

2004 Manual for the Implementation of DYT Chathrim, 2002

PREAMBLE

Whereas, His Majesty the King had established Dzongkhag Yargay Tshogchhung in 1981 to promote people's participation in the decision-making process;

Whereas, His Majesty the King has commanded the delegation of a wide range of powers, authority, resources, responsibilities and functions from the central agencies to Dzongkhag Yargay Tshogchhung to formulate, approve and implement geog and dzongkhag plan activities; and

Whereas, in pursuant to the profound vision and noble conceptions of reforms of His Majesty the King aimed at strengthening decentralization and devolution, the Chathrim of Dzongkhag Yargay Tshogchhung, 1995, is herewith revised to bring greater peace, happiness and prosperity in the Kingdom.

Therefore, be it resolved, that the 80th Session of the National Assembly of Bhutan enacts "Dzongkhag Yargay Tshogdu Chathrim, 2002" on 14th day of the 6th month of Water Male Horse Year, corresponding to 23rd July, 2002.

Paragraph 1. By authority of the DYT Chathrim, 2002, decision making on local policies, plans and budgets concerning socio-economic development in the dzongkhag are vested in the Dzongkhag Yargay Tshogdue (DYT).

Paragraph 2. The decentralization process, initiated by His Majesty the King, was conceived and designed to empower the people to take decisions, concerning how their dzongkhags should be developed. Although this principle was in place since 1981, the dzongkhag decision making forum was chaired by the dzongdag who was also the chief executive, thereby giving considerable influence to the dzongdag over dzongkhag plans and programs. The transfer of chairmanship to an elected representative is the single most significant change brought in by the chathrim. It is based on the belief that while administrative, technical and financial management must remain with the dzongkhag administration to ensure optimal accountability and effectiveness, the content and direction of dzongkhag development must be the choice of the people themselves.

Paragraph 3. It is to the DYT and not to any individual or position to which power has been transferred, except as specified otherwise. The D.A., which is staffed with civil servants, is mandated to carry out and implement the decisions of the DYT in keeping with the rules and regulations of the Royal Government of Bhutan (RGOB). In this regard, the decisions of the DYT must be consistent with national laws and policies. The RGOB shall provide funds and other resources in keeping with national interests and priorities and as set out in the National Five Year development plans approved by the National Assembly.

Paragraph 4. As elected representatives of the people, it is the duty of each and every member of the DYT to ensure that their thoughts, speech and actions are guided directly by the needs and aspirations of the people.

ARTICLE 1. Title, Commencement and Amendment

1. *This Chathrim may be called the ‘Dzongkhag Yargay Tshogdu Chathrim, 2002’, corresponding to the Water Male Horse Year.*
2. *This Chathrim shall come into force on the date of its ratification on 23rd July, 2002, corresponding to the 14th day of the 6th month of Water Male Horse Year, by the National Assembly, throughout the Kingdom.*
3. *This Chathrim shall supersede all earlier Chathrim, rules and regulations pertaining to Dzongkhag Yargay Tshogchung.*
4. *Any provision of this Chathrim may be amended, whenever necessary, by the National Assembly.*

ARTICLE 1A. Title, Commencement, Amendment and Application

1. This Manual may be called the Manual for the implementation of '*Dzongkhag Yargay Tshogdu Chathrim, 2002*', corresponding to the Wood Monkey Year 2004.
2. This Manual shall come into force on the date of its ratification on 5th August 2004, corresponding to 20th Day of the 6th Month of Wood Monkey Year 2004, by the Lhengye Zhungtshog.
3. Any provision of this Manual may be amended, whenever necessary, by the Lhengye Zhungtshog.
4. This Manual shall be applicable throughout the Kingdom of Bhutan.

ARTICLE 2. Definitions

1. '*Chathrim*' means the Chathrim of Dzongkhag Yargay Tshogdu, 2002;
2. '*Chimi*' means a member of the National Assembly of Bhutan representing his or her constituency;
3. '*Dzongdag*' means the chief executive of a dzongkhag or any official for the time being exercising the functions of the office of dzongdag;
- 3A. The term 'chief executive' means the highest administrative authority in the dzongkhag.
4. '*Dzongkhag Administration*' means the agency of the Royal Government headed by the dzongdag;
- 4A. All officers and staff of the dzongkhag administration shall be under the administrative control of the dzongdag. All employees of the dzongkhag administration shall be responsible and accountable to the dzongdag.
5. '*Dzongkhag Yargay Tshogdu*' means any Dzongkhag Yargay Tshogdu constituted under this Chathrim;

- 5A. There shall not be more than one DYT established in each *dzongkhag*.
6. *'Local'* means the areas within the territory of a *dzongkhag*;
- 6A. Areas pertain to all territorial jurisdictions under the administrative control of a *dzongdag*, such as *dungkhags*, *geogs* and municipalities and towns falling under a *dzongkhag*.
7. *'Mangmi'* means an elected representative of the *geog* who can be either *mang ap* or *mang aum*;
- 7A. There shall be one *'mangmi'* for every *geog*.
- 7B. *'Mangmi'*, as an elected representative of the *geog*, is a representative of all the villages in a *geog*. He/she is not elected as a representative of the village in which he/she resides and shall represent the interests of the entire *geog* as a member in the GYT.
8. *'Gup'* means the head of a *geog* elected as per the provisions of the *Geog Yargay Tshogchung Chathrim, 2002*;
- 8A. *'Gup'* is the administrative head of the *geog*.
9. *'Member'* means any person who has fulfilled the requirements of membership of *Dzongkhag Yargay Tshogdu*;
- 9A. In accordance with Article 3 (2), 3(3), 3(4) and 3(5), *chimi*, *gup*, *mangmi* and the representative of the municipalities and towns shall be members of the DYT.
10. *'Observer'* means any person who attends *Dzongkhag Yargay Tshogdu* meetings to provide clarifications and information;
11. *'Royal Government'* means the Royal Government of Bhutan; and
- 11A. *'Central Authorities'* means the line Ministries, Departments and Autonomous Organizations.

12. *'Registered resident' means a person with citizenship identity card whose census record is maintained in a particular dzongkhag, and he or she has been living there for at least one year in the immediate past.*
- 12A. For the purpose of contesting an election as a candidate, the definition, as stated in Article 2 (12) of the DYT *Chathrim*, 2002, shall be applicable. The candidate shall be a habitual resident in the constituency from which he/she is standing for election.
- 12B. For the purpose of casting a vote in an election, 'registered resident' means a person of 21 years of age and above with citizenship identity card whose census record is maintained in a particular *geog*, but who may or may not necessarily reside in the *geog*.
- 12C. For the purposes of contesting an election as a representative of municipalities and towns as well as for casting of votes, 'registered resident' means a person of 21 years of age and older with citizenship identity card whose census is maintained in a particular municipality or town but who may not necessarily reside in that municipality or town. It also means a person of 21 years of age and older with citizenship identity card, who owns immovable property like land, house or building in the municipality or town and who shall furnish a valid ownership certificate in respect of the above stated immovable property from the municipality or competent authority.
13. *In case of conflicting interpretations of any provision of this Chathrim, the decision of the Court of Law shall be final and binding.*
14. *The original of the Chathrim shall be in Dzongkha which will prevail over its translations in other languages if there are conflicting interpretations.*

**ARTICLE 3. *Composition, Terms of Office and Sitting Fee of
Dzongkhag Yargay Tshogdu Members***

The Dzongkhag Yargay Tshogdu shall comprise of the following:

1. *chairman, who shall also be a voting member;*
 - 1A. The chairman shall conduct the DYT meeting in a fair and objective manner.

2. *chimi as ex-officio voting member;*
 - 2A. The *chimi* shall be a member of the DYT for the duration of his or her term as *chimi* and shall cease to be a member of the DYT from the day his or her term as *chimi* is over.

3. *gup as ex-officio voting member;*
 - 3A. The *gup* shall be a member of DYT for the duration of his or her term as *gup* and shall cease to be a member of the DYT from the day his or her term as *gup* is over.

4. *mangmi as ex-officio voting member;*
 - 4A. The *mangmi* shall be a member of DYT for the duration of his or her term as *mangmi* and shall cease to be a member of the DYT from the day his or her term as *mangmi* is over.

5. *one representative of municipalities and towns as voting member;*
 - 5A. The representative of municipalities and towns shall be a member of DYT for a duration of three years. His or her term as a DYT member shall begin from the day he or she is elected as the DYT representative of municipalities and towns.

- 5B. A town shall mean an area recognized as a town by the *dzongkhag* administration in consultation with the Ministry of Works and Human Settlements (MWHS).
6. *dzongrab, or in his absence, dzongkhag administrative officer, as ex-officio non-voting member secretary of the Dzongkhag Yargay Tshogdu;*
- 6A. Either the *dzongrab* or the *dzongkhag* administration officer or any other officer, as deemed most competent and appropriate by the *dzongdag*, shall serve as the non-voting member secretary of the DYT.
- 6B. As the secretary of the DYT, the officer concerned is not a separate, full time, office holder and shall have only a record keeping function and provide related . secretarial services.
7. *dungpas, in Dzongkhags with such posts, as observers;*
8. *representatives of the various sectoral agencies as observers; and*
- 8A. The *dzongdag* shall appoint and confirm the list of civil servant observers for DYT meetings, as deemed appropriate, based on the agenda. The list as approved by the DYT chairman shall be read out at the beginning of each DYT meeting.
- 8B. An observer, as listed in Article 3 (7), 3(8) and Article 12 (4), may intervene during the discussion if he or she is called to do so by the chairman or if he or she deems it to be necessary given the relevance of the subject to the observer.
9. *other representatives of municipalities and towns, as observers;*
- 9A. Appropriate attendance by non-member municipal and town representative shall be ensured by the *dzongdag* who shall inform them through the secretary of the DYT at least seven days in advance.

10. *the Chairman of the Dzongkhag Yargay Tshogdu shall be elected through secret ballot from amongst the voting members for a tenure up to three years;*

10A. A candidate for chairman of the DYT shall be a *chimi, gup, mangmi* or the representative of municipalities and towns with a minimum serving term of one year.

10B. A candidate for election as DYT chairman shall be ineligible to cast a vote in the election.

10C. A *Dzongkhag* DYT Election Committee (DEC) shall be constituted to organize and supervise the election of DYT chairman and DYT deputy chairman.

