

TABLE OF CONTENTS

THE CIVIL SERVICE BILL OF THE KINGDOM OF BHUTAN 2009	1
PREAMBLE	1
CHAPTER I.....	2
PRELIMINARY	2
TITLE AND COMMENCEMENT	2
REPEAL AND SAVING.....	2
EXTENT AND SCOPE OF THIS ACT	3
PURPOSE OF THIS ACT.....	3
CHAPTER II.....	4
THE ROYAL CIVIL SERVICE COMMISSION.....	4
ESTABLISHMENT	4
COMPOSITION	4
INDEPENDENCE.....	4
ELIGIBILITY AND QUALIFICATION.....	5
APPOINTMENT	5
OATH OR AFFIRMATION.....	5
TENURE OF OFFICE	6
TERMS OF SERVICE	6
CHAIRPERSON	6
ACTING CHAIRPERSON	6
ACCOUNTABILITY	6
VOLUNTARY RESIGNATION.....	8
REMOVAL FROM OFFICE.....	8

POWERS AND DUTIES	8
RULE-MAKING POWER.....	10
DELEGATION OF AUTHORITY	10
PERSONNEL AUDITING	10
ACCESS TO RECORDS AND ASSISTANCE.....	10
CORRECTIVE ACTION	10
PROCEEDINGS	10
CHAPTER III	11
CIVIL SERVICE VALUES AND CONDUCT.....	11
CIVIL SERVICE VALUES	11
CODE OF CONDUCT	11
POLITICAL ACTIVITIES	11
INCOMPATIBLE ACTIVITIES	11
PROHIBITION ON STRIKE	12
GOVERNMENT COPYRIGHT.....	12
PROTECTION OF INFORMANT.....	12
CHAPTER IV	12
DUTIES AND RIGHTS OF CIVIL SERVANTS	12
DUTIES.....	12
RIGHTS	13
CHAPTER V	14
RECRUITMENT, SELECTION AND APPOINTMENT	14
EQUAL EMPLOYMENT OPPORTUNITIES.....	14
OATH OF OFFICE AND ALLEGIANCE	15
APPOINTMENT OF CIVIL SERVANTS BY AGENCIES.....	16

CHAPTER VI	16
REMUNERATION AND ALLOWANCE.....	16
DETERMINATION OF REMUNERATION AND ALLOWANCES.....	16
CHAPTER VII.....	16
CAREER DEVELOPMENT AND TRAINING.....	16
CAREER DEVELOPMENT	16
TRAINING NEED ASSESSMENT	16
TRAINING INSTITUTE	16
AUTHORITY OF AGENCY	17
RETAINING TRAINED CIVIL SERVANTS	17
CHAPTER VIII	17
PROMOTION, PLACEMENT AND TRANSFER.....	17
PERFORMANCE EVALUATION	17
PROMOTION OF CIVIL SERVANT.....	17
AUTHORITY OF AGENCY	17
PLACEMENT OF CIVIL SERVANTS	18
TRANSFER	18
SECONDMENT OF CIVIL SERVANTS.....	18
CHAPTER IX	18
DISCIPLINARY MATTERS.....	18
CONSTITUTION AND JURISDICTION OF DISCIPLINARY COMMITTEE	18
POWERS OF DISCIPLINARY COMMITTEE	18
RIGHT TO APPEAL.....	18

CONCLUSION OF CRIMINAL OR CIVIL SUIT NOT TO BAR DISCIPLINARY PROCEEDINGS	19
CHAPTER X.....	19
SEPARATION FROM SERVICE.....	19
RETIREMENT ON SUPERANNUATION	19
RESIGNATION FROM SERVICE.....	19
RETIREMENT SCHEME	19
COMPULSORY RETIREMENT	19
TERMINATION OF SERVICE	19
CHAPTER XI	20
MISCELLANEOUS PROVISIONS.....	20
ESTABLISHMENT OF CIVIL SERVICE AWARD	20
HEALTH AND SAFETY	20
IMMUNITY FROM PROSECUTION	20
ESTABLISHMENT OF TRIBUNAL	21
RULE OF CONSTRUCTION.....	21
AUTHORITATIVE TEXT.....	21
AMENDMENT	21
CHAPTER XII.....	21
DEFINITION	21
DEFINITION	21

