Civil Service Act of Bhutan 2010
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Civil Service Act of Bhutan 2010
PREAMBLE

Whereas, the Constitution of the Kingdom of Bhutan provides for establishment of a Royal Civil Service Commission to promote and ensure an independent and apolitical civil service, which shall discharge its public duties in an efficient, transparent and accountable manner;

Whereas, the Constitution requires the Commission to 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 Government;

Whereas, it is expedient to develop a “small, compact and efficient Civil Service” as an important agent for the realization of the vision of Gross National Happiness.
Parliament of the Kingdom of Bhutan hereby enact the Civil Service Act of Bhutan, 2010 on the 25th Day of the 5th Month of Iron Male Tiger Year of the Bhutanese Calendar corresponding to the 7th Day of July 2010 at its 5th Session of the First Parliament as follows:

CHAPTER I
PRELIMINARY

Title, Commencement and Extend

1. This Act shall:
   a) be called the CIVIL SERVICE ACT OF BHUTAN, 2010;
   b) come into force on the 18th Day of 3rd Month of Iron Female Rabbit Year of the Bhutanese calendar corresponding to the 20th Day of the 5th Month of the Year 2011; and
   c) Extend to the whole of Bhutan.

Repeal

2. Any provision in other laws, rules and regulations pertaining to civil servants, so far as they are inconsistent with this Act, are hereby repealed.
Extent and Scope of this Act

3. This Act shall apply to the Royal Civil Service Commission and all civil servants of the Kingdom of Bhutan.

4. All civil servants shall function in accordance with this Act and Bhutan Civil Service Rules framed by the Royal Civil Service Commission.

5. This Act shall not apply to:
   a) elected representatives;
   b) holders of Constitutional Offices and members or Commissioners;
   c) drangpons and drangpon rabjams of all courts under the Judiciary;
   d) attorney General;
   e) personnel of Armed Forces and Royal Bhutan Police; and
   f) any other as may be determined by Parliament from time to time.

Purpose of this Act

6. The purpose of this Act shall be to:
a) establish an independent and apolitical Royal Civil Service Commission responsible to manage the Civil Service of the Kingdom of Bhutan;

b) provide an umbrella Civil Service Act to ensure parity, consistency and uniformity of personnel actions throughout the civil service;

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 Tsa-Wa-Sum.

CHAPTER II
THE ROYAL CIVIL SERVICE COMMISSION

Establishment and Composition

7. The Royal Civil Service Commission shall be established in accordance with the provisions of the Constitution of the Kingdom of Bhutan.
8. The Commission shall consist of a Chairperson and four other members who shall serve on a full-time basis.

9. 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 ensuring effective and efficient administration of the Civil Service.

Eligibility and Qualification

10. A person to be eligible to hold office as a Chairperson and a member of the Commission 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 Government or 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 25 years of service in case of the Chairperson and 20 years for other members in Government or Public Service;

h) not have been convicted of a criminal offence and sentenced to imprisonment;

i) not have been disqualified under any other laws; and

j) have proven leadership qualities.

Appointment

11. The Chairperson and members of the Commission shall be appointed by 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

12. Upon assuming office, the Chairperson and members of the Commission shall take an Oath or Affirmation in the form and manner prescribed in the Third Schedule of the Constitution of the Kingdom of Bhutan.
Tenure of Office

13. 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.

Terms of Service

14. The salary, tenure, discipline and other conditions of service of the Chairperson and other members shall be as prescribed by the Entitlement and Service Conditions Act for the Holders, Members and Commissioners of the Constitutional offices of Bhutan.

Chairperson

15. The Chairperson of the Commission shall:
   a) be responsible for providing effective leadership for the Commission;
   b) formally represent the views of the Commission;
   c) review and deal with any complaint against the members of the Commission;
   d) oversee the works of the Secretariat of the Commission; and
   e) assign particular affairs of the Civil Service to a member of the Commission.
Acting Chairperson

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

Accountability

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

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

19. The Commission shall submit an annual report on its policies and performance, along with a summary of its findings from the periodic personnel audits, which shall include HRD status and practices, to the Druk Gyalpo and the Prime Minister.

20. The members of the Commission shall be accountable to the Chairperson.

21. The Commission shall be supported by a permanent Secretariat.

Code of Conduct of the Members of the Commission

22. The Chairperson and members of the Commission shall:

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a) conduct themselves in a manner that is consistent with the dignity, reputation and integrity of the Commission;

b) uphold the sovereignty, security, unity and integrity of the Country;

c) 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 honourary, other than as may be required in their official capacity as the Chairperson or as a member of the Commission;

d) refrain from and prevent any conflict of interest in discharge of their official duties and responsibilities;

e) not make any unauthorized commitment or promise that purports to bind the Commission or the Royal Government;

f) maintain confidentiality in cases where, decisions, documents and deliberations should not be disclosed in the public interest;

g) uphold the Civil Service Values and Conduct set out in this Act; and

h) prescribe additional values and code of conduct.
23. 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 the Druk Gyalpo within thirty days' notice.