10D. A DEC shall comprise of the following:

Dzongdag as the chairman

Dzongrab or Administrative Officer as secretary

Sector Heads of the *dzongkhag* administration as members

10E. The secretary shall distribute bio-data forms of all voting members of the DYT to all persons concerned at least one day ahead of the DYT meeting.

10F. During the DYT meeting, a voting member shall nominate a candidate whose candidature, in order to be accepted, must be seconded by another voting member.

10G. In case there is only one candidate, secret ballot shall be held on the basis of 'Yes' and 'No'.

10H. The candidate who secures 50% or more of the votes cast as 'Yes' shall be elected as the DYT chairman. Otherwise, another candidate shall be nominated and the same voting procedure repeated.

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- 10I. In case, there is more than one candidate, the candidate securing the highest number of secret ballot votes shall be declared as the DYT chairman.
- 10J. In the event two or more candidates secure equal number of highest votes, the election shall be conducted by drawing of lots among such tied candidates.
- 10K. The chairman of the DEC shall chair the DYT meeting to elect the chairman and deputy chairman.
- 10L. The chairman of the DEC shall declare the results of voting in the DYT meeting.
- 11. *All members of the Dzongkhag Yargay Tshogdu shall be entitled to sitting fee for Dzongkhag Yargay Tshogdu sessions, as provided and revised from time to time by the Royal Government.*
- 11A. All members of the DYT shall be entitled to sitting fee of Nu. 200 per day during DYT meeting, which may be revised from time to time, by the Ministry of Finance.
- 11B. All members shall also be entitled to daily allowance, as prescribed by the Ministry of Finance, for the actual number of days of DYT meetings.
- 11C. All members of the DYT shall be entitled to daily allowance of Nu. 300 per day for travel from *geog* to *dzongkhag* headquarters and back to *geog*, based on the actual number of days walked to attend DYT meetings. The rates may be revised as per the circular issued by the Ministry of Finance from time to time.
- 11D. All members of the DYT shall be entitled to traveling allowance to attend DYT meetings equivalent to the actual cost of bus tickets for section of journey where motor roads are available. All members shall receive Nu.250 per day for one riding pony and one porter for section of journey where motor roads are not available for travel, based on actual number of days walked, to attend DYT meetings. The rates may be revised as per the circular issued by the Ministry of Finance from time to time.

- 11E. All non-civil service observers residing outside the *dzongkhag* headquarters requested to attend a DYT meeting shall be entitled to daily allowances as well as traveling allowance received by DYT members, as stated above, in Sections 11 B, 11 C and 11 D.
- 11F. All payments related to the above shall be made by the DA on the basis of the DYT attendance register maintained by the secretary of the DYT.
- 11G. Actual number of days walked, as stated above under Section 11C and 11D, means the number of days a person from the *geog* normally takes to reach *dzongkhag* headquarters, as determined by the *dzongkhag* administration.

ARTICLE 4. *Procedures for Election and Tenures for DYT Members*

1. *The procedures for electing the ex-officio members of the Dzongkhag Yargay Tshogdu shall be as per the provisions of an Election Act. However, until the Election Act is passed by the National Assembly of Bhutan, the members of the Dzongkhag Yargay Tshogdu shall be elected in accordance with the existing procedures and chathrims, namely,*
- 1A. Ex-officio members are those holding the post of *chimi*, *gup* and *mangmi* who are elected according to the *Chathrim* for Election of National Assembly Members, 1995, in case of the *chimi*; and the *Geog Yargay Tshogchung Chathrim*, 2002, in case of the *gup* and the *mangmi*.
- (a) *the Chathrim for Election of National Assembly Members, 1995, in case of the chimis;*
- 1(a1) Election of the *chimi* shall be conducted by the *dzongkhag* administration, under the supervision of the *dzongdag*, until the Election Act is enacted by the National Assembly.
- 1(a2) The DYT shall ensure that elections are conducted by the *dzongkhag* administration in accordance with the *Chathrim* for Election of National Assembly Members, 1995 by appointing no more than three DYT members as observers for the election.

1(a3) Any DYT member, appointed as an observer in the election of *chimi*, shall report any irregularity in the conduct of election to the *dzongdag* who shall call for an explanation and take appropriate remedial measures within two days of receiving a complaint.

1(a4) If the *dzongdag* fails to initiate action, then the matter may be referred to the DYT chairman who shall in turn refer it to the secretariat of the National Assembly and MOHCA until the office of the Election Commission is established.

(b) the Geog Yargay Tshogchung Chathrim, 2002, in case of the gup and the mangmi.

1(b1) The election of the *gup* and *mangmi* shall be conducted by the *dzongkhag* administration under the supervision of the *dzongdag* until the Election Act is enacted by the National Assembly.

1(b2) Until then, the election of *gup* and *mangmi* shall be conducted in accordance with the *GYT Chathrim, 2002*.

1(b3) The one year residency requirement for a candidate is to ensure that an elected member of the DYT is a person who resides in the *geog*, since a person who resides in a *geog* understands local needs and problems better than a person who does not reside in a *geog*, even though he or she may be registered in a *geog*.

2. *Similarly, the tenures of all ex-officio members shall be further governed by their above mentioned respective chathrim and rules and regulations.*

2A. The tenure of all ex-officio members, viz., *chimi*, *gup* and *mangmi* shall be 3 years.

2B. Should there be any dispute regarding the conduct of elections, the matter shall be referred to the Ministry of Home and Cultural Affairs until the office of the Election Commission is established.

ARTICLE 5. Election of DYT Member from Municipalities and Towns

1. *A candidate for Dzongkhag Yargay Tshogdu membership from the municipalities and towns shall satisfy all of the following terms:*

(a) A candidate shall be Bhutanese under the provisions of the Citizenship Act:

1(a1) A candidate shall possess a valid citizenship identity card issued by the Department of Civil Registration and Census, MOHCA.

(b) A candidate shall not have served a prison sentence both within and outside the Kingdom;

1(b1) A candidate shall be eligible to contest in an election even if he or she has been under detention, but has not been convicted by a court of law.

1(b2) A candidate who has been convicted by a court of law but who has not served sentence for any reason shall be ineligible to contest in an election.

(c) A candidate shall not have committed a criminal offence;

1(c1) Criminal offences shall mean those offences categorized as criminal offences by The Bhutan Penal Code, 2004.

(d) A candidate shall not have been dismissed on dishonorable grounds such as corruption and misuse of position from his or her previous employment in either government or private agencies;

1(d1) A candidate shall be ineligible to contest in an election if he or she has been proved to be in violation of Article 5, Clause 1(d) of the DYT *Chathrim*, 2002, even if the candidate has held any elected or public post prior to his or her nomination.

- (e) *A candidate shall be of sound mental health, and physically able to effectively perform his or her duties, with honesty and dedication.*
- 1(e1) A candidate shall submit a medical certificate, certifying him or her to be mentally sound and physically able to perform his or her duties, from the district medical officer or a doctor from a government hospital.
- (f) *A candidate for the municipalities and towns shall be a registered resident in municipalities and towns; and*
- 1(f1) For the purpose of election of a representative of municipalities and towns as well as for casting of votes, 'registered resident' as defined under Article 5 (2) of the DYT *Chathrim*, 2002, and as per Article 2 Section 12 C of this manual shall be applicable.
- (g) *A candidate shall be literate with skills adequate to discharge his or her duties.*
- 1(g1) In this regard, efforts must be made to ensure that candidates have reasonable academic qualifications.
- 1(g2) Academic qualification shall mean the skills of both reading and writing Dzongkha.
2. *A representative of the municipalities and towns shall be elected through secret ballot amongst the registered residents, who is 21 years of age and above of the municipalities and towns;*
- 2A. The *dzongdag* shall organize and supervise the election through the DEC. The election shall be conducted by the same DYT election committee constituted for the election of DYT chairman and deputy chairman, under Article 3, Section 10 D of this manual, until such time as the Election Act is in place.
- 2B. The *dzongdag* shall notify a call for nominations from municipalities and towns at least six weeks before the election date.

- 2C. The notification shall include, among others, the name of the *dzongkhag* official from whom nomination forms can be availed, duration of availability of nomination forms, deadline for submission of completed nomination forms, election date, basic requirements and documentation for candidates and voters, timing for casting of votes etc.
- 2D. The deadline for submission of completed nomination forms shall be 5 pm of the 21st day, after the call for nominations. No nominations shall be accepted after this day.
- 2E. The election committee shall ensure that voters provide identification or evidence of eligibility as a 'registered resident', applicable for casting of votes for the election of a representative of municipalities and towns, as stated above under Article2, Section 12 C.
- 2F1 The election shall commence from 8 am on the stated/notified day of election and all candidates shall be physically present at the place of election.
- 2F2 A registered resident shall not vote in an election pertaining to the DYT from any other geog or municipality, apart from the one in which he or she is registered to vote.
- 2G1 The candidate with the highest number of votes cast shall be declared elected.
- 2G2 A person elected as a member of the DYT to represent municipalities and towns shall continue to maintain or establish residency in the constituency from which the person has been elected, as may be applicable.
3. *A candidate from municipalities and towns shall not solicit support through bribery, threat or any other unscrupulous means;*
- 3A1. This provision is also applicable to the election of *chimi* as per Article 7: General Rules: (7.5) (a) in the *Chathrim* for the Election of National Assembly Members of 1995

- 3A2. This provision is further applicable to the election of *gup* and *mangmi* as per Article 5 (1) of the *GYT Chathrim* of 2002.
- 3B1. A candidate shall submit a written undertaking/declaration certifying that he/she is not in violation of Article 5 (3) as well as Article 5 (1a), 5(1b), 5(1c), 5(1d), 5(1e), 5(1f) and 5(1g) of the *DYT Chathrim, 2002*.
- 3B2. A candidate who is elected as the representative of municipalities and towns to the DYT but is found to be in violation of Section 3 B1 shall relinquish his/her post following which elections shall be held to elect a replacement.
- 3B3. A candidate, including an elected member who submits a written undertaking / declaration that is in violation of Section 3 B1 shall be barred from contesting in any election for a period of 12 years.
4. *A candidate from the municipalities and towns shall be elected for three years; and*
- 4A. As stated above under Article 3, Section 5 A, the representative of municipalities and towns shall be a member of DYT for a duration of three years. His or her term as a DYT member shall begin from the day he or she is elected as the DYT representative of municipalities and towns.
5. *A candidate from the municipalities and towns shall not be married to a foreign national.*
- 5A. This provision shall not pertain to candidates with naturalized spouses.