THE CIVIL SERVICE BILL OF THE KINGDOM OF BHUTAN 2009

PREAMBLE

Whereas, His Majesty the Druk Gyalpo had commanded a comprehensive update of the Royal Charter 1982, through the enactment of a Civil Service Act in keeping with the establishment of the Royal Civil Service Commission for promotion of efficiency and effectiveness of the Civil Service to motivate and promote morale, loyalty and integrity among civil servants by ensuring uniformity of personnel policies and actions in the Civil Service;

Whereas, the Constitution of the Kingdom warrants the strengthening of the Civil Service to create conditions conducive for promotion of Good Governance and realization of the vision of Gross National Happiness, thereby establishes the Royal Civil Service Commission as a single, independent and apolitical Agency to discharge public duties in an efficient, transparent and accountable manner; and

Whereas, it is expedient to enact an umbrella Civil Service Act to provide for a “small, compact and efficient”¹ Civil Service in the Royal Government and to ensure effective utilization of human resources by ensuring uniformity of personnel policies and actions across the Civil Service.

Therefore, the Parliament deems it fit and proper to enact the Civil Service Act of the Kingdom of Bhutan 2009 as follows:

¹ Stated policy of His Majesty the fourth Druk Gyalpo.

CHAPTER I PRELIMINARY

Title and Commencement

1. This Act shall:
 - (a) be called the CIVIL SERVICE ACT OF THE KINGDOM OF BHUTAN, 2009; and
 - (b) come into force in the year of Earth Ox Year, Month, theDay, corresponding to theDay of July, 2009.

Repeal and Saving

2. All other laws, rules and regulations pertaining to civil servants, so far as they are inconsistent with this Act, are hereby repealed including the following:
 - (a) Section 41, pertaining to personnel management, of the Election Act, 2008.
 - (b) section 16, pertaining to provisions on organizational structure and personnel requirement, and sections 19 and 98, of the Audit Act 2006.
 - (c) section 6, pertaining to provisions on organizational structure and personnel requirement, and section 27, of the Anti-Corruption Act 2006; and
 - (d) The relevant sections of the Judicial Service Act 2007 pertaining to personnel actions of civil servants be repealed or amended² as per sections 4, 5, 6, 7, 8 and 9 of this Act. The Drangpons of all courts under the Judiciary are excluded as they shall be governed by the Judicial Service Act 2007.

² Amend and/or Repeal the following:

- (i) Amend: Chapters 9, 15, 16, 17, and 18, and
Sections 20, 27(g), 30, 44, 48, 49, 58, 59, 62(f, g, h and i), 83, 84, 139,
and 146
- (ii) Repeal: Sections 19, 27 (a&b), 53, 56, and 140.
- (iii) Insert in Section 89(f) 'a member representative from the RCSC'

3. This section shall not affect any actions or mandates executed under the laws repealed by this Act.

Extent and Scope of this Act

4. This Act shall apply to all civil servants of the Kingdom of Bhutan.
5. The Commission, in accordance with the Constitution of Bhutan, is the central personnel Agency of the Royal Government of Bhutan.
6. Civil servants in all the three branches of the Government, including Autonomous Agencies, and Constitutional Bodies shall function in accordance with the policies, rules, regulations and procedures framed by the Royal Civil Service Commission.
7. The following shall be outside the jurisdiction of the Civil Service Act of the Kingdom of Bhutan:
 - (a) elected Representatives;
 - (b) holders of Constitutional Offices;
 - (c) Drangpons of all courts under the Judiciary;
 - (d) personnel of Armed Forces;
 - (e) personnel of companies to which commercial law applies; and
 - (f) personnel of civil society organizations.

Purpose of this Act

8. The purpose of this Act is to:
 - (a) establish an independent and apolitical Royal Civil Service Commission to manage the Civil Service of the Kingdom;

- (b) provide an umbrella Civil Service Act to ensure parity, consistency and uniformity of personnel actions within the three branches of the Government, Constitutional Bodies and Autonomous Agencies under the Government;
- (c) define the powers and duties of the Commission;
- (d) establish a unified apolitical and merit based Civil Service that is professional, efficient, effective, transparent and accountable in the service of the *Tsawa-Sum*;
- (e) prescribe Civil Service values;
- (f) prescribe duties and rights of a civil servant; and
- (g) provide a legal framework for uniform, fair and effective management of the Civil Service.