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

25. The Chairperson of the Commission may recommend to 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 10 of this Act.

26. 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 thirty days from the date of such vacancy in accordance with section 11 of this Act.

Functions of the Commission

27. The Royal Civil Service Commission as the central personnel agency of the Government shall:

a) administer and enforce all statutory provisions of this Act;

b) prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this Act;

c) promulgate policies, standards and guidelines for the Civil Service and adopt plans and programmes in consultation with the agencies to promote efficient and effective personnel administration;

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d) appoint, promote and transfer civil servants except as specified otherwise in this Act;

e) formulate, administer and evaluate programs pertaining to the development and retention of qualified and competent work force in the civil service;

f) promote and maintain the highest level of prestige, morale and well-being of the civil service;

g) conduct periodic HR auditing across all agencies;

h) conduct special investigation on HR actions where necessary;

i) ensure establishment of a human resource committee/council in each agency with standard functions and responsibilities to ensure proper personnel administration and human resource development, and monitor their functions;

j) prescribe, enforce and review code of conduct for the civil servants;

k) manage Civil Service selection examinations;

l) review, plan, coordinate, facilitate and monitor general civil service training and development programmes;
m) maintain up-to-date personnel information on all civil servants as prescribed in the BCSR;

n) exercise general disciplinary control over civil servants through the enforcement of all rules, regulations and relevant laws;

o) provide administrative and legal support to civil servants in respect of decisions taken in good faith or intent pursuant to official duties; and

p) perform any other functions to discharge its mandates.

Powers of the Commission

28. The Commission:

a) may require free access to all information and records of agencies that relate to HR management and to inspect and inquire into and call for any information arising from those accounts and records;

b) may revoke any HR actions taken by implementing agencies if found in contravention to this Act and BCSR;

c) may call upon any entity or official in government to assist the Commission in the preparation and conduct of Civil Service selection examinations;
d) shall require all civil servant and agencies to 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;

e) may delegate its functions in writing and subject to such conditions to be prescribed in the rules and regulations, to a person, agency, authority or entity including its secretariat from time to time as appropriate;

f) in consultation with the agencies shall:
   i) determine staffing pattern and strength of an agency;
   ii) create, abolish or classify positions;
   iii) enhance capacity through Human Resource Development Programmes; and
   iv) carry out organizational development reviews at regular intervals.

29. The Commission shall, as per the decision of the Lhengye Zhungtshog create, abolish, upgrade or alter organizational structures in ministries and autonomous agencies, including names in consultation with line Agencies. Likewise, the Legislature and Constitutional bodies shall carry out such organizational changes in consultation with the RCSC.
30. The Judiciary shall create, abolish, upgrade or alter courts or tribunals in keeping with Article 21 (2) of the Constitution while other organizational changes shall be carried out in consultation with the RCSC.

Corrective Action

31. Subject to other provisions of this Act, the Commission may, on the basis of any investigation, report or HR Audit under this Act, require the Agencies to take, such corrective personnel actions, as the Commission deems appropriate.

Proceedings

32. The Commission shall meet as and when required.

33. The quorum for a meeting of the Commission shall be at least two-thirds of its members.

34. Decision shall be by majority vote and in case of a tie, the Chairperson shall cast a deciding vote.

35. The Commission may prescribe its rules of procedures.
CHAPTER III
CIVIL SERVICE VALUES AND CONDUCT

36. A civil servant shall always be loyal to the Tsa-Wa-Sum, observe Driglam Namzha and conduct his functions with the highest degree of morale, integrity, professionalism and accountability.

37. Civil Service values:

a) **Accountability**: A civil servant is responsible for his/her decisions and actions and must be accountable to whatever scrutiny is appropriate to his/her Office as prescribed by law and the BCSR.

b) **Honesty**: A civil servant shall be honest and declare any private interests relating to his/her 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/herself under any financial or other obligation to outside individuals or organizations that may influence him/her in the performance of his/her 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 *Tsa-wa-sum*.

g) **Openness**: A civil servant shall be as open as required about all the decisions and actions that he takes. He/she shall give reasons for his/her decisions and restrict information to protect the wider public interest and confidentiality of the matter.

h) **Professionalism**: A civil servant shall practice his/her profession with the highest standards of ethics and courtesy.

i) **Selflessness**: A civil servant shall always take decisions solely in terms of the public interest.
He/she shall not do so in order to gain financial or other material benefits for himself/herself, his/her family, his/her relatives, or his/her friends.