ARTICLE 6. Meeting Procedures of Dzongkhag Yargay Tshogdu

1. *A Dzongkhag Yargay Tshogdu meeting shall be convened at least once every three months;*
- 1A. It shall be the responsibility of the chairman of the DYT to ensure that quarterly meetings of the DYT are held.

- 1B. The responsibility for proposing the date along with a draft agenda for a DYT meeting shall rest with the DYT secretary, in keeping with *dzongkhag* plan schedules and other important activities.
- 1C. The draft agenda shall be prepared by the DYT secretary in consultation with the chairman, which shall include proposals received from GYTs as well as from municipalities and towns.
- 1D. Upon the date having been confirmed by the chairman, DYT secretary shall issue necessary notification, along with the draft agenda to all the members of the DYT as well as to the *dzongkhag* sector heads concerned.
- 1E. The notification shall also invite additional proposals from GYTs, municipalities and towns and from the *dzongkhag* sector heads concerned.
- 1F. The second draft of the agenda shall incorporate the additional points received from the constituencies and shall be submitted to the chairman of the DYT by the DYT secretary. Consultations between the *dzongdag* and the chairman may take place if necessary at this stage before circulation to all members of the DYT and sector heads concerned.
- 1G. There shall be a minimum of ten days of notification for the DYT meeting after the second draft is circulated.
2. *The Dzongkhag Yargay Tshogdu shall elect through secret ballot one of its ex-officio voting members as the Deputy Chairman, for a tenure up to three years, who shall chair the DYT meetings in the absence of the chairman.*
- 2A. The election of deputy chairman shall be conducted by the DEC, chaired by the *dzongdag*, within the DYT meeting hall at which the chairman shall enjoy the right to cast his or her vote.
- 2B. A candidate for election of deputy chairman shall be ineligible to cast a vote in the election.

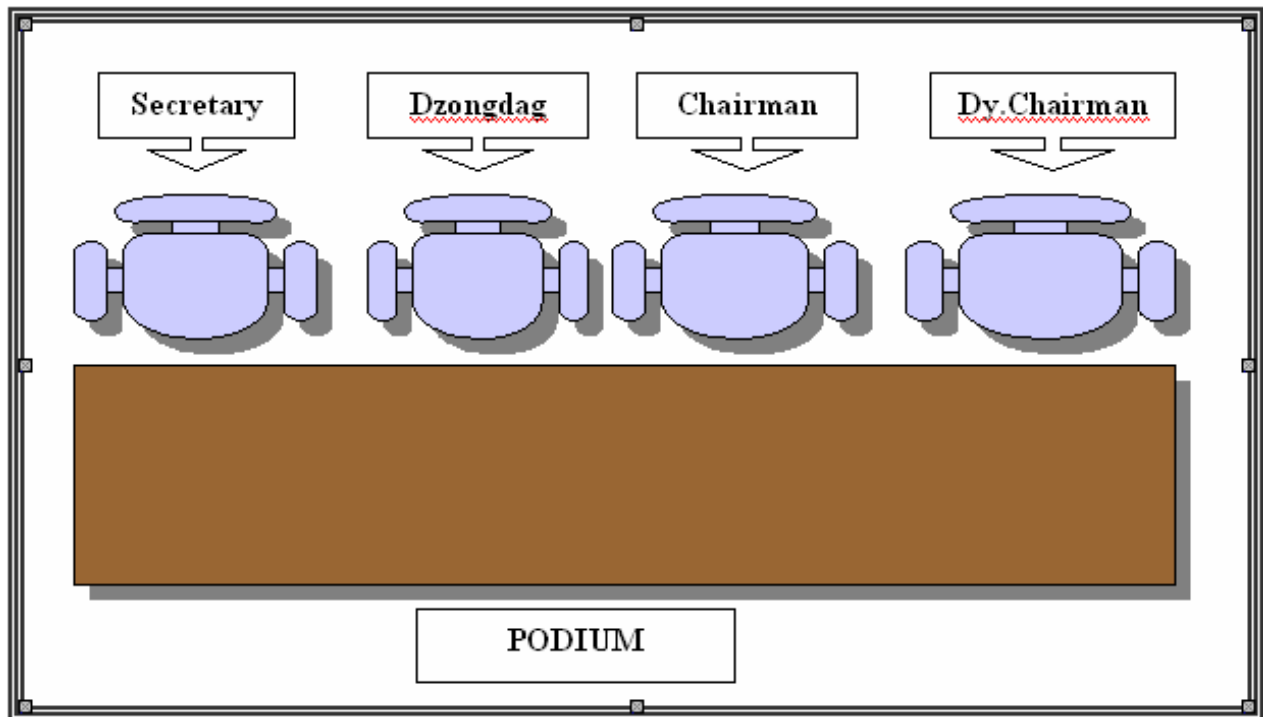
- 2C. The procedure for the election of the DYT chairman, as stated above, under Article 3, Section 10 E to 10 L, shall be also applicable to the election of the DYT deputy chairman.
3. *The chairman may convene, if required, additional meetings of Dzongkhag Yargay Tshogdu.*
- 3A. The DYT chairman may decide on the convening of additional meetings on the request of the *dzongdag*.
- 3B. The purpose, proposed date and appropriate reasons for convening the DYT meeting shall be included in the request.
- 3C. The DYT chairman shall review the request and inform the *dzongdag* of his decision within two days of receiving the request.
- 3D. The DYT chairman shall agree to the request if he or she is satisfied with the justifications submitted by the *dzongdag* in the request for the additional meeting.
4. *Additional meetings of Dzongkhag Yargay Tshogdu may also be convened if one-third of the members so decide.*
- 4A. Additional meetings of DYT shall be decided during a DYT meeting where one third or more of the members so choose or if the same proportion of the members were to make a request in writing when the DYT is not in session.
5. *Dzongrab, or in his absence, the administrative officer, shall be the non-voting member secretary of Dzongkhag Yargay Tshogdu.*
- 5A. In the absence of the *dzongrab*, the *dzongdag* shall appoint a substitute who may be the *dzongkhag* administration officer or any other senior officer deemed competent by the *dzongdag*.
6. *There shall be a fixed agenda for every meeting.*

- 6A. The agenda shall be prepared by the DYT secretary, upon receiving proposals from GYTs as well as from municipalities and towns and upon incorporating proposals from the *dzongkhag* administration.
- 6B. The agenda for adoption shall be the second draft agenda and shall be the first item to be considered by the house.
7. *Any voting member may introduce an item in the agenda with prior notice to the Secretary of Dzongkhag Yargay Tshogdu.*
- 7A. Members may propose additional items for inclusion in the agenda from the floor with prior notice to the DYT secretary who shall inform the chairman. Likewise, the *dzongdag* may also propose items for inclusion. Such items shall normally be proposed and discussed under the agenda item “any other items”.
- 7B. The decision for the inclusion of such proposals shall rest entirely with the DYT chairman, unless otherwise supported by one third or more of the members.
8. *The presence of not less than two-thirds of the total existing members of a Dzongkhag Yargay Tshogdu shall be required to constitute a quorum, and to pass any decision.*
- 8A. Any member failing to attend a DYT meeting shall submit, in writing, valid reasons to the secretary one week in advance who shall duly inform the chairman. Failure to do so shall only be condoned on grounds of medical and extenuating circumstances.
- 8B. Any member who fails to attend two consecutive DYT meetings is liable to be relieved of membership in the DYT. However, such a matter will have to be decided in a DYT meeting by two-thirds majority, in which case the said person will lose his/her post by virtue of which he/she has become an ex-officio member of the DYT. Absence at three or more consecutive meetings will automatically result in termination of membership in the DYT and post in the constituency.

9. *The Dzongkhag Yargay Tshogdu meeting shall commence with traditional opening ceremony.*
- 9A. The DYT chairman and deputy chairman shall arrive in the *dzongkhag* headquarters, two working days ahead of a DYT meeting.
- 9B. The DYT chairman and the deputy chairman shall call on the *dzongdag* and *dzongkhag* administration in the morning, two days before the DYT meeting. They shall hold consultations on the agenda of the meeting.
- 9C. The DYT secretary shall be in attendance during the consultations.
- 9D. All other DYT members shall arrive **on the morning** of the meeting and report to the DYT secretary who shall arrange for a *chhawang* before the *dzongdag*.
- 9E. All members and observers shall normally be required to complete their registration on the eve of the DYT.
- 9F. All members and observers, except for *dzongdag*, DYT chairman, deputy chairman and DYT secretary shall be seated in the DYT meeting hall fifteen minutes before the scheduled time of the DYT meeting.
- 9G. The DYT secretary and staff shall receive the DYT chairman, *dzongdag* and the deputy chairman at the entrance of the DYT meeting hall fifteen minutes before the scheduled time of the DYT meeting.
- 9H. The dignitaries shall then enter the DYT meeting hall in the following order:
- a. the DYT chairman,
 - b. the *dzongdag*,
 - c. the deputy chairman and
 - d. the DYT secretary

Likewise, the same order shall be maintained for departure from the Hall.

9I. The seating shall be as per the diagram below:



9I1. All shall rise upon entry of the dignitaries inside the DYT meeting hall.

9I2. All shall rise upon entry of the venerable monks who shall be seated in their designated places in the DYT meeting hall. All shall sit upon the monks having taken their seats.

9J. *Zhugdrel* ceremony shall be performed during which *marchang* shall be offered to the DYT chairman.

9K. All shall rise again as the monks take leave.

10. *Decisions of the meeting shall be made either by consensus or by simple majority of those present in a meeting.*

10 A. Consensus means all members must be in agreement with the dissenting members, if any, having withdrawn their opposition.

