

BHSEC

Bhutan Civics

Classes XI & XII



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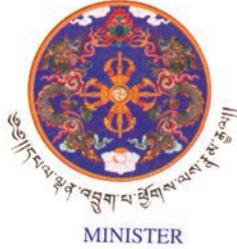
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ROYAL GOVERNMENT OF BHUTAN

འཕེལ་རིག་སྒྲིལ་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

Parliamentary Democratic 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 main objective of this Civics textbook is to introduce classes XI and XII students to the new form of government and the related theories. It will form a part of History.

In this textbook there are seven chapters. The first three chapters on State and Society, Forms of Government and Constitution are to be delivered in class XI. The topics will help the students to understand and analyze the definition and attributes of society, State and Nation and their relationship; the forms of Government and their merits and demerits in relation to form of Bhutanese Government; types and characteristics of Constitution; and the merits and demerits of different types of Constitution in relation to the Bhutanese Constitution.

The remaining four chapters to be delivered in class XII are on the Role of the Monarch in our Parliamentary Democracy, Prime Minister and the Council of Ministers, Principles of State Policy and Civil Service: Bureaucracy in a Democratic Nation. The topics will help the students to understand, analyze and appreciate the powers and roles of the Monarch in our Parliamentary Democracy and the relationship with the Council of Ministers; position and powers of the Prime Minister; composition, appointment, powers and functions of the Council of Ministers; meaning, importance and categories of Principles of State Policy; meaning, characteristics, roles and significance of Bureaucracy in democratic nation; and the recruitment, classification and promotion procedures of Civil Servants and the role of Royal Civil Service Commission.

Unlike the topics treated in lower classes, in classes XI and XII there will be theories as well. All the chapters will begin with theory and then put it in the Bhutanese context. This will enable the students to have a global picture and not only help them to understand Bhutanese system of government and society but also that of others. This will serve as a good foundation for the students aspiring to take up political science. For others, they will be equipped to make sound judgement on democracy and its process as well as fully understand the importance of participating in the election process.

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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Chapter One

Society, State and Nation

Key Terms	Learning Objectives
<ul style="list-style-type: none">• State• Society• Nation• Government• Sovereignty• Territory• Race• population	<ul style="list-style-type: none">• Define Society, State and Nation• Tell the attributes of Society, State, Nation and Government• Differentiate between State and Nation

In this chapter you will study about Society, State and Nation. You will look at the definition and characteristics of each of them so that we are able to form a good understanding of these three different aspects. A good understanding of the basic differences between them is a must.

Definition of a Society

Society is composed of a number of individuals living together and entering into innumerable relations with one another. Society came into being from time immemorial when human first settle in this world. According to Mac Iver, “Society includes every willed relationship” of individuals. Cole says that “Society is the assembly of all human relations.” Bhutanese are also divided into many societies based on their relationship with each other belonging to a similar group. The societies of the Khengpas, Tshanglas, Brokpas, Doyas, Lhotshamaps, Ngalops and the Layaps are some of the best examples of our society where people with a common background share close affinity with each other. Broader examples of societies are the societies in other countries based on religion such as the “Krishna Awareness Society”, the society of the Muslims, the society of the Christians, etc.

The essential attributes of a society

Society is prior to State: Society came into being when human was born into this world. It is true that human beings were not organized in the primeval period of human’s history and used to wander from one place to another mostly in groups just as some people still do even today. With civilization human began to advance and think more about things around him or her. He/she started cultivation and than families came into being. With families, came different groups and with groups he began to feel the need for a State. Thus, it is clear that the state has developed after the family and society had come into being.

Society is larger than the State: The State lies within a definite geographical limit, whereas the human society can be as extensive as the whole of the world. Whenever we talk of Hindu, Christian or Buddhist society, we talk of the religious society prevalent throughout the world and not restricted by a fixed geographical boundary.

Society's Scope is wider than the State: Society emphasises the development of educational, moral, cultural, social, economic, religious and political aspects to achieve all round development of human, whereas the State is concerned mostly with the political developments. Similarly, society tries to do away with the social evils like consumption of alcohol, illiteracy, superstition etc. They cannot be done away with by the state.

The State is a Political System whereas Society is a Social One: The State is a Political System whereas Society is a Social One. The family is the fundamental unit of the social organisation. Society comes into being when the family unit is developed. This lays stress on social cooperation and harmonious living.

Fixed Territory is essential for the State but not for the Society: The fixed territory is essential for the State but not for society. It is because society is based on mutual relations amongst human. Its scope can be smaller or larger but for the state, fixed territory is essential to exercise its sovereignty.

Organisation is essential for the State but not Society: An organised Government is essential for the State to maintain peace and order and make progress. But for a society no organisation is necessary.

State possesses Sovereignty but Society does not: Society has no power to enforce its rules nor can it punish its members who violate its rules. But the state has sovereignty and can punish all persons guilty of breaching the laws. The State has law, police, judiciary, army etc. for their enforcement.

Definition of a State

State as an aspect of society is an important institution of social life. In ordinary terms, the word 'State' is used in a very loose sense. Sometimes it is used to refer to the provincial units or Dzongkhags within a country although they are not states in the strict sense of political science. A best example of the use of the word 'state' with reference to a provincial unit is in the context of the Indian Federation as Assam, Bengal, Tamil Nadu, Kerala and others. Scholars have defined the concept of 'State' in different ways according to their own understanding and attitude.

The definition of the 'State,' broadly speaking, falls into two classes: Traditional definitions and Modern definitions.

Traditional Definitions: Amongst the traditional definitions the most important are the ones addressed by philosophers like Aristotle and Cicero.

According to Aristotle,

“State is a union of families and villages having for its end a perfect and self-sufficient life by which we mean a happy and an honourable life.”

According to Cicero,

“State is a perfect society in which free men united for the sake of enjoying the advantages of right and the common utility.”

Modern Definitions: Some of the modern definitions given by philosophers are as follows:

According to Prof. Gilchrist,

“The state is a concept of Political Science which exists where a number of people living in a definite territory are under the government which in internal matters the organ for expressing their sovereignty and in external matters is dependent of other Governments.”

According to Oppenheim,

“The state exists when a people is settled in a country under own sovereign Government.”

According to Dr. Garner,

“The state is a community of persons, more or less numerous, permanently occupying a definite portion of a territory, independent or nearly so of external control and possessing an organized Government to which the great body of inhabitants render habitual obedience.”

According to Woodrow Wilson,

“State is a people organized for law and within a definite territory.”

What is clear in all of the definitions given above is that they have four elements of the state - a fixed territory, people, the Government, and sovereignty. Thus to understand the concept State we have to consider the four elements.

The essential attributes of the State

Population: The population is an essential element of the State without which the State cannot come into existence. No State can exist in an uninhabited land, nor there be any state if there is no population. For the state to exist a sound population living in groups is required as the state is bigger than a mere combination of five or seven families that forms a village. For an ideal State to exist, Plato has prescribed a population of 5040. Aristotle on the other hand feels that the population should neither be very large nor very small although it is a necessary element of the State. Rousseau, a prominent French philosopher advocated that a population of about 10,000 people could form an ideal state. These thinkers considered small numbers as essential for good governance. However, in the modern times no such philosophers can be accepted as absolute or real as states like China and India could exist with a population of 1.2 billion and 1.02 billion respectively. On the other hand, the population of the Vatican City is only about a thousand people. Thus it is impossible to fix a definite number for the population of a state. As no limit, either theoretical or practical, can be laid down, the population of a state should commensurate with the size of its territory and its physical resources.

The population of a state is composed of two classes: (i) citizens, (ii) aliens. The citizens are made up of those persons who are loyal to the state and also exercise their citizenship and political rights and participate in the process of governing. The aliens owe allegiance to the other state and they possess only the rights of citizens.

Fixed Territory: Another element of the state is its fixed territory. Without a fixed territory there can be no state. It is only with a fixed territory that a state can be established. Like population, there is no fixed limit of the territory. It can be as small as Monaco and as big as Canada.

No principle can be laid down as to the size of a State. Size moreover is no index of greatness. There are many other elements connected with territory which makes for greatness. Climate, the temperament of the people, geographical configuration, and natural resources are all important factors in deciding both the size and the greatness of a State.

Government: The Government is the third essential element of the state. Government is the agency that formulates and expresses the will of the state and maintains law and order in the state. The Government as the organization of the state is the organ of unity whereby the common purposes which underlie unity are definitely translated into practical reality. The Government is the outward manifestation of the state, and as such is the organization of the common purposes of the people. The Government has three principal organs: the Legislature, Executive and the Judiciary. They formulate the laws, execute them and perform judicial functions.

The form of Government is not uniform in all the states of the world. Different forms of Government exist in different countries. Jordan is a monarchy and has a monarch while India is democratic with a president at its head. North Korea, a communist nation on the other hand follows a dictatorial form of Government. Similarly, in some states there are federal Governments and in some others the Government is a unitary one. Whatever the form of Government, the state should maintain law and order, execute the orders and safeguard the country against external threats.

Sovereignty: A necessary and vital element of the state is sovereignty. It is in fact the supreme element of statehood and symbolizes the soul of the state. As the supreme power of the state it implies that it has full and final authority over all the individuals and over the associations of individuals within the boundaries of the state. No single individual or association can challenge its authority except at the risk of his or her life and liberty. The sovereignty of the state is expressed through Government which is supreme in internal matters and independent as regards external Governments.

Sovereignty is of two types:

Internal Sovereignty: The internal sovereignty of a state implies that it has full and final authority over all the individuals, associations of individuals, organizations and institutions living and existing within its frontiers and keeps them under its control by exercising its power. It has power to prohibit any individual or association from doing any task which is harmful to the State. No one can in fact challenge its authority except at the risk of one's life and liberty.

External Sovereignty: The external sovereignty of the state implies the complete independence of action vis-à-vis the other states of the world. It means not having to follow the orders of some other state or external power.

In order to acquire the status of a State it should also have its own National Flag, currency and armed forces, among others.

Definition of a Nation

The word 'Nation' is derived from the Latin word 'Natus' which means 'birth' or 'race'. Writers use the term 'Nation' in the sense of nationality and use 'nation-state' for nation. Thus, we speak of the British nation, meaning the British people organised in one State and acting spontaneously as a unity. The common characteristic in modern nationalities is the desire to become nations, and to establish themselves as an independent State.

In our own context, Bhutan has existed as a nation since people first began to live in different areas. Our society is made up of different races. For example, the Tshanglas as a race has lived in parts of eastern Bhutan, while Khengpas have lived in parts of central Bhutan for such a long time. The Tshanglas and the Khengpas fulfil the idea of nation. Today our existence as an independent sovereign state with people of different races is in conjunction with the definition accorded to countries like Britain.

The extreme formula of this idea is “one Nationality, one State.” The term Nation can be looked at from two different angles:

On the basis of Race: While supporting the principle of the ‘nation’ from the racial aspect, Burgess writes, “*A nation is a population of an ethnic unity, inhabiting a territory of geographic unity.*” Pradier Fodders supports the view when he says, “*Affinity of race and community of language, of habits, of customs and religions are the elements which constitute the nation*”.

On the basis of Statehood: Lord Bryce, Gilchrist, Hayes and other writers have pointed out the fact that for a nation, the state is imperative, and have defined the meaning of the nation. Lord Bryce says, “*A nation is a nationality which has organized itself into a political body independent or desiring to be independent.*” Hayes says, “*A nationality by acquiring political unity of sovereign independence becomes a nation.*”

Distinction between the State and the Nation

State	Nation
<ul style="list-style-type: none"> • The state is a political organisation which has come into being with a view to fulfil the needs of the individuals. • For a state, the elements of population, definite territory, government and sovereignty are necessary. • With a fixed territory the boundaries of a state were determined. 	<ul style="list-style-type: none"> • Nation is an intellectual and spiritual concept. Its basis is its strong feeling for unity based on national consciousness. • For the nation, elements of population, definite territory, government and sovereignty are not necessary. It is made up of cultural aspects. • A nation could be even beyond the boundaries of the state.

