earth Monkey Year, corresponding to the Seventeenth Day of December, Nineteen Hundred and Seven and shall:

- (a) Pass only to children born of lawful marriage;
- (b) Pass by hereditary succession in 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 some 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;
- (c) 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(b);

- (d) Pass to the nearest collateral line of the descendant of the Druk Gyalpo in accordance with the principle linear descent, with preference being given for elder over the younger, if the Druk Gyalpo has no direct descendant;
- (e) Not pass to children incapable of exercising the Royal Prerogatives by reason of physical or mental infirmity; and
- (f) Not pass to person entitled to succeed to the Throne, who enters into a marriage with a person other than a natural born Bhutanese citizen.

Spiritual and Cultural heritage (Article 3 and 4)

‘Spiritual heritage’, Article 3 in the Constitution comprises seven clauses. Mahayana form of Buddhism is the state religion of Bhutan. Nevertheless, the Constitution guarantees freedom of religion to all citizens as long as they do not preach or force any one to convert. It is important for us to study the ‘Spiritual Heritage’, as Buddhism is the spiritual heritage of Bhutan, to promote the principles and values of peace, non-violence, compassion and tolerance. It also talks about the Druk Gyalpo being the protector of all religions in a country of *Chhoe-sid* tradition. The Article has clearly stated that it shall be the responsibility of the religious institutions and the personalities to promote the spiritual heritage of the country, while also ensuring the separation of religion from politics in Bhutan. The segregation of religion from politics has been ensured by not allowing a Trulku, a Lam or other religious personality to become a member of a Political Party.

Culture (Article 4) is a very important aspect of Bhutan. It reflects the social and religious values of the people and, therefore, manifests the country’s cultural identity. To ensure its preservation and promotion, Article 4 dealing with culture emphasizes on the need to protect and promote the cultural heritage of the country.

It says that the State shall protect monuments, places and objects of artistic or historic interests, religious places, language, literature, music and religion to enrich the society and the cultural life of the citizens. The Parliament may also enact laws if necessary to advance the cause of cultural enrichment of the society.

The preservation of spiritual and cultural heritage is an important means of safeguarding and strengthening our status as a sovereign and independent nation. It is also the spiritual and cultural heritage that gives us a unique identity without which we would find it difficult to maintain our sovereignty. However, it should be borne in mind that we are a developing nation, treading on the path of modernization. In such a context, although it may be feared that our spiritual and cultural heritage can be eroded, we must be judicious in giving due importance to modernisation.

Principles of State Policy (Article 9)

'The Principles of State Policy' is another feature of our Constitution. The Principles of State Policy are the objectives and ideals to be implemented by the Government of the country while formulating and making laws. The idea of including these principles in the Constitution of Bhutan was to ensure social, economic, cultural and spiritual well being of the people.

The Principles of State Policy are instructions or directives to the government to keep the welfare of the people in mind while framing its policies. It is a yardstick to measure the performance of the Government. In other words, when a political party wins the election and forms the government the Principles of State Policy will guide the ruling party. It cannot frame any policy that it wishes. It is also used for measuring the achievement of the government.

Conclusion

In this chapter, you learnt about the significance of the *Preamble* to the Constitution. The *Preamble* is instruction of the Constitution. The 'Kingdom of Bhutan' tells of the features that make Bhutan as a Nation-State. The institution of Monarchy explains the significance of the monarch in the Democratic Constitutional Monarchy. Article 3 and 4 of the Bhutanese constitution spells out that the Spiritual and Cultural heritage is one of the cornerstones of identity, unity and security of Bhutan. Finally, the people of Bhutan are able to measure the performance of the Government through the Principles of State Policy in the constitution.

Student activity

1. Borrow the Constitution book from the school library or get a copy from home. Work in groups of five members each. Discuss Article (Articles 1,2,3,4 and 9) for 20 minutes in each group. Select a groupleader. After group discussion, the group leaders will make a presentation and other groups can comment.
2. Write down the significance of the *Preamble* in the Constitution of Bhutan.
3. To you, what are some of the elements that consolidate and make the Kingdom of Bhutan.
4. In your own words, write down the criteria that determine becoming a Monarch in Bhutan.
5. Why do you think it is important to preserve and promote the spiritual and cultural heritage of Bhutan?
6. The 'Principles of State Policy' is a yardstick to measure the performance of the Government. Justify this statement.
7. In your opinion, in what ways can the members of the parliament help uphold the cultural values of our country.

Chapter Three

Fundamental Rights and Duties

Key terms	Learning Objectives
<ul style="list-style-type: none">• Fundamental Rights• Fundamental Duties• Not absolute in nature• Constitutional Remedies• Integral part of the Constitution• Universal in Nature• Justifiable	<ul style="list-style-type: none">• Explain the meaning of Fundamental Rights and Duties• Identify the different types of Fundamental Rights• Discuss the Significance of Fundamental Rights and Duties• Give reasons for incorporating Fundamental Rights and Duties in the Constitution• Describe the relationship between Fundamental Rights and Duties

Introduction

You have already learnt about the establishment of monarchy and the reforms initiated by the third and fourth Druk Gyalpos.

Drafting of the Constitution as per the command of the fourth Druk Gyalpo King Jigme Singye Wangchuck in September 2001 was another milestone to ensure sovereignty and security of the nation and the well-being of the people for all times to come.

The Constitution was written by the Constitution Drafting Committee and made public on 26 March 2005. In this chapter, you will learn about the Fundamental Rights (Article 7) and Fundamental Duties (Article 8).

Fundamental Rights (Article 7)

Rights according to H. J. Laski, “*are those conditions of life without which no man can be at the best.*” Hobbes and Bentham “*put them in simpler language as claims recognized by state.*” Citizens and the state share a reciprocal type of relationship, which means that the citizens also get benefits from the state. They enjoy certain rights. These rights are Fundamental for the harmonious all-round development of an individual. They are known as Fundamental Rights. These rights are known as Fundamental Rights because of the following reasons:

- They are indispensable for the over-all development of an individual.
- No democratic government can be envisaged without these rights being guaranteed to the citizens.

These rights have been given in the Constitution and no Government can violate or abolish them. The Fundamental Rights guarantees equality to all citizens without discrimination. However, it must be understood that reasonable restrictions can be imposed when it concerns the security and sovereignty of Bhutan.

Classification of Fundamental Rights

The Fundamental Rights in the Constitution are classified as follows:

- *Right to Equality (clause 1, 8, 13 and 15)*
It means everyone is equal in the eyes of the law. All citizens have the right to life, are equal and are entitled to equal protection of laws and shall not be discriminated on grounds of caste, creed, sex, race, religion, politics, language or other status. Equal opportunities are guaranteed in matters of employment and there shall be equal pay for equal value of work.
- *Right to Freedom of Speech, Expression and Religion (clauses 2, and 4)*
Citizens have freedom of speech and expression as long as they do not infringe others' rights. A citizen has the freedom to profess any religion, but cannot compel anyone to convert.
- *Right to Freedom of Peaceful Assembly and Association (clause 12)*
A Bhutanese citizen shall have the right to peaceful assembly and right to form associations so long as it is not detrimental to the harmony of the society and the security of the nation.
- *Right to Freedom of Movement (clause 7)*
A Bhutanese citizen shall have the right to movement and residence in any part of Bhutan so long as the movement is not harmful to the interests of the nation.
- *Right to Freedom of Property (clauses 9 and 14)*
A Bhutanese citizen has the right to own property but cannot sell to a person who is not a citizen of Bhutan. It further states that a citizen cannot be deprived of his/her property. If the citizen is deprived of his/her property for public purpose, it can be done so on payment of compensation in accordance with laws.
- *Right to Freedom of Profession (clause 10)*
This states that a person can practise any profession, trade or vocation so long it is not detrimental to public interest and the security of the nation.
- *Right to Freedom of Media and information (clauses 3 and 5)*
Right to freedom of media is regarded as fundamental to individual rights. These rights allow freedom of media for dissemination of information to all citizens as they have the right to be informed.

- *Right to Freedom of Vote (clause 6)*
This right allows all citizens who are above 18 years of age and mentally sound to cast their vote in an election.
- *Right to Intellectual Property (clause 13)*
It says a Bhutanese shall have the right to material interest resulting from any scientific, literary or artistic production of which he or she is the author or creator.
- *Right to Constitutional Remedies (clause 23)*
The Fundamental Rights are justifiable. It means if citizens feel deprived of their rights, they can seek justice for the enforcement of their rights. The Supreme Court and High Court have been empowered by the Constitution to initiate appropriate proceedings for the enforcement of the fundamental rights.
- *Right to Justice (clauses 16, 17, 19 and 20)*
A person charged with a penal offence has the right to be presumed innocent until proven guilty. Clause 17 prohibits any torture or inhuman treatment to a person. According to clause 19, a person cannot be subjected to arbitrary or unlawful interference with his privacy or correspondence or unlawful attacks on reputation. Clause 20 of Fundamental Rights prohibits arbitrary arrest or detention of a person.
- *Restrictions on Fundamental Rights (Clause 22)*
Although the Fundamental Rights can be protected and guaranteed by a written constitution, nothing can prevent the Government from imposing reasonable restrictions when it concerns:
 - The peace, security, sovereignty, unity and well-being of the nation;
 - The interests of friendly relation with foreign countries;
 - Incitement to offence;
 - The disclosure of information received in regard to affairs of the state or in discharge of official duties;
 - The right and freedom of others.

Features of Fundamental Rights

The Fundamental Rights have certain features with which you must be fully acquainted to understand their significance as well as restrictions.

They are given as follows:

Integral Part of the Constitution

- The Fundamental Rights are an integral part of the Constitution. They cannot be changed by ordinary legislation

- *Universal in Nature*

All the Fundamental Rights in our Constitution are guaranteed to all citizens of Bhutan irrespective of caste, creed, race, sex, language and religion or other status.

- *Not absolute in Nature*

These rights are not absolute and are subjected to restriction in the interest of the people and the country.

- *Fundamental Rights are Justifiable*

The Fundamental Rights are Justifiable and legally enforceable by Law. If the fundamental rights of the citizens are violated, they can seek justice by filing a suit in the Supreme or the High court.

Reasons for incorporating Fundamental Rights in the Constitution:

The Fundamental Rights have been incorporated in the Constitution for the following reasons:

- To enable optimum development of personality in an individual.
- To secure voting rights for the citizens, to choose between rival candidates for public office and to stand for election if they have the required qualification.
- To seek justice if the rights of the citizens have been violated or infringed
- To enable people to express themselves in private or in public, i.e. to hold free discussions and to exchange ideas in order to decide wisely on political issues.

If the Fundamental Rights are denied to the citizens it can lead to discontent, inequality and religious and racial hatred.

On the other hand citizens must understand that reasonable restrictions have been imposed by the Constitution on the Fundamental Rights for the protection of the individual. For example, 'Freedom of Speech and Media' does not allow a person to tell lies that damage another person's reputation.

Fundamental Duties (Article 8)

It has become a tradition for all democratic countries to include a chapter on Fundamental Rights and Duties ever since the enactment of the US Constitution.

In the Constitution of Bhutan, the Fundamental Duties have been included in Article 8 Comprising 11 clauses.

Meaning of Fundamental Duties

‘Duty’ means a moral or legal obligation. An individual is said to have duty in any matter when he or she is under obligation. In the context of our Constitution, ‘Fundamental Duties’ has a greater meaning. It means duties rendered by citizens to the State for having given the rights for the fullest development of an individual. Therefore, citizens must fulfil their obligations towards the State.

Classification of Duties

<i>Duty to Nation</i>	<i>Duty to Society</i>	<i>Duty to Humanity</i>
<ul style="list-style-type: none">• To preserve, protect and defend the sovereignty.• To protect and respect the culture and heritage of the nation.• To respect the National flag and the National Anthem.• To pay taxes in accordance with the law.• To uphold justice and act against corruption.• To act in aid of the law.• To respect and abide by the provisions of the Constitution. To foster tolerance and mutual respect. Not to tolerate, torture or kill, defend the sovereignty.	<ul style="list-style-type: none">• To foster tolerance and mutual respect for the people of Bhutan irrespective of religion, language or others.• To safeguard public property.	<ul style="list-style-type: none">• Not to torture or kill another person, abuse women and children and take steps to prevent such acts.• To render help to the people and country in times of natural calamities.

Reasons for Incorporating Fundamental Duties in the Constitution

The Fundamental Duties have been enshrined in the Constitution for the citizens to fulfil their duties to the State in the following ways:

- To respect and not cause harm to others.
- To render help to the people and the nation during times of natural calamities and emergencies.
- To serve and defend the sovereignty of the nation and abide by all the Laws.

Relation between Fundamental Rights and Duties

Just as there is a relationship between the body and the soul, so there is a relationship between Rights and Duties. They are two sides of the same coin:

- The right of one is related to the duty of the other. For example, if a citizen enjoys the right to life, it is his or her duty not to cause any harm to the life of others.
- The state guarantees certain rights to every individual. But at the same time, it becomes the duty of the individual to exercise those rights for promoting the common welfare.
- If the State protects the citizen in the enjoyment of his or her rights, it becomes the citizen's duty to serve the State.

Thus, rights and duties are closely related to each other and one cannot exist without the other.

Conclusion

The Fundamental Rights and Duties have been included in the Constitution to give and protect the rights of the citizens to make the citizens legally and morally responsible to the people and the State through selfless performance of duties. This chapter must have made you aware that Fundamental Rights and Duties run parallel to each other. One cannot exist without the other. For all the rights and privileges you are entitled to, you must also not forget your duties to the people and the country.

Student Activity

1. What do Fundamental Rights mean?
2. What do Fundamental Duties mean?
3. Write down the importance of Fundamental Rights and Duties in our Constitution?
4. What restriction is imposed on Freedom of Religion in Bhutan?
5. Write down what would happen if your Fundamental Rights are infringed on?
6. Write down when the Government can impose restriction on the Fundamental Rights.
7. Why do you think it is important for citizens to perform their Fundamental Duties?
8. Do you think the Freedom of Association should be extended to schools and colleges? Discuss in groups the pros and cons of forming Student Associations in schools and colleges.
9. Discuss in small groups the importance of the Freedom of Media in Parliamentary Democracy.
10. Rights are not deserved if duties are not performed well. Justify this statement.

UNIT TWO: ELECTION AND FORMATION OF POLITICAL PARTIES

Chapter One Formation of Political Parties

Key terms	Learning objectives
<ul style="list-style-type: none">• National Assembly• Cross- national membership• President• Secretary General• Treasurer• Ideologies• Political Parties• Election Act• Pre-requisites• Manifesto• Legitimate	<ul style="list-style-type: none">• Give the meaning of a ‘political party’• List down the pre-requisites for a political party• Explain the formation of political parties• Discuss the roles of the political parties

Introduction

Bhutan being a Parliamentary Democracy, it must have political parties to form a government. The ‘Ruling Party’ and the ‘Opposition Party’ are elected from various political parties. Therefore, in this chapter we will study about how a political party is formed and the roles that the parties play in our Parliamentary Democratic form of Government.

Meaning of a Political Party

A political party is a group of individual citizens of a country with the same ideologies forming a group and contesting elections to the National Assembly. It is important to have same ideologies as, otherwise, they will encounter a clash in their ideas of running the government if ever they come to the power. These individuals have to be registered with the Election Commission of Bhutan as per the provisions of the Constitution and the Election Act of Bhutan.

Though the political parties function informally in terms of the number of members needed, the ways they conduct campaigns and in framing their manifesto, they are the most significant mechanism in a democracy. They express and form public opinion. If democratic government is an engine, the political parties are the wheels of the engine as they help the government to run in line with the Principles enshrined in the Constitution.

Pre-requisites for a political party

The Constitution of Bhutan clearly explains the pre-requisites for a political party in Section 4, Article 15 as follows:

- The political parties have to be registered with the Election Commission of Bhutan as per the provisions of the Constitution and the Election Act of Bhutan.
- Members of the political parties should not be a member of the Royal Family, a Trulku, a Lam or other religious personality, currently employed in the Civil Service or the Armed forces, or has been disqualified as a voter under the provisions of the Election Act and the Constitution. The members of political parties have to be chosen irrespective of region, sex, language, religion and a social origin.
- The political parties have to be broad-based with cross-national membership and support and gear towards the national cohesion and stability.
- The political parties should not accept money or any assistance from foreign sources, be it governmental, non-governmental, private organizations of private parties or individuals.
- The political parties have to commit themselves to the Constitution in full faith and allegiance and uphold the sovereignty, security, unity and integrity of the kingdom.
- The political parties should aim at the advancement of democracy and for the social, economic and political growth of the country.

The pre-requisites for a political party ensure that the party is not formed based on region, religion and other related interests. The pre-requisites also serve as a tool to check the formation of political parties that are not capable to run the government.