10 B. Simple majority means maximum number of votes cast in favor of or against a motion.

11. *The Secretary of Dzongkhag Yargay Tshogdu shall record the minutes of meeting and distribute them to all members.*
- 11A. The minutes of the meeting shall be distributed by the DYT secretary, no later than one week after a DYT meeting.
- 11B. If no written comments and amendments are proposed within 13 working days, the chairman shall authorize the *dzongdag* to begin implementation of decisions taken.
12. *Minutes of a meeting shall be adopted upon confirmation by the members present in a meeting.*
- 12A. Consideration and adoption of the minutes of the previous meeting shall form item 2 of the DYT agenda.
13. *No member of a Dzongkhag Yargay Tshogdu shall be arrested or prosecuted while the Dzongkhag Yargay Tshogdu is in session.*
- 13A. This does not exempt a member or an observer from being strictured or even expelled from the hall by the chairman for non-observance of basic *driglam namzha* and decorum befitting the important forum.
- 13B. Decorum and discipline of DYT members and observers shall be maintained by the DYT chairman, by ensuring that the code of conduct for DYT meeting is observed by every member.
- 13C. The code of conduct shall pertain to refraining from utterance of foul language, engaging in personal acrimony and perpetration of physical violence during a meeting.
- 13D. In the event any code is violated, the DYT chairman shall have the right to dismiss members and observers from a meeting.

ARTICLE 7. Powers and Functions of Chairman of DYT

- 7A. The chairman of the DYT is responsible for smooth conduct of DYT meetings in accordance with the DYT *Chathrim*, its manual of rules and regulations and the observance of the norms of *driglam namzha* and code of conduct.
- 7B. All members and observers of the DYT shall pay due respect to the chairman during the DYT meeting.
- 7C. The chairman must keep himself/herself abreast with developments both within the country and the region. He/she must be fully conversant with all national policies as well as plans and programs for development of the *dzongkhag*.

The Chairman of the Dzongkhag Yargay Tshogdu shall:

1. *issue ordinances based on the decisions of Dzongkhag Yargay Tshogdu;*
- 1A. The DYT chairman shall issue ordinances as specified and required of him/her by the DYT and as recorded in the minutes of the DYT meeting. The ordinances shall be drafted by the DYT secretary in consultation with the chairman and shall mention specific reference to the particular DYT session.
- 1B. Ordinances and other written communication from the DYT Chairman shall be signed as follows:

Name of the DYT Chairman
Chairman
Dzongkhag Yargay Tshogdue, Name of the Dzongkhag
- 1C. The approved minutes of the DYT meeting shall be signed page-wise by the chairman.
- 1D. The chairman shall forward the minutes of the meeting to the *dzongdag* with directives that the decisions recorded therein, be implemented expeditiously.

- 1E. The chairman shall maintain one copy of the minutes of DYT meeting.

2. *convene, if required, additional meetings of the Dzongkhag Yargay Tshogdu;*

- 2A. The DYT chairman may decide on the convening of additional meetings on the request of the *dzongdag* and as per Article 6, Section 3A, 3B, 3C and 3D of this manual.

- 2B. The purpose, proposed date and reasons for convening the meeting shall be included in the request.

- 2C. The DYT chairman shall review the request and inform the *dzongdag* of his decision within two days of receiving the request.

- 2D. The DYT chairman shall agree to the request if he or she is satisfied with the justifications submitted by the *dzongdag* in the request for the additional meeting.

3. *ensure that the public are informed of the activities of the Dzongkhag Yargay Tshogdu;*

- 3A1. At the end of each DYT session, the DYT chairman shall, after adoption, make specific instructions to members of the DYT to ensure that people in their respective constituencies are informed of the activities and decisions of the DYT through their respective GYTs.

- 3A2. The DYT chairman may visit every *geog* in the *dzongkhag* once during his tenure, during which time, he/she shall inform the public of the role and activities of the DYT.

- 3B. The schedule and itinerary for the tour of DYT chairman to the *geog* shall be decided at a DYT meeting. The *dzongdag* shall accordingly facilitate the visit by providing necessary daily allowance and as may be applicable, transportation or travelling allowance, at rates prescribed by the Ministry of Finance.

- 3C. After each visit, the chairman shall submit a tour report to the DYT along with a copy to the *dzongdag*.
- 3D. In case the deputy DYT chairman undertakes similar visits on behalf of the DYT chairman pertaining, as stated above, to Section 3 A2, he or she shall fulfill the same requirements and also be entitled to the same benefits, as stated above, for the DYT chairman.
4. *appoint members of a working committee which is established by a decision of a Dzongkhag Yargay Tshogdu;*
- 4A. Any working committee required to carry out specific tasks to support the decision making of DYT shall be established by DYT.
- 4B. Such a working committee shall submit its findings/recommendations to the DYT for its approval and implementation. The working committee shall take due note of the views of the *dzongkhag* administration before finalizing and submitting its findings/recommendations to the DYT.
- 4C. The composition of a working committee may include civil servants and private individuals in addition to DYT members, depending on the nature of tasks.
- 4D. The members of a working committee shall be appointed by authority of the DYT chairman upon the members having been nominated and selected by the DYT. The candidates will include those nominated by the *dzongkhag* administration or by a DYT member from the floor.
- 4E. The members of a working committee shall serve on a voluntary basis for a specific term.
- 4F. The tenure of the committee shall come to an end upon completing its mandate or its term unless renewed by the DYT.
5. *maintain decorum and order in meetings; and*
- 5A. The provisions, as stated above under Article 6, Section 13 (A, B, C and D) shall be applied.

6. *invite observers, as he or she deems appropriate, to the meetings.*
- 6A. Such invitees shall be included on the basis of the agenda or as the occasion may demand. The chairman shall inform the *dzongdag* of the guests so invited in order that appropriate arrangements are made for their hospitality.
- 6B. The chairman shall inform and introduce the guests so invited to the DYT.
- 6C. Such observers, termed as guest observers/guests shall be treated differently from observers mentioned under Article 3 (7), (8) and (9) of the DYT *Chathrim*, 2002. The guest observers may be requested by the chairman to address the DYT.
- 6D. Under special circumstances, the *dzongdag* may inform and introduce government officials and guests invited to a DYT meeting after the traditional opening ceremony.

ARTICLE 8. General Functions and Powers of Dzongkhag Yargay Tshogdu

As the highest forum for local policy and decision-making on matters of public interest in a dzongkhag, the Dzongkhag Yargay Tshogdu shall:

1. *foster amongst the population of the dzongkhag general political consciousness and their rights and duties as citizens of the country;*
- 1A. The DYT shall include in its agenda periodical assessment of the level of general political consciousness, rights and duties as citizens in the respective constituencies of the members of the DYT. Based on such assessments, the *dzongkhag* administration shall be instructed to take appropriate measures to educate the public in a non-partisan and apolitical manner.
- 1B. DYT members shall inform the public in their respective constituencies of political and security issues confronting the country from time to time and ensure that people are fully mindful of their rights and duties.

2. *ensure proper elections of chimis to the National Assembly as well as members to the Royal Advisory Council in accordance with the provisions of the respective chathrim;*
- 2A. Upon receiving instructions from the secretariat of the National Assembly and the chairman of the Royal Advisory Council, it shall be the responsibility of the *dzongdag* to announce before the DYT the end of tenure of *chimi* and *lodey tshogdu* members at least three months in advance.
- 2B. The DYT shall require its members to inform the public of vacancies arising against these posts.
- 2C. The DYT shall require the *dzongkhag* administration to inform the house of the arrangements being made for the elections concerned in accordance with the respective *chathrim*.
- 2D. The DYT shall consider and approve election dates and schedules which shall be proposed by the *dzongkhag* administration.
- 2E. Upon receiving approval of election dates and schedule, the *dzongkhag* administration shall conduct the elections as per the prevailing *chathrim* or as per election rules and procedures as and when the Election Commission is established.
- 2F. The DYT members shall monitor the elections and see that correct procedures are followed. In the event certain procedural violations are observed, the concerned member shall bring it to the notice of the DYT chairman who shall call for an explanation and request that appropriate remedial measures be taken.
- 2G. In the event the DA fails to take corrective measures, upon having violated the provisions of the respective *chathrim*, the DYT chairman shall report the matter to the secretariat of the National Assembly, Royal Advisory Council and MOHCA until such time as the Election Commission is established.
3. *promote awareness and dissemination of national objectives;*

- 3A. The DYT shall keep itself fully informed of national policies and objectives. To this end, it will obtain and disseminate among its members relevant documentation, including proceedings of the National Assembly. Where necessary, the DYT through the chairman may request government functionaries/officials and experts to make presentations and briefings.
- 3B. The DYT shall request the DA to arrange for dissemination of relevant information and distribution of documentation, as may be required.
- 3C. The DYT shall ensure that local considerations and decisions do not conflict with national interests.
- 3D. The DYT members shall exercise individual responsibility to inform and educate people on such matters.
4. *promote co-operation amongst geogs, municipalities, towns and dzongkhag;*
- 4A. The DYT shall require the DA to submit regular reports on the promotion of unity and coordination among various constituencies and administrative units of the *dzongkhag*.
- 4B. The DYT shall take policy decisions and measures to ensure that harmony and cooperation are enhanced not only within the *dzongkhag* but in the country as a whole.
- 4C. The *dzongdag* and chairman shall ensure that the DYT meeting agenda do not fail to include the interests of all the separate constituencies.
5. *preserve and promote driglam choesum;*
- 5A. The DYT shall support the DA in ensuring that *driglam choesum* is observed in the *dzongkhag* by all sections of society and that the proper code of conduct is observed during DYT meetings.

- 5B. The DYT shall preserve and promote national dress, language, tradition of extended family, love and loyalty, national pride and dignity, arts, architecture, music and dance.
6. *promote balanced economic development in the geogs under the dzongkhag;*
- 6A. The DYT shall ensure that, on basis of demography and objective criteria, all geogs have access to equitable allocation of resources and services.
- 6B. The DYT shall also ensure that intra-geog equity is being ensured with respect to villages, ethnic and linguistic groups during consideration of geog development plans and budgets.
- 6C. The DA shall be required by the DYT to guide, monitor and ensure equitable development and submit reports to the DYT on the comparative development and socio-economic status of all constituencies in the dzongkhag..
7. *promote co-operatives toward economic growth which contributes to employment and welfare;*
- 7A. The DYT shall encourage development of cooperative activities at dzongkhag, geog and community levels and promote the virtues of cooperative effort.
8. *preserve and promote cultural and sport activities;*
- 8A. The DYT shall give importance to and provide patronage for the promotion and preservation of Bhutan's cultural heritage through following activities:
- a. traditional village and community festivals such as *tsechus, dubchens*, etc.
 - b. observation of dzongkhag, geog and village religious functions such as *kanjur/tenjur* recitations, *bomdeys*, celebration of religio-historical personalities and deities etc.