Conclusion

We have seen that State, Society and Nation are different aspects under a system of Government be it monarchy or a democratic Government. They all form a part of the Government and the Government is defined to an extent by the elements mentioned above.

Student Activity

1. Define a Sate, Society and a Nation.
2. What are the essential attributes of a Society?
3. What are the attributes of a State? Can Bhutan be considered a State and if so why?
4. What are some of the differences between a State and a Nation?
5. Justify how our country can be defined as a nation-state.

Chapter Two

Forms of Government

Key Terms	Learning Objectives
<ul style="list-style-type: none">• Monarchy• Tyranny• Aristocracy• Oligarchy• Polity• Democracy• Dictatorship• Tatalitarian• Military	<ul style="list-style-type: none">• Contrast Democratic Government from non-Democratic Government• Differentiate between direct and indirect forms of Democratic Government• Tell the merits and demerits of Democracy Government• Explain and give examples of non-Democratic Government• Compare Bhutanese form of Government with other forms of Governments

In the earlier chapter we have seen that different forms of Government exist in different countries. In this chapter, you will study about the various forms of Government as seen in countries throughout the world. You will begin with Aristotle's classification of the types of Governments, the democratic and non-democratic Governments and their merits and demerits. You will also look at the Bhutanese form of Government.

Background

The states, constitutions and the governments have been classified since ancient times. Although Plato too had classified them in his book 'The Republic', Aristotle's classification has been adjudged the oldest. His classification applies to the constitutions, the states or the governments equally. Leacock observes,

"Some writers have held that we ought not to speak of a classification of states, since the states are identical in their essential attributes. They should instead prefer to classify the form of government seen in the states."

Aristotle's Classification

Aristotle's classification represented the reality of the political system based on two factors.

- (i) The number of rulers and
- (ii) The good or bad end of the ruled.

According to Aristotle, the form of Government changes when the power of the Government is vested in either in the hands of one person, a few persons or many persons. Similarly the good intention of the ruler otherwise changes the form of the Government. Aristotle's classification of Government into six types is as follows:

Monarchy: Aristotle's definition is, "*A state which is governed by one person for the common good is monarchy.*" In other words, when the Government is in the hands of one person and s/he runs the Government not with a view to the interest of one person but for the welfare of all, it is called monarchy. This is the pure nature of monarchy. But there is always the fear that it may turn into tyranny.

Tyranny: Tyranny is also the rule of one individual person who runs the country based on his or her whims and fancies. But this is a perverted form of Government. In the words of Aristotle, "*Monarchy is tyranny where the good of one man only is the object of the Government and such a Government works arbitrarily for the interest of one person and not for the welfare of the people.*" The best examples of tyrannical rulers are Hitler of Germany and Mussolini of Italy who lived during the Second World War.

Aristocracy: Under Aristocracy, the powers of the Government are vested in the hands of few individuals who are superior to the other members of the society in point of bravery, wealth, lineage and military competence. The aim of the government of these aristocrats is to conduce to the welfare of the people, and not to cater to their political interests. Though aristocracy is a better form of government there is always the fear that it may become an oligarchy.

Oligarchy: Oligarchy is a form of Government that works for the welfare of few persons and not for the welfare of the people. Under Oligarchy, people are exploited and their rights and liberties are crushed. Thus it is a perverted form of Government.

Polity: According to Aristotle, "*When the citizens at large govern for the public good, it is called a polity.*" It is a Government where power is concentrated in a majority of the people and the power is used for the public welfare.

Democracy: When the power of the Government is in the hands of the majority of the poor, and the Government is run for the interests of the poor only, then it is a democracy. According to Aristotle, in the changes of Government there was first the monarchy. When a monarch became cruel, it became a tyranny. After revolt against the cruel king it turned into Aristocracy. When the Aristocracy declined and its rulers began to cater to their own interests and did not look after the interests of the people, it became oligarchy. When the cruelties under oligarchy

became unbearable, people rebelled against it and there came into being a polity. The power of governing was vested in the majority of the people and the ruling class worked for the welfare of the people. In due course, the poor got power and they worked only for themselves. Then the polity turned into democracy.

Aristotle has considered his classification of Government on the basis of the number of people governing it. He described democracy as the worst form of Government though in today's world it is the most acceptable form of Government.

Forms of Modern Government

Forms of Government in the modern world are basically divided into (i) Democratic and (ii) non-Democratic.

Democratic Government

Definition of Democracy: Democracy is the ideal form of Government in the present age and is the most popular one. Democracy began with the Greeks in the 6th century BC. In the Middle Ages though democracy was not directly instituted it was prevalent as the democratic idea of equality was understood by the people. Feudalism also stressed the rights of the people to defend themselves. The concept of democracy continued to be prevalent in Europe. In England it was the English philosopher by the name of John Locke and in France the French philosopher Jacques Rousseau who propagated the ideas of democracy. Before the end of the 19th century, western European monarchies began to adopt a constitution limiting the power of the royal family and giving more power to the people. With the growing success of democracy in the United States and in other European countries, democracy became more and more popular.

The word Democracy is derived from the two Greek words 'Demos' and 'Cratia'. Both these words imply the Government of the people. In simple words Democracy means the power of the people or the rule of the Government. Under Democracy the power to alter the laws and structures of the Government lies ultimately with the citizens. Under such a system, legislative decisions are made by the people themselves or by representatives who act through the consent of the people, as enforced by elections and the rule of law. In contemporary usage democracy refers to a Government chosen by the people whether it is direct or representative.

According to Dicey, democracy is,

“That form of government in which governing body is comparatively a large fraction of the entire nation.”

According to Gettell,

“Democracy is that form of the Government in which the mass of population possesses the right to share in the exercise of sovereign power.”

To Seeley,

“Democracy is a Government in which everybody has a share.”

Herodotus says,

“It is that form of Government in which the supreme power of the state is vested in the members of the community as a whole.”

According to Abraham Lincoln,

“Democracy is a Government of the people, by the people and for the people.”

From all these definitions it is evident that Democracy is a form of Government that is run by the people and where the Government is responsible to the people. In Democracy there is a proper administration of the rights of the citizens and liberties are given to all the citizens in the state.

Forms of Democratic Government

Democracy is mainly of two types:

Direct Democracy: Direct democracy is a system of Government in which all the citizens take part in the activities of the Government directly. In this system, the methods of referendum and initiative are being employed. Under direct democracy the citizens have the right to vote and hold office. It is also the duty of the citizens to actively participate in the political process. In a direct democracy it is the majority votes that make decisions. Hearnshaw says, *“A democratic form of Government in the strict sense of the term is one in which the community, as a whole, directly, without agents or representatives, performs the function of the sovereignty.”*

Representative Democracy: Representative democracy developed in those states which were large in size and had vast population. In such a system, all adult citizens choose or elect their representatives to make decisions for them in an assembly and run the Government. The representatives have the right to vote or speak in the assembly and they are accountable to the electorate who vote for them and therefore should consider the public opinion when taking part in decision making process. According J.S.Mill, *“Indirect or Representative Democracy is the one in which the people or some numerical portion of them exercise the governing power through deputies periodically elected by themselves.”* In the words of Hearnshaw, *“Democracy is a Government of the supreme sovereign peopled by their representatives.”*

Merits and Demerits

Democracy as the best form of Government has the following merits and de-merits:

Merits

Based on Public welfare: As a Government formed by the elected representatives of the people, it tries to cater to the needs and interests of the people. Hence they do not do anything which runs counter to the interests of the people.

Based on Public Opinion: The representatives are supported by the people and without their support they must resign. As such the basis for democracy is not power but consent. It does not recognize individual for the state but the state's existence for the individual.

Based on Equality, Liberty and Fraternity: In democracy the Government makes no distinction on the basis of caste, creed, sex, colour, descent or wealth, but is rather based on the principle of equality. Under such a system there develops the spirit of fraternity amongst the citizens.

Based on efficient Administration: Democracy provides more efficient administration, as compared to that of others as the rules are representatives of the administration and therefore they are fully acquainted with the problems of the people. They solve the problems expeditiously.

Social and Political Education of the People: In democracy, the indispensable process of election necessitates the presence of political parties. These parties draw up policies and programme to attract people. This provides political education to the people.

Development of Personality: As all citizens are equal in a democracy, it helps to develop the qualities of self confidence, self-reliance, sacrifice and a spirit of service etc., which also develops their personalities.

Safeguard against Revolt and Revolution: Under the democratic system, the citizens get an opportunity from time to time to change the Government and therefore there arises no fear of revolt or revolution as in the case of monarchy.

Encouragement to National Unity: In democracy all citizens are equal and have equal rights. This situation creates in all citizens the spirit of oneness of humankind and do not develop any spirit of discrimination and hatred. The people also develop leadership qualities to enhance the ideals of democracy.

Stable Government: Because there is no fear of revolt or revolution the Government is stable.

Demerits

Cult of Incompetence: In a democracy, there is the rule of the majority. In most of the countries, particularly undeveloped and developing countries most of the people are uneducated, ignorant and superstitious. Hence the people have called it the government of the foolish.

More emphasis on Quantity than Quality: Democracy being a rule of the majority, more emphasis is laid on quantity of the people than quality.

Corrupt Administration: Democracy may be emphasized in theory but in actual practice, it encourages corruption. The reason is that for the process of election inherent in the system, the political parties have to flatter the rich and the capitalists.

Misuse of Money and Power: In a democracy, there is much use of money and power. The amount of work an individual can do in a day is done by seven individuals in seven days in a democracy. The laws which can be formulated in a few days can be passed in a year because of the prolonged, complicated, democratic procedure and sometimes, when they are passed they lose their utility.

Hampers Progress and Development: In a democracy the attention of the people is limited more to the process of political alliances or political activities than to the projects of development or technical research etc.

Expensive Government: In a democracy, besides electing the representatives of the people to the Government, a huge amount of money is being spent on the salaries, allowances for the president, the governors, ministers, members of parliament and the legislators.

Irresponsible Government: In a democratic system the Government becomes fully irresponsible. This is because no official holds himself responsible for the failure of any project and attributes the failures to others.

Bad Effect of Political Parties: The presence of political parties is necessary for democracy. But in practice, the political parties have caused more harm than good.

Forms of non-Democratic Governments

Monarchy

A monarchy is a form of Government that has a monarch as the Head of the State. The word monarchy has been derived from the Greek word 'monos' which means 'one' and 'archein' which means 'to rule'. Thus monarchy is a rule of one man or a woman whether good or bad, wise or incompetent. One of the distinguishing characteristics is that the Head of the State usually reigns for life in monarchy while in a democracy, the Head of the State is normally elected for a certain period of time. Thus it is a form of Government in which sovereignty is vested in a single person whose right to rule is generally hereditary and who is empowered to remain in office for life.

In most monarchies, the monarch serves as a symbol of continuity and statehood. Monarchies are one of the oldest forms of Government, with echoes in the leadership of tribal chiefs. Many monarchies began with the Monarch as the local representative and temporary embodiment of the deity. Other Monarchs derived their power by acclamation of the ruling or of the warrior caste of a clan or group of clans.

Since 1800, many of the world's monarchies have ceased to exist due to parliamentary democracies or republics. Democratic countries which retain monarchy have by definition limited the Monarch's power, with most having become constitutional monarchies.

Types of Monarchy

Monarchy can be broadly classified into two types:

Constitutional Monarchy: Under a constitutional monarchy the monarch has limited and specified power. The royal powers are replaced by parliamentary authority and major decisions are now taken in the parliament. S/he now becomes the Head of the State and not the Head of the Government. The Head of the Government is now elected by the people. The Monarch is now subject to the constitution as well as to the citizens. In a constitutional monarchy even the rule of succession is generally embodied in a law passed by a representative body such as a parliament. Our country Bhutan is a constitutional monarchy with a written constitution.