CHAPTER II

THE ROYAL CIVIL SERVICE COMMISSION

Establishment

9. The Royal Civil Service Commission shall be established in accordance with the provisions of the Constitution of the Kingdom of Bhutan.

10. The Commission shall be supported by a Secretariat.

Composition

11. The Commission shall consist of a Chairperson and four other members who shall serve on a full-time basis.

Independence

12. The Commission shall be independent in the exercise of its powers and duties under this Act and shall exercise such powers and duties without fear, favour or prejudice in the interest of the effective and efficient administration of the Civil Service.

Eligibility and Qualification

13. To be eligible to hold Office as a member of the Commission, a person shall:
- (a) be a natural born citizen of Bhutan;
 - (b) not be married to a person who is not a citizen of Bhutan;
 - (c) have no political affiliation;
 - (d) not have been terminated from Public Service;
 - (e) not be in arrears of taxes or other dues to the Government;
 - (f) have a minimum qualification of Bachelor's Degree;
 - (g) have rendered a minimum of 20 years of service in case of the Chairperson and 10 years for other members with a clean record either in the Civil Service or Public Sector;
 - (h) not have been convicted of a criminal offence; and
 - (i) not have been disqualified under any other laws.

Appointment

14. The Chairperson and members of the Commission shall be appointed by His Majesty the Druk Gyalpo from a list of eminent persons recommended jointly by the Prime Minister, the Chief Justice of Bhutan, the Speaker, the Chairperson of the National Council and the Leader of the Opposition Party.

Oath or Affirmation

15. Upon assuming Office, the Chairperson and members of the Commission shall take an Oath or Affirmation and Secrecy in the form and manner prescribed by law.

Tenure of Office

16. The tenure of Office of the Chairperson and members of the Commission shall be five years or until they attain the age of sixty-five years, whichever is earlier.
17. Except the Chairperson, the other members of the Commission shall be eligible for re-appointment for one more term.

Terms of Service

18. The salary, tenure, discipline and other conditions of service of the Chairperson and other members shall be as prescribed by law, provided their salary and benefits are not varied to their disadvantage after appointment.

Chairperson

19. The Chairperson as the Chief Executive Officer of the Commission shall:
 - (a) be responsible for providing effective leadership;
 - (b) formally represent the views of the Commission;
 - (c) review and deal with any complaint against the members of the Commission;
 - (d) oversee the work of the Secretariat of Commission; and
 - (e) assign particular affairs of the Civil Service to a member of the Commission.

Acting Chairperson

20. The Chairperson shall designate one of the members as the Acting Chairperson in his absence.

Accountability

21. The Commission shall carry out its responsibilities in accordance with the provisions of this Act.

22. The Chairperson and members of the Commission shall ensure that their conduct is consistent with the dignity, reputation and integrity of the Commission and the sovereignty, security, unity and integrity of the country.
23. The members of the Commission shall not hold any post in a public or private company or a non-governmental organization or such other organization whether it carries remuneration or is honorary, other than as may be required in their official capacity as the Chairperson or a member of the Commission.
24. The members of the Commission shall ensure that no conflict of interest arises or appears to arise, between their public duties and their private interests, pecuniary or otherwise.
25. The members of the Commission shall not make any unauthorized commitment or promise that purports to bind the Commission or the Royal Government.
26. The Chairperson and the members of the Commission shall maintain confidentiality in cases where, decisions, documents and deliberations should not be disclosed in the public interest.
27. The Commission shall submit an annual report on its policies and performance, along with a summary of its findings from the periodic personnel audits, to His Majesty the Druk Gyalpo and the Prime Minister.
28. The Commission shall uphold the Civil Service Values and Conduct set out in this Act. In addition, the Commission may prescribe its own separate values and code of conduct.

Voluntary Resignation

29. The Chairperson or in the case of other members through the Chairperson may resign from Office before the expiry of their term by making a written submission before His Majesty the Druk Gyalpo with one month's notice.

Removal from Office

30. The Chairperson of the Commission may recommend to His Majesty the Druk Gyalpo for removal of a member of the Commission, but only upon conducting a formal inquiry into the allegations or adverse findings thereon by a Disciplinary Committee constituted by the Chairperson on the following grounds:

- (a) physical, mental, or other incapacity of a permanent nature;
- (b) corruption;
- (c) violation of this Act;
- (d) violation of the Constitution;
- (e) conviction under any other law within Bhutan or elsewhere; or
- (f) becomes disqualified under section 13 of this Act.