- c. preservation and promotion of folk traditions and events specific to local communities and *dzongkhags* such as *lolay* chanting, celebration of *ninlo*, *lomba*, *losar* etc.
 - d. competitive sport activities, both traditional such as archery, *khuru*, wrestling as well as modern sport activities such as soccer, basketball etc. at the national, *dzongkhag* and *geog* levels. These shall be promoted through provision of facilities such as playgrounds and archery grounds, including prizes through coordination with relevant organizations.
 - e. make recommendations to the department of culture, MOHCA for holidays for cultural and sport activities to be observed at *dzongkhag* levels.
9. *preserve and promote zorig chusum;*
- 9A. The DYT shall devise ways and means to preserve, promote and make use of the thirteen traditional crafts. In so doing, the DYT shall frame *dzongkhag* norms and standards, as and when necessary. These may be superior but not less stringent than national standards and practices.
10. *adopt procedures and rules to implement national laws, wherever relevant;*
- 10A. Where and when necessary, procedures and rules to implement national laws are felt necessary, the DYT shall request the DA to prepare drafts. A draft of the procedures and rules approved by the *Dzongkhag Yargay Tshogdu* in exercise of its power under Article 8 (10) of the DYT *Chathrim* to implement national laws, wherever relevant, shall be given to the *dzongdag*.
- 10B. The *dzongdag* shall then direct the *dzongkhag* sector concerned to consult the respective sector ministry to ensure that such procedures and rules are consistent with national laws and national policies.
- 10C. If the sector concerned is not represented in the *dzongkhag* administration, the *dzongdag* shall give the draft procedures and rules to either the *dzongkhag* administration officer or the *dzongkhag* planning officer to follow up with the sector ministry concerned.

- 10D. The *dzongdag* shall communicate the response received from the sector ministry concerned to the DYT members during the next DYT session following receipt of response from the sector ministry concerned.
11. *submit motions arising from geogs and the Dzongkhag to the National Assembly;*
- 11A. Upon receiving directives from the National Assembly secretariat, the chairman shall send notification to the *gup* and *chimi* giving appropriate time frame for discussion of points for submission to the National Assembly which should be routed through respective GYT meetings and submitted to DYT.
- 11B. After receiving notification, the *gup* and *chimi* shall conduct discussions among the people of the *geog/constituency*, on whether they have any points for submission to the National Assembly and submit the points to the GYT with the signatures/thumb impressions of the participants. The *chimi* shall provide clarification and explanation during the GYT meeting to assist the GYT to finalize the points to be submitted.
- 11C. Thereafter, the points as discussed and decided upon by the GYT shall be submitted to the office of the DYT by the *gup*. A DYT meeting shall be held to discuss the points received from the *geog/constituencies* in order to improve and finalize the list of points.
- 11D. During the DYT meeting, *dzongdag* and other civil servants shall provide clarification, explanation and suggestions. However, when the time comes for the DYT to approve the final list of points from *dzongkhag* to the National Assembly secretariat, *dzongdag* and other civil servants shall not participate in the deliberations. Each page of the document containing the approved points shall be signed by the *dzongdag*, the chairman and the deputy chairman and submitted to the National Assembly.
- 11E. It shall be the responsibility of the *Dzongkhag* Administration to translate, from Dzongkha into English, the points that are being submitted to the National Assembly.

12. *strive to resolve inter geog disputes through conciliation and mediation;*

12A. The DYT shall ensure that decisions on problems of territorial, budgetary and prioritization of services are addressed objectively in the DYT and GYT within the framework of prevailing sectoral and national policies.

12B. Where disputes do occur, the DYT shall ensure that the DA addresses them promptly, failing which the matter may be discussed in the DYT.

13. *make recommendations on activities with major environmental impacts such as construction of roads, extraction and conservation of forests, mining and quarrying; and*

13A. This is a major responsibility of the DYT as sustainable development of the country depends on it. Therefore, DYT shall ensure that people cooperate with local authorities and propose stringent measures and preserve conservation traditions and ethics in accordance with prevailing forestry and environmental laws.

13B. The DYT may direct the *dzongkhag* environment committees for submission of reports, as and when required.

14. *redress public grievances and suggestions brought through written petitions.*

14A. In general, public grievances and suggestions brought through written petitions shall be addressed by the *dzongkhag* administration.

14B. However, for public grievances concerning mis-doings and negligence of the *dzongkhag* administration for which the *dzongdag* fails to take action after such are brought to his notice, the *dzongdag* shall be required to submit explanations to the DYT.

14C. Thereafter, the matter may be brought to the attention of the MOHCA.

ARTICLE 9. *Regulatory Powers and Functions of Dzongkhag Yargay Tshogdu*

The following are the areas of powers and functions of Dzongkhag Yargay Tshogdu on which it can adopt and enforce regulations, applicable within the dzongkhag:

- 9A. The DYT is not a legislative body.
- 9B. All rules and regulations made by the DYT shall be in conformity with the national laws, rules and regulations.
- 9C. Local rules and regulations cannot be lesser in terms of stipulations but can be more strict and stringent. The spirit and intent must be consistent and supportive of or strengthen national laws.
- 9D. All rules and regulations adopted by the DYT shall be faithfully implemented by the DA .
- 9E. Working committees of a temporary nature may be formed. In this regard, the DA shall be required to facilitate legal expertise and advice. Unless otherwise specified, the following procedures shall be followed.
 - a. A draft of the regulations in exercise of powers under Article 9 to implement national laws shall be given to the *dzongdag* for his or her views.
 - b. The *dzongdag* shall then direct the *dzongkhag* sector head concerned to consult the respective sector ministry to ensure that such regulations are consistent with national policies and laws. If the sector concerned is not represented in the DA, the *dzongdag* shall give the draft rules and regulations to either the *dzongkhag* administration officer or the *dzongkhag* planning officer to follow up with the sector ministry concerned.

- c. The *dzongdag* shall communicate the response received from the sector ministry concerned to the working committee which shall then incorporate the necessary changes.
 - d. The DYT shall approve the regulations and the DA shall promulgate these for the strict observance by all parties in the *dzongkhag*.
-
- 1. *designation and protection of monuments and sites of cultural and historical interests;*
 - 1A. The places and structures so identified and proposed must be studied by the DA which shall obtain technical and professional advice and guidance from concerned authorities in the center.
 - 1B. The DA shall report the findings and recommendations arising from the studies to the DYT.
 - 1C. Upon the decision being taken to designate and protect, these shall be immediately reported to MOHCA which in turn shall ensure that these are accordingly listed in objects and places to be protected.
 - 1D. Central and other authorities shall be accordingly informed and instructed to ensure compliance and support.
 - 1E. Where there are over riding political and economic interests, central decision shall prevail after further studies and analysis are carried out by central authorities concerned at the request of the central agency that is affected by the decision or impending decision of the DYT.
 - 2. *designation and protection of areas of special scenic beauty or biodiversity as dzongkhag parks and sanctuaries;*
 - 2A. Proposals shall be studied and undertaken and the process, as above in 1, shall be followed.

- 2B. The main central authority is the Department of Forestry, MoA which in turn shall obtain the views of the NEC and other central agencies concerned.
3. *posting of billboards, roadside signs, posters, banners and other commercial advertisements;*
- 3A. Only those objects of the nature listed such as billboards, roadside signs, posters, banners and other commercial advertisements, which pertain to commercial and private promotions will require approval of DYT. However, with respect to government posted road signs, including service oriented advocacy messages of government ministries and departments, DYT shall authorize DA to consider and give approval.
- 3B. NGO signs will require approval of DYT even though they may be service and not profit oriented organizations.
4. *delineation and demarcation of boundaries between municipalities, towns and geogs;*
- 4A. Issues and proposals on these matters shall be put up to the DYT by the DA, before consultations with central authorities.
- 4B. Formal approval must be obtained from the Cabinet through MOHCA with respect to *geog* and inter-*geog* boundaries.
- 4C. Formal approval must be obtained from the DA, which shall consult the MOWHS for expert advice with respect to major towns.
5. *protection of consumers from unfair prices and counterfeit goods as provided in law;*
- 5A. DYT members may raise such issues, in which case the DA will be directed to take action as per prevailing laws.

6. *commercial sale of distillery products, tobacco products, drugs and other harmful substances;*

6A. In addition to national laws, DYT may pass rules and regulations the implementation of which will be the responsibility of the DA.

6B. In the course of implementation, should the DA face any difficulty, DYT shall be informed and its direction sought.

7. *prevention of gambling;*

7A. As in Section 6, national laws shall prevail.

7 B. DYT may make more stringent rules and regulations.

7C. Rules and regulations may be passed with respect to specific terms and conditions governing what constitutes gambling.

8. *control of noise pollution;*

8A. The standards in the rules and regulations shall be more strict but not lesser than national standards.

8B. The rules and regulations must have the technical approval of the NEC.

9. *content of broadcasting and telecasting within the dzongkhag, to the extent it is not contrary to national law;*

9A. This shall pertain mainly to non-national and private programs and stations, including national cable operators.

- 9B. The DYT shall bear in mind the sensitivities of different linguistic and ethnic groups toward promoting a tolerant and harmonious as well as moral and ethical society.
- 9C. The DYT shall also be guided by the importance of promoting Bhutanese values and culture.
- 9D. The DYT shall further act in accordance with the Information, Communication and Media Act, which is to be enacted.
10. *co-ordination of efforts in the defence and security of geogs and villages by villagers themselves;*
- 10A. The DYT shall be guided and act in strict compliance in accordance with directives received from the center.
11. *prevention of dangerous communicable diseases among livestock in accordance with Livestock Act, 2001;*
- 11A. The DYT shall ensure that national laws pertaining to livestock are strictly adhered to within the *dzongkhag*.
- 11B. The DYT shall require the DA to submit proposals for measures to prevent the outbreak and spreading of communicable livestock and crop diseases within the *dzongkhag*. Such measures may have financial implications, which are beyond the immediate capacity of DA and require approval of DYT before submission to central authorities.
- 11C. The DYT shall ensure that the DA implements, expeditiously and effectively, the measures approved by DYT; and that it lifts the ban just as expeditiously upon removal of dangers.
- 11D. The DYT shall require DA to submit post-epidemic report.