Formation of a political party

The groups of individual citizens of a country with the same ideologies come together and register with the Election Commission after having fulfilled the pre-requisites of a political party. Once they form a political party, they need to have a President, Secretary General and a Treasurer. The political parties also need to have an office which will be run by the Secretary General and his or her team. The President is the head of the Political party. It is the President who formulates the ideas. Secretary General executes the ideas and the treasurer manages the Party fund.

The political parties need to have a manifesto (public declaration of their intentions, plans and motives to be carried out in future if their party comes to power) to reach out to the people across the country. The purpose of having a manifesto is to declare their motives and intentions if their party is voted to power. Their manifesto has to explain how it will tackle and solve the existing problems regarding revenue, agriculture, health, education and communication and other areas. It also projects their future plans for improvements.

They also need to have a logo. This logo becomes their symbol and identity with which they associate. The logo also becomes a symbol for the public to make reference to the party.

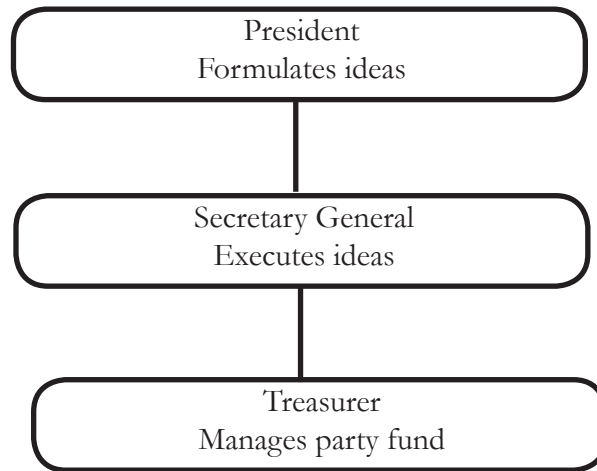


Figure 2.1.1 Main office holders of a political party

Roles of Political Parties

The main function of a Political Party is to win the elections and capture political power so that the party will be in a position to implement its ideologies, policies and programmes for the development of the Nation. In democracy, it is natural and legitimate for the political parties to struggle for power as long as it is done as per the Constitution. Capturing the political power is their foremost motive but second to this, they have other important functions to perform within the Constitution as stated below:

- *Link between the Government and the people*

In the process of their political campaigns, the political parties educate, instruct and activate the public. They shape the public opinion on a competitive basis and provide opportunity for the public to form their opinion and vote accordingly. The political parties review the performance of the government and make the people aware of the functioning of the government. It is also the political parties who bring the problems and perceptions of the people to the notice of the Government.

- *Provide continuation of Government*

When the Ruling party is voted out of office under section 7 of the Article 17, the other political parties are ready to form the Government. Thus, the political parties provide continuity and stability in the functioning of democracy.

- *Provide alternative to the people*

Political parties provide alternatives to the public at the time of elections. People can choose to vote according to the manifesto of the political parties and their ideologies. They are not imposed by a single party to cast their vote. As a result, people have their right to vote for the right person to power.

- *Eliminate the differences in caste, creed, religion and region*

The political parties unite, simplify and stabilize the political process. As the sub-section (a) and (b) of Section 4 of Article 15 requires the membership of political parties not to be based on region, sex, language, religion or social origin, the political parties bring together sectional interest, overcome geographical distances and unite and integrate the different classes of people. So, no political party qualifies to sit for election if its social support base is narrow and confined to a particular caste or community or region. Hence, the political parties in order to come to power, devise programmes and policies to bring reconciliation and compromise of different competing interest groups.

Conclusion

Political parties play a significant role in the functioning of democracy. In order to form a political party, it needs to fulfil certain pre-requisites as mentioned in the Constitution and as per the law of Bhutan. Political parties need to have an office from where they can function. As mentioned earlier, the political parties need to have a President, Secretary General and a Treasurer to run the office. It is a must for the political parties to prepare their manifesto to declare to the public about their political aims. Political parties have important roles to play in the society. They need to act according to the Constitution of the country.

Student Activity

1. Define a 'political party.'
2. How is a political party formed?
3. List down the pre-requisites for the formation of a political party.
4. In groups, discuss the consequences of the absence of the pre-requisites for political parties. After the discussion present the findings /points to the class.
5. List down the roles of political parties in a democratic system of Government.
6. How does the political party help in the elimination of differences in caste, creed, religion and region?
7. Discuss in groups whether the roles of a political party are practicable in Bhutan. Also, discuss and add more roles to the ones already given in this chapter.
8. Divide the class into groups. Imagine and form your political party. Appoint the office holders. Discuss and prepare the manifesto and the logo of your political party. Present your work to the class.

Chapter Two Election

Key terms	Learning objectives
<ul style="list-style-type: none">• Royal Decree• Direct election• Indirect election• Ballots• Bye-election• General Election• Constituency• Vote• Voter• Election campaign• Polling• Ruling Party• Opposition Party• Election funding	<ul style="list-style-type: none">• Analyse the need for election• Explain the types of Election• Describe the source of fund and the process of campaigning• Explain the voting and election procedures

Introduction

An election is a process where the voters cast their votes to elect political parties or candidates as their representatives for the Parliament or the Local Governments. Elections for the National Assembly and the Local Governments are held every five years or when terms of offices complete or when there is a premature dissolution of House. Election for the National Council is held only on the completion of the term of office. It is the Election Commission who announces the date of election.

Need for Elections

Elections are important because it is through elections that people make their choice of governments and leaders. It is a once-in-five-year opportunity for the voters to elect qualified and capable politicians as their representatives in the Parliament and Local governments.

Following are the reasons to conduct elections:

- The phrase ‘Democracy’ means rule of the people and if the people do not elect their representatives to govern them, then it cannot be called a democracy. Hence, it is mandatory to conduct elections in a democratic country.
- The right to elect political parties to power or to remove from power stimulates interest in public affairs.
- When a political leader or his/her representatives go canvassing from house to house or holds meetings in the locality from where he/she is contesting elections, the local people

are reminded of their importance as citizens of a country in choosing the right person to the power.

- Elections are a measuring yard. The voters are able to assess the performance of the political parties and leaders. If they feel that the political parties and leaders have not lived up to their expectations, then the voters have the right not to vote them back to power again.
- Elections enhance leadership abilities in the candidates. The elected representatives have to lead the people of his or her constituency in all their affairs. This provides an opportunity to the candidates to practise and demonstrate their leadership skills.
- Elections enable the citizens to exercise some of their Fundamental Rights, stated in Section 1,2,3,5,6,7,8 and 14 of Article 7, provided they do not go against the Constitution.

Types of election

There are two types of elections:

Direct Election

In Direct Election, voters straightaway choose their representatives to the Legislature or Local Governments. All citizens, above 18 years and mentally sound have the right to vote for their representatives. Bhutan has adopted Direct Election.

- *Merits of Direct Election*
 - Direct election motivates the people to take interest in the affairs of the country.
 - The elected representatives are answerable to the voters for their actions.
 - The voters have the rights to choose or reject representatives according to their decision.
- *Demerits of Direct Election*
 - There is every possibility for the voters to be influenced by religion, caste and emotions and vote for the wrong candidate.
 - Corrupt practices like discreet bribery and false promises may arise and may prevent expression of correct public opinion through voting ballots.
 - Direct elections involve a lot of time, money and energy. Public money has to be utilized to conduct elections.
 - Election campaigns may result in tension and disputes.

Indirect Election

In Indirect Election, the adult voters do not directly choose their representatives. They vote and elect an intermediary body or representatives who play the role of direct voters. So, it is the intermediate voters who elect members to the Parliament. For example, election of the President in India takes place through Indirect Election.

- *Merits of Indirect Election*
 - Suitable for elections in very large constituencies.
 - Small number of voters resulting in less expenditure.
 - The campaign is a low key-affair.

- *Demerits of Indirect Election*
 - Since the number of voters is small, there is every possibility of horse trading and corruption.
 - Some voters may disobey party orders and vote for or against the representatives.
 - Indirect Election does not provide an opportunity for the citizens to voice out their opinion directly as they have their say through their representatives.

Election procedures of Bhutan

Election in Bhutan consists of three types of elections:

- Primary election is the election where many political parties contest for upcoming general election. During the Primary election, the voters will not vote for the candidates but for the political parties. The two political parties who have the highest votes will then be qualified for the general election.

In the first parliamentary election of 2008, only two parties Druk Phuensum Tshogpa (DPT) and People's Democratic Party (PDP) registered and the election was held in one round or directly contested in the general election.

In the second parliamentary election of July, 2013, five political parties registered with the Election Commission of Bhutan, but Bhutan Kuen Nyam Party was disqualified before the primary round as they did not have the required number of candidates. Bhutan conducted its first ever primary election on 31st May, 2013 with four political parties, Druk Nyamrup Tshogpa (DNT) and Druk Chirwang Tshogpa (DCT) Druk Phuensum Tshogpa (DPT) and People's Democratic Party (PDP). Both the new parties DNT and DCT could not make it through the primary round of elections. Currently, DNT is the government of the day and DPT is serving as the opposition.

- *General Election*

General Election is the election where two winning political parties from the primary round will contest for the seat of National Assembly (Gyalong Tshogdu) by sending one candidate each to all the 47 constituencies. The candidate should have their census registered in the constituency from where they are contesting. The political party who has more constituencies under its control wins the majority seats in the National Assembly becomes the ruling party and forms the government while the other forms the Opposition Party.

In the second parliamentary elections of 2013, PDP won 32 seats in the National Assembly and became the ruling party, while DPT, won 15 National Assembly seats, and was elected as the Opposition Party. Three women were elected in general and one in bye-election. Dechen Zangmo was elected in bye-election from Nanong Shumar Constituency from the Opposition Party. Lyonpo Dorji Choden of the PDP became the minister of the Ministry of Works and Human Settlement. She is the first woman minister in the history of our country.

In the third parliamentary election of September 2018, four political parties contested in primary elections. DPT and DNT got through the primary round of election. During 18th October 2019 general election, DNT won the elections and formed the government. Further, a total of 18 women candidates contested in the primary rounds of 2018 elections. Seven out of 10 women got elected in the parliament.

- *Bye-Election*

Bye-Election is a special election held to fill a vacancy in the Parliament or Local Governments. This election takes place when an elected member resigns, dies or becomes ineligible to continue in office. Election is held only for that particular constituency and not for all constituencies. Bye-election can be held for more than one vacancy.

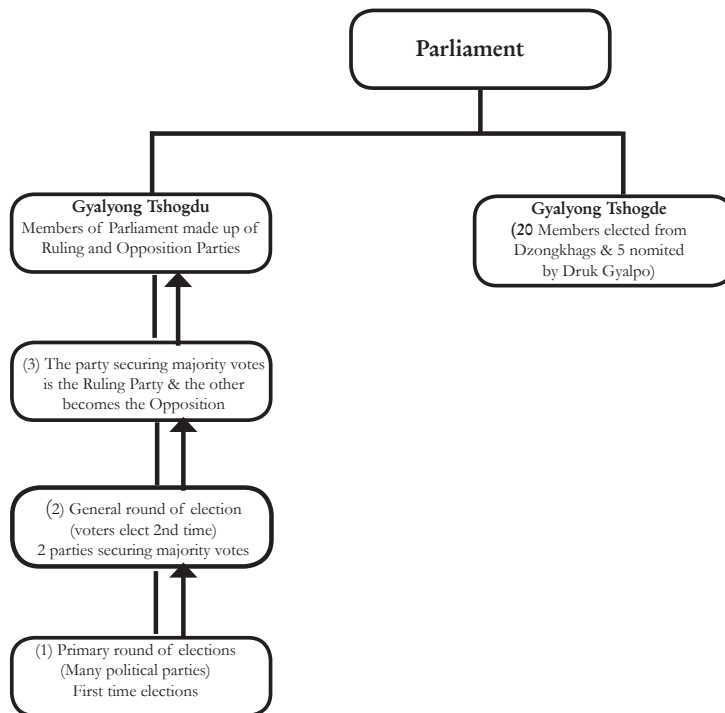


Figure 2.2.1. Election Procedure.

Election Campaigns

Political parties and candidates conduct election campaigns for three reasons:

- To reach out to as many voters in person.
- To explain their party manifesto, objectives, policies and plans. It is also an opportunity for the political parties to explain how these would benefit the voters and the country.
- It is an opportunity to explain the reason to choose their party and candidates in an election and not the other parties.

The election campaign period commences on the date of announcement of election by the Election Commission and ends forty eight hours before the date of polling.

Funding

The public campaign fund is provided by the Election Commission from the Public Election Fund established by the Parliament as per the law. The campaign fund is given to the political parties and the candidates during elections to the National Assembly after considering the appropriateness and the need of funds. In order to receive the campaign fund, the political parties have to be registered with the Election Commission under (Section 4 of Article 15) and in accordance with the laws made by the Parliament. Then only, the Election Commission makes the payment out of the Public Election Fund to the candidates and political parties in a non- discriminatory manner.

The Election Commission fixes a ceiling for the total expenditure including the funding received from the Election Commission for taking part in the election to the National Assembly. The funding received by the political parties and the candidates from the Election Commission is subjected to scrutiny and auditing as called for by the Election Commission.

The Constituencies

The Parliament by law has divided each Dzongkhag into constituencies through appropriate delimitation as per the population and geographical boundary. In total, there are 47 constituencies. Each Dzongkhag is to have a minimum of two constituencies and not more than seven.

Dzongkhag	Constituency Code	Name of constituency	Gewogs under each constituency
Bumthang	NA111	Chhoekhor-Tang	Chhoekhar and Tang
	NA112	Chumey-Ura	Chumey and Ura
Chukha	NA121	Phuentsholing	Dungna, Geling, Lokchina, Metakha, Phuntsholing and Sampheling
	NA122	Bongo-Chapcha	Bjachho, Bongo, Chapcha, Darla and Getana
Dagana	NA131	Drugeygang-Tseza	Drugeygang, Kana, Khebisa, Lajab, Trashiding, Tshangkha and Tseza
	NA132	Gozhi-Lhamoy Zingkha	Deorali, Dorona, Gesarling, Gozhi, Lhamoy Zingkha, Nichula and Tsedagang
Gasa	NA141	Goenkhatoe-Laya	Goenkhatoe and Laya
	NA142	Goenkhamey-Lunana	Goenkhamey and Lunana
Haa	NA151	Bji, Katsho - Uesu	Bji, Katsho and Uesu
	NA152	Sombekha	Gakiling, Samar and Sombekha
Lhuntse	NA161	Gangzur-Mingey	Gangzur, Khoma, Kurtoe and Minjey
	NA162	Membi-Tshenkhar	Jarey, Membi, Metscho and Tshenkha
Mongar	NA171	Monagr	Chali, Drepong, Mongar, Tsakaling, Tsamang and Thangrong
	NA172	Dremiste-Ngatshang	Balam, Chaskhar, Dremitse, Narang, Ngatshang and Shermung
	NA173	Kengkhar-Weringla	Gongdue, Jurmey, Kemgkhar, Saling and Silambi
Paro	NA181	Lamgong-Wangchang	Dopshari, Doteng, Hungrel, Lamgong, Tsento and Wangchang
	NA181	Doga-Shaba	Doga, Lungnyi, Naja and Shaba
Pama Gatsel	NA191	Nanglam	Chokhorling, Dechenling and Norbuling
	NA192	Khar-Yurung	Chokhorling, Dechenling and Norbuling
	NA193	Nanong-Shumar	Nanong, Shumar and Zobel
Punakha	NA201	Kabji-Toewang	Chhubu, Goenshari, Kabji, Shenga-Bjemi and Toewang
	NA202	Lingmukha-Talo	Barp, Dzomi, Guma, Lingmukha, Talo and Toebisa
Samdrup Jongkhar	NA211	Deothang-Gomdar	Deothang, gomdar, Orong, Phuntshothang Jongkhar and Wangphu
	NA212	Jomotshangkha-Martshala	Langchenphu, Lauri, Martshala, Pemathank, Samrang and Serthi
Samtse	NA1221	Pagli-Samtse	Chengmari, Pagli and Samtse
	NA1222	Sipsu	Bara, Biru, Sipsu and Tendu
	NA1223	Dorokha-Tading	Denchukha, Dorokha, Dumtoe and Tading
	NA1224	Ugentse-Yoeseltse	Chargarey, Lahireni, Ugentse and Yoeseltse

Sarpang	NA231	Shompangkha	Dekiling, Dovan, Hilley, Sengye and Shompangkha
	NA232	Gelephu	Bhur, Chuzargang, Gelephu, Jigmechholing, Taklai and Umling
Thimphu	NA241	North Thimphu Throm-Kawang	North Thimphu Throm, Kawang, Lingzhi, Naro and Soe
	NA242	South Thimphu Throm-Chang-Dagala-Genye-Mewang	South Thimphu Throm, Chang Dagala, Genye and Mewang
Trashigang	NA251	Radhi-Sakteng	Merak, Phongme, Radhi and Sakteng
	NA252	Bartsham-Shongphu	Bartsham, Bidung, Yangner and Shongphu
	NA253	Thrinshing	Kangpara and Thrimshing
	NA254	Kanglung-Samkhar Uzorong	Kanglung, Samkhar and Uzorong
	NA255	Womrong	Khaling and Lumang
Trashy Yangtse	NA261	Bumdeling-Khamdang	Bumdeling, Khamdang, Toetscho and Yangtse
	NA262	Jamkhar-Ramjar	Jamkhar, Ramjar, Tomzhang and Yalang
Trongsa	NA271	Nubi-Tangsibji	Nubi and Tangsibji
	NA272	Drakteng-Langthel	Drakteng, Khorphu and Langthel
Tsirang	NA281	Pataley-tsirangtoe	Dunglegang, Gosaling, Pataley, Phuntenchu, Semjong and Tsirangtoe
	NA282	Kikhorthang-Mendrelgang	Barshong, Beteni, Kikhorthang, Mebdrelgang, Rangthangling and Tsholingkhar
W.Phodrang	NA291	Nyisho-Sephu	Dangchu, Gangtey, Kazhi, Nyisho, Phangyul, Phobji and Sephu
	NA292	Athang-Tshetsho	Athang, Bjena, Daga, Gasetsho Gom, Gasetsho Wom, Nahi, Thetsho and Rubesa
Zhemgang	NA301	Bardo-Trong	Bardo, Nangkor, Shingkar and Trong
	NA302	Panbang	Bjoka, Goshing, Nganglha and Pangkhar

Figure 2.2.2. Delimitation as per population and geographic boundary.