31. In the event of resignation or removal or death of the Chairperson or any member of the Commission, the post shall be filled within a period of one month from the date of such vacancy.

32. Except through the process of impeachment as prescribed by law, the Chairperson of the Commission shall not be removed from Office.

Powers and Duties

33. The Commission shall ensure highest transparency, accountability, efficiency and professionalism in the Civil Service.

34. The Commission shall endeavour to ensure that civil servants render professional service, guided by the highest standards of ethics and integrity to promote good governance and social justice, in implementing the policies and programmes of the Royal Government.
35. The Commission shall, as per the directive of the Royal Government, create, abolish, upgrade or alter Agencies, including names in consultation with line Agencies.
36. The Commission, in consultation with the Agencies, shall;
 - (a) develop, promote, approve, review and evaluate the Civil Service policies, rules and practices;
 - (b) determine staffing pattern and strength of an Agency; and
 - (c) enhance capacity through Human Resource Development Programmes.
 - (d) carry out organizational development reviews at regular intervals.
37. The Commission shall:
 - (a) provide effective leadership in the Civil Service;
 - (b) uphold and promote Civil Service values and welfare;
 - (c) create, abolish or classify positions;
 - (d) appoint, promote and transfer civil servants;
 - (e) plan, coordinate, facilitate and monitor training & development programmes;
 - (f) supervise the performance of the Civil Service;
 - (g) monitor compliance with the policies, provisions of this Act and the BCSR;
 - (h) maintain up-to-date personnel information on all civil servants as prescribed in the BCSR;

- (i) exercise disciplinary control over civil servants;
- (j) conduct investigation and periodic personnel audit; and
- (k) perform any other functions to effect its mandates.

Rule-making Power

38. The Commission shall make rules and regulations, called the Bhutan Civil Service Rules and Regulations (or the BCSR), for effective administration of the Civil Service.

Delegation of Authority

39. The Commission shall, by directions in writing and subject to such conditions, as prescribed in the BCSR, delegate its powers to the Agencies, including its Secretariat, from time to time as appropriate.

Personnel Auditing

40. The Commission shall conduct personnel audits throughout the Civil Service of the Kingdom to ensure parity, consistency, uniformity and compliance with the personnel policies, the BCSR and other rules, regulations and procedures of the Royal Government.

Access to Records and Assistance

41. All Agencies and civil servants shall provide the Commission with such facilities, assistance, information and access to their respective Offices as the Commission may require for the performance of its duties.

Corrective Action

42. Subject to other provisions of this Act, the Commission may, on the basis of any investigation, report or personnel audit under this Act, take, or order the Agencies to take, such corrective action, as the Commission deems appropriate.

Proceedings

43. The Commission shall meet as and when required.

44. The quorum for a meeting of the Commission shall be at least two-thirds of its members.
45. Decision shall be by majority vote and in case of a tie, the Chairperson shall cast a deciding vote.
46. The Commission may prescribe its rules of procedures.

CHAPTER III CIVIL SERVICE VALUES AND CONDUCT

Civil Service Values

47. The Civil Service shall always endeavour to uphold loyalty, integrity, honesty, impartiality, professionalism, selflessness, openness, neutrality, accountability and leadership in the Civil Service.

Code of Conduct

48. A civil servant shall abide by the code of conduct and ethics as prescribed by the BCSR.

Political Activities

49. A civil servant shall remain apolitical and not be a candidate for election or hold any paid or unpaid posts in any political party. He shall not canvass for a political party or a politician.

Incompatible Activities

50. A civil servant shall not be a member of, belong to or take part in a society, company, assembly or association, the membership of which is incompatible with one's official position.

Prohibition on Strike

51. A civil servant shall not instigate, involve or participate in a strike or other similar activities.

Government Copyright

52. Literary, dramatic, musical or artistic works produced by civil servants in the course of their official duties shall be subject to copyright protection of the Royal Government in accordance with the provisions of the Copyright Act of the Kingdom of Bhutan.

Protection of Informant

53. A civil servant performing functions in or for an Agency shall not victimize or discriminate a person who reports breaches or alleged breaches of the Code of Conduct in the Civil Service.