- 11E. Where necessary, DA shall take immediate action and seek post-facto approval of the DYT.
12. *regulation of safety standards and prices of dairy and livestock products in accordance with the Livestock Act, 2001;*
- 12A. The DYT shall require the DA to ensure that safety standards and prices of dairy and livestock products, where and if applicable, are in accordance with the Livestock Act, 2001 and directives of the Ministry of Agriculture.
13. *establishment of quarries and mines in accordance with Mines and Mineral Management Act, 1995; and*
- 13A. The DYT will determine and approve where stone quarries and mining activities may be permitted in accordance with Mines and Mineral Management Act, 1995.
- 13B. In so doing, the concern of DYT with respect to ecological, cultural and aesthetic aspects shall be brought to the notice of central authorities, while technical approval must be sought from central authorities.
- 13C1. With regard to surface collection of sand and boulder, approval of the Department of Forestry shall be required. In general, river and stream beds shall not be used as stone quarries.
- 13C2. With regard to other quarrying and mining, approval of the department of geology and mines shall be required along with environmental impact assessment clearance from the national environment commission. If such quarrying and mining are in areas concerning the forestry sector, the approval of the Department of Forestry shall also be required.
14. *protection of public health as per prevailing national guidelines or acts.*

- 14A. The DYT shall ensure that public health facilities and services, such as safe drinking water, sanitation, immunization, nutrition are given highest importance at all times.
- 14B. This shall also include municipal and town areas, establishment of measures by DA for disposal of waste, hygiene standards in restaurants and hotels, street cleanliness and drainage in accordance with prevailing national guidelines and Acts.

ARTICLE 10. Administrative Powers and Functions of Dzongkhag Yargay Tshogdu

- 10A. This means that the DYT shall be fully responsible for guiding the effective administration of the *dzongkhag* by the DA. Accordingly, it is the responsibility of the DYT to give direction and accord approval for general policy, plans, programs and budgets to be implemented by the DA.
- 10B. In keeping with above, it shall be the role of the DYT to ensure that the decisions taken by it are being implemented faithfully and correctly in a timely fashion.
- 10C. While policy matters may be raised directly in the DYT, all proposals pertaining to development plans and activities emanating from the GYTs must come through the DA. This is to allow the DA to study the technical, financial and other implications thoroughly before submission and consideration by the DYT. Likewise, all plans for development activities proposed to be undertaken by the DA both at the *dzongkhag* and geog levels shall be considered and decided upon by the DYT.

The Dzongkhag Yargay Tshogdu shall have broad administrative powers and functions to give direction and approval on the following:

1. *dzongkhag's and geogs' five year and annual plans in accordance with the national policies and plans;*

For Five Year Plans

- 1A. Within one week of receiving planning guidelines from the department of planning (DOP), the DA shall notify the *gup* to hold a GYT meeting to discuss and begin the preparation of plans. The *dzongkhag* administration shall also carry out directives, as contained in the guidelines.

The *gup* shall be required to submit the *geog* plan to the DA within the specified time in the notification.

- 1B. Within three weeks of receiving the notification, the *gup* shall organize a GYT meeting where the guidelines are clarified and explained by the concerned *dzongkhag* staff. Each GYT *tshogpa* shall be directed to hold a meeting in the *chiog* for submission of proposals to the GYT. The GYT *tshogpa* shall be given one month to discuss, finalize and submit proposals from the *chiog* to the GYT. The date of the next GYT meeting to finalize and approve the *geog* plan shall also be decided in the GYT meeting.
- 1C. A GYT meeting shall be held to deliberate on the proposals from the *chiog*. During the GYT meeting, the *chiog* proposals shall be discussed, prioritized and finalized as the *geog* plan for submission to the DYT through the *dzongkhag* administration.
- 1D. Within three weeks of receiving the *geog* plans, a DYT meeting shall be convened for which the DA shall compile and submit the *geog* plans for the DYT to finalize for onward submission to the DOP by the DA.
- 1E. The *dzongkhag* plan, incorporating all proposals from the sectors, *geogs* if applicable and including inter-*geog* activities shall also be submitted to the DYT to prioritize and finalize.
- 1F. After finalization by the DYT, the DA shall submit the *geog* plans along with the *dzongkhag* plan to the DOP and other ministries concerned.

- 1G. The DYT shall conduct review and revision of its proposals if and when directives to do so are received from the DOP.
- 1H. On receipt of the approved plans from the DOP, the DA shall distribute the plans accordingly to all concerned for information or implementation as may be applicable.

For Annual Budget

- 1I. Within one week of receiving annual plan and budget guidelines (to be prepared jointly by DOP and DBA) from the Department of Budget and Accounts, MoF, the DA shall notify the *gup* to hold a GYT meeting to discuss and begin the preparation of annual plan and budget. The DA shall be carry out the directives as contained in the guidelines. The Gup shall be required to submit the *geog* annual plan and budget to the DA within the specified time.
- 1J. Within three weeks of receiving the notification, the *gup* shall organize the GYT meeting where the guidelines are clarified and explained by the concerned *dzongkhag* staff. Each GYT Tshogpas shall be directed to hold a meeting in the *Chiwog* for submission of proposals to the GYT. The GYT Tshogpas shall be given one month to discuss, finalize and submit proposals from the *Chiwog* to the GYT. The date of the next GYT meeting to finalize and approve the Geog Plan and Budget shall be decided in the GYT Meeting.
- 1K. A GYT shall be held to deliberate on the proposals from the *Chiwogs*. During the GYT Meeting, the *Chiwog* proposals shall be discussed, prioritized and finalized as the Geog Annual Plan and Budget for submission to the DYT through the DA.
- 1L. After finalization by the DYT, the annual budget request shall be submitted to the department of budget and accounts (DBA), MOF for necessary action at the central level, including presentation of the annual budget to the National Assembly. The DBA, MOF will review and endorse, if found appropriate, and release the annual budget upon having received approval of the National Assembly during the annual budget presentation.

- 1M. Technical advisory and support for the preparation of five year and the annual budget request shall be the responsibility of the DA.
2. *prioritization of development activities;*
 - 2A. Prioritization of development activities means prioritization during the preparation of the five year plan as well as during the course of implementation of the five year plan.
 - 2B. It includes activities already contained in the *dzongkhag* five year plan as well as activities not contained in the *dzongkhag* five year plan.
 - 2C. For activities not included in the five year plan, approval of the DOP must be sought for incorporation. The request for incorporation of non-planned activities in the five year plan of the *dzongkhag*, as endorsed by the DYT, shall be submitted to the DOP by the DA.
 - 2D. The DYT members as well as the DA may propose prioritization of development activities contained in the *dzongkhag* plan in a DYT meeting.
 - 2E. The DYT shall study and review the need for prioritization based on the reasons submitted in the *dzongkhag* development plan.
 - 2F. If the prioritized development activities include activities not contained in the *dzongkhag* five year plan, approval of the DOP shall be sought through the DA.
 - 2G. Information on the prioritized development activities shall be submitted to the DOP, the sector ministry concerned and MOHCA, by the DA.
3. *middle secondary and higher secondary schools and non-formal education centers;*
 - 3A. The DYT shall discuss and make requests to the Ministry of Education for the establishment, expansion or up-gradation of the above facilities.
4. *dzongkhag hospitals;*

- 4A. The DYT shall discuss and make requests to the Ministry of Health for the establishment, expansion or up-gradation of *dzongkhag* hospitals.
5. *constructions of farm and feeder roads;*
- 5A. Proposals shall be submitted from the *geogs* to DA, which shall study and consult central authorities and then submit to the DYT for endorsement before submission to the MOA/MOWHS, as may be applicable.
6. *dzongkhag agricultural and livestock farms and selection of crop varieties and breeds of livestock;*
- 6A. The DA shall recommend to the DYT the various varieties of crops and breeds of livestock that may be made available or permitted by the Ministry of Agriculture, from time to time, which may be optimally grown/reared in the *dzongkhag*. Recommendations may be made in accordance with Seeds Act 2000 and Livestock Act 2001.
- 6B. The DYT must select and recommend to the MOA the specific crop varieties and breeds of livestock as random choice by individual *geog* and families may jeopardize the agricultural productivity and traditions of the *dzongkhag / geog*.
7. *strategies for marketing outlets for local agricultural produce;*
- 7A. The DYT shall, on the basis of needs and demands of people, require DA to promote and develop markets for local agricultural produce both within and outside the country in collaboration with central authorities concerned.
- 7B. This shall include intra-*geog* trade as well. In this regard, DA shall submit annual reports on agricultural outputs and market access facilitated by DA.
8. *forest management plan including extraction, conservation and forest road construction in accordance with the Forest and Nature Conservation Act, 1995;*
- 8A. The DYT shall promote and support forest management plans.

- 8B. The DYT shall avail of the opportunity to express its views / reservations with respect to national or centrally administered projects and schemes,
- 8C. It will be the responsibility of the DA to bring to notice of the DYT important information of central projects and schemes.
9. *rural electrification schemes in accordance with Electricity Act, 2001;*
- 9A. The DA will propose and DYT shall approve rural electrification schemes on the basis of equitable area balance and distribution and in accordance with Electricity Act, 2001.
10. *communication services;*
- 10A. The *dzongkhag* administration will propose and DYT shall approve communication services, including telecommunication and transport services.
11. *small and medium scale industries;*
- 11A. In keeping with central policies, it is important that DYT give priority to cottage industries and traditional handicrafts to supplement farming income.
- 11B. With respect to modern small and medium industries, DYT shall recommend for central approval, having considered health, environmental and employment considerations. However, proposals must come through the DA.
12. *urban (municipal and town) plans;*
- 12A. The DYT shall consider for approval /recommendation, plans for urban development, as may be submitted by the DA, in accordance with the Municipal Act 1999.
13. *appointment of three members of Dzongkhag Yargay Tshogdu including the gup concerned, who shall not be civil servants, for a period of one year at a time, to serve on dzongkhag administration tender committee, which shall further consist of officials in accordance with regulation;*

- 13A. Three DYT members shall be identified and nominated in a DYT meeting to serve as members of the DA tender committee.
- 13B. Based on the DYT's decision, the *dzongdag* shall issue an appointment order for the three DYT members nominated by the DYT.
- 13C. The DA shall not be involved in the nomination process.
14. *recommendation of credit programmes;*
- 14A. The DYT shall direct the DA to study, explore or recommend credit programmes to the sector ministry or institution concerned.
15. *co-operatives involving inter-geog members, in accordance with the Co-operatives Act, 2001;*
- 15A. The DYT shall recommend/approve co-operatives involving inter-geog members in accordance with the Co-operatives Act, 2001 and directives and guidelines received from the center.
16. *monitoring and evaluation of all activities in the dzongkhag, including geog plan activities;*
- 16A. Since all activities in the *dzongkhag* are approved by DYT and as all responsibility for development of the *dzongkhag* ultimately rests with the DYT, it must keep itself abreast of plan progress. This shall be ensured through the following means:
- 16A1. Approval of annual budget request on the basis of approved five year plan budget and directing the DA for its implementation upon receiving approval from the center.
- 16A2. Consideration of bi-annual plan progress report submitted by the DA and issuance of directives and decisions to the *dzongkhag* administration.