Voting procedures

Voting is the act of casting a vote in an election. Every citizen must know that voting is important as it enables the citizens to elect the right person to power without being influenced by anyone. It is through the proper use of the voters' vote that the most competent person comes to power to provide good governance. Thus, opportunity is denied to those who exercise money and muscle power.



Figure 2.2.3. Voting procedure (Courtesy REC)

After an election is announced by the Election Commission, voters will be informed of the date and time of polling through wide publicity and official notices. At the time of elections, many public officials are deputed on special duty with the Election Commission as Observers, Returning Officers, Presiding Officers, Polling Officers, Counting Supervisors and Security personnels.

An Observer, who is a senior official, monitors and reports on the preparation and conduct of elections. The Returning Officers and Assistant Returning Officers supervise the overall conduct of elections in a constituency. The Presiding Officers assisted by the Polling Officers conduct polling. The Counting Supervisor is responsible for counting the votes correctly and properly.

Since casting of vote is considered important and secret, no one is allowed to take photographs or see a voter casting his or her vote. Even the Polling Officials or representatives, under any pretext are not allowed to enter the Voting Compartment when the voter is casting his or her vote. If a voter is physically crippled and requires help, he or she will be permitted to take a helper of his or her choice provided the helper is himself or herself an eligible voter.

On the day of the polling, a voter must follow the following steps:

Step 1: The voter has to enter the polling booth. The First Polling Officer checks his/her identity in the Voter's List. The voter has to produce his/her Voter Photo Identity Card (VPIC). On producing the VPIC, the First Polling Officer will call out aloud his/her name and serial number. This is to let the polling representatives know of the presence of the voter. The polling representatives may challenge the identity of the voter.

Step 2: If the identity of a voter is not challenged, the voter can proceed to the Second Polling Officer. The Second Polling Officer will record the serial number in the Register of Voters and then mark the left forefinger of the voter with indelible ink. The voter will sign or affix his/her thumb impression in the Register. The Officer then gives the voter a signed voter's slip.

Step 3: The voter takes the slip to the Third Polling Officer who files the slip and presses the 'Ballot' button of the Electronic Voting Machine (EVM). At the same time, the voter is directed to the Voting Compartment to cast his/her vote. It is important that the voter has to proceed to the Voting Compartment in exactly the same order as his or her serial number is recorded in the Register of Voters.

Step 4: Inside the Voting Compartment, a voter must press the button on the Balloting Unit of the voting machine against the name and symbol of the candidate or political party of his/her choice. Voters should know that the EVM is programmed to register only one vote for each voter.

When the voter presses the button of his/her choice, a Red Lamp will glow against the name and the symbol of the candidate he/she has chosen. At the same time, a beep can be heard by all, indicating that the voter in the Voting Compartment has cast his/her vote and it has been recorded. The busy lamp will then go off in the Control Unit.

In 2018 national council elections, the Election Commission introduced postal ballot facilitation booth service. The booth facilitated postal voters to vote from the place of residence.

Many voters found the voting system convenient. This is because the voters do not have to travel to their constituencies. In that way, the electorate could save their time and money. Further, the Election Commission operated mobile facilitation booths for citizens with special needs and prisoners. Thus, everyone received equal support to exercise their voting rights.

Conclusion

In a Democratic country, it is essential to hold elections to choose the right person to power. It is the citizens who elect the right person by voting. In order to win majority of votes, the political parties conduct election campaigns. The election campaign fund is provided by the Election Commission from the Public Election Fund. This fund is subject to scrutiny and auditing. Election is held by the Election Commission in a fair and proper manner so as to let the citizens exercise their right to vote and elect the right person to the power

Student Activity

1. State the differences between Direct and Indirect elections.
2. Which type of election does the Bhutanese Government follow? State reasons for your answer.
3. Explain the merits and the demerits of Direct election and Indirect election.
4. Which election do you prefer? Justify.
5. What is General Election and Bye-Election?
6. If you were a political leader or a candidate, how would you use the fund provided by the Election Commission for your campaign.
7. Discuss in groups and analyse if the Election Commission should provide fund for election campaigns.

Unit Three: The Government

Chapter One The Legislature

Key terms	Learning Objectives
<ul style="list-style-type: none">• Legislature• Parliament• Gyalong Tshogdu• Gyalong Tshogde• Vote of no-confidence• Speaker• Ruling Parties• Opposition Parties	<ul style="list-style-type: none">• List and explain the role of Gyalong Tshogdu and Gyalong Tshogde• State the criteria for membership in Gyalong Tshogdu and Gyalong Tshogde• Evaluate the main features of Gyalong Tshogdu• Explain the functions and power (Legislative, Financial, Control over Executive, Election, Amendment, Judicial, etc.) of the parliament• Scrutinize the procedure of the passing of a bill• Examine the relation between the Gyalong Tshogdu and Gyalong Tshogde• Discuss critically the role and significance of the Ruling and Opposition Party in a democratic society

Introduction

The Government is the organization which runs the administration of a country. In the Parliamentary Democratic System, the Government is divided into three main organs: a) Legislature, b) Executive and c) Judiciary. They have separate mandates and functions. The Legislature formulates laws; the Executive implements the laws and the Judiciary interprets laws. In this chapter, you will learn about the first branch of the Government, that is, Legislature. The Constitution lays down that there will be a Parliament for Bhutan, in which all Legislative powers under the Constitution will be vested under the Legislature. The Legislature will consist of the National Council (*Gyalong Tshogde*) and the National Assembly (*Gyalong Tshogdu*).

Membership criteria of the Parliament

In order to be eligible for membership in the Parliament, a person must:

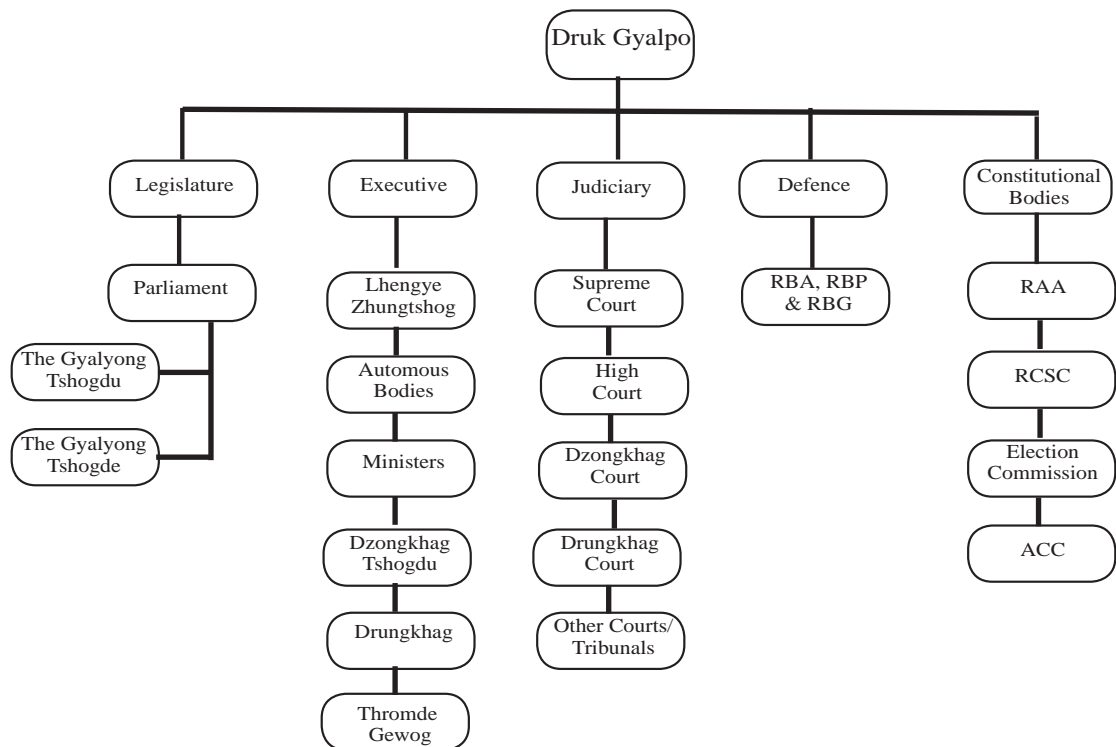
- Be a citizen of Bhutan under the Bhutanese citizenship law;
- Not be under foreign protection;
- Not married to a person who is not a citizen of Bhutan;
- Be listed on the register of the constituency concerned at least for one year;

- Have attained the age of twenty five years;
- Have the necessary educational and other qualifications as may be prescribed by Parliament;

Removal of members of Parliament

A person will be removed from Parliament if a person:

- Is of unsound mind or is mentally infirm;
- Is convicted for treason;
- Has been imprisoned on any charge of criminal offences both within and outside the country;
- Is in arrears of taxes or other dues to the Government;
- Has failed to lodge accounts of election expenses within the time and in the manner required by law without good reason or justification;
- Holds any office under the Government or public companies and corporations;
- Is disqualified under any law made by Parliament.



Box 3.1.1 The Government

Powers and functions of the Parliament

- *Legislative Powers:* The Legislature is the chief law-making body of the country. It frames new laws and amends or repeals them if necessary.
- *Financial powers:* The Parliament controls the country's finances. Nothing can be spent and collected by way of taxes, fees and other forms of levies without the approval of the Parliament.
- *Control over the Executive:* The Executive (*Lhengye Zhungtshog*) will be collectively accountable not only to the Druk Gyalpo but also to the Legislature. The Executive will not issue any executive order, circular, rule or notification, superseding provision of a law made by the Legislature or a law already in vogue.
- *Judicial Function:* The Legislature may, by law, establish impartial and independent Administrative Tribunals as well as Alternative Dispute Resolution Centres. Furthermore, the Legislature will have the sole power to impeach the Constitutional office holders on the ground of misbehaviour or breach of laws with the concurrence of not less than two-thirds of the total number of members in the Parliament.
- *Amending Power:* The Legislature can amend some provisions of the Constitution by a simple majority with the assent of the Druk Gyalpo.
- *Passing of Bills:* The Legislature is responsible for passing Money Bills, Financial Bills and other Legislative Bills. Money Bills and Financial Bills originate in the National Assembly and the other Legislative Bills originate in either House. The Bills passed by the Legislature come into force upon the assent of the Druk Gyalpo.

Box 3.1.2 Passing of Bills (Article 13)

A Bill can be originated either in the National Assembly or the National Council.

But the Bills concerning money or financial issues can be only originated in the National Assembly. A Bill will be usually passed by a simple majority of the total number of members of the respective Houses, or in case of a joint sitting, by not less than 2/3 of the total number of members of both Houses present.

If the Bill is passed by both Houses, it will be presented to the Druk Gyalpo for his assent and if he does not agree or grant assent to a Bill, the Bill will be returned with amendments and objections to deliberate and vote on in a joint sitting and it should be re-submitted to the Druk Gyalpo for his assent.

If the Bill is passed in the House where it originated, it will be presented to the other House within thirty days from the day of passing. However, if the other House does not pass the Bill, that House will return it to the House in which the Bill originated with amendments or objections for re-deliberation which, when passed, shall be presented to the Druk Gyalpo for his assent within fifteen days from the date of passing the Bill. In case these amendments or objections are refused by the originating House, there will be finally a joint sitting.

In case the other House neither passes nor returns the Bill within a time period of thirty days, the Bill will be considered as passed by that House.

Gyalyong Tshogdu (National Assembly)

Composition and tenure of Gyalyong Tshogdu (National Assembly)

The National Assembly is to create a forum to discuss issues of national interest and encourage a greater participation of people. It consists of 47 members (Ruling and Opposition Party) elected by each constituency in proportion to its population. However, each Dzongkhag should have a minimum of two and a maximum of seven members. The number of elected members from each Dzongkhag will be reviewed after every ten years to take in and reflect the changing population. The National Assembly will assemble at least twice a year. It will continue for five years from the date of the first sitting. Nevertheless, premature dissolution 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.

Gyalyong Tshogde (National Council)

Composition and tenure of the members of Gyalyong Tshogde (National Council)

The National Council (The *Gyalyong Tshogde*) consists of twenty five members comprising one member elected by the voters in each of the twenty Dzongkhags and five eminent persons nominated by the Druk Gyalpo. The members of the National Council should not belong to any political party. The National Council will elect a Chairperson from amongst its members and receive *Dakye*n from the Druk Gyalpo. It will assemble at least twice a year. The National Council members will serve for a term of five years from the date of the first sitting of the House. Besides its Legislative functions, the National Council will act as the house of review on matters affecting the security and sovereignty of the country and the interests of the Nation and the People and to bring the matters to the notice of the Druk Gyalpo, the Prime Minister and the National Assembly.

Relation between the two Houses

Although the National Assembly and the National Council are the bodies of Legislature, there are differences and similarities with regard to their functions, powers and features. Both the Houses have equal powers of law-making; yet the Constitution has given more power to the National Assembly owing to its greater strength of members. Vote of no-confidence against the government can be passed only by the National Assembly but not by the National Council. The National Council has very little control on financial matters and a Money Bill may be introduced only in the National Assembly and not in the National Council whereas the National Council has equal powers on Ordinary Bills, which can be introduced in either House. The National Council may amend or reject a Bill that is passed by the National Assembly but if the National Assembly does not agree to the rejection or amendment, then a joint session is called by the Druk Gyalpo. The Bill is passed by a simple majority and submitted to the Druk Gyalpo for his assent.

Political Parties

A Political Party is a group of people who share same political ideas about government and who have joined together to form the government so that they can put their ideas into practice.

Political parties play a vital role in running the Government. A party gains control of the Government by getting its candidates elected. Political parties help to awaken public interest in politics through election campaigns. They hold meetings, organize rallies, political processions, arrange for good speakers, distribute pamphlets and do other campaigning that helps the voters to understand and appreciate the ideas and ideologies for which they stand and strive if the electorat votes them to office.

Function of the Political Parties

The Political Parties have certain functions to perform, such as:

- Link between the Government and the People: Political Parties bridge the people and the Government by making people aware of the performance and functioning of the Government and at the same time, the problems and perceptions of the people are brought to the notice of the Government.
- Parties provide alternatives to the people: If the ruling party is voted out of the office, the other parties would be ready to form the Government although they will have to go through the same election procedures; here, the interim government under the Chief Justice of the Supreme Court governs during the period of election for the new government. Nevertheless, the parties still provide continuity and stability in the functioning of the Government.

Ruling Party and Opposition Party

The two Political parties having the highest number of votes in the primary election will be declared the two political parties at the national level. The Party, which wins the majority of seats in the National Assembly in the general election, will be declared the ruling party and the other as the opposition party.

The major functions of the Ruling Party

- To ensure that national interest prevails over all other interests, for this purpose, shall provide choices based on the values and aspirations of the people for responsible and good governance.
- To promote national unity and progressive economic development and strive to ensure the well-being of the nation.

The functions of the Opposition Party

- It ensures that the Government and the Ruling Party function in accordance with the provisions of the Constitution to provide Good Governance and strive to promote national interest and fulfil the aspirations of the people.