**Code of Conduct of a Civil Servant**

38. A civil servant shall not:

a) be eligible to be a candidate for any election conducted under the electoral laws of the Kingdom or hold any paid or unpaid post in any political party;

b) canvass for the political party or any candidate in an election conducted under the electoral laws of the Kingdom;

c) engage in any corrupt activities;

d) be a member of, belong to or take part in a society, assembly or association, except as may be permitted under the rules and regulations;

e) instigate, involve or participate in a strike, demonstration, marches or other similar activities;
f) engage in proselytization;
g) engage in sexual harassment; and
h) act against the interest of Tsawo-Sum.

39. A civil servant shall abide by any additional code of conduct and ethics as maybe prescribed by the BCSR.

**Breaches of Code of Conduct**

40. A Civil servant who is found to have breached the Code of Conduct shall be subject to the following sanctions:

a) termination;

b) compulsory retirement;

c) suspension;

d) withholding of promotion;

e) demotion;

f) re-assignment of duties;

g) reduction in salary;

h) deductions from salary, by way of fine;

i) a reprimand; or

j) any other sanction.

The extent and degree of sanctions shall be as prescribed in the BCSR.
41. 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

42. A civil servant shall not victimize or discriminate another civil servant who reports breaches or alleged breaches of the Civil Service Code of Conduct.

Prohibition on patronage, favouritism and nepotism

43. A person exercising powers under this Act or the regulations in relation to the human resource management and development of civil servants shall do so without patronage, favoritism or nepotism.
CHAPTER IV
DUTIES AND RIGHTS OF CIVIL SERVANTS

Duties

44. 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 Tsa-wa-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 without delay;

e) treat everyone with respect and courtesy in accordance with Driglam Namzhag;

f) not accept gifts or other gratifications or advantages, except as permitted by law;

g) not accept titles or decorations from foreign states or organizations without the approval of the Royal Government;

h) maintain confidentiality of all facts and information discovered in the course of duty, both while in service and after separation.
from service;
i) refrain from publicly expressing adverse opinions against the Royal Government;
j) not engage in private trade and employment;
k) use resources of the Royal Government most judiciously and protect state property against damage, loss, destruction or abuse;
l) appear before Disciplinary Committee or Administrative Tribunal or court or any other lawful entities, as and when summoned;
m) declare assets periodically to the authorities concerned as prescribed by rule; and
n) perform any other duty as may be prescribed from time to time.

Rights

45. 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 basic health care services provided by the Royal Government;

e) opportunities to enhance professional qualification and skills as per rules;

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 of orders, including making constructive criticisms and suggestions to one’s superiors;

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, concerning one’s superiors, other employees, conditions in the workplace or the Civil Service in general;
k) not be removed, demoted, terminated or administratively penalized without due administrative process; and
l) protection from personal liabilities for discharging official duties and responsibilities.

CHAPTER V
RECRUITMENT, SELECTION AND APPOINTMENT

Equal Employment Opportunities

46. 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, and other status.

47. The Commission shall recruit university graduates through competitive examinations conducted in accordance with the procedures laid down in the BCSR for initial appointments to Professional and Management positions in Civil Service.
48. The Druk Gyalpo shall, by warrant under His hand and seal, appoint:
   a) 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;
   b) the Secretary General of the respective Houses on the recommendation of the Royal Civil Service Commission; and
   c) dzongdags on the recommendation of the Prime Minister upon obtaining nominations from the Royal Civil Service Commission.

49. A candidate for the post of a Secretary to the Government or Dzongdag shall have a minimum of university degree, and fulfill other conditions as may be prescribed by the BCSR.

Tenure

50. A secretary to the Government shall be the highest position in the civil service and may serve a maximum term of five years or until the superannuation age, whichever is earlier.
Oath of Office and Allegiance

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

Appointment of Civil Servants by Agencies

52. Agencies shall, in accordance with the BCSR, make recruitment, selection and appointment against a vacant position in all categories, except for executive (EX) and specialist (ES) positions, and for appointments as provided for under section 47 of this Act.

53. Except for (EX1) and (ES1) positions and for appointments as provided in section 47 of this Act, the Constitutional offices shall, in accordance with the BCSR, make recruitment, selection and appointment against a vacant position in all categories.

54. A person may be appointed on contract on competitive basis to meet specialized or short-term human resource needs of an agency in accordance with the BCSR.
However, exceptions to this section may be made in specialized fields for time bound assignments by the HR committee with approval of the concerned Minister.

CHAPTER VI
REMUNERATION AND ALLOWANCE

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

56. A civil servant shall be entitled to leave and other benefits as prescribed in the BCSR.

CHAPTER VII
CAREER DEVELOPMENT AND TRAINING

Career Development
57. The Commission, as the central personnel agency of the Royal Government, shall prescribe rules and procedures for career and professional development.
of civil servants through continuing education and training to develop capacity and maintain competency and professionalism in the Civil Service, as specified in the BCSR.