CHAPTER IV DUTIES AND RIGHTS OF CIVIL SERVANTS

Duties

54. A civil servant shall serve the Royal Government without fear, favour or prejudice to:

- (a) safeguard national security and interests;
- (b) maintain complete *Tha Damtsi* to the *Tsawa-Sum*;
- (c) uphold the Constitution of the Kingdom of Bhutan and other laws, rules and regulations;
- (d) perform all tasks professionally, responsibly, impartially, apolitically and timely;
- (e) provide just and timely services to the public;

- (f) treat everyone with respect, courtesy and politeness in accordance with *Driglam Namzhag*;
- (g) not accept gifts or other gratifications or advantages, except as specified by rule;
- (h) not accept titles or decorations from foreign states or organisations without the approval of the Royal Government;
- (i) remain apolitical and non-partisan;
- (j) not engage in proselytization;
- (k) maintain confidentiality of all facts and information discovered in the course of duty, both while in service and after separation from service;
- (l) refrain from expressing adverse opinions against the Royal Government;
- (m) not engage in private trade and employment;
- (n) use resources of the Royal Government most judiciously and protect state property against damage, loss, destruction or abuse;
- (o) appear before Disciplinary Committee or Administrative Tribunal or court, as and when necessary;
- (p) declare assets periodically to the authorities concerned as prescribed by rule; and
- (q) any other duties as may be prescribed from time to time.

Rights

55. A civil servant shall have the following rights:

- (a) Equal pay for work of equal value;
- (b) Receive remuneration and allowances as may be determined from time to time;
- (c) Rest and leisure, including reasonable restriction of working hours and periodic holidays with pay;

- (d) Access to social and health care services provided by the Royal Government;
- (e) Opportunities to enhance professional qualification and skills;
- (f) Promotion, including promotion ahead of schedule, based on the eligibility and other criteria prescribed by the BCSR;
- (g) Safe and healthy working conditions to perform duties;
- (h) Express opinions on the lawfulness and purposefulness of orders, including making constructive criticisms and suggestions;
- (i) Refuse a task which is in contradiction with laws and regulations;
- (j) Make appeals or file complaints to the superior or the Commission, as the case may be, regarding matters of Office, superior, other employee (s) or the Civil Service;
- (k) Not be removed, demoted, terminated or administratively penalized without due process of law and administrative rule; and
- (l) Protection for discharging official duties and responsibilities.

CHAPTER V RECRUITMENT, SELECTION AND APPOINTMENT

Equal Employment Opportunities

56. All eligible Bhutanese citizens shall have equal opportunity for employment and career advancement in the Civil Service on the basis of merit, qualification, fair and open competition without discrimination on the grounds of race, sex, language, religion, politics and other status.
57. The Commission shall, for the Professional and Management positions in Civil Service, endeavour to attract, recruit and select the best and the most promising graduates with minimum qualification of University Bachelor's degrees through merit based competitive entrance examinations conducted in accordance with the procedures laid down in the BCSR.

58. His Majesty the Druk Gyalpo shall, by warrant under His hand and seal, appoint:
- (a) The Secretary General of the respective Houses on the recommendation of the Royal Civil Service Commission;
 - (b) Secretaries to the Government on the recommendation of the Prime Minister upon obtaining nominations from the Royal Civil Service Commission on the basis of merit and seniority and as per other relevant rules and regulations; and
 - (c) Dzongdags on the recommendation of the Prime Minister upon obtaining nominations from the Royal Civil Service Commission.
59. A Secretary to the Government shall serve one term in position level EX1, which may be extended by one more term if he performs well, or until the superannuation age, whichever comes first, and each term consists of five years.
60. All civil servants working under the three branches of the Royal Government, including Autonomous Agencies, and Constitutional Bodies shall be appointed in accordance with this Act.
61. A candidate on contract may be appointed on competitive basis to meet shortage of human resource both from outside and within the country.

Oath of Office and Allegiance

62. A civil servant upon appointment shall subscribe to an Oath of Allegiance in such a form and manner as prescribed before a designated authority.

Appointment of Civil Servants by Agencies

63. An Agency shall make recruitment, selection, appointment and transfer of a civil servant to a post within its jurisdiction, which shall be conferred by the BCSR.