- It should promote national integrity, unity and harmony and co-operation among all the sections of society.
- It should endeavour to promote and engage in constructive and responsible debate in the Parliament while providing healthy and dignified opposition to the Government.
- It should not allow party interests to prevail over the national interests. Its aim must be to make the government responsible, accountable and transparent.
- It will have the right to oppose the elected Government, to articulate alternative policy positions and to question the government's conduct of public business.
- It should 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.

Conclusion

The Legislature consists of two constituents- the National Assembly and the National Council. They are primarily responsible for formulation of national laws. Besides, they also review and monitor the performance of executives. They are also mandated to keep the Druk Gyalpo and Prime Minister abreast of the emerging matters of national interest. The two Legislative bodies function together and yet have independent functions of their own.

Under the system of constitutional monarchy, the political parties play a vital role in governing the country. The Parties must strive to ensure the well-being of the nation. Therefore, the country's political and socio-economic developments depend on the efficiency of the ruling and the opposition parties.

Student Activity

- 1) In groups, assess the change in our Legislative system. Discuss whether you are for or against the change and share your views with the whole class.
- 2) Imagine that you are a leader of one of the political parties. Describe how you would campaign in line with the Election Act of Bhutan to get the maximum votes.
- 3) In groups, review the process of the passing of Bills and organise a small role-play in the class.
- 4) What do you understand by the term 'Legislature'?
- 5) Who are the members of the Legislature?
- 6) Explain at least two functions each of *Gyalyong Tshogdu* and *Gyalyong Tshogde*. Define 'political parties'.

Chapter Two The Executive

Key terms	Learning Objectives
<ul style="list-style-type: none">• Executive• Lhengye Zhungtshog• Administration• Ministry• Autonomous bodies• Dakyen	<ul style="list-style-type: none">• List the major functions of the executive branch of the government• Explain the three types of executives• Describe the main bodies of the executive branch• Explain how the members of Lhengye Zhungtshog are appointed• Describe the different ministries• Assess the recent changes in our system of Government with special reference to the executive• Explain the background and functions of autonomous bodies

Introduction

In the previous chapter, you learned about the Legislature which is responsible for formulating the laws of the country. This chapter will focus on the Executive branch of the Government which implements the laws formulated by the Legislature. We will study about types of executives, their functions, appointments, tenure in the Ministries and autonomous organizations.

Types of Executive

There are many types of Executives but we are going to focus on two types of Executives which are relevant to our system. These are a) Hereditary Executive b) Political or Temporary Executive

- *Hereditary Executive:* The Hereditary Executive is the executive where the head of the state is the King or the Queen and after his or her demise, his or her son or daughter is enthroned. Britain, Japan and Bhutan are the examples of hereditary executive. In this system, the different ministries exercise their respective executive powers.
- *Political or Temporary Executive:* They are the persons, such as, President, Prime Minister or other ministers, who are elected by the people directly or indirectly for a fixed term. On losing the election or on the passing of the vote of no-confidence by the legislature, they are removed. Therefore, they are also called the temporary executive.

The Lhengye Zhungtshog

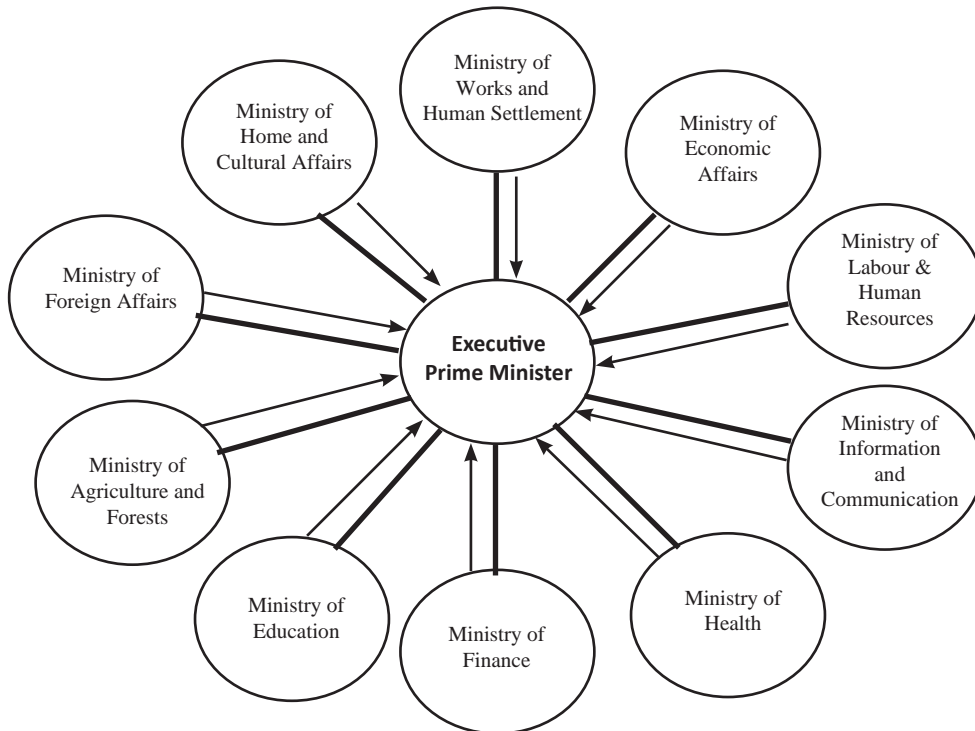
The Executive power in Bhutan is vested in the *Lhengye Zhungtshog*, which consists of Ministers headed by the Prime Minister as shown in the diagram that follows.

Lhengye Zhungtshog is the council of ministers representing all the ten ministries. Before we go to the details about *Lhyengye Zhungtshog*, we will study how it was initially instituted in our system of government.

The *Lhengye Zhuntshog* was initially formed in 1968 by the *Tshogdu Chbenmo* (National Assembly) on the recommendation of the third King Druk Gyalpo Jigme Dorji Wangchuck. It used to be presided over by the King and was composed of His Majesty’s representatives in the Ministries of Agriculture and Health and Education and the full-fledged Ministers, the Deputy Ministers, the Royal Advisory Councillors, selected Secretaries to the Government, and the other senior civil servants appointed by the King.

Since 1998, on endorsement of the *kasbo* issued by the King, the Fourth Druk Gyalpo Jigme Singye Wangchuck to the Speaker of the National Assembly at its 76th session, it has been presided over by the Chairman of the *Lhengye Zhungtshog* appointed from amongst the elected council of Ministers on rotational basis for a term of one year. The *Lhengye Zhungtshog* is now composed of Ministers headed by the Prime Minister. It meets once a week and as and when needed to discuss policy matters and all other matters of importance.

Box 3.2.1 The Council of Ministers (Lhengye Zhungtshog)



Appointment and tenure of the members of Lhengye Zhungtshog

The Druk Gyalpo will award the *Dakyen* to the Prime Minister who is the leader or nominee of the party which wins the majority of seats in the National Assembly. Druk Gyalpo also appoints Ministers from amongst the members of the Ruling Party, on the recommendation of the Prime Minister. A person can hold the office as Prime Minister for not more than two terms.

Each term of office is five years. However, if a vote of no-confidence is passed against the Government by not less than two-thirds of the total number of members of the National Assembly, the Druk Gyalpo will dismiss the Government and appoint an Interim Government to function for a period which will not exceed ninety days, to enable the Election Commission to hold free and fair elections. This Interim Government should be formed within fifteen days after the dissolution of the National Assembly or government, which is to be headed by the Chief Justice of Bhutan.

Functions of the Lhengye Zhungtshog

The work of the Executive is not only to implement the policies and laws formulated by the Legislature but there are other important functions as mentioned below:

- *Administrative Functions:* The *Lhengye Zhungtshog* promotes an efficient civil administration based on the democratic values and principles enshrined in the Constitution. The Executive divides the work among various Ministries and Departments headed by Ministers and Secretaries.
- *Policy-Formulation:* The *Lhengye Zhungtshog* plans and coordinates government policies and ensures its implementation. It also defines the goals of State action and determines the resources required to achieve them.
- *Financial Functions:* In the Parliamentary form of Government, the budget is prepared by the *Lhengye Zhungtshog* and the finance minister presents it to the Legislature for endorsement.
- *Domestic and Foreign Policy:* The *Lhengye Zhungtshog* represents the Kingdom at home and abroad. It also assesses the state of affairs arising from developments in the state and society and from events at home and abroad.

The Administrative System

The day-to-day activities involved in meeting the demands of the national policies are collectively called administration. Administration in our country is carried out at two different levels - Central and Local levels. In this chapter, we will focus only on the Central Administration which takes place in the capital.

Central Administration

Until the mid -1960s, general administration in our country was relatively simple and handled directly by His Majesty's Secretariat, while development activities were undertaken by the development wing created in 1961.

As the pace of economic development accelerated, the process of administration became increasingly complex. This led to the creation of a number of agencies called Ministries. The affairs of the country then began to be administered under these Ministries, located in Thimphu. In course of time, another set of Government agencies came into existence as semi-autonomous bodies, which are not under any Ministry but which reported directly to the Cabinet. Likewise, a set of autonomous bodies, more commonly known as public and joint sector organizations, also came into existence.

We will study the present structure of the Central government hereafter. Before we go into the Ministries, we will look into the position, powers and functions of the Prime Minister.

The Prime Minister

As we have already seen, the Prime Minister is the leader of the ruling party which forms the Government and becomes the head of the government. He or she is also the one who selects the ministers and gives them portfolios. However, if a Minister does not comply with his or her direction, he or she can recommend the dismissal of such a Minister to the Druk Gyalpo. The Prime Minister communicates with the Druk Gyalpo on all decisions made by the Council of Ministers relating to the administration and proposals for legislation. Since he or she is the head of the government, he or she becomes the chief spokesman of the government in Parliament and represents Bhutan in relation to other nations of the world.

The Ministries

Each Ministry is headed by a Minister. It has a Secretariat and Departments. Ministries are responsible for different areas of governance and have their responsibilities decentralized to the Dzongkhags and Gewogs. The Ministries undertake organizational development assessment to enhance the productivity of the organizations and improve their delivery of services. Let us look at the individual ministries:

- *Ministry of Home and Cultural Affairs:* The Ministry looks after the internal administration, maintains law and order and records of census and immigration. The Ministry review policies and procedures to improve services to citizens and expatriates. It issues citizenship identity cards to all citizens and also develops a natural disaster risk management strategy and plan.

The Ministry is also responsible for preservation and promotion of culture, tradition and customs of the country. It is assisted in the execution of its responsibilities by the National Library, National Museum, Architectural Heritage and the Royal Academy of Performing Arts.

- *The Ministry of Education:* The Ministry is responsible for formulating policies related to educational needs of the population. It liaises with the Royal University of Bhutan on matters pertaining to policies of higher education. The Ministry reviews and enhances the ‘value’ content in the curriculum and promotes English as the medium of instructions for subjects that are not necessary to be taught in Dzongkha. It is also responsible for including the Constitution in the syllabi of the schools. It encourages more private schools.
- *Ministry of Agriculture:* The Ministry is responsible for expanding the mandate with regards to environment, forest resources management, watershed management and land use. It provides the agricultural extension services to the public and carries out research in agricultural disciplines. It is responsible for the formulation of agricultural policies and plans.
- *Ministry of Finance:* The Ministry addresses macro-economic issues and develops longer-term development policies and strategies for the country. Its role is to formulate the fiscal policy, budgeting and keeping of accounts of government revenue, taxes and expenditures. It enhances the coverage of government assets inventory to include movable and immovable property. The Ministry is also responsible for framing clear guidelines for the selection of projects for external loan financing.
- *Ministry of Foreign Affairs:* The Ministry is responsible for enhancing the country’s interactions with the other countries and expanding diplomatic missions. It conducts foreign relations and economic and technical cooperation with friendly countries and international bodies.
- *Ministry of Health:* The Ministry is responsible for providing health services to the public. It enhances diagnostic services for early and correct detection of diseases for effective treatment and minimizes adverse economic and avoidable tragedies.
- *Ministry of Information and Communication:* The Ministry is responsible for formulating policy, plans and programmes in the spheres of transport and communication. It is composed of Telecommunications, Postal Services, Surface Transport, Civil Aviation and Information Technology. It established a high-level body for coordinating development of e-governance systems throughout the Government. The Ministry also promotes eco-friendly mass-transport system in all the major urban areas.

- *Ministry of Labour and Human Resources:* The Ministry is responsible for enhancing the socio-economic development of the country through employment promotion, human resources planning and development for the corporate bodies and private sectors. The Ministry distributes employment opportunities available in corporations and private sectors to the job seekers.
- *Ministry of Economic Affairs:* The Ministry formulates and implements policies and plans of trade, industry and commerce both in and outside the country. It is assisted in the execution of its responsibilities by the Department of Trade, Industry, Geology and Mines and Power. This Ministry provides greater focus on the power sector in order to accelerate the pace of harnessing Bhutan's hydro power potential.
- *Ministry of Works and Human Settlement:* The Ministry develops linkages with other sectors/ engineering units or division to promote greater coordination and control of construction works even in private. It strengthens engineering cells and promotes and monitors engineering standards and ethics and establishes minimum standards to ensure competence in a global market. This Ministry is the parent agency for all the engineers.

Autonomous Bodies

'Autonomous Bodies' refers to those organizations that work independently from other bodies or agencies of the government. The following have been identified as autonomous bodies, as per the provision of the Constitution:

- *The Office of the Attorney General*
On 15 August 2006, the Council of Ministers during its 318th CCM (Cabinet Coordination Meeting) passed a resolution for the formal establishment of the Office of the Attorney General and the appointment of the first Attorney General of Bhutan. The Office of the Attorney General is the result of upgrading the Office of Legal Affairs which was established in 2000 as the central agency of the Royal Government to deal with all legal matters on behalf of the Royal Government. It was formally inaugurated on 14 April 2000. At present, it is an autonomous body which carries out responsibilities arising within the domain and authority of the government and such other legal matters that are entrusted to the office. The Druk Gyalpo by warrant under his hand and seal appoints an eminent jurist as the Attorney General on recommendation of the Prime Minister. The Attorney General is the Chief Legal Officer of Bhutan who acts as a legal advisor and legal representative of the Royal Government. He has the right to appear before all courts while performing his duties. He also has the power to institute, initiate, or withdraw any case in accordance with the law. He will submit an Annual Report to the Druk Gyalpo and the Prime Minister.

- *The Pay Commission:*

The Pay Commission is an autonomous body headed by a Chairperson on the recommendation of the Prime Minister. The Commission recommends the Government on the revision of the salary structure, allowance, benefits and other emoluments of the civil servants, the judiciary, the Armed Forces, the members of Parliament and local governments, the Dratshang, and all other public servants with due regard to the economy of the kingdom.

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 the Parliament.

There are other autonomous bodies, as per the document ‘Good Governance: in pursuit of Gross National Happiness’ are:

- Centre of Bhutan Studies (Accountable to the Prime Minister)
- National Statistical Bureau (Accountable to the Prime Minister)
- Administrative Tribunals (Accountable to the Prime Minister)
- National Environment Commission (Accountable to Prime Minister)
- Royal University of Bhutan (Accountable to the Education Minister)
- Board of Corporate Affairs (Accountable to the Minister of Economic Affairs)

Conclusion

Now we know that the *Lhengye Zhungtshog* is the real political executive of the Government and have the executive powers. It holds enormous powers and it shoulders vast responsibilities covering legislative, administrative and financial spheres. It must keep the Druk Gyalpo fully informed on all matters that concern the security and sovereignty of our country.

Student Activity

1. In pairs, list down the names and write at least two functions of the government officials who are currently occupying the following posts:
a) Prime Minister b) Ministers of the different Ministries.
2. Write a short note on the topic ‘The *Lhengye Zhungtshog*’.
3. Write any two major functions of the Executive branch of the Government.
4. Assess the recent changes in our system of government with special reference to the Executive branch of our government
5. Choose one Autonomous Body and describe its functions.

Chapter Three

The Judiciary

Key terms	Learning Objectives
<ul style="list-style-type: none">• Judiciary• Codification of laws• Criminal case• Civil case• Original Jurisdiction• Appellate Jurisdiction• Jabmi• Bah• Genja• Thruenchhoe	<ul style="list-style-type: none">• Comment on the evolution of laws from the time of Zhabdrung till now• Explain the major functions of the judiciary• Distinguish the different features of Bhutan's judicial system• Describe the current structure of the Judiciary of Bhutan• Analyse the relationship with other bodies

Introduction

The Judiciary is the third branch of the Government. It comprises the courts and judges responsible in dispensing justice in accordance with the law. According to Article 21 of the draft Constitution of Bhutan '*Tsathrim Chhenmo*' it clearly states that the Judiciary safeguards, upholds, and administers justice fairly and independently without fear, favour, or undue delay, in accordance with the rule of the law to inspire trust and confidence and to enhance access to justice.