Absolute Monarchy: It is the oldest form of Monarchy with the monarch claiming as representative of God on earth or having Divine Right. The Monarch has absolute and supreme power over every aspect of the state. As the absolute Monarch, he or she occupies a central position and performs many prime functions. He/she is the Head of the State as well as the Government and as such has the full liberty to decide anything which cannot be objected or rejected by the people on any of the decisions made. Saudi Arabia, in the Middle East is the best example of absolute monarchy where the monarch has supreme power.

Dictatorship: Dictatorship has developed mainly in the 20th century as a reaction against democracy. According to Neumann, “By dictatorship we understand the rule of a person or a group of persons who arrogate to themselves and monopolize a power in the state, exercising it without restraint.” The supporters of dictatorship were inspired by the writings of Hegel and Nietzsche in Germany and later from the political philosophy of Karl Marx. After the First World War there developed a serious reaction against the democratic system and as a result there came into being dictatorships in Italy and Germany under the leadership of Mussolini and Hitler respectively. During the Second World War dictatorial governments were established in Spain and Japan under the respective leadership of General Franco and Tojo respectively.

In dictatorial systems of governments, the power of the Government is not unlimited and undisciplined and there is established a complete monopoly of the state over the political, economic, educational and cultural affairs. The freedom of the individual is limited. In the words of Mussolini, there is “Everything within the state, nothing outside the state and nothing against the state.”

The entire power of the state, like that of the monarchy, is concentrated in the hands of one individual. Sometimes this power is in the hands of a few individuals or a political party. One form of dictatorship is military dictatorship. States ruled by communists are also a form of dictatorship.

2.5 Forms of Dictatorial Government

Dictatorial forms of government are of three types:

Authoritarian Government: An authoritarian Government is a system of Government in which the spheres of and the final powers are concentrated in one or a few individuals. Such a person runs the Government as per his or her own will and is responsible to no one. The people have just the duty to follow the dictates or the decrees of the dictator. This Government is not run in accordance with some ideology. In this type of Government, the authoritarian person rules the Government according to what s/he considers right or proper.

Totalitarian Government: This is a type of Government run with a certain ideology. The people are socialized or politicised accordingly. In other words people are forced to accept such an ideology.

Military Dictatorship: This is a type of Government in which some prominent military ruler by doing away with the constitutional power holds the reins of the Government in his own hands. He in co-operation with his military officials runs the Government in accordance with the military rules or laws. There is neither the participation of the citizens in the Government nor is the Government responsible to anyone.

The Bhutanese form of Government

Till very recently, the form of Government was Monarchy. Monarchy had evolved in the beginning of the 20th century in 1907 with the enthronement of the first hereditary monarch King Gongsar Ugyen Wangchuck. The institution of monarchy was a break from the older or the earlier form of government that had existed. This earlier form was known as the dual system of governance with two rulers at the head of the government - a temporal and a spiritual leader. It was introduced by Zhabdrung Ngawang Namgyal in the mid 17th century.

With the enthronement of the first monarch in 1907, Bhutan began to enjoy greater peace and prosperity in the Kingdom. Above all, there was unity and political stability. With a view to enhance the role of the Government as well as that of the people in 1953 the *Tshogdu* or the National Assembly was constituted. The establishment of *Tshogdu* was the beginning of a parliamentary system of Government. Bhutan now had representatives of the people, the clergy and the Government. The establishment of the Tshogdu with the representatives brought about a wholesome contribution towards the discussion of the issues and any other important agenda.

Parliamentary democracy was further made possible with the constitution of the Council of Ministers in 1998. A system of Government now evolved whereby a Prime Minister was appointed for a term of one year from amongst the elected council of members. In 2004 with the drafting of the Constitution of the Kingdom of Bhutan by a Royal Decree, it was evident that Bhutan was embarking on the path towards a full parliamentary democracy or a Constitutional Monarchy. By the enactment of the Constitution on 18 July 2008 Bhutan formerly became a Democratic Constitutional Monarchy with the King as the Head of the State and the Head of the Government being an elected member. Under this all citizens are guaranteed the fundamental rights as recognised the world over, especially in the democratic countries and we enjoy the right to choose our own leaders. Nowhere in the field of human history have the people been as fortunate as the Bhutanese in being granted their democratic rights by the Four King His Majesty Jigme Singey Wangchuck.

Conclusion

Governments are of various types and they differ from one country to the other. We have looked at the various types of Government and at our own Government to see how it has evolved from an absolute monarchy in the first years of its establishment to a constitutional monarchy now. Having looked at the Governments we hope that as citizens under a democratic Government, which has been adjudged the best Government, we will be able to participate meaningfully and reap the benefits too.

Student Activity

1. Write down the various forms of Government and outline the merits and demerits. Which form of Government do you feel is best situated for a country like Bhutan?
2. How can we as the citizens of Bhutan contribute to strengthen this new form of government and reap the benefits thereby?
3. Work in groups of 4-5 and compare the form of Governments advocated by Aristotle and compare that with the current forms of Government.
4. Is the meaning of democracy well understood by our leaders? Do you feel that the academic qualification should be a benchmark in becoming an elected member of the Parliament or is it best left for democracy to succeed under the old system where members of the Parliament were not to have formal educational qualification?

Chapter Three

Constitution

Key Terms	Learning Objectives
<ul style="list-style-type: none">• Written Constitution• Unwritten constitution• Unwritten constitution• Government• Adult suffrage• Fundamental rights• Amendment	<ul style="list-style-type: none">• Classification of constitution• Merits and Demerits of different types of constitution• Characteristics of good constitution• Constitution of Bhutan

In this chapter you will look into the various aspects associated with a Constitution. After understanding the definition of a constitution you will study about the general characteristics of the constitution, their merits and demerits and finally look into the general features of the constitution of Bhutan.

Background

Countries throughout the world have some kind of Government to enable them to function smoothly. The governments formulate laws and enforce them for the welfare of the people so that they can live peacefully, may earn their livelihood and carry out other functions smoothly. The Government is usually formed by a group of people who look after many things. While some people in a Government make laws, others execute the laws while still some others give judgment. In order to fulfil the wishes of the people, the Government has to function well and for this they need a set of laws to guide them. These set of laws according to which a country is to be governed is laid down in a book called the constitution. Thus, the constitution is the basic law and all other laws must be in accordance with the constitution. Constitutions are mainly of two types: written and unwritten. Examples of countries having written constitution are Bhutan, India and the United States of America while an example of a country with an unwritten constitution is Great Britain. But not everything is unwritten; they have certain written elements too. Thus, a constitution is a set of written and unwritten laws that determines the organization, the rights and duties of the three organs, their mutual relationship and also explains the fundamental rights of the individuals.

In this chapter we shall have a closer look at the constitution as the basic law which is related to the Government. We will begin our exploration with an understanding on the definition of the constitution, the general characteristics of the constitution, classification of constitution, their merits and demerits and finally we will study the constitution of Bhutan.

Definition of the Constitution

Some of the well known definitions of constitution as put forth by political scholars are as under:

According to Professor Gilchrist,

“The constitution of a state is that body of rules or laws, written or unwritten, which determines the organisation of the Government, the distribution of powers to the various organs of the Government and the general principles on which these powers are to be exercised.”

Professor Dicey has defined the constitution as,

“All rules which directly or indirectly affect the distribution or exercise of the sovereign power in the state make up the constitution of the state.”

According to Jellineck,

“The constitution is a body of judicial rules which determines the supreme organs of the state, prescribes their mode of creation, their mutual relation, their sphere of action and finally the fundamental place of each of them in relation to the state.”

General Characteristics of the Constitution

The constitution is a momentous characteristic of the state. In the modern age, all the constitutions which have been made in the different states bear the imprint of the Declaration of Human Rights of France of 1789 which has in fact influenced and guided them. Some of the characteristics of the constitution are as given below:

Expression of Faith: In every constitution of the state the ideals and the expectations of the people from the state are expressed.

Declaration of Aims: For the realization of the ideals or faiths laid down in the constitution, the aims are also written in the constitution.

Means to achieve the aims: Means have also been laid down for the realization of the aims in the constitution such as Adult Suffrage, Fundamental Rights, Right of Equality, Right to Freedom of Speech, Right against Exploitation, Right to Freedom of Religion, and Educational and Cultural Rights. Thus the different freedoms granted to the citizens have been laid down in the constitution.

Elaboration of Government: In the constitution the type of the system of Government has also been laid down. The constitution also defines the relation between the state and the people. The establishment of a responsible Government through the participation of the people in the election system of the democratic process is also been determined.

The Government Formulation: The constitution formulates the division of power amongst the organs of the states including the executive, the legislature and the judiciary and their mutual relations.

Procedure of Amendment: The procedures of amendments have also been laid down in the constitution that might arise in accordance to the changes in the situations.

Classification of Constitutions

Constitutions can be broadly classified as under:

Evolved and Enacted Constitution: Scholars have classified the constitutions on the basis of their being evolved and being enacted. The evolved constitution grows and develops with the lapse of time and is based on conventions. An example of an evolved constitution is that of the Great Britain. On the other hand, an enacted constitution is one that is made or passed by some constituent Assembly or some other institutions. An example of an enacted constitution is that of India which was passed by the Constituent Assembly.

Written and Unwritten Constitutions: A written constitution is one in which the fundamental laws of the government are laid down in one or more documents and is framed by some constituent Assembly. An unwritten constitution is one which is not written down but the guiding principles can be found in different treaties and conventions. The guiding principles of the British constitution can be found in Magna Carta of 1215 and the Bill of Rights of 1688 and other conventions.

Flexible and Rigid Constitutions: The flexible constitution is one which is changed as the ordinary laws are made. The British constitution is a flexible one. A rigid constitution is changed by a special procedure. An example of a rigid constitution is that of the United States.

Merits and Demerits of written Constitution

Merits: The following are the merits of a written constitution:

A Pious Document: A written constitution comes into being as a result of the discussion in the Assembly or in the constituent Assembly. In this constitution, the organisations of the Government or its powers are laid down by the intellectual, experienced persons and it is framed in a draft. The people of the country accept it as a sacred document and observe it with consent and free will.

Clear and Definite: The written constitution is clear and definite. In such a type of constitution, the rights and duties of the organs of the Government, and their mutual relationship are clear and definite. The ruling government hesitates to misuse its powers. The advantage is that the rights of the people remain safeguarded.

Stability: As the written constitution needs special amendment procedures the ruling party cannot change it easily and therefore ensures the stability of the Government. The constitution does not become the puppet of the ruling Government.

Necessary for Federal States: In federal states, the powers of the Government are divided between the centre and the states. In such a system, the powers of the federal state and that of the units are clearly determined and the possibility of the disputes between them grows less.

Safeguard of Citizen's Rights: In a written constitution where the organisation of the government, its powers and the mutual relations are explained, the fundamental rights of the citizens are also laid down. There is the provision in the constitution to protect the fundamental rights of the citizens. Therefore the citizen's rights cannot be impinged upon.

Demerits: The demerits are as follows:

Difficulty of Amending the Constitution: A serious defect of the written constitution is that amending its provisions in accordance with the changing situations is difficult as it requires a special procedure of amendments.

Fear of Revolution: The written constitution being rigid, it cannot be changed in accordance with the changing political, economic and social situations. This causes restiveness amongst the people and as a result there is a fear of a revolution.

Merits and Demerits of Unwritten Constitution

Merits: *Flexibility:* The unwritten constitution is very useful for a dynamic political life and it helps the system of administration to change according to the changing situations. Thus it continues to be dynamic.

No Fear of Revolution: As the constitution can be changed according to situations and the demand of the people there is no restiveness and thus no fear of revolution.

Demerits: The demerits are as follows:

Lack of Clarity and Uncertainty: Unwritten constitutions are not clear and certain. The defect of an unwritten constitution is that the ruling party causes instability in the government by changing the system of governing.

The Problem of Interpretation of the Constitution: With an unwritten constitution there arises the problem of the interpretation of the constitution. The constitution becomes a puppet in the hands of the lawyers and judges.