CHAPTER VI REMUNERATION AND ALLOWANCE

Determination of Remuneration and Allowances

64. Salary, allowances, benefits and other emoluments of the civil servants shall be determined by the Royal Government as per the Constitution.

CHAPTER VII CAREER DEVELOPMENT AND TRAINING

Career Development

65. The Commission, as the central personnel agency of the Royal Government, shall ensure career and professional development of a civil servant through continuing education, training and secondment to develop capacity and maintain competency and professionalism in the Civil Service, as specified in the BCSR.

Training Need Assessment

66. The Commission shall assess the training needs for the Civil Service from time to time.
67. All Agencies shall set aside a specific portion of their budgets for staff Development.

Training Institute

68. The Commission shall establish an institute and/or identify one or more of the existing Colleges/Institutes in the Kingdom for conducting pre-service and in-service trainings of civil servants.

Authority of Agency

69. An Agency shall conduct selection for training within its jurisdiction as prescribed by the BCSR.

Retaining Trained Civil Servants

70. The Commission shall endeavour to prevent brain drain or other losses of trained civil servants, especially experts and other professionals, through provision of appropriate incentives, effective implementation of training obligations as may be prescribed in the BCSR and other similar policy measures.

CHAPTER VIII PROMOTION, PLACEMENT AND TRANSFER

Performance Evaluation

71. The Commission shall institute a transparent, objective and fair performance evaluation system, amongst others, to reward and promote deserving civil servants.

Promotion of Civil Servant

72. The Commission shall grant promotion to an eligible civil servant, subject to such conditions prescribed by the BCSR.

Authority of Agency

73. An Agency shall grant promotion to eligible civil servants within its jurisdiction, subject to such conditions prescribed by the BCSR.

74. An Agency shall determine the placement of a civil servant considered for appointment into a post or place in the country within its jurisdiction as prescribed by the BCSR.

Placement of Civil Servants

75. The Commission shall determine the placement of a civil servant as the Head of an Agency other than those prescribed by the BCSR from time to time.

Transfer

76. A Civil servant shall be subject to transfers at regular intervals. Save where otherwise expressly provided in this Act or by any other law for the time being in force, the Commission shall determine the circumstances in the BCSR, by which a civil servant may be transferred from one Agency to another for filling of a vacant post at the same level.

Secondment of Civil Servants

77. The secondment of civil servants to other organizations outside the Civil Service shall be in accordance with the conditions and procedures prescribed by the BCSR.

CHAPTER IX DISCIPLINARY MATTERS

Constitution and Jurisdiction of Disciplinary Committee

78. A Human Resource Committee established in all Agencies shall also act as a Disciplinary Committee vested with the jurisdiction over disciplinary matters.

Powers of Disciplinary Committee

79. The Disciplinary Committee shall have, for the purposes of discharging its functions under this Act, the powers as prescribed by the BCSR.

Right to Appeal

80. A civil servant aggrieved by a decision of the Disciplinary Committee has the right to appeal to the Appellate Authority.

Conclusion of Criminal or Civil Suit not to bar Disciplinary Proceedings

81. Completion of a criminal trial or civil suit against a civil servant in a court of law shall not preclude the Disciplinary Committee from exercising jurisdiction under this Act.

**CHAPTER X
SEPARATION FROM SERVICE**

Retirement on Superannuation

82. A civil servant shall retire on the date of completing the superannuation age as prescribed by the BCSR.

Resignation from Service

83. A civil servant may resign from service by giving the competent authority a notice in writing as prescribed by the BCSR.

Retirement Scheme

84. The Commission may introduce Early Retirement Scheme or Special Retirement Scheme to allow a civil servant to retire early on payment of such benefits as prescribed by the BCSR.

Compulsory Retirement

85. The competent authority may at any time, by notice in writing, require a civil servant to retire compulsorily with or without post service benefits from the service on such grounds as prescribed by the BCSR.

86. The services of a civil servant shall be separated from the Civil Service upon corporatization/privatization of his Agency, unless his service is required in the Civil Service.

Termination of Service

87. A civil servant shall be terminated from service if he is:

- (a) convicted by the court of law for a criminal offence;
- (b) guilty of an offence which is considered gravely injurious to the State; or
- (c) guilty of an offence liable to lead to serious loss of confidence in the Civil Service.