Thus, in this chapter, you will study about the structure, composition, functions and the salient features of our judicial system. Before we go into the details of the judicial system in our country today, we will understand the meaning of law and justice and the formation and codification of laws in our country.

Laws: Laws are the rules prescribed by society or legislature for the regulation of human conduct. Laws are necessary in order to protect each individual and the society, and to provide a means for solving social problems. In other words, laws prescribe the behaviour of individuals to ensure an orderly life in the society. Through the enactments of various laws, individuals and society can expect its members to behave in a certain way and will also know how each one of us should behave. For instance, many would be killed if there were no rules governing how we drive vehicles. Therefore, in order to protect society, there are laws governing those matters that apply equally to all, irrespective of their status.

Justice: Justice is the constant and perpetual desire to give everyone his or her due right according to the law. The main function of the judiciary is to administer justice. The judiciary has to ensure that no law is violated and one who violates is duly punished.

Formation and Codification of Laws

The Judiciary of Bhutan is the legacy of the codification of laws by Zhabdrung Ngawang Namgyal which was completed in 1652 at the time of First Desi Umze Tenzin Drugyal. The Tenth Desi Mipham Wangpo consolidated and amended certain parts of the code of Zhabdrung. These laws were deeply influenced by the teachings of Buddhism. According to these laws, people were required to practise *Michoe Tsangma Chudrug* (the sixteen virtuous Acts) and *Lbachoe Gyewa Chu* (The ten pious Acts) as listed in the box (3.3.1). The legal system was thus both spiritual and temporal in nature. The spiritual laws were said to resemble a silken knot that is easy and light at first, but gradually becomes tight. The temporal laws were said to resemble a golden yoke that grows heavy by the degrees of the crime. The earlier laws evolved over the centuries in keeping with the evolving culture and way of life of the people, to suit the needs of the time. However, the principles of Buddhism have remained the basis of the laws of our country.

In the mid 18th century, the thirteenth Desi Sherab Wangchuk (1744-1764), amended the first set of laws codified during the reign of Desi Umze Tenzin Drugyal. The first and the second Kings, Druk Gyalpo Ugyen Wangchuck and Jigme Wangchuck, further amended some of the laws during their reigns. Many important laws were enacted during the reign of the third King Jigme Dorji Wangchuck. On his initiative, the National Assembly enacted the first comprehensive codification of laws known as the *Thrimzhung Chhenmo* (Supreme Law), which spanned several sessions in the 1950s. The *Thrimzhung Chhenmo* contain almost all categories of civil and criminal offences and their penalties. His Majesty the King Jigme Singye Wangchuck further initiated enactments and amendments of laws keeping with the changing needs of a rapidly developing nation.

English translation of the ***Michoe Tsangma Chudrug (The sixteen Virtuous Acts)***

1. Not to kill, commit theft or robbery;
2. Not to have wrong view;
3. Not to go against the wishes of parents;
4. Not to be disrespectful to elders, learned persons and leaders;
5. Not to foster evil thoughts towards family and friends;
6. Not to refrain from helping your neighbours;
7. Not to be dishonest;
8. Not to follow bad examples;
9. Not to be greedy and selfish;
10. Not to foster evil thoughts in others;
11. Not to be late in repaying your debts;
12. Not to cheat;
13. Not to segregate human beings into rich and poor, high and low;
14. Not to listen to evil advice;
15. Not to be deceitful; and
16. Not to lose patience or be short-tempered.

Lbachoe Gyewa Chu (The Ten Pious Acts)

1. To love and be gentle to all living creatures;
2. To take things only with the permission of the owner;
3. Refrain from committing adultery;
4. Not to tell lies;
5. Not to create problems amongst friends;
6. Not to be rude or hurt the feelings of others;
7. Not to be jealous and talk wantonly;
8. Not to be greedy, or want the belonging of others;
9. Not to wish ill-luck to others;
10. To have faith in religion.

Judicial System

His Majesty the King is the final court of appeal with powers to commute sentences and grant pardon. People can appeal and can have direct access to His Majesty at any time. The formal body of Judiciary is composed of Supreme Court, High Court, Dzongkhag Court, Dungkhag Court and other courts and Tribunals as may be established from time to time. The officials who administer justice in the Kingdom include the Chief Justice and the Drangpons in the respective Thrimkhangs, and the Gups, Chimis, and Barmis at the Gewog level.

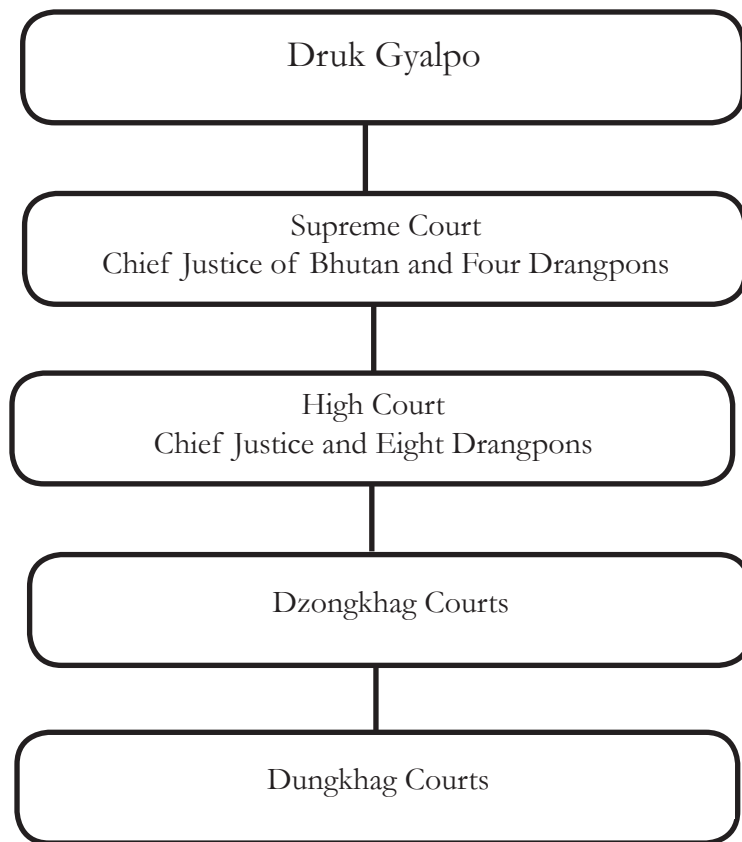


Figure 3.3.1 Judicial System in Bhutan

Supreme Court: The Supreme Court of Bhutan which comprises the Chief Justice and the four Drangpons is the highest appellate authority to entertain appeals against the judgements, orders or the decisions of the High Court in all matters and subjects. It also makes rules from time to time to regulate the general practices and procedures of the Courts to enhance efficiency and effectiveness of the judicial process and system in the Kingdom. The Chief Justice of the Supreme Court is appointed from among the Drangpons of the Supreme Court or from among eminent jurists by the Druk Gyalpo, by warrant under his hand and seal in consultation with the National Judicial Commission (established in 2003 under a Royal Decree). The Chief Justice is the Administrative Head of the Judiciary and he presides over the cases as *primas interferes* (Prime amongst equals). The four Drangpons are appointed from among the Drangpons of the High Court or from among eminent jurists by the Druk Gyalpo, by warrant under his hand and seal, on the recommendation of the National Judicial Commission.

The Chief Justice of the Supreme Court of Bhutan is appointed for five years or until attaining the age of sixty five, whichever is earlier. The Drangpons of the Supreme Court is appointed for ten years or until attaining the age of sixty five years, whichever is earlier.

High Court: The High Court was established in 1968, which was then the ‘Highest House of Justice’. At present, it is subordinate to the Supreme Court. The High Court is the Court of appeal from the Dzongkhag Courts and Tribunals in all matters and it exercises original jurisdiction in matters not within the jurisdiction of the Dzongkhag Courts and Tribunals. It comprises the Chief Justice, who is appointed from among the Drangpons of the High Court, Dzongkhag Courts or from among eminent jurists by the Druk Gyalpo, by warrant under his hand and seal, on the recommendation of the National Judicial Commission. The Chief Justice of this Court is supported by eight Drangpons, who are appointed from among the Drangpons of the Dzongkhags Courts or from among eminent jurists by the Druk Gyalpo, by warrant under his hand and seal, on the recommendation of the National Judicial Commission.

Dzongkhag Courts: Subordinates to the High Court are the Dzongkhag Courts headed by Dzongkhag Drangpons, who are appointed by the Chief Justice on the recommendation of the National Judicial Commission. A Dzongkhag Court consists of one or more Drangpons. The Drangpons supported by other administrative staff carry out the administrative work of the Dzongkhag Court.

The Dungkhang Court: The lowest courts in Bhutan are courts referred to as Dungkhang Courts. Such Courts are established at various sub-divisions of a Dzongkhag, where they are needed. They are headed by Drangpons who are appointed by Chief Justice of Bhutan on the recommendation of the Judicial Service Council. The Drangpons supported by other administrative staff carry out the administrative work of the Dungkhang Court.

The Gup/ Barmis: The Gup (Head of the Gewog) and the Barmi (Negotiator, who is well-versed in the Law) have some judicial functions at the Gewog level, particularly in regard to effecting compromises between parties and thus saving them the expenses of going to the *Thrimkhangs*. However, the Gup and Barmi do not have the authority to negotiate any criminal cases.

Jurisdiction of the *Thrimkhangs* or Courts

Civil and Criminal Jurisdiction: The Courts in Bhutan have general jurisdiction and deal with both civil and criminal cases. Civil cases include any proceedings of a civil nature decided by the courts, which pertains to land, inheritance, loans, marriage etc. Criminal cases pertain to matters arising out of and dealing with some crimes already committed, such as offences against the State, human body and property etc.

Original and Appellate Jurisdiction: The judicial functions of a court are of the original as well as the appellate nature. Original jurisdiction of a court refers to those cases that can be brought directly to the court for adjudication (dispensing justice) at the first instance. Appellate jurisdiction of a court refers to those cases that are brought to the court through an appeal.

The courts in Bhutan have original and appellate jurisdiction as follows:

The Supreme Court:

- Its jurisdiction extends to the whole country;
- It has original jurisdiction over offences against the State and disputes between two or more Dzongkhags;
- It has appellate jurisdiction against the judgement of the High Court;
- It has jurisdiction to deal with disputes relating to fundamental rights;
- It has the power to impose any sentence prescribed by the law.

High Court:

- It has the original jurisdiction in matters not within the jurisdiction of the Dzongkhag Courts and Tribunals;
- It has appellate jurisdiction against the judgements of any tribunals or any subordinate courts;
- It has jurisdiction to deal with disputes relating to fundamental rights;
- It has the power to impose any sentence prescribed by the law.

Dzongkhag Court:

- It has jurisdiction over its own Dzongkhag territory;
- It has original jurisdiction over all cases within the Dzongkhag;
- It has the power to impose any sentence prescribed by the law;
- It can take appeal cases from the Dzongkhag Court.

Dzungkhag Court:

- It has jurisdiction over its own Dzungkhag territory;
- It has original jurisdiction over all cases within the Dzungkhag;
- It has the power to impose any sentence prescribed by the law.

Salient features of our Judicial System

The following constitutes some of the salient features of our judicial system.

- *Independence of the Judiciary:* In order to dispense justice impartially and promptly, the Judiciary has to function independently. The *Thrimzhung Chhenmo* (Supreme Law) separated the Judiciary from the Executive and the Legislative branches of the Government. The independence of the Judiciary was even inherent in the legal system initiated by Zhabdrung Ngawang Namgyal. The responsibility of adjudication was assigned to Drangpons (Lords of Justice). There are various measures in our judicial system to safeguard its independence, such as, the security of the tenure of judges and are financially sound to enable them to act in an atmosphere of independence. Even the appointment of the judges is delegated to the National Judicial Commission.

- *Jabmi*: While the legal system in Bhutan does not have the institution of solicitors and lawyers, it does permit the appointment of *Jabmi* (legal representatives well-versed in the law). The trial is conducted in the presence of the accused and he/she may defend himself/herself in person or through legal assistance of a *Jabmi* of his/her own choice. In order to make the services of the *Jabmi* available to the common people, *Jabmi* have been trained under the guidance and support of the *Thrimkhang Gongma*. This course has enabled *Jabmis* to render professional legal service to the litigants.
- *Thruenchhoe*: A *Thruenchhoe* (Judgement) is a judgement awarded by a *thrimkhang*. In civil cases, for the *Thruenchhoe* to be binding, it must have the signatures of all the parties involved, counter signed by the presiding judge/ judges and affixed with legal stamps and the seal of the *thrimkhang*. With regard to criminal cases, the signatures of the party concerned are not mandatory for the *Thruenchhoe* to be binding.
- *Appeal System*: In our judicial system there is the right to appeal by the litigants after a judgment has been passed. Once a *Thrimkhang* has awarded the *Thruenchhoe*, the litigants have ten days time within which they may sign it or appeal to higher *Thrimkhangs*. If one party disagrees and refrains from signing the *Thruenchhoe* and at the same time does not appeal to the next higher *Thrimkhang* within the given time, the *Thruenchhoe* shall be final and binding on both the parties. In case of a *Thruenchhoe* of the highest court, the litigant can appeal to His Majesty the King within ten days. However, if either or both parties are not willing to sign the *Thruenchhoe*, and at the same time does not wish to appeal, then they may be liable for contempt of court. In such cases, the judges of the highest court are empowered to declare the *Thruenchhoe* as final and binding even though it has not been signed by either or both the parties.
- *Genja* : A *Genja* (*Agreement*) is an agreement between the parties concerned. It is a written evidence of a consent duly signed by them and their respective *Jabmis*. It is an agreement enforceable by law.
- *Bab*: This is a legal undertaking or bond agreed upon by the litigants or parties concerned. There are three types of *Bab*.

The first type of *Bab* is found at the end of every *genja* stating that both the parties and litigants agreed to be fined and imprisoned if they should be the first to break the *genja*. Both the parties must sign the *Bab* for the *genja* to be valid. Either party may withdraw while the document is being drawn up but once it is executed, they are bound to carry it out.

The second type of *Bab* is executed at the end of every statement submitted before a court of law in any given case. If the statement is proved false, the litigants concerned or parties must bear the penalty as per the *Bab* executed.

The third type of *Bab* is executed at the end of a *Thruenchboe*. Once a *Thruenchboe* passed by any court of law in the country has been accepted and signed by the parties concerned, any of the litigants thereafter, refusing to abide by the *Thruenchboe* shall be liable to pay the pledged bond and serve the prison sentence as per the *Bab* executed.

- *Negotiated Settlement*: The people of Bhutan take great pride in the fact that they try to solve their disagreements through compromise and negotiations rather than resorting to litigation in the Thrimkhangs. To this end, it is mandatory for the Thrimkhangs in our country to provide adequate time and opportunity to the parties to the suit during the preliminary hearing to settle their disputes amicably through negotiation.

Judicial Reforms

In order to ensure justice to the people and suit the changing times and needs, our rulers have continually brought about judicial reforms.

- *Institutional Reforms*: In order to strengthen the judiciary in the Kingdom, the national judicial conference was instituted in 1976. The post of *Thrim-tsab* (acting Drangpon) was abolished and more efficient Drangpons were appointed. The financial and administrative powers were decentralized from the High Court to the lower courts with the establishment of subordinate courts. To modernize the judicial system, a series of workshops, seminars, ongoing trainings, study tours and computerization of records were introduced. A separate judicial cadre in 1990 and the National Judicial Commission in 2003 were established under a Royal Decree to safeguard the independence of the Judiciary System.
- *Procedural Reform*: A salient feature of our legal system is the access to justice. Justice is a common heritage of humankind and we have a strong sense of what is right and wrong. Therefore, in keeping with the command of His Majesty the King, many procedural reforms were introduced to bring the Thrimkhang and the litigants closer to each other. Through the Royal commands issued to the judiciary from time to time, an efficient judicial process has been constituted to impart justice effectively. Streamlining the registration procedure and hearing process has been improved with this reform. One of the most notable features is the system of miscellaneous hearings where litigants get to address his/her grievances before the Honourable Chief Justice and the Drangpons. This Procedural reform also strengthened the legal language and Bhutanese terminology and provides inexpensive litigation with nominal court fees. Computerization of cases has been introduced to provide qualitative and prompt justice. The computerized information is also used for retrieving previous cases rapidly and accurately, thus enhancing a uniform sentencing policy. The reform has also enhanced the professionalism and reduced time consumption.