Individual Rights: The safeguard of the rights of the citizens becomes difficult because of their being vague or not clear. The powerful ruling party whenever it desires, limits the rights of the citizens or flouts them.

Merits and Demerits of Flexible Constitution

Merits: *Flexibility:* The most important virtue is that it can be amended in keeping with the economic and political changes.

Absence of the Fear of Revolution: With a flexible constitution there is no fear of revolution in the states. The constitution can be changed by a simple procedure and the demands of the people can be met with.

Democratic System: The flexible constitution is more suitable to the democratic system and helps in the development of definite election declaration. The party which gets the majority gets the power. They run the Government in keeping with the Election Manifesto and fulfil the demands of the people.

Demerits: *Citizen's Rights:* A serious defect of the flexible constitution is that the ruling party can limit or curtail the rights of the citizens when it likes to do so. This poses an obstacle to the development of citizens.

Unsuitable to Backward Countries: The flexible constitution is not suitable in those countries where there is a lack of political awareness amongst the people. In such situations politicians can achieve more power which is against the interests of the people.

Merits and Demerits of Rigid Constitution

Merits: Clear and definite: Rigid constitutions are clear and definite and there is no possibility of any dispute amongst the organs of the Government. The rigid constitution is always a written one.

Stability: Another advantage is that it brings about stability in the Government as no ruling party can make amendments in the constitution easily.

Protection of Minority Rights: Through the constitution, the minority rights of the citizens are protected.

Demerits: Hindrance in the way of Development: The rigid constitution cannot be changed easily in accordance with the economic and political situations. It acts as an obstacle to the progress of the country.

Influential Judiciary: Cases are filed in the court of law for the interpretation of the Constitution. The verdicts of the courts have to be accepted by the people and the Government. Thus, the judiciary has important roles to play in the governance of a system. However, if the appointment of judges is made on the basis of politics there will be no dispassionate justice.

Unsuitable to Emergency: Another defect of the rigid constitution is that it cannot be changed even during the period of crisis.

Characteristics of a Good Constitution

The following are the essential characteristics of a good constitution.

Clear and Definite: One of the most important characteristics is that it should be clear and definite. The language of the constitution should be simple.

Comprehensiveness: It means that the organization of the Legislature, Executive and Judiciary, their rights and mutual relationship should be clearly explained. Similarly, there should clearly be laid down the rights of the citizens so that they can understand them.

Quasi Flexible and Quasi Rigid: A good Constitution should be amendable based on the changing situation. A rigid Constitution becomes an obstacle to the growth and development of the state. A very flexible constitution becomes a tool in the hands of the ruling party.

Declaration of Fundamental Rights: In the Constitution, the Fundamental Rights of the citizens should be laid down and safeguarded. This should ensure that the citizens are secure under a democratic system.

Independence of Judiciary: The Judiciary should be an independent body for the elaboration of the constitution, and its protection and for the proper safeguard of the rights of the citizens.

Constitution of Bhutan

The Constitution of Bhutan is one of the greatest gifts bestowed by a monarch on its people. No where in the entire history of nations have we come across a Monarch granting its people the right to rule by themselves. In other words, a change from a monarchical system of Government with the monarch having absolute rule to that of a democracy was always a hard fought battle. Histories in most other countries show that these changes were brought in through revolutions, wars and civil-strife at the cost of the lives of thousands of people.

While we Bhutanese enjoyed every privilege and right as any citizens of any other democratic Government under the rule of the wise and dynamic hereditary monarchs, yet the dramatic shift towards a constitutional parliamentary democratic form of Government comes at a right time in our history. The drafting of the Constitution of Bhutan was at the Royal Command issued on 4 September 2001. His Majesty briefed the Council of Ministers, the Chief Justice of Bhutan and the Chairman of the Royal Advisory Council to draft a formal constitution for the Kingdom of Bhutan. Subsequently, the drafting of the Constitution was inaugurated on 30 November 2001 and a drafting committee formed. In his inaugural address, His Majesty King Jigme Singye Wangchuck said “*Bhutan must move with the times to ensure that the nation not only overcomes all internal and external threats, but continues to prosper in an atmosphere of peace and stability.*”

The draft Constitution was for the first time submitted to His Majesty the King on 9 December 2002. On 26 March 2005, the draft Constitution was released throughout the Kingdom and a website was launched. At the Royal Command, the draft Constitution was distributed to the public of twenty Dzongkhags on 18 August 2005 for discussion and clarification. This was done to ensure that the people of the kingdom were empowered and played a crucial role in voicing their concerns and the changes needed to be brought in before its final enactment. The consultation with the people began on 29 October when His Majesty the King Jigme Singye Wagchuck started elaborate discussions with the people of Thimphu. The consultation meeting finally ended with the fifth King Jigme Khesar Namgyal Wangchuck overseeing the discussions with the people of Trongsa on the 27 May, 2006. The constitution was enacted on 18 July, 2008.

Merits and Demerits of the Bhutanese Constitution

Merits: The merits are as follows:

- (i) The Bhutanese constitution opens with a preamble in which our pledges as citizens to strengthen the sovereignty of the people, 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 times to come.
- (ii) The Bhutanese constitution draws its spirit from the people. It gets all its powers from the people and the three organs of the Government at all levels get power from the people.
 - (i) Every Bhutanese citizen is equal before the law of the country.
 - (ii) The Bhutanese constitution is a detailed constitution which spells out all rights and duties under 35 Articles and 4 Schedules.
- (iii) Every Bhutanese is given a single citizen and does not classify the people on the basis of caste, creed or religion.
- (iv) The constitution pledges us a parliamentary form of Government in which the Government is responsible to the representatives of the people.
- (v) It guarantees the formation of local governments at the grass root level for enhancement of their own economic development to ensure a good quality of life for the people of Bhutan.
- (vi) The constitution provides for all Bhutanese the Adult Franchise or the right to vote by all Bhutanese above the minimum age of 18 years. It does not set any upper limit nor does it discriminate the citizens on the basis of rich or poor or literate or illiterate.
- (vii) It also guarantees other fundamental rights to the citizens such as right to life, right to freedom of speech and expression, right to information, right to freedom of movement, equal access and opportunities to join the public service, freedom of peaceful assembly and freedom of association and many others.
- (viii) Another important aspect of our constitution is the freedom of the practice of religion where every Bhutanese citizen has the right to follow a religion of his or her faith. It also protects the spiritual and cultural heritage of Bhutan and promotes the principles and values of peace, non-violence, compassion and tolerance.
- (ix) The constitution reiterates our sovereignty as an independent nation in the comity of nations with complete authority over all internal and external matters.
- (x) The constitution safeguards the unity and integrity of the Nation.
- (xi) Above all, the Constitution places His Majesty Druk Gyalpo as the Head of the State and the symbol of Unity of the Kingdom.
- (xii) The Constitution is a written, enacted and a flexible document where amendments can be made in future on certain laws with the progress and the change of situations in the country.

Demerits: The demerits are as follows:

- (i) It may restrict the required future progressive evolution of a nation with changing time.
- (ii) Amendment procedures of provisions that may become redundant are cumbersome.

Conclusion

In this chapter we have tried our best to acquaint ourselves more with the theories on the constitution starting with the discussion of the definition of a Constitution, the need for a constitution, the characteristics of a constitution and some of the merits of the various types of constitutions. We have also had the opportunity to go into some aspects of our constitution – the Bhutanese Constitution including its history, the nature of our constitution, and some of the merits and demerits. As Bhutanese citizens it is important that we are able to understand and recognize the importance and the need to have a constitution, to understand the basic fundamental rights and the responsibilities and the benefits that are going to accrue our future citizens under a parliamentary democracy. The Bhutanese Constitution is new and in its early stage, yet it gives us an opportunity to play our roles in every sphere of life including being responsible people's representatives as a political member. Abiding by the Articles and the Schedules our political roles are further sharpened and our duties clarified.

Student Activity

1. What are some of the characteristics of a good constitution? How far do you agree when we say that the Bhutanese Constitution is a good one drafted and enacted in a true democratic sense? Are there any Articles or Schedules that you feel should be amended by the Assembly so that it is for the greater good? Support your answer with clear justifications.
2. Compare the Bhutanese Constitution with that of the Indian constitution. Bring out their similarities and dissimilarities.
3. Do you think that Bhutan should be a parliamentary democratic country?

Chapter Four

The Role of the Monarch in a Democratic Constitutional Monarchy

Key Terms	Learning Objectives
<ul style="list-style-type: none"> • Monarch • Parliamentary • Constitution • Golden Throne • Oath of office • Royalty; Prerogative • Council of Regency • Oath of Allegiance • National Referendum • Privy Council • National integration • External aggression 	<ul style="list-style-type: none"> • Describe the qualification of ascension Democracy to the Throne and the term of reign • List down the members of the Council of Regency and state its functions • Tell the role and powers of the Monarch in a Parliamentary Democracy • Examine the significance of the Monarch in a Parliamentary Democracy • Tell the Royal prerogatives, privileges and entitlements of the Monarch • List down the members of the Privy Council and its functions • Analyze the link between Monarch and the Council of Ministers

Introduction

In class IX, you had briefly studied about the powers and privileges of the monarch in a Democratic Constitutional Monarchy form of Government. We know that the move towards creating a democratic Government began mainly with the institution of *Dzongkebag Yargay Tshogdu* in 1981, *Gewog Yargay Tshogchung* in 1991, devolution of power from the Throne in 1998 and the establishment of a Democratic Constitutional Monarchy in 2008. However, it is important to know that even in a Democratic Constitutional Monarchy, the Monarch plays an important role in our context. The Monarch is not only the Head of the State, a symbol of the Unity of Nation and the People of Bhutan but also plays an important role in the Legislature, Judiciary, Executive and other Constitutional Bodies. Moreover, the Monarch is also responsible for the security and sovereignty of Bhutan. Thus, in this chapter you will discuss in detail about the Monarch and his role in protecting and upholding “*the constitution in the best interest and for the welfare of the people of Bhutan.*”

We will talk about the qualification for ascension to the Golden Throne, oath of office, term of reign and privileges of the Monarch before discussing the role and powers as well as the relationship of the Monarch and the Council of Ministers.

Qualification for Ascension to the Golden Throne

In order to ascend to the Golden Throne of Bhutan, the successor should above all be “...*the legitimate descendants of Druk Gyalpo Ugyen Wangchuck as enshrined in the inviolable and historic Gyenja of the Thirteenth Day, Eleventh Month of the Earth Monkey Year, corresponding to the Seventeenth Day of December, 1907 ...*” The successor should also fulfil the following criteria stated in Article 2, Section 3 of the Constitution:

- Pass only to children born of lawful marriage;
- Pass by hereditary succession to the direct lineal descendants, with a abdication or dismiss of the Druk Gyalpo, in order of seniority, with a Prince taking precedence over a Princess, subject to the requirement that, in the event of shortcomings in the elder Prince, it shall be the sacred duty of the Druk Gyalpo to select it and proclaim the most capable Prince or Princess as heir to the throne;
- Pass to the child of the Queen who is pregnant at the time of the demise of Druk Gyalpo if no heir exists under section 3(b);
- Pass to the nearest collateral line of the descendants of the Druk Gyalpo in accordance with the principle of lineal descent, with preference being given for elder over the younger, if the Druk Gyalpo has no direct lineal descendant;
- Not pass to children incapable of exercising the Royal Prerogatives by reason of physical or mental infirmity; and
- Not pass to a person entitled to succeed to the Throne who enters into a marriage with a person other than a natural born citizen of Bhutan.

Oath of Office

The tradition of receiving Dar or scarf from the Machhen of Zhabdrung Ngawang Namgyal at Punakha Dzong before enthronement is stated in the constitution and is mandatory. The solemn oath is taken when the successor receives Dar from Machhen Lhakhang. The reason for this is that it was Zhabdrung Ngawang Namgyal who conferred Dar to the First Desi in 1651.