CHAPTER XI MISCELLANEOUS PROVISIONS

Establishment of Civil Service Award

88. The Commission may institute a scheme for recognizing and rewarding excellent performance or outstanding contributions. The recognition may be in the form of civil service awards, honours, promotion and financial reward as may be prescribed by the Commission.

Health and Safety

89. An Agency shall maintain a safe and healthy working environment including health, safety and welfare of its civil servants as prescribed by rule and law.
90. The Commission shall endeavor to promote family values and children's welfare through appropriate measures as prescribed by rules.

Immunity from Prosecution

91. No legal proceeding or suit shall lie against any member of the Commission and the Civil Service in respect of official duties, which is done in good faith or intended to be done pursuant to the provisions of this Act.
92. The Commission shall [endeavour] to protect a civil servant or an agency from false allegation or defamation leveled by any person or party while discharging his duties and responsibilities in accordance with rules and regulations.

93. The Commission is the ultimate guardian for all civil servants in the Kingdom. As such, a civil servant shall not be prosecuted for any matter in respect of Civil Service directly by any party in a court of law without;
- (a) routing the case through the Commission, and
 - (b) exhausting all the administrative actions as specified in the BCSR.

Establishment of Tribunal

94. An Administrative Tribunal may be established to adjudicate the civil service appeal cases.

Rule of Construction

95. In this Act, unless the context indicates otherwise, the singular shall include the plural and the masculine shall include the feminine.

Authoritative Text

96. The texts of this Act are in Dzongkha and English, and in any instance of a difference in meaning between the two texts, each text shall be regarded as equally authoritative and the two texts shall be reconciled.

Amendment

97. The amendment of this Act may be effected only by the Parliament.

CHAPTER XII DEFINITION

Definition

98. In this Act unless the subject or context otherwise requires:
- 98.1 **Agency** means a Ministry, Autonomous Agency, Dzongkhag, Gewog, Thromde, Office or a statutory Agency of the Royal Government.

- 98.2 **Apolitical** means not linked with political parties or engaged in any political activities.
- 98.3 **Appellate Disciplinary Authority** means the Ministerial Disciplinary Committee in relation to the Dzongkhag or Agency under the Ministry and the RCSC in relation to the Ministerial Disciplinary Committee.
- 98.4 **Armed Forces** mean the Royal Body Guard, the Royal Bhutan Army and the Royal Bhutan Police.
- 98.5 **Autonomous Agencies** mean those agencies under the Executive, established and mandated to function with autonomy by Royal Charters or Royal Kashos or Acts of the Parliament.
- 98.6 **Bhutan Civil Service Rules and Regulations (the BCSR)** mean those rules and regulations prescribed by the Commission in accordance with the provisions of this Act.
- 98.7 **Civil Servant** means a person registered with the Commission and employed in the services of the Judiciary, the Legislature, the Executive and Autonomous Agencies of the Royal Government of Bhutan, unless otherwise specified.
- 98.8 **Civil Service** means the services within the jurisdiction of this Act.
- 98.9 **Civil Service Values** means:
- (a) **Accountability:** A civil servant is responsible for his decisions and actions and must be accountable to whatever scrutiny is appropriate to his Office as prescribed by law and the BCSR.

- (b) **Honesty:** A civil servant shall be honest and declare any private interests relating to his official duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- (c) **Impartiality:** A civil servant shall be fair, neutral, not favour one person more than another in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for awards and benefits.
- (d) **Integrity:** A civil servant shall not place himself under any financial or other obligation to outside individuals or organizations that may influence him in the performance of his official duties.
- (e) **Leadership:** A civil servant shall at all times uphold and promote the principles of leadership by example.
- (f) **Loyalty:** A civil servant shall at all times be true, loyal and faithful to the *Tsawa-Sum*.
- (g) **Neutrality:** A civil servant shall be apolitical and non-partisan to any political activities at all times while in the service.
- (h) **Openness:** A civil servant shall be as open as required about all the decisions and actions that he takes. He shall give reasons for his decisions and restrict information to protect the wider public interest and confidentiality of the matter.
- (i) **Professionalism:** A civil servant shall practice his profession with the highest standards of ethics and courtesy.