- *Penal Reform:* Under the command of His Majesty the King, the High Court started drafting the Penal Code of Bhutan in 1995 and was enacted by the National Assembly 2004. The Penal Code is a consolidation of sections from the existing Acts dealing with criminal offences. Under this reform, it reinstated dignity to the victims of crime and increased the possibilities of the rehabilitation of the offenders. In the year 1997, the Youth Development and Rehabilitation Centre for juveniles were established in Tshimalakha, which provides assistance and support programmes to reinstate the juveniles back into the society as reformed and responsible citizens.

Conclusion

The Judiciary functions independently in order to dispense justice fairly and independently without fear, favour or undue delay. Our Judicial System introduces many reforms according to the needs of society. Of all our legal system has its own uniqueness for all the laws have origination from the Buddhist laws.

Student Activity

1. In groups, make a list of issues and cases that you have heard about and identify whether the cases are of criminal type or civil type.
2. What would your role be if you were asked to be one of the Drangpons of the Dzongkhag Court? Discuss in pairs and list down your duties.
3. Trace the history of the law of Bhutan highlighting its improvements.
4. Describe the structure of the judiciary in our country with the help of a diagram.
5. List and explain the two major reforms of the judiciary initiated in keeping with the social and economic development of the country.
6. It is important to have an independent judiciary. Argue for or against the statement.

Chapter Four

The Constitutional Bodies

Key terms	Learning Objectives
<ul style="list-style-type: none">• Constitutional bodies• The Election Commission• The Anti-Corruption Commission• The Royal Audit Authority• The Royal Civil Service Commission• Impeachment	<ul style="list-style-type: none">• Tell the background history of the constitutional bodies• Explain the structure of the constitutional bodies• List down the roles of the constitutional bodies• Explain the process of impeachment

Introduction

Every constitution has a mechanism in place to check and ensure that the government organs including Executive, Legislature and Judiciary function effectively. For this, we have different independent bodies created commonly known as the Constitutional Bodies. We will look into these bodies individually.

The Election Commission

His Majesty the King of Bhutan, Jigme Singye Wangchuck's vision is that the Bhutanese people share the sovereign right to freely choose and develop their own social, economic and political system. The destiny of the nation and the authority to govern will base on the will of the people expressed through periodic, free and fair elections. Therefore, the Election Commission was established on 31 December 2005 by Royal Decree and was formally inaugurated on 16 January 2006 by the Honourable Chief Justice, the Chairman of the Constitution Drafting Committee of Bhutan.

Formation of the members and Tenure

The Election Commission is an independent body consisting of a Chief Election Commissioner and two Election Commissioners, appointed by the Druk Gyalpo from a list of names recommended jointly by the Prime Minister, the Chief Justice of Bhutan, the Speaker, Chairperson of the National Council and the leader of the Opposition party. The term of office of the Chief Election Commissioner and the members is five years or until they attain the age of sixty five, whichever is earlier.

Functions

- The Election Commission is responsible for preparing, maintaining, and periodically updating electoral rolls and election schedule.
- The Election Commission supervises, directs, controls and conducts the elections to the Parliament and Local Government.
- It holds referendum in a free and fair manner.
- The Election Commission should ensure that it holds elections within ninety days after the dissolution of government.

The Royal Audit Authority

Bhutan consciously adopted an efficient and effective financial management system to support and enhance its development plans from the very inception of the development plans. In response to the need for establishing accountability, the Royal Government issued the first edition of the 'Financial Manual' in 1963. The Audit and Accounts organization maintained the books of accounts, conducted budgetary controls of revenues and expenditures and undertook periodic audit and inspections of accounts and records. In 1970, the Royal Audit Department was established and four Royal Auditors were appointed under a Royal Kasho (Decree). In 1974, the Financial Management System was restructured and the Royal Audit Department was placed under the Ministry of Finance.

In 1985, the Audit service was restructured as an autonomous entity as the Royal Audit Authority (RAA). The legal framework regulating the institution and audit procedures is the General Auditing Rule and Regulations (GARR) of 1989, which is adapted from the Royal Decree of the third King. The Kasho of His Majesty Druk Gyalpo Jigme Singye Wangchuck issued on 2 March 1999 further reiterated the independence of the Royal Audit Authority. The Royal Audit Authority became an independent body with the National Assembly's adoption of the Audit Act in 2006. It also became one of the constitutional bodies.

Formation of the members and their tenure

The Royal Audit Authority is an independent authority headed by the Auditor General appointed by the Druk Gyalpo from a list of eminent persons recommended jointly by the Prime Minister, Chief Justice of Bhutan, the Speaker, the Chairperson of the National Council and the Leader of the Opposition Party. The term of Office of the Auditor General is five years or until attaining the age of sixty five years, whichever is earlier.

Functions:

- The Royal Audit Authority audits and reports on the economy, efficiency and effectiveness in the use of public resources.
- It audits the accounts of all departments and offices of the Royal Government, including, all offices under the Legislature and the Judiciary, all public authorities and bodies administering public funds, the Police and the defense forces.

- It audits the government revenues and monies received and the advances and reserves of Bhutan.
- It audits the accounts of all the Non-Government Organizations (NGOs) and other organizations that use the public money.
- The Auditor General submits an Audit Report to the Druk Gyalpo, the Prime Minister, and Parliament.

The Anti-Corruption Commission

His Majesty's Kasho (Royal Decree) issued on 31 December 2005 clearly states that at a time when we are establishing parliamentary democracy in the country, it is very important to curb and root out corruption from the very beginning. Therefore, it is imperative to establish the office of the Anti-Corruption Commission before the adoption of the Constitution and build a strong foundation for the Commission to effectively carry out its function and responsibilities. The Anti-Corruption Commission must fulfil its responsibilities of curbing and rooting out corruption through timely and effective checking on private utilization of public funds and persons engaged in unauthorized use of public resources. The Anti-Corruption Commission was therefore, established on 4 January 2006 with the mission of building an incorruptible society.

Formation of the Members and Tenure

The Anti-Corruption Commission, headed by the Chairperson and comprising two Commissioners, is an independent authority. The Chairperson and the members of the Commission are appointed by the Druk Gyalpo from a list of names recommended jointly by the Prime Minister, Chief Justice of Bhutan, the Speaker, the Chairperson of the National Council and the Leader of the Opposition Party. The term of Office of the Chairperson and members of the commission is five years or until attaining the age of sixty five years, whichever is earlier.

Functions:

- The Commission takes all necessary steps to prevent and combat corruption in the kingdom and will exercise such powers and functions as prescribed by law made by the parliament.
- The Commission submits an Annual Report on its policies and performance to the Druk Gyalpo, the Prime Minister, and Parliament.
- The Commission submits Investigation Reports to the Office of the Attorney General for prosecution against the individuals, parties or organizations.

The Royal Civil Service Commission:

The Department of Manpower, a precursor to the Royal Civil Service Commission was established in 1973. As the civil service administration became more complex due to rapid socio-economic development activities, the Royal Government recognized the need to further strengthen the central personnel agency with clear mandates. Thus, the Royal Civil Service Commission was established in June 1982 by the Royal Charter. The Commission consisted of fifteen members

with HRH Ashi Sonam Choden Wangchuck as the first Chairperson from 29 July 1982 to 17 April 1991.

On 17 April 1991, the Commission was reconstituted. It was chaired by one of the ministers on a six monthly rotational basis from 17 April 1991 onwards and Lyonpo Dawa Tsering was the first Chairperson. On 30 October 1996, the Commission was reconstituted for the second time and Lyonpo Dorji Tshering was the first Chairperson. The Commission was reconstituted for the third time on 11 August 1998 after the devolution of executive power to the elected Council of Ministers and the first Chairperson was Lyonpo Thinley Gyamtsho. The Commission was reconstituted for the fourth time in October 2003 by the Royal Government as per the resolution of the 81st session of the National Assembly held on 25 July 2003 which resolved that the Royal Civil Service be reconstituted and strengthened to prevent politicization of the bureaucracy. This is the current Commission and is chaired by one of the members on a three monthly rotational basis.

Formation of the Members and Tenure

The Royal Civil Service Commission consists of a Chairperson and four other members. They are appointed by the Druk Gyalpo from among eminent persons having qualifications and experience that would enhance the performance of the Commission, from a list of names recommended jointly by the Prime Minister, Chief Justice of Bhutan, the Speaker, the Chairperson of the National Council and the Leader of the Opposition Party. The term of Office of the Chairperson and members of the Commission is five years or until attaining the age of sixty five, whichever is earlier.

Functions:

- The Commission ensures that civil servants render professional service, guided by the highest standard of ethics and integrity to promote good governance and social justice, in implementing the policies and programmes of the government.
- The Commission ensures that all civil servants will have recourse to justice through the Administrative Tribunals.
- The Commission, in order to promote merit, productivity and equity, ensures that uniform rules and regulations on recruitment, appointment, staffing, training, transfers and promotions prevail throughout the civil service.
- The Commission submits an Annual Report on its policies and performances to the Druk Gyalpo and to the Prime Minister.

Constitutional Offices

Holders of constitutional office are:

- a) The Chief Justice of Bhutan and all the Drangpons of the Supreme Court;
- b) The Chief Justice and Drangpons of the High Court;

- c) The Chief Election commissioner;
- d) The Auditor General;
- e) The Chairperson of the Royal Civil Service Commission; and
- f) The Chairperson of the Anti-Corruption Commission.

The Holders of the constitutional offices should have no political affiliation and they should maintain the highest standards of ethics and integrity. Parliament, by law, prescribes necessary educational and other qualifications for them. They should take an Oath or Affirmation of office before assuming office. The salary, tenure, discipline and other conditions of service of the holders of the constitutional offices will not vary to their disadvantage after appointment.

Criteria for the holders of Constitutional Offices

To hold a Constitutional post a person:

- a) Should be a natural citizen of Bhutan;
- b) Should not be married to a person who is not a citizen of Bhutan.

Impeachment of the Constitutional office bearers

The holders of constitutional offices are liable to be removed only by way of impeachment only on the ground of misbehaviour, with the concurrence of not less than two-thirds of the total number of members of Parliament. The Parliament has the full authority to impeach the holders of the constitutional offices. The Chief Justice of Bhutan presides over all impeachment proceedings and in the case of the impeachment of the Chief Justice of Bhutan, the senior most Drangpon of the Supreme Court will preside. The Attorney General submits a written report on the article of impeachment to the Speaker. The procedure for impeachment, including the principles of natural justice, is laid down by the Parliament.

Conclusion

The Constitutional Bodies play a vital role in the smooth functioning of the government. In order to enhance good governance under the themes of efficiency, transparency and accountability, the Constitutional Bodies are established as independent watchdog organizations to maintain counter check and balance in our system of governance.

Student Activity

1. If you have to choose to work in one of the constitutional offices, where would you prefer to work? why?
2. List down at least three criteria to hold the constitutional office.
3. Choose two constitutional offices and describe how they function.
4. Is it important for the Election Commission to function independently? Debate.

Chapter Five

Local Government

Key Terms	Learning objectives
<ul style="list-style-type: none">• Gewog• Dzongkhag• Thromde• Tshogde• Tshogdu• Gup• Mangmi• Chupon• Decentralization	<ul style="list-style-type: none">• Explain the election and nomination of the members of the Gewog Tshogde, Thromde Tshogde and Dzongkhag Tshogdu.• Describe their main roles.

In this chapter, you will focus solely on the Local Government. We will begin by looking at the smallest unit of local government in Bhutan- the *Gewog Tshogde*. The powers and function, roles and responsibilities of the members of the gewog tshogde will be looked into. Then we will deal with the *Dzongkhag Tshogdu* and the *Thromde Tshogde* as local governments, their roles and responsibilities and terms of office. This chapter hopes to give you a better understanding of the need for local governments in the process of economic development.

Background

Democracy is significant only when people are able to participate and contribute meaningfully in decision making and governing. With a small population, people's participation in the decision making process is ensured through an administrative system called local government, which encompasses the role of every Bhutanese citizen. Thus, local government ensures an opportunity to govern themselves under Democracy. Local governance was ensured right from the time Bhutan began to function as a political unit. Under the dual system of government established by Zhabdrung Ngawang Namgyal in the first half of the 17th century, the country was divided into three major provinces. Each of these provinces were headed by a Penlop. Further, these provinces were broken into smaller administrative units known as Dzongkhags. The Dzongkhags were headed by Dzongpons. As Bhutan underwent rapid political organization especially under the fourth King, the administrative mechanism was further transformed and it became more of a government with people at the grass root level, playing the central role in the decision making process. This participation was possible through two instruments known as the *Dzongkhag Tshogdu* at the Dzongkhag level and the *Gewog Tshogde* at the gewog level. For urban centers we have *Thromde Tshogde*.

Gewog Tshogde

In the local government as an administrative unit of local affairs by local people Gewog Tshogde is the smallest administrative unit. With 205 gewogs in the Kingdom, each gewog comprises villages - some sparsely populated while others more densely populated. The gewog is headed by a Gup, who is a member elected by the villagers. He or she plays a crucial role in the implementation of the programmes and policies of the government at the gewog level.

Members of the Gewog Tshogde

- Gup (Chairman)
- Mangmi (Deputy Chairman)
- Tshogpas
- YenlaThrom representative (if there is a throm in the gewog equivalent to chiwog)

Members elected should not be less than five and more than eight.

Observers

- Gaydrung (Gewog clerk)
- Chupon (Village messenger)
- Principal
- Agriculture Extension Officer
- Health Officer
- Animal Husbandry Officer
- Forestry Officer

The functioning of the Gewog Tshogde depends solely on the size and population of the gewog. While the Gup, Mangmi and the Tshogpas are the full members of the Gewog Tshogde, the government representatives including the Agriculture, Health, and Animal Husbandry Officers, the Head Teacher of a school, Gaydrung and the Chupons are observers. In the earlier stage of its establishment the Head Teacher functioned as the Secretary of the Gewog Tshogde, which is now being replaced by the Gaydrung or the Gewog Clerk.

Eligibility

A candidate for Gewog Tshogde will have to fulfil the following terms:

- A candidate should be a Bhutanese citizen under the provisions of the Citizenship Act.
- A candidate should possess a valid citizenship identity card.
- A candidate should not have any adverse criminal records or criminal offences as categorized under the Bhutan Penal Code.
- A candidate under detention but not convicted can contest an election.
- A candidate convicted by a court of law shall not be eligible to contest an election.

- A candidate should not have been dismissed on dishonorable grounds such as corruption and misuse of position, from his or her previous employment in either government or private organizations.
- A candidate should be both mentally and physically sound and should submit a medical certificate of his or her fitness to perform his or her duties and responsibilities effectively.
- A candidate elected as a Gewog Tshogde member should continue as a habitual resident in the constituency until his or her term of office is over.
- A candidate should possess a reasonable academic qualification to discharge his or her duties and responsibilities.
- A candidate shall stand disqualified if he or she is married to a foreign national.
- A candidate should be able to write and speak Dzongkha.
- A candidate should respect and follow the etiquettes as specified under the Driglam Chosum of the Pelden Drukpa.

Terms of Office

The term of office for the members of Gewog Tshogde is as follows:

- The tenure for the Gup is five years but can serve successive terms if re-elected.
- The tenure for Mangmi is five years but can serve successive terms if re-elected.
- The tenure for Tshogpa is five but can serve successive terms if re-elected.

Responsibilities and Powers of the Gup, Mangmi and Tshogpa

a) Gup

- S/he is the head of the Gewog and as the head oversees the overall affairs of the Gewog, coordinates gewog meetings and implements the decisions.
- As the head of the Gewog, s/he is the main link between the villagers in the Gewog and the Dzongkhag Administration.
- S/he is responsible for chairing the meeting.
- S/he is to ensure that the proposed draft agenda and the dates are being notified to the Gewog Tshogde members as well as to the concerned Gewog Sector Extension Staff.
- S/he is to also ensure that additional proposal for the meeting is received from Chiwogs through Tshogpas and from the concerned Gewog Sector Extension Staff.
- S/he is to ensure that quarterly meetings of Gewog Tshogde are being held.
- The Gup may decide on the convening of additional meetings at the end of a Gewog Tshogde meeting on the request of a member or the Chair by simple majority of the members present.
- On the request of the Dzongkhag Administration, the Gup can convene additional meetings.
- S/he is to maintain the decorum and discipline of Gewog Tshogde members and observers including no use of foul language, personal allegations and any physical assault during meetings.