Then, after ascension to the Throne even all the members of the Royal Family, the members of the Parliament and constitutional office holders mentioned in Article 2, Section 19 should take an Oath of Allegiance to the Druk Gyalpo.

Term of Reign

Normally, the ideal term of reign is from the age of 21 years to 65 years. However, as per the Constitution, if the heir to the Throne has not come of age, the Monarch will continue to be the Head of the State even after the age of 65 years.

In special cases whereby the Monarch is unable to exercise the Royal Prerogatives due to temporary physical or mental infirmity, or has temporarily relinquished the Royal Prerogatives before the successor to the Throne has attained the age of 21 years, the Council of Regency, after taking the Oath of Allegiance, is entrusted to exercise the Royal powers and prerogatives vested in the Monarch. The Council of Regency comprises the following:

- A Senior Member of the Royal Family nominated by the Privy Council;
- The Prime Minister;
- The Chief Justice of Bhutan;
- The Speaker;
- The Chairperson of National Council; and
- The Leader of the Opposition Party.

However, a notice is sent to the Parliament after proclamation is made by the Monarch when he or she is able to exercise the Royal Powers and Prerogatives again.

In case of wilful violation of the constitution by the Monarch or for being subject to permanent mental disability, the Monarch should abdicate the Throne but only after a motion is passed by a joint sitting of the Parliament in accordance with the following procedures:

- If a minimum of two thirds of the total member of the parliament accepts the motion then it is included in the agenda for discussion at a joint sitting of the Parliament.
- The monarch should respond to the motion in writing or through representative or address the joint sitting in person.
- The Joint sitting will be presided over by the Chief Justice of Bhutan.
- In the joint sitting, if at least three fourths of the total number of members of Parliament passes the motion of abdication then it is placed for National referendum for approval or rejection.
- In the National referendum, if the resolution for abdication is approved by a simple majority, the Monarch will abdicate in favour of the apparent heir.

Royal Privileges and Entitlements

As stated in Article 2, Section 13 of the Constitution, the following are the privileges and entitlements for the Monarch and the members of the Royal Family:

- Annuities from the State in accordance with the law made by Parliament;
- All rights and privileges including the provision of palaces and residences for official and personal use; and
- Exemption from taxation on the royal annuities and properties (provided by above two).

Moreover, the Privy Council consisting of two members appointed by the Monarch and one member nominated by the Lhengye Zhungtshog is responsible for:

- All matters pertaining to the privileges of the Monarch and the Royal Family;
- All matters pertaining to the conduct of the Royal Family;
- Rendering advice to the Monarch on matters concerning the throne and the Royal Family;
- All matters pertaining to Crown properties; and
- Any other matter as may be commanded by the Monarch.

Powers of the Monarch

The Monarch as the Head of the State plays an important role in ensuring the efficient and effective functioning of the Government and the sovereignty and security of Bhutan. Thus, the Monarch is vested with the following powers:

- *Legislative Power*

The Monarch of Bhutan has vast powers in the matters of law-making. For instance:

- a) The Monarch is received with a Chidrel ceremony at the commencement of each session of the Parliament and each session will open with Zhug-drel-phunsum tshog-pai ten-drel and conclude with Tashi-mon-lam.
- b) The Monarch summons the first sitting of the Parliament after each general election.
- c) The Monarch has the right to make his speech in the session of one house or in the joint session of the Parliament as and when necessary.
- d) The Monarch can send his message to either or both houses when deemed necessary whereby the house on receiving the message should consider the matter mentioned in the message and submit the opinion to the Monarch.
- e) The Monarch can command the Speaker and the Chairperson to convene an extraordinary sitting of the Parliament as and when necessary.
- e) Any bill passed by the Parliament will come into force only on the assent of the Monarch.
- f) The Monarch can command the Houses to deliberate and vote on the bill in a joint sitting when the House where the bill originated refuses to accept the amendments or objections of the other house or when disagreement arises between the two houses.
- g) The Monarch can amend or object the bill passed by the Parliament and ask for deliberations in a joint sitting and resubmit for assent.
- h) The National Assembly can be dissolved on the recommendation of the Prime Minister to the Monarch and upon his or her assent.

- *Executive Power*

As the Head of the State, the Monarch is vested with the power to make important appointments, award titles and decorations such as follows:

- a) The Je Khenpo on recommendation of the Five Lopons
- b) The Prime Minister
- c) The Ministers on advice of the Prime Minister
- d) The Chairperson of the National Council
- e) The Chief Justice of Bhutan
- f) The Drangpons of Supreme Court
- g) The Chief Justice of High Court
- h) The Drangpons of High Court
- i) The Chief Election Commissioner and the Commissioners
- j) The Auditor General
- k) The Chairperson and members of the Royal Civil Service Commission
- l) The Chairperson and members of Anti Corruption Commission
- m) The Head of the Defence Forces from a list of names recommended by the Service Promotion Board
- n) The Attorney General.
- o) The Governor of the Central Bank of Bhutan on the recommendation of the Prime Minister
- p) The Chairperson of Pay Commission.
- q) The Cabinet Secretary on recommendation of the Prime Minister.
- r) The Secretary General of the respective houses on the recommendation of the Speaker of the National Assembly and the Chairperson of the National Council.
- s) Ambassadors and consuls on the recommendation of the Prime Minister.
- t) The Secretaries to the Government on the recommendation of the Prime Minister based on the nominations from the RCSC.
- u) Dzongdags on the recommendation of the Prime Minister based on the nominations from RCSC.
- v) The Interim Government is appointed by the Monarch.

- *Judicial Power*

The Monarch exercises the following judicial powers:

- a) The Monarch appoints the members of the National Judicial Commission comprising the Chief Justice of Bhutan as Chairperson, the senior most Drangpon of the Supreme Court, the Chairperson of the Legislative Committee and the Attorney General.

- b) The Monarch can grant amnesty, pardon and reduction of sentences.
- c) The Monarch can grant citizenship, land kidu and other kidus through copies of Kashos forwarded to the National Council for reference and record.
- d) The Supreme Court should submit its opinion to the Monarch on any question of law or fact referred to it by the Monarch.
- e) The Monarch can exercise powers even on matters not enshrined in the Constitution or other laws.

- *Military Power*

The Monarch is the Supreme Commander-in-Chief of the Armed Forces and the Militia. Thus, the monarch is vested with the power to declare war and all the peace treaties are made in his or her name.

- *Financial Power*

The Monarch exercises the following financial powers:

- a) The Monarch has the prerogative to use relief fund instituted by the Parliament for urgent and unforeseen humanitarian relief.

- *Diplomatic Power*

The Monarch is responsible for the promotion of goodwill and good relations with other countries by receiving state guests and undertaking state visits to other countries.

- *Emergency Power*

The Monarch exercises the following emergency powers:

- a) The Monarch can command a national referendum if a bill, in his opinion, of national importance is not passed in a joint sitting of the Parliament and an appeal is made by not less than one third of the total number of members of all Dzongkhag Tshogdus.
- b) On the written advice of the Prime Minister, the Monarch may declare a state of emergency if the sovereignty, security, and territorial integrity of Bhutan or any part thereof is threatened by an act of external aggression or armed rebellion.
- c) On the written advice of the Prime Minister, the Monarch may declare a state of emergency when there is a public emergency or calamity which threatens or affects the nation as a whole or part thereof.
- d) On the written advice of the Prime Minister, the Monarch may declare a state of financial emergency if His or Her Majesty is satisfied that a situation has arisen whereby the financial stability of Bhutan is threatened

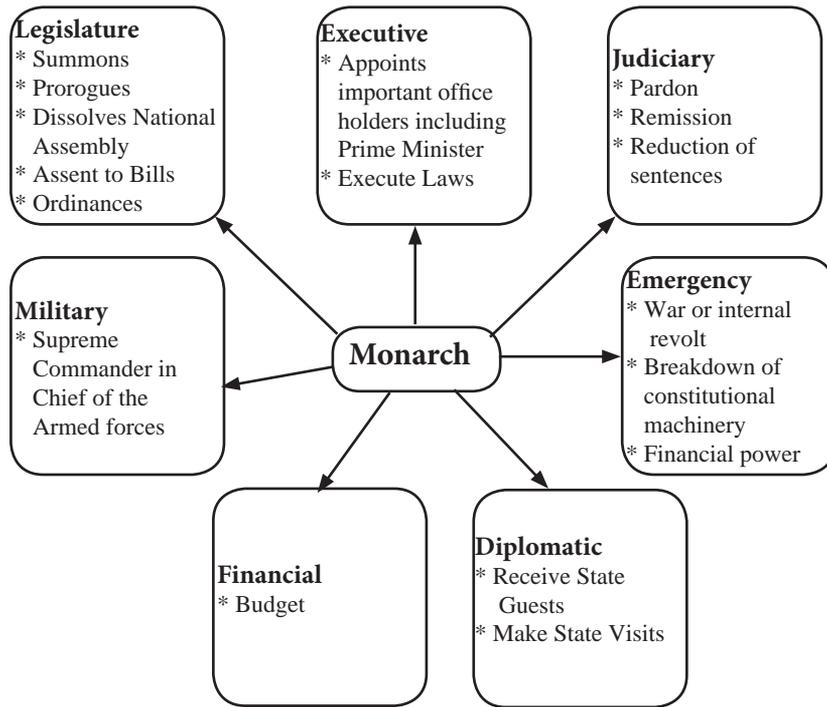


Fig. 4.1. Powers of the Monarch

Relations between the Monarch and the Council of Ministers

The Monarch as the Head of the State functions closely with the Prime Minister and the Council of Ministers. This relation begins from the day the ruling party takes control of the Government after the Prime Minister is appointed by the Monarch as well as other ministers on the recommendation of the Government. The Monarch also has the power to remove the ministers on the advice of the Prime Minister.

The Prime Minister and the Council of Ministers run the Government in the name of the Monarch. The Monarch on his or her part is responsible to promote diplomatic relations by receiving State Guests and making state visits on behalf of the State and the Government.

Moreover, on advice of the Prime Minister or when a vote of no confidence is passed by a two-third majority, the Monarch is vested with the power to dissolve the Parliament.

Thus, the Monarch, the Prime Minister and the Council of Ministers function closely to uphold the constitution of Bhutan and for the welfare of the people of Bhutan in a Parliamentary Democracy.

Conclusion

The Monarch, as the Head of State in a Constitutional Democratic Monarchy is vested with important legislative, executive, judicial, military, diplomatic, financial and emergency powers. As the Head of the State, the Monarch also has the responsibility of ensuring the security and sovereignty of Bhutan. The Monarch also guarantees that the Government is run in accordance with the Constitution of Bhutan and laws of the Nation for the promotion of welfare of the Bhutanese. Above all, in a parliamentary democratic society the Monarch is a symbol of Bhutanese unity and identity as well as National integration.

Student Activity

1. With reference to the role of the Monarch in a Parliamentary Democracy, describe the following:
 - (a) Qualification for ascension to the Golden Throne.
 - (b) Oath of office.
 - (c) Term of office.
 - (d) Royal Privileges and Entitlements.
2. The Monarch as the Head of the State plays an important role in ensuring the efficient and effective functioning of the Government and the sovereignty and security of Bhutan. In this context, divide the class into seven groups, give each group one of the following powers of the Monarch and discuss it. Present the work of the group to the class and allow other groups to comment.
 - (a) Legislative Power.
 - (b) Executive Power.
 - (c) Judicial Power.
 - (d) Financial Power.
 - (e) Military Power.
 - (f) Diplomatic Power.
 - (g) Emergency Power.
3. Examine the relation between the Monarch and the Council of Ministers.
4. What is a Privy Council composed of? What are its functions?
5. Provide two reasons for taking a solemn oath and receiving Dar from Machhen Lhakhang at Punakha before the Monarch is enthroned.
6. Explain the composition and functions of the Council of Regency.
7. Analyse the significance of the Monarch in a Parliamentary Democracy.