- (j) **Selflessness:** A civil servant shall always take decisions solely in terms of the public interest. He shall not do so in order to gain financial or other material benefits for himself, his family, his relatives, or his friends.
- 98.10 **Code of Conduct** means the code of conduct and values set out in this Act and the BCSR.
- 98.11 **Commission** means the Royal Civil Service Commission established under the Constitution of the Kingdom of Bhutan.
- 98.12 **Company** has the same meaning as in the Companies Act of the Kingdom of Bhutan.
- 98.13 **Conflict of Interest** means a conflict between the official duties and the private interests of a civil servant, including not only his vested interest but also those of his family.
- 98.14 **Corruption** means as those defined in the Anti Corruption Act of Bhutan 2006.
- 98.15 **Criminal Offence** means any serious offence as defined by the Bhutan Penal Code.
- 98.16 **Driglam Namzhag** means values of *Tha Damtsi, Ley Jumdrey*, etiquettes and conscious pursuit of harmonious living.
- 98.17 **Dzongkhag Tshogdu** has the same meaning as in the Local Governments Act.
- 98.18 **Elected Representatives** mean the members of the Dzongkhag Tshogdu, the Gewog Tshogde, Thromde Tshogdu, or any other elected bodies.
- 98.19 **Excellent Performance** means an outstanding rating done in the performance evaluation form or an outstanding contribution made in the service.

- 98.20 **Family** means members consisting of a spouse and children.
- 98.21 **Gewog Tshogde** has the same meaning as in the Local Governments Act.
- 98.22 **Royal Government** includes all the 3 branches of the Government, namely the Legislature, the Executive and the Judiciary.
- 98.23 **Head of Agency** means the Head of Ministry, Autonomous Agency, Dzongkhag, Gewog, Thromde, Office or a statutory Agency of the Royal Government.
- 98.24 **Head of Ministry** means the Minister in-charge of the respective Ministries.
- 98.25 **Holder of Constitutional Office** has the same meaning as in the Constitution.
- 98.26 **Incompatible Activities** mean those activities performance of which is inconsistent with the civil servant's official functions.
- 98.27 **Just and Timely Service** means providing one's official duties in a fair manner within a prescribed time period.
- 98.28 **Kingdom** means the Kingdom of Bhutan.
- 98.29 **Member** means both the Chairperson and other members of the Commission.
- 98.30 **Merit Based or Based on Merit** means a personnel decision taken based on a set of eligibility criteria prescribed in the BCSR and in compliance with the provisions of this Act.
- 98.31 **Organization** means an entity outside the jurisdiction of the Commission, whether fully or partially funded by the Government.

- 98.32 **Organizational Development** means an organization's efforts to regularly review its mandates and capacities, for taking the right decisions and measures to improve performance and assure delivery of high quality services to the Royal Government and public.
- 98.33 **Performance Evaluation** means both the appraisal of performance and the assessment of individual capacity/potential.
- 98.34 **Person** includes an individual, partnership, corporation, organization, enterprise, Agency, department, subdivision, or other legal entity whether public or private and successor, representative, or agent thereof.
- 98.35 **Position** means specific roles and functions executed by a civil servant on behalf of an Agency.
- 98.36 **Promotion** means vertical movement in a civil servant's career to fill in a higher position vacancy with a new position title and corresponding pay.
- 98.37 **Rule** means rules and regulations, other than those in the BCSR, made by the other Agencies under their respective Acts of the Parliament.
- 98.38 **Secondment** means a transfer of personnel both within and outside the Civil Service on a temporary basis, in a way that does not affect the employment status in the Royal Government.
- 98.39 **Secretary to the Government** refers to the head of the Cabinet Secretariat or the head of a Secretariat of a Ministry appointed by His Majesty the King as per the provisions of the Constitution.

- 98.40 **Secretariat** means the Secretariat of Royal Civil Service Commission.
- 98.41 **Society** has the same meaning as in the Civil Society Organization Act 2007.
- 98.42 **Transfer** means a lateral movement of a civil servant from one place to another or from one Agency to another or from one profession to another, in the same position level.
- 98.43 **Training Obligations** mean legal responsibilities of a candidate to contribute or serve in the same Organization or Profession, after completion of his training, for a minimum period prescribed in the BCSR, failing which he shall be liable to pay penalty as compensation to the Royal Government an amount specified in the BCSR for loss in investment made for his training.
- 98.44 **Vacancy** means an approved position that is currently vacant.

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