- S/he has the right to dismiss members and observers from the meeting in case of violation of the code of conduct.
- S/he is responsible in submitting periodical reports to the Gewog Tshogde on the status of the implementation of the decisions of Gewog Tshogde and submitting progress reports of the Gewog to the Dzongkhag Administration.
- S/he presides over cases and tries ordinary civil cases at the Gewog level.
- Shall direct constituencies on the need for a selection of a Gewog clerk and on receipt of nominations short list the candidates and appoint as agreed upon by the gewog members.
- S/he may consult the Dzongkhag Finance Officer or the Gewog Accountant on all financial matters.
- S/he is to submit periodic reports to the Gewog Tshogde and Dzongkhag Tshogdu on the status of progress of work and the status of the funds.

b) Mangmi

- As the deputy head of the Gewog, the mangmi will assist the Gup in the day-to-day administration and carry out functions and responsibilities delegated to the Gup.
- The Mangmi shall also officiate as the Gup in the absence of the Gup and shoulder full responsibilities of the Gup including convening and chairing of the meetings.

c) Tshogpa

- Each Gewog Tshogde Tshogpa will hold meeting in their respective chiwogs for submission of any proposals to the Gewog Tshogde.
- Tshogpas should report to the Gup on violation of rules and regulations and need for remedial and corrective actions.

Removal of Gewog Tshogde members

A member of *Gewog Tshogde*, including the Gup, may be removed of his or her post by *Gewog Tshogde* with two-thirds majority of all members under any of the following circumstances:

- A member has lost the trust and confidence of the people with demonstrable evidence.
- A member is found to be incompetent and negligent in the duties entrusted to him or her.
- A member is found to have engaged in an act that is harmful and detrimental to the peace and harmony of the community and Tsa Wa Sum.
- The member against whom the motion is moved shall not be eligible to cast a vote.
- The member may be removed of his or her post at the end of the Gewog Tshogde meeting with justifications mentioned above and if two thirds majority of members vote for the motion.
- All members shall vote for or against the motion through casting of “Yes” or “No” votes through secret ballot.
- The chairman shall direct the member against whom the motion has been moved to leave the meeting.

- If the motion is against the Chairman, the Chairman shall leave the meeting and the mangmi shall chair the meeting.
- Within three days of the meeting, the chairman shall inform the Dzongdag of the decision in writing, quoting the specific session and date of the Gewog Tshogde meeting.

The members in question shall not participate in the meeting and in case it is the Gup, the mangmi shall chair the meeting.

Gewog Tshogde Meeting Procedures

The *Gewog Tshogde* as the executive body at the gewog level is attended by representatives of every household. The meetings can be held either in the Gup's office, in the schools, in temples or in development extension centers as deemed necessary and fit. All *Gewog Tshogde* meetings shall commence with the traditional opening ceremony. The frequency of the meeting is primarily once in every four months. However, under extenuating circumstances and after providing valid reasons, the Gup may re-schedule a meeting.

For the meeting to be considered valid and in order to pass any decision, the quorum should be represented by at least two thirds of the members. A meeting without a minimum two third representation will be considered invalid. Decisions of the meeting shall be made either by consensus or by simple majority. The members can also agree on the purpose and date of additional meetings in the future. The draft agenda proposed for a meeting becomes the first item in the agenda to be adopted by the house.

The agenda and the record of the meetings should be maintained in Dzongkha, the national language. The minutes of the meeting shall be adopted upon confirmation by the members present in a meeting and subsequently signed by the Chairman.

All members shall enjoy equal freedom of speech in the meeting. But any individual representative of a household failing to attend or participate in the meeting should submit in writing valid reasons to the Gyadrung at least a week in advance so that he can inform the Chairman. However, a member failing to attend two consecutive Gewog Tshogde meetings is liable to be relieved of membership on approval by two thirds majority of the members present. Absence of three or more consecutive meetings will automatically result in the termination and losing of the membership in the constituency. No member of a *Gewog Tshogde* shall be arrested or prosecuted while *Gewog Tshogde* is in session.

For every *Gewog Tshogde* meeting, there shall be an approved budget of Ngultrums five thousand to meet various expenses.

Powers and Functions of Gewog Tshogde

a) Administrative powers and functions

- Hold *Gewog Tshogde* meetings to discuss and begin preparation of plans.
- Every Chiwog will hold discussions on development plans and submit proposals to the *Gewog Tshogde*.
- Identify, prioritize and formulate activities for the Chiwogs as gewog plans and include them in the Gewog Five Year Plans document.
- Study and review the need for prioritization based on the developmental activities as listed in the gewog plans.
- The developmental activities as listed in the Gewog plan shall be implemented after the approval of the Dzongkhag Tshogdu.
- For activities not included in the gewog plans, approval must be sought from the Planning Commission for incorporation, which may be done after approval notification from the Planning Commission and the Dzongkhag Administration.

b) Financial powers

- The *Gewog Tshogde* shall propose the gewogs annual budget and the Gup shall submit the proposal to the Dzongkhag Tshogdu for endorsement. However, all proposals should be approved by two thirds of the members in a meeting.
- The proposal should contain work plan for the activities along with specific responsibilities to specific individuals and the mode of implementing the activities.
- The use of such funds will be strictly in accordance with the activities contained in the plan and approved by the *Gewog Tshogde*.
- The review and ratification of accounts of rural tax shall be done on a periodical basis.
- The Gup shall provide a report on other collections and expenditures made thereof.

c) Regulatory powers of the *Gewog Tshogde*

- All rules and regulations made by the *Gewog Tshogde* shall be faithfully implemented by the Gup's office.
- All rules and regulations must be in full conformity with the national laws and rules and regulations.
- Tshogpas and Mangmi should report to the Gup on violation of rules and regulations and need for remedial and corrective actions.
- The Gup's office should take immediate action on such and report the matter to Dzongkhag Administration for support.
- Working committees of a temporary nature may be formed by the *Gewog Tshogde* to study and recommend rules and regulations. The draft of the regulation may be submitted to the Dzongkhag Administration, which will be further submitted to the Ministries concerned to ensure that such regulations are consistent with the national laws.
- The *Gewog Tshogde* shall educate people on community environment, sanitation, control of communicable livestock diseases and allocation of safe and clean drinking water.

Dzongkhag Tshogdu

The *Dzongkhag Tshogdu* is the highest form of local government. It came into existence during the Fifth Five Year Plan and was known as Dzongkhag Yargay Tshogdu. It was created as the Government found the need to bring about a decentralized administrative system, devolving greater executive powers from the central government to the Dzongkhags. It is also expected that such type of government will be more responsive to people's needs, reduce complexity of governance and provide a framework for achieving greater equity among the Dzongkhags. While the *Gewog Tshogde* involves the local people to govern themselves the officials of the *Dzongkhag Tshogdu* are appointed by the Government.

Members of the Dzongkhag Tshogdu

The following are the members of the *Dzongkhag Tshogdu*:

- Chairman
- Gups
- Mangmis
- One elected representative of Dzongkhag Thromde and one representative from Yenla Throm

Observers

- Dzongdag, as guest observer.
- Drangpon, as guest observer.
- Representatives of the various Sectoral agencies as observers.
- Dzongrab, as Ex-officio non-voting member Secretary. In his absence, the Dzongkhag Administrative Officer functions as a non-voting member Secretary.
- Dungpas, as observers

A candidate for the Chairman of the *Dzongkhag Tshogdu* are elected from amongst the members and can be either Gup and Mangmi, or the representative of municipalities and towns. The Dungpas and the representatives of various sectoral agencies may intervene during the discussion if he or she is called to do so by the Chairman or if he or she deems it be necessary.

Eligibility

All elected members of the *Gewog Tshogde* are members of the *Dzongkhag Tshogdu*.

Terms of Office and Election Criteria

The term of office for the members of *Dzongkhag Tshogdu* is as follows:

- The Gup, Mangmi and one representative each of Dzongkhag Thromde and Yenla Throm shall serve as member of the *Dzongkhag Tshogdu* for the duration of his or her term from the day of his or her appointment.
- Representatives of *Dzongkhag Tshogdu* will serve as the member of the *Dzongkhag Tshogdu* for duration of three years.

- Chairman of the *Dzongkhag Tshogdu* who is elected from one of its members serves for a term of one year.
- The *Dzongkhag Tshogdu* shall elect through secret ballot one of its ex-officio voting members as the Deputy Chairman for a tenure up to three years, who shall chair the *Dzongkhag Tshogdu* meetings in the absence of the chairman.

Powers and Functions of Chairperson of Dzongkhag Tshogdu

- The Chairman is responsible for the smooth conduct of the meeting in accordance with the DT *Chatbrim*.
- The Chairman must be fully conversant with all national policies as well as plans and programmes development of the Dzongkhag.
- The Chairman shall issue ordinances based on the decisions of the *Dzongkhag Tshogdu*.
- The Chairman after signing and forwarding the minutes of the meeting to the Dzongdag shall maintain a copy of the minutes of the meeting.
- The Chairman shall ensure that the public are informed of the activities of the Dzongkhag Tshogdu.
- The Chairman may visit every gewog in the Dzongkhag once during his or her tenure and inform the public of the role and activities of the Tshogdu.
- The Chairman shall maintain decorum and order and invite observers as and when appropriate.

Powers and Functions of Dzongkhag Tshogdu

a) Regulatory Powers and functions

- All rules and regulations made by the *Dzongkhag Tshogdu* shall be in conformity with the national laws, rules and regulations.
- All rules and regulations adopted by the *Dzongkhag Tshogdu* shall be faithfully implemented by the Dzongkhag Administration.
- All designated sites of cultural and historical interests shall be protected.
- All designated areas of special scenic beauty or biodiversity shall be protected.
- Posting of billboards, roadside signs, posters, banners and other commercial advertisements will require the prior approval of the *Dzongkhag Tshogdu*.
- Issues and proposals on delineation and demarcation of boundaries between municipalities, towns and gewogs shall be put up to the *Dzongkhag Tshogdu* before consultations with central authorities.
- It shall protect consumers from unfair prices and counterfeit goods as provided in law.
- The *Dzongkhag Tshogdu* may pass rules and regulations on the commercial sale of distillery products, tobacco products, drugs and other harmful substances.
- The *Dzongkhag Tshogdu* may pass rules on prevention of gambling and control of noise pollution.

- The *Dzongkhag Tshogdu* should monitor the content of broadcasting and telecasting within the Dzongkhag to the extent it is not contrary to national law.
- The *Dzongkhag Tshogdu* will coordinate efforts in the defence and security of gewogs and villages by villagers themselves and act in accordance with the directives received from the centre.
- The *Dzongkhag Tshogdu* shall ensure that national laws are adhered to within the Dzongkhag.
- The *Dzongkhag Tshogdu* shall ensure that public health facilities and services, such as safe drinking water, sanitation, immunization, nutrition are given the highest importance at all times.

b) *Administrative Powers and Functions of Dzongkhag Tshogdu*

- The *Dzongkhag Tshogdu* shall be fully responsible for guiding the effective administration of the Dzongkhag by the Dzongkhag Administration.
- It shall be the role of the Dzongkhag Tshogdu to ensure that the decisions taken by it are being implemented faithfully and correctly in a timely fashion.
- The *Dzongkhag Tshogdu* shall have broad administrative powers and functions to give directive and approve Dzongkhag's and gewog's five year plans and annual plans in accordance with the national policies and plans.
- On receiving the gewog plans *Dzongkhag Tshogdu* will be convened to compile and submit the gewog plans for finalization and for onward submission to the Planning Commission by the Dzongkhag Administration. The activities would include up-gradation of schools, hospitals, construction of farm and feeder roads, agricultural and livestock farms, marketing outlets, forest management, communication services, small and medium scale industries and rural electrification schemes etc.
- The *Dzongkhag Tshogdu* shall finalize on the annual plan and budget requests and submit to the Department of National Budget and the Planning Commission for necessary action at the central level. This will be further reviewed by the Department of National Budget and if found appropriate release the annual plan and budget on the approval of the National Assembly during the annual plan and budget presentation.
- The *Dzongkhag Tshogdu* will prioritize the developmental activities during preparation and implementation.

c) *Financial powers and functions of Dzongkhag Tshogdu*

The essence of decentralization and devolution of power lies in empowering the local authorities with planning besides financial and fiscal powers. These three are the most important elements when it comes to decentralization and devolution of decision making powers.

- Prioritize and allocate gewog and Dzongkhag activities upon confirmation of budgetary outlay by the Ministry of Finance.
- The *Dzongkhag Tshogdu* shall prioritize gewog and Dzongkhag five year plan activities before submission to the centre.

- The *Dzongkhag Tshogdu* may not approve re-appropriation of funds from one gewog to another.
- It reviews and ratifies gewog's accounts of rural tax and other collections and expenditures thereof on a periodical basis as a part of annual or mid term review
- It reviews and ratifies the accounts of planned expenditures of the gewog incurred under the authority of the *Gewog Tshogde*.
- It reviews of accounts of Dzongkhag administration accounts.

Dzongkhag Tshogdu Meeting Procedures

- A *Dzongkhag Tshogdu* meeting shall be convened at least once every six months, biannually.
- Additional meetings of the *Dzongkhag Tshogdu* may also be convened if one-third of the members so decide or whenever deemed necessary by the Chairperson.
- The responsibility for proposing the date along with a draft agenda for a meeting shall rest with the secretary in keeping with the plan schedules and other important activities.
- The draft agenda shall be prepared by the Secretary in consultation with the chairman including the proposals received from the Gewog and *Thromde Tshogde*.
- There shall be a fixed agenda for every meeting.
- Any voting member may introduce an item in the agenda with prior notice to the Secretary. However, the decision for inclusion of such proposals shall rest entirely with the Chairman, unless otherwise supported by one third or more of the members.
- The presence of not less than two-thirds of the total existing members of a *Dzongkhag Tshogdu* shall be required to constitute a quorum and to pass any decision.
- Any member failing to attend a meeting shall submit in writing, valid reasons to the Secretary one week in advance who shall duly inform the same to the Chairman.
- Any member failing to attend two consecutive meetings is liable to be relieved of membership after a decision is passed by two thirds majority.
- Absence at three or more consecutive meetings will automatically result in the termination of membership.
- The *Dzongkhag Tshogdu* meeting shall commence with the traditional opening ceremony.
- Decisions of the meeting shall be made either by consensus or by simple majority of those present in a meeting.
- The Secretary shall record the minutes of the meeting and distribute them to all members.
- No member of the *Dzongkhag Tshogdu* shall be arrested or prosecuted while the *Dzongkhag Tshogdu* is in session.

Thromde Tshogde

Bhutan is a developing country and many of our villages have now developed into small towns as a result of economic development. Many towns have sprung up in areas close to the Dzongs and the Dzongkhag and Judiciary administrative units. The growth of towns and cities as a result of trade, commerce and industry is one continuous process which goes on.

As a result of growth, the towns are more thickly populated compared with the villages and therefore, their problems are also complex. Good roads, easy means of travel, a good system of water supply, schools, hospitals and good communication system are all essential services for their development. To overcome these problems the towns need more money and therefore we have constituted the *Thromde Tshogde* as a different governing body from the *Gewog Tshogde* and the *Dzongkhag Tshogdu*. *Thromde Tshogde* first came into existence through a Royal Decree in 1995 in the capital city, Thimphu comprising eight members. It was headed by the Deputy Minister of Communications as its Chairperson and the Thrompon of the Corporation as member Secretary. Similarly, at the Dzongkhag level, a municipal committee was formed with the Dzongdag as the Chairperson.

An Act was passed and approved by the *Lhengye Zhungtshog* on 5th January 1999 to establish Municipal Corporations or *Thromde Tshogde*.

Members of the Thromde Tshogde

- The *Thromde Tshogde* is headed by a Thrompon. However, in our country the post of a Thrompon is created for only big urban cities like Thimphu and Phuentsholing. The rest of the eighteen Dzongkhags are headed by a Chairperson elected from amongst the business community for the respective Dzongkhag.
- All business people engaged in business set up or business transaction within a locality by virtue become an eligible member of the *Thromde Tshogde*. He or she should also be a registered resident in municipalities and towns.
- The representatives of the municipalities and towns are elected through a secret ballot amongst the registered residents who is twenty one years of age and above.
- The Dzongdag organizes and supervises the election through the Dzongkhag Election Committee that is constituted for the election of the *Dzongkhag Tshogdu* Chairman and Deputy Chairman.
- The election committee shall ensure that voters provide identification or evidence of eligibility as a registered resident applicable for casting votes for the election of a representative of municipalities and towns.
- The candidate with the highest number of votes cast shall be declared elected.
- A candidate elected as a member shall not solicit support through bribery, threat or any other foul means.
- A candidate is elected for a term of three years.

Relationship between Gewog Tshogde, the Dzongkhag Tshogdu and the Thromde Tshogde

The establishment of local bodies has been a priority of the government of Bhutan and a vision of the fourth King, His Majesty Jigme Singye Wangchuck. With their establishment, the formulation of plans and activities and the development process has speeded up bringing about a just and an equitable society. In discussing their roles, we have seen that no one body can work

in isolation. They all need to work together so that the issues concerning the Dzongkhag, the Gewog and the Thromde are all discussed in one forum whenever possible. The local governments in the event of their inability to take proper decisions concerning their local areas refer these matters to the National Assembly, the highest legislative body for discussion. They also submit motions arising from the gewogs and the Dzongkhags to the National Assembly. The gewogs also have the powers to raise issues to be discussed at the National assembly. These issues need not be only those that pertain to their respective gewogs but could include issues of national concern. Similarly, any concerns or issues deemed necessary by other ministries concerning the Dzongkhag, the gewog or the thromde are communicated to the respective Dzongkhags.