Chapter Five

The Prime Minister and the Council of Ministers

Key Terms	Learning Objectives
<ul style="list-style-type: none"> • Council of Ministers • Daryen • Portfolio • Ruling Party • Vote of no confidence • National policies • Money bills • Manifesto • Impeachment 	<ul style="list-style-type: none"> • Explain the appointment, position and power of the Prime Minister • Illustrate the composition and appointment of the Council of Ministers • Explain the powers and functions of the Council of Ministers • Analyse the significant responsibility of the Council of Ministers in ensuring the Security and sovereignty of the Nation and wellbeing of the People

Introduction

In a Parliamentary Democracy the Government is formed by the elected political party which is known as the Ruling Party. The Government is run by the Prime Minister and his or her group of Ministers. Earlier in chapter four we had studied about the Monarch as the Head of the State. Now, in this chapter we will discuss about the appointment, term of office and powers and functions of the Prime Minister and the Council of Ministers.

The Prime Minister

The Prime Minister is the head of the Government and is responsible for the execution of the policies and programmes for the well being of the Nation and people. As the head of the Government, the Prime Minister also shoulders the responsibility of ensuring that the Principles of State Policy is respected and followed during implementation of the policies and programmes. The Prime Minister is the most important person in the executive branch of the Government. Thus, we will discuss about the appointment, term of office, position and powers of the Prime Minister.

- ***Appointment***

As per the constitution, the Monarch will appoint the Prime Minister. Nevertheless, the Monarch does not enjoy the absolute power to appoint anyone because the candidate should be from the ruling party. The Monarch confers Daryen to the Prime Minister who is nominated from the ruling party by the members of his or her political party. To be a candidate for the Prime Minister he or she should be an elected member of the National Assembly and a natural born citizen of Bhutan.

- ***Term of Office***

The term of the Prime Minister is five years. However, if he or she wins the election for a second time he or she can be the Prime Minister for the second term. On the other hand, the Prime Minister should resign on losing the majority membership in the National Assembly. The other condition for the resignation comes into effect whenever the National Assembly passes the vote of no confidence against the Prime Minister. However, the Prime Minister can consult the Monarch to dissolve the parliament if he or she is reluctant to resign. This would mean that there will be another general election. The Prime Minister can also be impeached by the Chief Justice of the Supreme Court as per law for wilful violation of the Constitution.

The Ministers also have to undertake the Oath or Affirmation of office as described in the Third Schedule of the Constitution.

- ***Powers and Functions***

a) *Formation of the Council of Ministers:* The most important power of the Prime Minister lies in the formation of the Council of Ministers. The Prime Minister can form the Council by nominating the candidates who he or she thinks are capable and reliable members of the Parliament from the Ruling Party necessary for the smooth functioning of the Government. For this the Prime Minister prepares the list of Ministers which is forwarded to the Monarch for appointment and no minister can be appointed against his or her wish.

b) *Distribution of Portfolios:* It is only the Prime Minister who decides and allots the portfolio of the Ministers. The Prime Minister can change the portfolio of the minister if the work of the concerned minister has not been done up to the expectation of the allotted portfolio and no minister can oppose it.

c) *Removal of the Ministers:* The Prime Minister is also vested with the power to remove the ministers after consultation with the Monarch on the following grounds: (i) if Prime Minister is not happy or satisfied with the work of the ministers, (ii) if the Prime Minister has to resign after a vote of no confidence have been passed in the parliament and (iii) if the Prime Minister loses his or her confidence in the ministers.

- d) *Leader of the Council of Ministers:* The Council of Ministers functions under the Prime Minister since he or she is the leader of the Council. Summoning and presiding over the cabinet meetings is done by the Prime Minister. It is the Prime Minister who decides to choose the topics of agenda to be discussed during the meeting. The decisions of the cabinet are the decisions of the Prime Minister. The Prime Minister coordinates and examines the work of the various Ministries and their performance.
- e) *Link between the Monarch and the Council of Ministers:* The Prime Minister is not only the leader of the Council of Ministers but also keeps the Monarch informed about the decisions of the Cabinet. The Prime Minister also conveys all suggestions and advices given by the Monarch to the Council of Ministers. No minister can have any direct discussions with the Monarch without the prior permission of the Prime Minister. Therefore, The Prime Minister is an important link between the Monarch and the Council of Ministers.
- f) *Chief Advisor of the Monarch:* Although the Monarch is the head of the nation he or she receives advice from the Prime Minister regarding any matter of the administration. The Prime Minister provides any information to the Monarch regarding any Ministry. Therefore, in administration, the Prime Minister is the Chief Advisor of the Monarch.
- g) *Appointments:* All recommendations for important appointments in the country and outside are made by the Prime Minister to the Monarch. Thus, though, the Monarch makes important appointments it is based on the advice of the Prime Minister.
- h) *Leader of the Ruling Party:* The Prime Minister is the leader of the ruling party. Thus, he or she shoulders the responsibility of leading the party, forming the Government and upholding the principles enshrined in the Constitution for the wellbeing of the State and the people.
- i) *Leader of the Nation:* To some extent, the Prime Minister can also be considered as the leader of nation as he or she is responsible for the tranquillity and progress of the State during the term of office. Moreover, the Prime Minister is also the chief advisor of the Monarch during national crisis and emergencies.

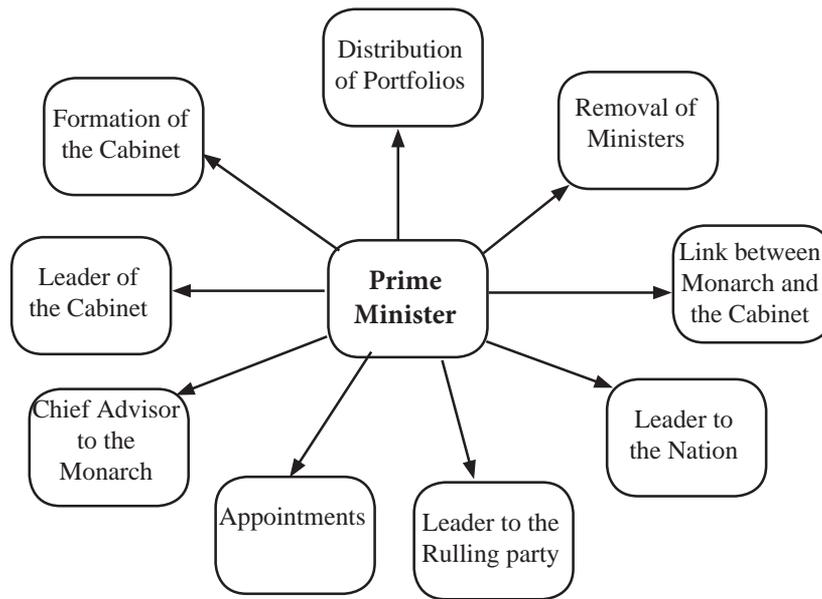


Figure 5.1. Powers and Functions of the Prime Minister

The Council of Ministers (*Lbengye Zhungtsbog*)

The Council of Ministers is vested with the executive powers. Thus, headed by the Prime Minister, the Council of Ministers shoulders great responsibility of ensuring that the policies and programmes of State are implemented in line with the Directive Principles of the State Policy. Thus, we will discuss about the appointment of ministers and the power and function of the Council of Ministers.

- *Appointment and Composition of the Council of Ministers*

The Council of Ministers comprises the Prime Minister and his or her team of Ministers. As discussed earlier in this chapter, the Prime Minister who is appointed by the Druk Gyalpo from the Ruling party is the head of the Council of Ministers.

The other members of the Council of Ministers are the Ministers appointed for different Ministries by the Monarch on the recommendation of the Prime Minister. These Ministers also belong to the ruling party. Currently, there are ten ministries which are the Ministry of Agriculture and Forests, Ministry of Education, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Home and Cultural Affairs, Ministry of Health, Ministry of Information and Communications, Ministry of Labour and Human Resources, Ministry of Economics Affairs and Ministry of Works and Human Settlements. However, in future depending on the need and requirement for providing good and efficient governance, the number of Ministers can increase or decrease from the present number.

- *Term of Office*

The normal term of office of the Ministers is for five years like that of the Prime Minister. The candidate should be a natural born citizen of Bhutan and should also be from the ruling party. However, as mentioned earlier in this chapter the ministers can be removed from their office by the Prime Minister in consultation with the Monarch if they are found incapable or if the Prime Minister is not satisfied with their performance. The Ministers can also be removed from office prematurely if the Prime Minister resigns or when a vote of no confidence is passed against the government.

The Ministers also have to undertake the Oath or Affirmation of office as described in the Third Schedule of the Constitution.

- *Powers and Functions of the Council of Ministers*

The Council of Ministers is vested with the real powers to run the government. Thus, the following are their powers and functions:

Formulation of National Policies: The ruling party is entrusted with the power and role of formulating policies and programmes to run the government after winning the election and forming a government. However, their policies and programmes should uphold the Directive Principles of State Policy and other principles enshrined in the Constitution of Bhutan. The policies and programmes that they design should also focus on their party manifesto.

Execution and Implementation of the National Policies: The Council of Ministers ensures the effective implementation of the policies and programmes for the well being of the people and progress of the State.

Promotion of Domestic and International Relations: The Council of Ministers shoulders the responsibility of making foreign policies with the aim to promote relation with other countries. At home, they are also responsible for the promotion of social and cultural cohesion, economic stability and sovereignty of the Nation and people.

Financial Functions: The Council of Ministers plans, looks for resources and allots them to different sectors for the effective implementation of policies and programmes of the government. The Council of Ministers is also responsible for presenting money bills to the Parliament.

Legislative Power: In theory, law making is the responsibility of the Parliament but in practice, it is the Council of Ministers that plays the main legislative role. Firstly, in the formulation of laws the contribution of the Ministers is significant. Moreover, since the Council of Ministers is formed by the ruling party with majority members in the Parliament, the passing of the bills depend on them. Thus, most of the bills formulated by the Council of Ministers get passed with their majority unless it is not upholding the Directive Principles of State Policy and other principles enshrined in the Constitution.

Bridge between the Monarch and the People: The Council of Ministers can also be considered as a bridge between the Monarch and the people because they run the government in the name of the Monarch. Moreover, in the name of the Monarch the Council of Ministers formulate policies and programmes and execute them for the wellbeing of the people and nation.

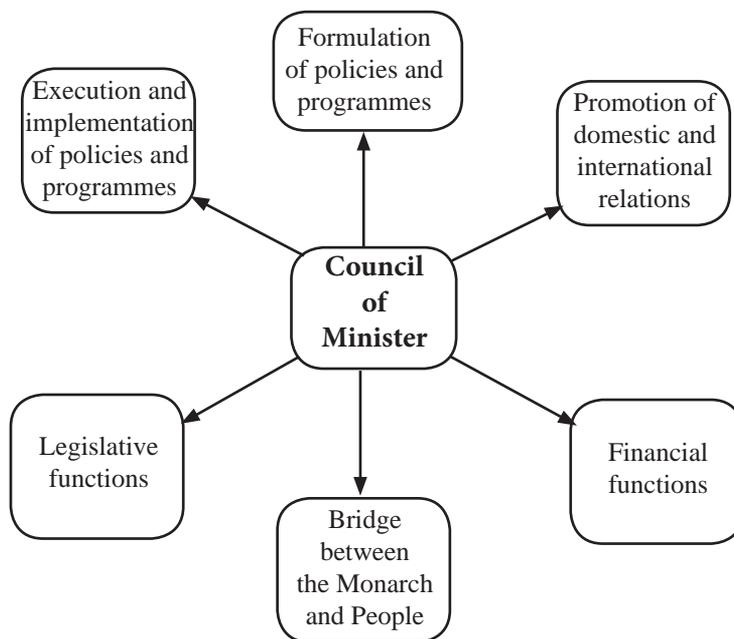


Figure 5.2. Powers and Functions of the Council of Ministers

The Lhengye Zhungtshog shall:

- a) Assess the state of affairs arising from developments in the State and society and from events at home and abroad;
- b) Define the goals of the State action and determine the resources required to achieve them;
- c) Plan and co-ordinate government policies and ensure their implementation; and
- d. Represent the Kingdom of Bhutan at home and abroad.