- 16A3. During these bi-annual reports, DYT shall hear the views / opinions of the representatives of the respective *geog* on the accuracy of reports and question the DA where such targets have not been achieved. Likewise, this will also be an opportunity where the DA will take to task the *geog* administration for their failure in implementing *geog* specific plan activities.
- 16A4. Last bi-annual report shall include an evaluation of the *geog* plan implementation by the DA as well as an honest self-evaluation of the DA's performance and reasons for shortfalls.
- 16B. Each *gup* shall report on the progress of implementation of development activities in a DYT meeting and submit clarifications as may be required.
- 16C. The DA shall also report on the progress of implementation of development activities and submit clarifications as may be required.
- 16D. DYT members may also participate in monitoring and evaluation teams, as may be arranged by respective sector ministries or sectors of the DA, where applicable and relevant. However, such participation will be on a voluntary basis.
- 16E. The Dzongkhag Administration shall compile the progress reports of all the planned activities carried out in the *geogs* and dzongkhag in the format circulated by the Planning Department and submit to the Ministry of Finance biannually.
17. *monitoring and review of shapto lemi contributions managed by Geog Yargay Tshogchung;*
- 17A. *Shapto Lemi* constitutes a very important manner of direct participation by the people in improving the well being of the community. As the participation is in the form of manual labor, it entails considerable hardship on the part of the people. Therefore, it is important that DYT monitors and reviews the manner and extent to which *shapto lemi* is being implemented by the GYT.

- 17B. Each *gup* is required to submit a half yearly report on this subject to the DYT through the DA which shall study authenticity of the report submitted by the *gup*; and present a comparative analysis among *geog* in the *dzongkhag* and in comparison to national trends.
- 17C. DYT may regulate use of *shapto lemi* on the basis of report submitted by the *gup*, as a result of which plan implementation may be affected.
- 17D. DYT may issue guidelines to the GYT.
18. *mobilization of work force;*
- 18A. DYT shall approve mobilization of work force for *shapto-lemi* in accordance with the *Shapto-Lemi Chathrim*.
- 18B. For mobilization of work force other than *shapto-lemi*, DYT shall approve mobilization of work force based on the recommendation of the DA.
19. *protection of forests, tsamdro and all types of government and community lands from illegal house and similar constructions and other encroachments;*
- 19A. The DA shall have implementation responsibility but DYT must monitor adherence to national policies by requiring *dzongkhag* administration to make periodical reports.
- 19B. The *dzongdag* must be required to explain violations and failure to do so.
- 19C. When and where possible, DYT must lend full support and backing to the DA.
20. *control of construction of structures, whether on national, communal or private lands, within 50 feet of highways falling within the dzongkhag, including enforcement of measures such as cessation of construction, and demolition of the structures;*

20A. The DA shall be responsible for implementation and in keeping with the Road Act, 2004. Failure to implement the act shall be questioned by the DYT.

21. *acquisition of land within the dzongkhag for public use as provided in law*

21A. The DA shall be responsible for entire process of land acquisition in accordance with Land Compensation Rate 1996, national policies and laws governing such acquisition.

22. *choice of trekking routes and camps for tourists;*

22A. Such requests shall be routed through the Ministry of Agriculture and Department of Tourism.

22B. The DA/Department of Tourism shall carry out evaluation of cost/benefit analysis for such routes, directly or through the geog administration and submit report for decision of DYT.

23. *construction and maintenance of dzongs, lhakhangs, goendeys, chheoten and other monuments and properties of the dzongkhag, and custody and care of ku sung thug ten thereof;*

23A. The DYT shall consider and endorse proposals submitted through the GYT, which shall then be submitted to the department of culture, MOHCA for approval by the DA.

24. *management of shedra, drubdey, gomdey, tshechu, kuchhoe bumdey, and other community rites which transcend the scope and responsibility of one geog;*

24A. The DYT shall consider and endorse proposals submitted through the GYT, which shall then be submitted to the *dratshang lhentshog* for approval by the DA.

25. *formation and engagement of village volunteers to protect villages from threats to village security; and*

25A. The DYT shall take action in keeping with central directives.

26. *mobilization of voluntary actions in times of natural catastrophes and emergencies.*

26A. The DYT shall take action in accordance with rules and regulations promulgated by MOHCA or under the aegis of MOHCA, including directives issued thereof.

ARTICLE 11. Financial Powers and Functions of Dzongkhag Yargay Tshogdu

11A. The essence of decentralization and devolution of power lies in empowering the local authorities with planning, financial and fiscal powers. These three are the most important elements when it comes to decentralization and devolution of decision-making powers.

11B. With respect to planning, explanations/clarifications as provided above under Article 10, from Section 1A to Section 2G shall be followed.

11C. Plan proposals and annual work plan proposals for the *geog* shall be submitted to the DA which shall review and improve and in consultation with GYT finalize them for submission to DYT. While the *dzongdag* shall compile and present these plans to the DYT, it shall be the responsibility of the respective *gups* to elaborate and respond to queries raised in the DYT. The *dzongdag* shall ensure that the plan proposals, annual work plan proposals and annual budget request for the *geog* are in accordance with national policies and priorities.

11D. Concerning *dzongkhag* plans which are to be implemented directly by the *dzongkhag*, these shall be submitted directly to the DYT by *dzongdag*.

11E. As the country progresses, fiscal decision making powers regarding taxation to meet *dzongkhag* and *geog* expenditures for establishment, maintenance and operation of essential services will be increasingly devolved to DYT and GYT. However, owing to the current stage of economic development and minimal taxation in all forms and at all levels of society, very little fiscal decision making

power has been devolved to local level, namely to GYT. Instead of monetized taxation, government expenditure at the district and *geog* levels continue to be supplemented by what has been termed as physical participation/ *shapto-lemi*. It is inevitable that *shapto lemi* concerning which full power has been delegated to DYT and GYT will be replaced by local service taxes. Consequently, powers for such levies will be gradually devolved upon local authorities, which will facilitate national policy of self-reliance.

To enable Dzongkhag Yargay Tshogdu to effectively carry out its roles and responsibilities under this Chathrim, it shall be vested with adequate financial powers, particularly the following:

1. *prioritization and allocation of resources to geog and dzongkhag plan activities, upon confirmation of budgetary outlay by the Ministry of Finance.*
 - 1A. The DYT shall prioritize *geog* and *dzongkhag* five year plan activities before submission to the center.
 - 1B. In the event it is necessary to re-prioritize the annual plans, already approved by the center, further approval shall be sought.
2. *re-appropriation of the geog plan budget of a particular geog to other geog from activities which have no possibility to be implemented on time, provided the recipient geog's activity is part of its geog plan.*
3. *re-appropriation of dzongkhag plan budget, as provided in rules.*
 - 3A. DYT proposals for re-appropriation, including those proposed by the DA shall be governed by existing rules and regulations.
 - 3B. DYT proposals for re-appropriation shall be effective after submission to; and following approval of the department of budget and accounts, MOF, where applicable.

- 3C1. Re-appropriation proposals, where applicable, shall be approved for onward submission to the department of budget and accounts after thorough deliberation based on justifications/explanations submitted.
- 3C2. The DYT may not approve re-appropriation of funds from one geog to another, even though it is under the same sector, as long as the GYT concerned from which funds are to be re-appropriated from does not give its consent.
- 3D. *Dzongkhag* plan budget means budget of trans-geog activities and development activities within the *dzongkhag*, which do not pertain to a *geog*.
4. *review and ratify the geogs' accounts of rural tax and other collections and expenditures thereof.*
- 4A. The review and ratification of accounts of rural tax shall be done on a periodical basis as a part of annual or mid-term review.
- 4B. The *gup* shall provide clarifications and explanations as may be required.
- 4C. Where applicable, the *gup* shall provide a report on other collections and expenditures made thereof. The DA shall undertake audit of such accounts directly or through the Royal Audit Authority.
5. *review and ratify the accounts of plan expenditures of the geog incurred under the authority of the Geog Yargay Tshogchhung.*
- 5A. The review and ratification of accounts shall be done on a periodical basis as a part of annual or mid-term review.
- 5B. The *gup*, *mangmi* or the DA shall provide clarifications/explanations as may be required.
6. *review of accounts of dzongkhag administration accounts.*

- 6A. The review of accounts shall be done on a periodical basis as a part of annual or mid-term review.
- 6B. The DA shall provide clarifications / explanations as may be required.

The Ministry of Finance shall from time to time review and frame rules and regulations on the financial powers and functions of Dzongkhag Yargay Tshogdu that shall include but not limited to the above.