Conclusion

In any government, there is a mechanism devised and incorporated for greater participation by the people. As such, under the decentralisation policy, the local governments have been introduced in Bhutan to ensure that developmental activities reach every gewog and every village of the country. It is also to ensure people's participation in every decision being made and to promote a sense of ownership in all socio-economic development. These local governments form the basis on which people can act and participate and decide not only issues of their concern but chalk out issues that has greater bearing.

Student Activity

1. Invite the *Gewog Tshogde* leaders to your class and tell them to brief you on the latest *Gewog Tshogde* meeting held in the gewog. Request them to describe their roles, responsibilities and powers in a democratic society. Ask them whether they would still want to continue with their responsibilities? If 'yes', why?
2. With permission from the Dzongdag of your Dzongkhag, attend a session of the *Dzongkhag Tshogdu* meeting as observers and describe the conduct of the meeting, the issues that has been discussed in the meeting and the way that the decisions are being passed. Do you feel that the forum functions democratically and is able to thrash out problems associated with the development of the Dzongkhag and the gewogs?
3. Which aspect of the *Dzongkhag Tshogdu* did you like most- the role of the Chairman, the role of the members or the role of the observers and given an opportunity would you like to be a member of the Tshogdu?
4. How well do you think that the municipalities function in delivering services to its people? Are there any ways of improving their services?
5. Draw an organizational chart of the *Gewog Tshogde*, the *Thromde Tshogde* and the *Dzongkhag Tshogdu*.

Chapter 6

Gross National Happiness and Good Governance

<p>Key Terms</p> <ul style="list-style-type: none"> • Philosophy • Gross National Happiness • Sustainable • Equitable • Good Governance • Accountability • Efficiency • Transparency • Professionalism • Human resource • Pillars • E-governance 	<p>Learning objectives</p> <ul style="list-style-type: none"> • Define Gross National Happiness • State and explain the four pillars of Gross National Happiness • Critically examine Good Governance as the most important pillar • Explain the significance of the features of Good Governance within Gross National happiness
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“A good system of government that is not dependent on any individual or personalities, a system that will function efficiently because of its in-built merits, that is a legacy we must create for future generations.” (Position Classification System RCSC,2005) His Majesty the Fourth King Jigme Singye Wangchuck.

Introduction

The essence of what His Majesty the Fourth King of Bhutan aspires to build in the system as stated in the above quotation is introduced through the introduction of Gross National Happiness. Gross National Happiness is a philosophy that embraces every aspect of development policies in Bhutan. It is based on the idea that a balance between spiritual and material development will lead to the happiness of people for a nation to attain development in its true sense.

The concept was introduced in the 1960's by the third King Jigme Dorji Wangchuck. He emphasised that the ultimate fruit of economic development should be to make all the Bhutanese prosperous and happy. This philosophy was again expressed by him in 1971 in his address during the admission of Bhutan to the United Nations Organization. The vision of making all the Bhutanese happy was further articulated and elaborated by the fourth King Jigme Singye Wangchuck. The philosophy found expression in many of his speeches and stressed the necessity for enhancing both prosperity and happiness. However, the uniqueness of the philosophy became more prominent when he proclaimed that Gross National Happiness is more important than Gross National Product (GNP).

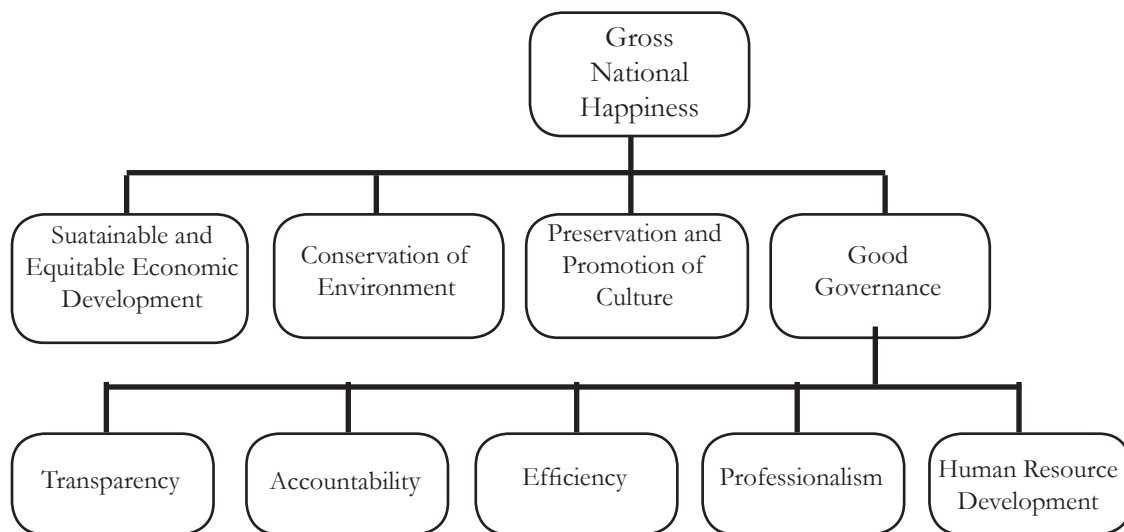


Figure 3.6.1 Four Pillars of Gross National Happiness

The Four Pillars of Gross National Happiness

- Sustainable and Equitable Economic Development
- Conservation of Environment
- Preservation and Promotion of Culture
- Good Governance

- *Sustainable and Equitable Economic Development*

One of the main aims of the Government is to carry out economic activities in a sustainable and equitable manner. The government ensures that the benefits of the development are accessible to all the citizens. This will ultimately lead to the progress of the Bhutanese social economic structure in sharing the attainment of Gross National Happiness. Thus, to improve the well-being of the Bhutanese the government commits itself to the development of basic facilities that is universally necessary. The government strives to achieve this by allotting the maximum share of the five year plan budget to the Health, Education and Agriculture sectors.

The Government believes that the development of these three sectors can enhance the quality of the life of the people. For instance, in 2004, the primary health coverage was above 90% and the life expectancy went to 60 years; the school enrolment reached 135,987; 587 kilometers of farm roads were planned for the 9th five year plan. The other step that the government took is making the harvesting of cordyceps legal. This legalization of harvesting of cordyceps has become another source of income for Bhutanese. Besides, about 15000 households have been electrified in the 9th five year plan.

- *Conservation of Environment*

Bhutan has learned from other countries that deforestation leads to so many natural calamities like, draught and the extinction of rare species. Therefore, Bhutan government has considered conservation of environment as one of the pillars of Gross National Happiness. Conservation of the environment and the eco-systems is implemented not only to prevent natural calamities but also to serve as source of revenue for our government. For instance, our lush green environment has become an attraction to the tourist. The possibilities to attract tourists have led to the opening of many tourist agencies resulting in the generation of revenue for the country. This clearly denotes realisation of Gross National Happiness as Bhutan is not only successful in conserving its environment but also in generating income to the country. Conservation of environment will also ensure the continued flow of rivers, leading to the development of hydro power, which is one of our country's major sources of income.

Keeping in view the importance of environment conservation, the National Environment Commission reviews the project proposals and ensures that there is no large scale environmental damage. The action that the government has taken is by allocating funds to be used on projects related to environment conservation. For instance, from 2004, each Dzongkhag received Nu. 200,000 for the conservation of environment and awarded Nu. 500,000 as a prize for a clean Dzongkhag.

- *Preservation and Promotion of Culture*

Long time ago, there was no threat to the existence of Bhutan but slowly with the impact of globalisation and fast developments taking place, the existence of a small country like Bhutan has been threatened in the form of losing its identity. Bhutan, in terms of size, population and its development is insignificant compared with other developed nations. Therefore, one means of asserting our unique identity and age old traditions is through the preservation of our culture. It is necessary to let future citizens know and understand that it was under the leadership of kings that Bhutan was able to maintain peace, unity and independence as well as embark upon the challenges of modernisation, which in turn brought about economic prosperity and social justice to our people. The former Education Minister Lyonpo Sangay Ngedup commented that it was also desirable to let students know that the rich tradition of art, architecture and handicrafts have given Bhutan a unique identity and therefore preserving and promoting them forms an integral part of the nation's effort towards socio-economic development. Therefore this pillar of Gross National Happiness can also be strengthened by promoting our language and culture, art and architecture, performing arts, traditional etiquettes, textile, sports and recreation etc.

- *Good Governance*

Good governance is the most important pillar as, without it, the other pillars would become baseless. Good governance guarantees that there is sustainable and equitable development, the environment is conserved and culture is preserved and promoted. To strengthen this pillar, the government has decentralised and empowered people in decision making, promotion of transparency and accountability, enhancement of foreign relations, drafting of new laws, and introduction of the Constitution.

Values such as integrity, trust, responsibility, discipline, dedication, diligence, cooperation, care, courtesy, patience, politeness, fairness, friendliness, knowledge and skill, creativity, innovativeness, accountability, impartiality, visionary, dynamism, receptiveness and approachability have important roles to play in the organisation and administration of a nation. They help to shape and nurture the development of the highest possible standards of behavior. It is, therefore, essential for all to reflect and translate their understanding and practice of the positive values in their work and conduct. All these values can be inculcated in citizens with the application of the themes of the Good Governance. The themes of Good Governance are:

Human Resource Development: Human Resource Development is important as it promotes efficiency in the functioning of the government. The various ways which leads to Human Resource Development are:

- a) By introducing programmes for new recruits including provisions for counselling, mentoring and operationalising a system whereby senior officials are required to act as role models for promoting right values and professionalism.
- b) Conduct training programmes on code of conducts.
- c) Incorporate the employees' behaviour towards the public as one of the elements in the personnel performance evaluation.
- d) Conduct continual in-service education and training to ensure updating of professional knowledge and skills including enhancing the ability of civil servants to analyse and draw conclusions, as well as to promote the understanding of national goals and consensual direction.
- e) Introduce personnel development activities such as retreats and meditation practices.
- f) Institute a process of systematic grooming and selection of leaders/managers at all levels.

Professionalism: In order to enhance a culture of Professional excellence:

- a. Appoint the right person for the right job.
- b. Institute in-house programmes for front line employees to instill customer-friendly skills.
- c. Encourage professional bodies such as association for engineers, teachers, health and medical professional, finance and accounts, etc.
- d. Publicise values and work ethics through news bulletin/other publication of government agencies, and the media to check corrupt practices.
- e. Institute award system for innovation.

Motivation: Motivation is essential for professionals in all the organizations to perform efficiently. There are many ways to motivate such as:

- a. Improve the working conditions and facilities that impact staff performance and motivation.
- b. Create a merit based system where high performers are rewarded and non-performers are penalized.
- c. Encourage employees to make professional judgments and exercise innovations and judicious discretion when warranted.
- d. Enhance difficult area allowance and free housing with minimum basic facilities in rural areas.
- e. Make it mandatory for all civil servants being considered for promotions for grade five and above to work in remote Dzongkhags and Gewogs for a minimum of one to two years.

Transparency: Good Governance demands transparency in the functioning of the system and the organisations which will ultimately lead to the satisfaction and happiness of the employees. In order to create transparency certain projects have been undertaken.

- a. Under the Japan International Cooperation Agency Technical Cooperation, the Local Government and Decentralisation project was signed between the RGOB and JICA in March 2004. This project is to build organisational and individual capacity building at central, Dzongkhag and Gewog level through training and material capacity development by constructing Gewog Centre and providing equipments.
- b. ICT for communication: ICT helps in the utilization of information and communication technology to promote transparency, efficiency and effectiveness in public service delivery. In order to achieve these, the project supports the following:
 - Establishment of key foundation for E-Governance initiatives in Bhutan.
 - Strengthening cooperation between the RGOB and the private sectors on ICT based on the Bhutan ICT policy and strategy.
 - Providing access to information for rural women and men.

For instance, the following goals have been achieved:

- *National Data Standard* has been developed.
 - The development of e-signature and a national intranet are in the process.
 - The heads of the ICT units of all ministries are trained in IT management and relevant people have undergone training to manage tele-centres and are now posted in the tele-centres.
- c. E-Governance in Bhutan: This is to create a “Smart Government” model within the Ministry of Information and Communications and thereafter deployed it in other government agencies. This was done by facilitating communication and collaboration among the various departments under the ministry and providing applications to manage certain processes in the organisation in an efficient government.

The following are the achievements so far:

- Established necessary hardware and software for developing e-governance applications, including applications for document management.
- Increased efficiency and effectiveness of online communication between departments within the MoIC through the provision of hardware and consultancy requirement.

Accountability: In order to cut down corrupt practices and to encourage proper management of public resources the following steps have been undertaken:

- a) Encourage decision making by fixing responsibility and accountability both at the system and individual level and introducing a proper system of monitoring following the mechanism of delegation of responsibility and accountability.
- b) Ensure that accountability is not compromised and decisions are not delayed. A system for the following of the decision of the committees and the meetings must be institutionalised or coordinated to realize the optimal benefits from the decisions.
- c) Undertake proper and complete handing/taking over at the time of transfer, resignation, superannuation, termination, etc.
- d) Anti-Corruption Commission was established to promote transparency, efficiency and accountability with respect to management of public resources. It reviews and analyses systematic problems and recommends preventive measures through consultation and research.
- d) Royal Audit Authority was set up to audit and report on the economy, efficiency and effectiveness in the use of public resources.

Features of Good Governance

Broadly, good governance refers to people's perception of government's functions. The following are the salient features of Good Governance:

- *Fair and Representative Election*

In order to enable fair and representative elections, the Constitution has specified a bicameral legislative structure comprising a National Assembly and National Council. The electoral system will have two rounds of elections for the national Assembly so as to ensure government stability. In the first round, the two parties who win the maximum votes will be chosen. In the second round, these two parties will sit for election for the Ruling Party and the Opposition Party. All parties will receive state funding to curb corrupt practices.

- *Competent, Honest and Transparent Government*
 Government competence and honesty are needed to formulate and implement just policies or decisions. Aspects of competence and honesty include efficient management of budget and public expenditures, capable and responsive civil service, and building social consensus on policies. Honesty of a democratic government implies providing impartial information to the public, collecting public feedback on alternatives to a decision and involving people in the decision making.
- *Fair and Equal Laws*
 The Constitution of Bhutan states clearly that a society has to be free of oppression and discrimination. For those who cannot afford it, legal aid will be provided to secure justice. Bhutan's obligations under International law, such as the Universal Declaration of Human Rights, are fully enshrined and all acceded international treaties will be honoured.
- *Active and Knowledgeable Citizens*
 Engaged citizenship is an absolute necessity for a democratic country to function well. Therefore, the citizens must be well informed of the happenings in the system of government. For this, accountability will be fostered by the Opposition Party as well as by the flow of unbiased information to the public. Two private Newspaper, *Bhutan Times* and *Bhutan Observer* have been established.
- *Shared Belief in the Public Good*
 The Constitution ensures public good as the main purpose of government. This means the Ruling Party that forms the government is entrusted with the responsibility in upholding the principles enshrined in the Constitution for the well-being of the people and the security of the nation.
- *Reasonable Equality in Wealth and Power*
 Although Bhutan has been an egalitarian society, income inequality exists between rural and urban society. Therefore, promoting equitable distribution of public facilities among people regardless of where they live has been reflected in the Constitution and has been regarded as an important priority of the tenth five year plan. Free education for all children up to the tenth standard and free access to basic public health services has also been mentioned in the Constitution and has been implemented for a long time.
- *Evaluation, Innovation and change*
 The ability to innovate and reform is a characteristic of good governance. As Bhutan transforms itself politically and economically, the unintended and unexpected changes in the society will be inevitable.

Conclusion

Gross National Happiness is a unique philosophy that is becoming popular even in other countries. This development philosophy is unique as it emphasises more on Gross National Happiness than on Gross National Product. However, this philosophy aims to balance between the materialistic need and the spirituality with its four pillars. Among the four pillars, Good Governance is the most important pillar as without it the other three pillars will not be able to stand and function independently.

Student Activity

1. How do you relate the need to preserve Bhutanese Culture and Spiritual values with Gross National Happiness?
2. How do you think the four pillars of Gross National happiness would contribute to the socio-economic development of our country?
3. Analyse the goals of Gross National Happiness in the context of the Parliamentary democracy.
4. Discuss the features of our Constitution and relate them in the context of Good Governance.

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