Box 5.1. Responsibilities of the Lhengye Zhungtshog (Source: Article 20, Section 5 of the Constitution of Bhutan)

Conclusion

In this chapter we discussed about the appointment, term of office and functions and powers of the Prime Minister and the Council of Ministers. It is important to understand that this body is formed by the ruling political party after two rounds of election. Thus, this body is responsible to the Parliament and the people. Moreover, since they are elected by the people, the Prime Minister and his or her team of Ministers form the most important body that is entrusted to run the Government and fulfil the wishes of the people and the goals of the State policy in line with their party manifesto and above all by upholding the Constitution of Bhutan.

Student Activity

1. Fill in table below using the information given in the text:

Council of Ministers		
Members	Term of Office	Functions

2. Discuss three situations where the ministers can be removed by the Prime Minister.
3. Explain the following powers and roles of Prime Minister:
 - (a) Formation of the Council of Ministers.
 - (b) Chief Advisor of the Monarch.
 - (c) Leader of the Nation.
4. Examine the significance of the Council of Ministers in upholding the constitution for the security of the nation and wellbeing of the people.
5. Compare the powers and functions of Prime Minister of Bhutan and that of any neighbouring country.

Chapter Six

Principles of State Policy

Key Terms	Learning Objectives
<ul style="list-style-type: none">• Principles• Fundamental Rights• Gross National Happiness• Technological innovation• Unlawful interception• Self-reliance• Commercial monopoly• Yard stick• Universal human values	<ul style="list-style-type: none">• Explain the meaning of Principles of State Policy• Differentiate between Fundamental Rights and Principles of State Policy• Identify different categories of Principles of State Policy• Tell the advantages of having the Principles of State Policy

Introduction

The Principles of State Policy is one of the distinctive articles of the Constitution of Bhutan. It is a type of directive to the Government to keep the welfare of the people in mind while formulating its policies. They aim at ensuring a good quality of life for the people of Bhutan and the progress and prosperity of the state as enshrined in Article 9 of the Constitution of Bhutan.

Thus, in this chapter we will study about the definition, classification and significance of the Principles of State Policy. We will also discuss about the difference between the Principles of State Policy and the Fundamental Rights and Duties.

Meaning of Principles of State Policy

The Principles of State Policy are principles that direct and guide the Government when formulating policies and framing laws. They are essential in ensuring good governance of the country by inspiring the State and Government to work for the prosperity and wellbeing of the people and the Nation. The Principles of State Policy also aim at realizing the high ideals of justice as enshrined in the Preamble of the Constitution of Bhutan. The Government is expected to fulfil these principles to the best of their ability and capacity though they are not legal enforcements.

Thus, these principles urge the Government to adopt policies and programmes which would help to establish a just society with proper social and economic conditions that would enable

the citizens to lead a happy and peaceful life. According to Dr. B.R. Ambedkar, “*They are instructions to the legislature and executive, whosoever captures power, will not be free to do what he likes. In the exercise of it, will have to respect these instruments of instructions.*” These guidelines are not only for the present but also provide directions to the Government that would run the country in future.

Classification of Principles of State Policy

The Principles of State Policy have been described in Article 9 of the Constitution of Bhutan. There are 24 sections which can be broadly classified into four categories as follows:

- *Social Sphere*

The principles that ensure the social well being of the people are:

- a) The state shall strive to promote those conditions that will enable the pursuit of Gross National Happiness.
- b) The State shall endeavour to create a civil society free of oppression, discrimination and violence, based on the rule of law, protection of human rights and dignity, and to ensure the fundamental rights and freedom of the people.
- c) The State shall endeavour to provide justice through a fair, transparent and expeditious process.
- d) The state shall endeavour to provide legal aid to secure justice, which shall not be denied to any person by reason of economic or other disabilities.
- e) The State shall endeavour to provide education for the purpose of improving and increasing knowledge, values and skills of the entire population with education being directed towards the full development of the human personality.
- f) The State shall provide free education to all children of school going age up to tenth standard and ensure that technical and professional education is made generally available and that higher education is equally accessible to all on the basis of merit.
- g) The State shall endeavour to take appropriate measures to eliminate all forms of discrimination and exploitation against women including trafficking, prostitution, abuse, violence, harassment and intimidation at work in both public and private spheres.
- h) The State shall endeavour to take appropriate measures to ensure the children are protected against all forms of discrimination and exploitation including trafficking, prostitution, abuse, violence, degrading treatment and economic exploitation.
- i) The State shall endeavour to promote those conditions that are conducive to co-operation in community life and the integrity of the extended family structure
- j) The State shall provide free access to basic public health services in both modern and traditional medicines.

- k) The State shall endeavour to provide security in the event of sickness and disability or lack of adequate means of livelihood for reasons beyond one's control.
- *Cultural and Spiritual Sphere*
The principles that ensure the cultural and spiritual promotion of the people are:
 - a) The state shall strive to promote those conditions that will enable the pursuit of Gross National Happiness.
 - b) The State shall strive to create conditions that will enable the true and sustainable development of a good and compassionate society rooted in the Buddhist ethos and universal human values.
 - c) The State shall encourage free participation in the cultural life of the community, promote the arts and sciences and foster technological innovations.
 - *Economic Sphere*
The principles that ensure the economic progress are:
 - a) The State shall endeavour to protect the telephonic, electronic, postal or other communications of all persons in Bhutan from unlawful interception or interruption;
 - b) The State shall endeavour to develop and execute policies to minimise inequalities of income, concentration of wealth, and promote equitable distribution of public facilities among individuals and people living in different parts of the kingdom
 - c) The State shall endeavour to ensure that all the Dzongkhags are treated with equity on the basis of different needs so that the allocation of natural resources results in comparable socio-economic development.
 - d) The State shall endeavour to achieve economic self-reliance and promote open and progressive economy.
 - e) The State shall encourage and foster private sector development through fair and market competition and prevent commercial monopolies.
 - f) The State shall endeavour to promote those circumstances that would enable the citizens to secure and adequate livelihood.
 - g) The State shall endeavour to ensure the right to work, vocational guidance and training and just and favourable conditions of work.
 - h) The State shall endeavour to ensure the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.
 - i) The State shall endeavour to ensure the right to fair and reasonable remuneration for one's work.

- *International Sphere*

The principles that ensure the promotion of international relations are:

- a) The State shall endeavour to promote goodwill and cooperation with nations, foster respect for international law and treaty obligations, and encourage settlement of international disputes by peaceful means in order to promote international peace and security.

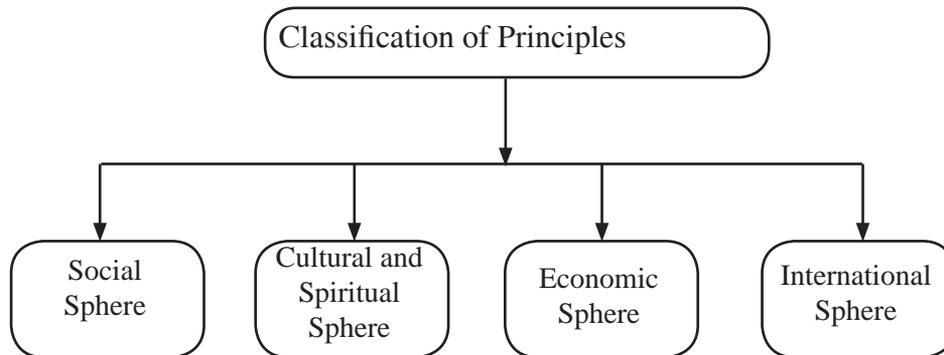


Figure 6.1: Classification of Principles of State Policy

Significance of Principles of State Policy

The Principles of the State Policy as mentioned earlier is one of the most important articles of the Constitution of Bhutan. We have also mentioned that the Principles of State Policy guide and direct the Government to strive for the well being of the Nation and its people. Thus, the Principles of State Policy:

- Ensure the promotion of conditions that would facilitate the pursuit of Gross National Happiness.
- Ensure that the Government strengthens the sovereignty of Bhutan by fostering goodwill and cooperation with Nations and settling international disputes by peaceful means.
- Promote justice for the well being of the people by protecting human rights, dignity and fundamental rights, among others.
- Promote the unity of the Bhutanese by fostering conditions that are conducive for co-operation and integrity in the community.

- Provide liberty to the people by minimizing oppression, discrimination and violence and by respecting the Fundamental Rights.
- Act as an apparatus for measuring the performance of the Government. This means that the Principles of State Policy become a checklist for the Government to see if they are performing well inline with the principles. Moreover, the citizens can also refer to the Principles to check if the Government is working for the wellbeing of the Nation and Society and then decide to reject or vote for the same Government.
- Prohibit the Government from doing anything that they wish as they have to follow the principles listed in the State Policy.
- Eliminate inequalities of opportunity, for instance, by encouraging and fostering private sector development through fair market competition and preventing commercial monopolies, and offering basic education as well as higher education based on merit.
- Minimise inequalities of income by providing fair and reasonable remuneration to one's work and by minimising concentration of wealth.
- Protect women and children from exploitation.

Differences between Principles and Fundamental Rights

At a broader level the Principles of State Policy and the Fundamental Rights appear to share many similarities. However, on closer examination, we notice that there are several differences between the two. The following points differentiate between these two articles:

- The Principles are for the Social welfare and wellbeing of all the citizens while the Fundamental rights are for individual welfare and wellbeing.
- Principles of State Policy are the duties that the State and the Government are expected to fulfil for the wellbeing of the State and people, whereas the Fundamental Rights are the claims of the citizens on the State. In other words, the Principles focus on the State while the Fundamental Rights focus on the citizen.
- The Principles aim at establishing a system that will guarantee guided economic and social progress, whereas the Fundamental Rights aim at providing liberty to the citizens to enable them to make claims on the State and participate in election and decision making in a democratic society.

- The Principles are not enforceable by a court whereas the Fundamental Rights are justifiable and enforceable by law. For instance, an individual can approach the court if his or her Fundamental Rights enshrined in the Constitution are denied.

There are chances that the Principles of State Policy and Fundamental Rights will at times be seen as similar. However, we have explained the differences between the two. Thus, it is important for the citizens to mark the differences between the Principles of State Policy and Fundamental Rights when they assert their Fundamental Rights.

Conclusion

In this chapter, you learnt about the meaning, classification and significance of Principles of State Policy as well as its differences with the Fundamental Rights. We have also said that the Principles of State Policy is one of the most important components of the Constitution of Bhutan as people can judge the performance of the government. Moreover, the Principles encompass all the matters related to the wellbeing of the Nation and the people which the citizens can demand the government to perform accordingly. Thus, the Principles of State Policy ensure Good Governance and the pursuit of Gross National Happiness.

Student Activity

1. Explain the term 'Principles of State Policy' in your own words.
2. The Principles of State Policy are among the significant features of the constitution of Bhutan. Justify the above statement.
3. Classify the Principles of the State Policy into different categories.
4. Distinguish between the Principles of State Policy and Fundamental Rights.
5. Provide examples to prove that the Principles are not enforceable by the court whereas the Fundamental rights are justifiable and enforceable by the court.
6. If you are a member of the Drafting Committee of the Constitution, what are the points that you would delete from or add to the Principles of State Policy? Why?