ARTICLE 12. Roles and Responsibilities of the Dzongdag

- 1. *The dzongdag, as the head of the Dzongkhag Administration, is the chief executive of the dzongkhag. He shall be responsible for ensuring the smooth and efficient functioning of the Dzongkhag Administration in discharging its responsibilities.*
- 1A. As the head of the DA, the *dzongdag* is the highest administrative authority in the *dzongkhag* whereby he/she is the ultimate individual accountable for all administrative action taken by any and every government servant within the DA. He is also responsible for the management of all civil servants under the DA.
- 1B. As the chief executive, the *dzongdag* is the final authority and responsible for the timely and effective implementation of all DYT decisions.
- 1C. The *dzongdag*, while not a political decision maker, is fully responsible for the maintenance of law and order in the *dzongkhag*.
- 2. *The dzongdag shall observe whether the Dzongkhag Yargay Tshogdu is functioning properly in accordance with the Chathrim for the benefit of the people of the dzongkhag and the greater peace, progress and stability of the Kingdom.*

- 2A. With a view to promoting check and balance in the *dzongkhag* and specifically in this case to ensure accountability on the part of DYT, the *dzongdag* shall fulfill his role as observer.
- 2B. The *dzongdag* shall make such observations known directly and sincerely to the DYT. If no action is taken where necessary for unexplained reasons, then the *dzongdag* shall report to the central authorities concerned.
3. *It shall be the responsibility of the dzongdag to report to the Lhengye Zhungtshog any serious shortcomings observed in the functioning of the Dzongkhag Yargay Tshogdu.*
- 3A. It shall be the responsibility of the *dzongdag* to report to the *Lhengye Zhungtshog* any serious shortcomings observed in the functioning of the DYT, where the shortcomings are of serious political and security nature only.
- 3B. Otherwise, as above in 2A and 2B , the *dzongdag* shall report to sector ministries concerned.
4. *The dzongdag shall attend the meetings of the Dzongkhag Yargay Tshogdu as a special guest-observer.*
- 4A. Even though the *dzongdag* is not a full fledged member, his or her status as an observer is true in so far as he or she does not have the right to vote. In all other respects, the *dzongdag* and other observers are required to participate actively in all the deliberations except in those which pertain to the National Assembly. This is because all *dzongkhag* plans and most activities and agenda related thereto must originate in the office of the *dzongdag*, and as the DA is responsible for implementation of all decisions of the DYT. It is for the same reason that the *dzongdag* will seek and be given the permission by the chairman to invite his senior officials to present reports or assist in giving explanations.
- 4B. The *dzongdag* shall observe that the DYT is conducted as per the DYT *Chathrim*;

- 4C. The *dzongdag* shall clarify on government policies and procedures, security and other such issues; and
- 4D. The *dzongdag* shall guide and assist the sector heads in clarifying sectoral matters to the DYT.

ARTICLE 13. Powers and Functions of Dzongkhag Administration

The general function of the dzongkhag administration is to carry out the decisions approved by Dzongkhag Yargay Tshogdu. Amongst other activities, the dzongkhag administration shall:

- 1. *accord technical sanctions for works worth up to Nu. 20 million, provided it is certified by a competent engineering personnel;*
 - 1A. Competent engineering personnel means the *dzongkhag* engineer or the person discharging the functions of the *dzongkhag* engineer.
 - 1B. Competent engineering personnel also means any member of the *dzongkhag* engineering sector who may be authorized by the Ministry of Works and Human Settlement to accord technical sanction for works up to Nu. 20 million.
- 2. *award works or procurement order, through dzongkhag tender committee, as provided in regulation;*
- 3. *award petty contract works, in accordance with the norms, rules and regulations prescribed by the Royal Government from time to time, for maintenance of roads falling within the dzongkhag;*
 - 3A. Petty contract works means contract works classified as such or falling under petty category as defined by the Construction Development Board / Department of Roads, MOWHS.
- 4. *develop and implement urban (municipal and town) plans within the dzongkhag, upon approval by the Dzongkhag Yargay Tshogdu;*

- 4A. The DA shall prepare and submit periodical reports to the DYT.
5. *construct farm and feeder roads within the dzongkhag, in conjunction with National Environment Commission;*
- 5A. The DA shall construct farm and feeder roads as per approval of DYT after ensuring clearance from the national environment commission.
6. *personnel administration of all civil servants of the dzongkhag, including those posted in the geogs;*
- 6A. Personnel administration shall be managed in accordance with the Bhutan Civil Service Rules and Regulations 2002, other ministries concerned and MOHCA.
7. *recruit and appoint all sectoral staff in the dzongkhag, against RCSC sanctioned strength in accordance with RCSC rules and regulations;*
8. *select and nominate staff for study tours, conferences and workshops;*
9. *prepare human resource development plan of the dzongkhag in conjunction with the Royal Civil Service Commission;*
10. *execute establishment of middle secondary and higher secondary schools and non-formal education centers;*
- 10A. The DA shall execute establishment of schools that have been delegated to it by the Ministry of Education.
- 10B. This does not include executing establishment of schools that are centrally executed.
11. *execute establishment of basic health units and dzongkhag hospitals;*
- 11A. The DA shall execute establishment of basic health units and *dzongkhag* hospitals that have been delegated to it by the Ministry of Health.

- 11B. This does not include executing establishment of *dzongkhag* hospitals that are centrally executed.
12. *determine the choice of design, construction methods and building materials for forms, which do not have to follow standard designs, in conformity with acceptable technical and structural norms;*
- 12A. The DA may consult the department of urban development and housing for technical advice.
13. *execute establishment of agricultural and livestock farms;*
14. *promote crop varieties and breeds of livestock;*
15. *develop and implement strategies for marketing outlets for local agricultural produce;*
16. *approve allocation of timber permits as per the rules and regulations issued by the Ministry of Agriculture from time to time;*
17. *implement rural electrification schemes;*
18. *issue licenses for establishment of cottage, small and medium industries as per the guidelines/rules and regulations issued from time to time by the Ministry of Trade and Industry; and*
19. *register co-operatives in accordance to the Co-operatives Act, 2001*

ARTICLE 14. Code of Practice of DYT Members and Office Bearers

1. *Any member or office bearer of Dzongkhag Yargay Tshogdu with any personal or pecuniary interest shall disqualify himself/herself or be disqualified from participation in decision making process when circumstances seem to affect his/her impartiality.*

- 1A1. Any member or office bearer of DYT, including those serving on the *dzongkhag* tender committee shall leave the meeting when a decision has to be made in which he or she has personal or pecuniary interest.
- 1A2. Any member or office bearer of DYT who has a trade license, especially contractor's license, shall not be appointed as a member of the tender committee.
- 1B. Personal or pecuniary interest means a situation where a DYT member or a family member is a direct beneficiary of a decision that has to be made.

For example, a DYT member shall leave the meeting when it is time for the DYT to take a decision pertaining to:

- a DYT member or any person of his family, as listed below in Section 1C, is a participant in a tender for which a DYT member is a member of the *dzongkhag* tender committee; or
- a DYT member or any person of his family, as listed in Section 1C, having made a submission on an issue to the DYT for approval.

- 1C. Family member means any other person who shares the same *gung* or *thram* number with a DYT member.
- 1D. The decision in which a DYT member has participated shall be reversed and cease to be effective if a DYT member violates Article 14 (1) of the DYT Chathrim.
- 1E. The *dzongdag* shall be responsible for implementing the sanction, as specified above, under Section 1D. The DYT member concerned shall be responsible for all claims/liabilities to other parties due to the implementation of this provision.
2. *The following acts or omissions of members and office-bearers of Dzongkhag Yargay Tshogdu shall constitute corrupt practices, which are hereby unlawful:*
- (a) *taking possession or disposing by illicit means government and public money and property;*

- (b) *approving or awarding any contract works, procurement, and jobs in favor of a person or organization, not competent or entitled to such works, procurement, and jobs or in favor of an indirect representative of a person or organization who is not competent or entitled;*
 - (c) *directly or indirectly requesting or receiving any gift in cash or kind, in connection with contract works, procurement, and jobs, which may affect fair decisions;*
 - (d) *neglecting, after due request, without sufficient justification, to process or act expeditiously on a matter pending before him or her, for the purpose of getting irregular pecuniary returns from a person or organization, or discriminating against a person or organization;*
 - (e) *divulging valuable information of a confidential character, acquired in his or her official capacity to unauthorized persons, or organization or releasing such information in advance of authorized release date; and*
 - (f) *giving any private individuals or organizations unwarranted benefits and preferences in the discharge of his or her duties through partiality.*
- 2A1. The *dzongdag* shall ensure that DYT members are in compliance of the above clauses.
- 2A2. For violation of any of the above clauses, the *dzongdag* shall report to the competent authorities.
- 2A3. For Article 14 (2) (d) of the DYT *Chathrim*, 2002, this shall pertain mainly to refusing to propose for inclusion in the agenda for a DYT meeting or discharging various functions such as providing information etc.

- 2A4. For Article 14 (2) (e) of the DYT *Chathrim*, 2002, this includes state secrets and information benefiting certain parties.
- 2A5. For Article 14 (2) (f) of the DYT *Chathrim*, 2002, all reports or charges against any one for the above must be raised officially through the chair who will require the DA or a committee to carry out an investigation depending on the gravity or the seriousness of the offence. The person concerned shall be given the opportunity to explain his/her case or innocence before the matter is formally submitted to the DYT for decision if the party concerned is guilty, and does not resign on his or her own volition.
- 2A6. If a committee is instituted, at least three members of the committee shall be from the *dzongkhag* administration.

ARTICLE 15. Penalties for Violation of Code of Practice

1. *Any member, an employee of Dzongkhag Yargay Tshogdu, or a functionary serving the community in any capacity committing any violation of Article 14 shall be subject to penal sanctions.*
 2. *Any violation proven in an administrative proceeding shall be sufficient ground for his or her dismissal even if no criminal prosecution is instituted against him or her.*
- 2A. An administrative proceeding shall be undertaken by a committee comprised of three DYT members as well as three members of the DA, chaired by the *dzongdag* or a senior officer of the DA.
- 2B. The DYT chairman or deputy DYT chairman, as may be applicable, shall nominate the three DYT members while the *dzongdag* shall nominate the three members of the DA.
- 2C. The committee shall convene a meeting for which the party concerned shall be intimated in advance so as to be prepared for the administrative proceeding.

- 2D. At the outset of the meeting, the chairman of the committee shall read and inform the party concerned again of the charges leveled, following which he or she will be given the opportunity to clarify/explain and refute the charges with evidence.
- 2E. Following the clarification/ explanation and refutation of charges by the party concerned, committee members may ask questions and seek additional clarification/ explanation.
- 2F. The party concerned shall be asked to leave the meeting when it is time for the committee to deliberate further and decide on the findings of the proceeding.
- 2G. The committee shall prepare and submit a report to the DYT which shall include its findings and recommendation for consideration of the DYT.
- 3. *Any person or organization committing any of the unlawful acts, which is deemed serious, shall be tried in court by criminal prosecution.*
- 4. *Any person or organizations abetting the members or office bearers in violation of Article 14 of this Chathrim, shall be subject to penal liabilities as per the laws.*

The 2004 Manual for the Implementation of Dzongkhag Yargay Tshogdu Chathrim 2002 has been promulgated with a view to facilitate the implementation of the provisions of DYT Chathrim 2002.

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