Chapter Seven

Civil Service in a Democratic Constitutional Monarchy

Key Terms	Learning Objectives
<ul style="list-style-type: none"> • Bureaucracy • Civil servants • Good governance • Hierarchy • Specialisation • Apolitical Status • Corruption • Officialdom • Red-tapism • Executive • Professional • Supervisory • Operation • Position Classification System 	<ul style="list-style-type: none"> • Define Bureaucracy • Explain the characteristics of Bureaucracy • Discuss critically the significance of Bureaucracy • Examine the role of Bureaucracy in a Democratic Nation • Describe the recruitment, classification and promotion procedures of civil servants and role of Royal Civil Service Commission

Introduction

In a Democratic Constitutional Monarchy, the ruling party after winning the election will form the Government to run the country. However, we are not definite if the same ruling party will run the next Government upon expiry of its five year term or dissolution of the Government upon no confidence motion moved by the House. The real administration of the State and continuity of the Government actually lies in the hands of civil servants.

Thus, in this chapter you will discuss about the meaning, characteristics and significance of Civil Service as well as the role of the Royal Civil Service Commission in a democratic society.

Definition and meaning of Civil Service or Bureaucracy

The term bureaucracy, prima facie, is connected with red-tapism and viewed negatively by people. However, a closer look at the origin of the term, it refers to the Civil Service in our context. It is an important component which plays a key role in maintaining and enhancing good governance. In fact, the term bureaucracy originates from the French word *Bureau* which means a writing table or desk. Thus, it can also be understood as a place or an office where

people work. Today, the term bureaucracy is referred especially to the civil servants and it can be defined as follows:

- a) According to Max Weber, “*Bureaucracy is a system of administration characterised by expertness, impartiality and lack of humanism.*”
- b) Willoughby defines bureaucracy as “*any personnel system where the employees are classified in a system of administration composed of hierarchy of sections, divisions, bureaus, departments and the like.*”
- c) According to Pffifner “*Bureaucracy is such an organised association of individuals and actions, which, through collective efforts can realise the definite objectives with ease.*”
- d) Other definitions of bureaucracy from the web are:
 - Bureaucracy literally means “*rule by the bureaus of appointed officials. Group of agencies marked by a clear hierarchy of authority in charge of implementing collective choices made through political institutions. Formal organizations that carry out policy through written rules and standardized procedures based on the specialization of duties and striving for the efficient attainment of organizational goals.*” ([www;elissetche.org/dico/B.htm](http://www.elissetche.org/dico/B.htm))
 - Bureaucracy is “*A complex organization composed of non-elected, professional administrators and clerks hired to perform administrative services and tasks, and to follow and direct rules and procedures.*” (www;information-entertainment.com/politics/polterms.html)

A comparative study of the above definitions provides us with the idea that bureaucracy is associated with a system that is classified positions and specialised professions to collectively fulfil the assigned task of the Government of the day. However, it does not consider the human aspect as bureaucracy involves long lines of communication for a particular work to be done.

Characteristics of Civil Service

We have already mentioned that bureaucracy is an important system of governance. Thus, based on the above definitions the following characteristics of Bureaucracy can be discussed:
Tenure of service: Unlike the politicians, civil servants have option to remain in service for a much longer period. Generally, the civil servants enter the service at the age of 18 and resign upon reaching the age 56, 58 and 60 based on the position categories. Therefore, civil servants have a kind of guaranteed service tenure, unless they are terminated or compulsorily retired on disciplinary grounds.

Logical division of responsibilities: In the Civil service, the whole administrative structure is systematically and logically set up based on hierarchy. At each hierarchical ladder, the civil

servants undertake different duties and responsibilities based on their positions. At the apex of the hierarchical pyramid, the civil servants carry out higher responsibilities related to policies and decision makings while towards the base the duties and responsibilities of the decisions already made.

Specialisation: An essential feature of Civil Service is efficiency, effectiveness and specialization in each position. In other words, they follow the principle of right person for the right job in order to promote efficiency and specialization. The civil servants are appointed on the basis of their technical and educational background.

Apolitical Status: The Constitution, Civil Service Act, Royal Charter and Bhutan Civil Service Rules and Regulations do not allow the civil servants to join any political party while they are in service. Thus, the civil servant should remain apolitical, neutral and be away from the influence of the political parties. However, if they wish to join any political party, they can do so after resigning from service.

Recruitment: Unlike the political leaders, the civil servants are not elected but recruited based on competitive selection examinations. All the university graduates are recruited and selected through the open Civil Service Common Examination.

Problems of Civil Service

The Civil Service is an indispensable organ that ensures good governance. However, it also has its own problems some of which are:

Red-tape: The existence of complex rules and procedures to get a work done makes bureaucracy a slow system with long lines of communication. For instance, the promotion procedure is very lengthy as the forms has to route from the office of the immediate supervisor to the Ministry and then to Royal Civil Service Commission. In order to overcome the long and cumbersome procedures, the Commission has decentralised broad banded positions related to promotion from P5 - P2 to ministries, agencies, dzongkhag and constitutional offices.

Recruitment is decentralised only for support, supervisory and operational human resource requiremnt.

Conflict: Conflict of ideas and implementation strategies exists between different Agencies in the Civil Service. For instance, to enhance the economic prosperity of the farmers, the Ministry of Agriculture attempts to connect all the villages with farm roads. However, it might be in conflict with the policy of the National Environment Commission or even the Department of Culture. Thus, it leads to waste of time and resources as a lot of energy is spent trying to sort out the conflict.

Duplication: Though not always, there are cases when different Agencies would be undertaking the same task leading to waste of resources. Or, at times, works already done by other Agencies are carried out by another Agency. The Organisational Development exercise initiated by the RCSC is expected to remove the existing overlapping of functions and redundant services. It is aimed at introducing new services and improve the delivery of services to the public.

Imperialism: Each Agency attempts to expand their Agency without much attempt to gauge the costs and benefits of the programme.

However, the importance of bureaucracy should not be overshadowed by these problems. Though difficult to curb the problems, it is possible to minimize them with appropriate polices in place.

Role of Civil Service in a Democratic Society

The role of the Civil Service has become indispensable in a democratic society. Almost all the works of the state aimed to realize the socio-economic development of the country are executed by the civil servants. The roles of the Civil service are explained below in brief:

Co-operation in Policy Formulation: The Council of Ministers is not independent in policy formulation and national programmes as they are supported by the Civil Service. The Cabinet in consultation with the Commission formulates overall personnel action policies for the country.

Contribution in Planning: The civil servants prepare an outline of the plan, provide the facts or the statistics and suggest the various sources of getting incomes in order to execute and implement the plans for the rapid economic development of the country.

Implementation of Administrative Policies: The policy or programme, however best it may be, if it is not implemented, becomes useless. Therefore, the main function of the civil servants is to implement the policies and programmes. In fact, the success of the Government to a large extent depends upon our Civil Service.

Contribution in Legislative Function: The ground work for formulation of laws and other statutes is generally carried out by the civil servants as they have requisite expertise in their own professions.

Financial Functions: Every Government gets its annual budget approved by the Legislature determined by the Council of Ministers, which is prepared by the experienced civil servants. In the financial sphere, the role of the Civil Service is crucial for the Government.

Co-ordination in Administration: The Civil Service is also involved in the co-ordination and successful implementation of the policies and programmes of the Government.

Functioning as Development Agency: The Civil Service also functions as a development agency. The success of socio-economic development programmes in the country depends on the input of the civil servants.

The role of bureaucracy in Bhutan has been expressed by the then His Royal Highness Trongsapenlop Jigme Khesar Namgyel Wangchuck when he said “*The impact of bureaucracy extends far beyond government into the daily lives of the people and the welfare of future generations. Civil servants must strive for the highest standards, live by higher ideals and nurture a sense of duty towards fellow Bhutanese. Remember, in Bhutan, it is the bureaucracy’s example that will be followed.*”

Civil Service and the Royal Civil Service Commission

A significant landmark took place in the development of a modern Civil Service in Bhutan with the establishment of the Royal Civil Service Commission in 1982, the introduction of the Cadre System in 1989 and the introduction of Position Classification System (PCS) in 2006.

Meaning of Position Classification System

The Position Classification System will focus on creating a Civil Service that is professional, efficient, effective, transparent, accountable, fair and merit based system. It also attempts to put the right person for the right job based on competitive selection.

Classification

The Position Classification System groups together those positions that are similar with respect to duties and responsibilities so that they can be classified and treated the same way for the purposes of all human resource actions. The PCS has classified positions within 19 major occupational groups with approximately 70 sub-groups and over 500 positions. However, the number of major occupational groups, sub-groups and positions may change from time to time based on job review and audition.

The position structure uses four position categories:

Executives/Specialists: The executives are people who hold important responsibilities to decision making regarding the organisation under him or her. They are the people who are vested with executive powers. On the other hand, the specialists are people who are specialised in a particular area and are in a position to advise its organisation.

Professional/Management: The employees in this group support the executive and Specialist categories and supervise the Supervisory and Support and Operational categories. They also have some decision making power if it is within the broad guidelines of the organisation.

Supervisory/Support: This category of employees is assigned with the main task of supervision of daily works and supports the higher categories.

Operations: The employees in this category perform basic functions like typing, routing telephone, use of computers and other office equipments. Their work is often routine and repetitive.

CODE	POSITION CATEGORIES	POSITION LEVELS
EX	Executive (Bachelors/Masters)	EX1 EX2 EX3
ES	Specialists (Masters/PhD)	ES1 ES2 ES3
P	Professional and Management (Bachelors/Masters)	P1 P2 P3 P4 P5
S	Supervisory and Support (Diploma/Certificate)	S1 S2 S3 S4 S5
O	Operational (Class 10)*	O1 O2 O2 O4

**Qualifications stated in the table are the minimum requirement (Source: Position Classification System: a policy to enhance good governance, 2005, 12)*

Recruitment

The recruitment of employees is broadly classified under four headings:

Recruitment of New Employees: Under the Position Classification System, all recruitments into the Civil Service are based on the open and competitive selection process, which include various selection procedures, such as academic performance, written examinations and interviews. The RCSC has set up an Examination Unit to coordinate and conduct recruitment and selection of the individual job seekers into the Civil Service. As per the decentralisation policy, the RCSC has delegated the authority to Agencies and Dzongkhags to recruit employees in Operational and Supervisory and Support Position category to the Human Resource Committee.

Recruitment through Promotion and Transfer: The recruitment through promotion and transfer means recruiting an employee by promoting to fill the higher post in the same Agency, through transfer, or award promotion and transfer to a new Agency to fill a vacant post.

Recruitment on Contract: Recruitment of expatriates and the nationals into the Civil Service on contract is made on competitive basis to address the acute shortage of human resource. This category of employees renews or leave the job after the contract expires based on the requirement of the Agency and performance of the employee.

Secondment: Another type of recruitment is secondment which is based on a competition. The following are the categories of secondment:

- To an international organization based inside or outside the country.
- To Non-Government Organizations and private institutes within the country.
- To another Agency within the Civil Service for specific period of time.

Promotion

Promotion can be either within or outside a broad-banded position. Promotion within a broad-banded position is one that is linked to one or two other higher or lower level positions in the same occupational group that require same minimum qualification and are similar in purpose, roles and responsibilities. Promotion of civil servants falling within the broad-banded positions does not require competitive selection examination.

Conclusion

The Civil Service is an important organ that ensures efficient, effective and good governance. In a democratic form of Government, the civil servants are entrusted with huge responsibilities as the people from the ruling party that runs the Government keep on changing. In fact, the ruling party is known as political executive while the civil servants are called permanent executive.

Student Activity

1. Read all the definitions of bureaucracy and write a definition of your own.
2. Point out one similarity of the definitions of bureaucracy.
2. What are the characteristic features of bureaucracy? Discuss.
3. Do you think that the role of bureaucracy is important in a democratic society? Justify.
4. In a Parliamentary Democracy, bureaucracy plays a crucial role in ensuring good governance, continuity and stability of the system. How far do you agree to this statement?
5. Why do you think that the Position Classification System was introduced in Bhutan? Comment.
6. Discuss the merits and demerits of the following:
 - (a) Broad-Banded Promotion.
 - (b) Fast-Track Promotion.
7. Compare and contrast between the Position Classification and the Cadre System. For Cadre system, interview the head of your school or any civil servant to get information.

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