In-Service Training Need Assessment

58. The Commission shall assess the general training and higher education (degree and diploma) needs of Civil Servants, formulate projects and implement them both within and outside the country.

Authority of Agency

59. Agencies shall assess their own specific training needs, formulate appropriate plans and implement them in accordance with the procedures prescribed in the BCSR.

Training Institute

60. The Commission may identify one or more Colleges/Institutes in the Kingdom for conducting pre-service and in-service trainings of civil servants.
CHAPTER VIII
PROMOTION, PLACEMENT AND TRANSFER

Performance Evaluation
61. The Commission shall institute and oversee the implementation of a transparent, objective and fair performance evaluation system, amongst others, to reward and promote deserving civil servants.

Promotion of Civil Servants
62. The Commission shall be the authority for all fast-track and out-of-turn promotions.

Authority of Agency
63. Except for executive (EX) and specialist (ES) positions, all regular promotions, in keeping with the BCSR, shall be administered by respective agencies through human resource committees/councils with due notification to the RCSC.

64. In case of Constitutional offices, except for (EX1) and (ES1) positions, all regular promotions, in keeping with the BCSR, shall be administered by respective agencies through human resource committees/councils with due notification to the RCSC.
Constitutional offices through human resource committees/councils with due notification to the RCSC.

65. All promotions to executive positions must include proven leadership and positive feedbacks.

66. There shall be no retroactive promotion.

**Placement of Senior Civil Servants**

67. The Commission shall select and appoint all heads of autonomous agencies.

68. Selection and placement of a civil servant as a head of department shall be carried out by the RCSC in accordance with this Act and the BCSR.

**Transfer**

69. 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.

70. To the extent possible, transfers shall not result in the loss of professionals by an agency and appointment of such civil servants to positions where their specialized knowledge and skills are rendered irrelevant.

71. All inter-ministerial or inter-agency or inter-occupational transfers shall be carried out by the Commission whereas intra-ministerial or intra-agency or intra-occupational transfers shall be carried out by ministries and agencies themselves as per the BCSR.

72. Any transfer to and from Constitutional Offices shall be made by the RCSC in consultation with the concerned Constitutional Offices.

73. Notwithstanding section 71, the Lhengye Zhungtshog shall determine and approve the inter-ministry and inter-Dzongkhag transfer of secretaries and Dzongdags in the same positions in consultation with the Commission.
Secondment of Civil Servants
74. The secondment of civil servants to other organizations outside the Civil Service shall be administered by the Commission.

CHAPTER IX
DISCIPLINARY MATTERS

Constitution and Jurisdiction of Disciplinary Committee
75. A Human Resource Committee/Council established in all Agencies shall also act as a Disciplinary Committee vested with the jurisdiction over disciplinary matters.

Powers of Disciplinary Committee
76. 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
77. A civil servant aggrieved by a decision of the Disciplinary Committee has the right to appeal to the Appellate Authority.
78. The appellate authority shall be vested in the Ministries, Royal Civil Service Commission and the Administrative Tribunal. Constitution of the appellate authorities and process for appeal shall be as prescribed in the BCSR.

Conclusion of Criminal or Civil Suit not to bar Disciplinary Proceedings

79. 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

80. A civil servant shall retire on the date of completing the superannuation age as prescribed by the BCSR, and no extension shall be permitted.
Resignation from Service

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

Retirement Scheme

82. The Commission in consultation with the government 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

83. The Commission may at any time, by notice in writing, on the recommendation of agencies, require a civil servant to retire compulsorily with post service benefits from the service on such grounds as prescribed by the BCSR.

Agency Severance

84. 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
85. A civil servant shall be terminated from service if he or she is convicted by the court of law for a criminal offence of misdemeanor and above for offences related to discharge of official functions.

86. A civil servant shall be compulsorily retired from service with post service benefit if he or she is convicted by the court of law for a criminal offence of misdemeanor and above for offences not related to discharge of official functions.

CHAPTER XI
MISCELLANEOUS PROVISIONS

Rule-making Power
87. 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 in consultation with agencies.

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 in the BCSR.

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 prevailing laws and by-laws.

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 Servants in respect of official duties, which is done in good faith or intended to be done pursuant to the provisions of this Act. Such immunity shall not cover corrupt acts committed by any member of the Commission or civil servants in connection with the discharge of their duties or cover other valuables in consideration to act in a particular manner.

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92. The Commission shall protect a civil servant from false allegation or defamation leveled by any person or party while discharging his/her duties and responsibilities in accordance with rules and regulations.

93. A civil servant shall not be suspended or prosecuted in the court of law by any party for any act alleged to have been committed by him or her without notifying the Commission.

**Establishment of Tribunal**

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

**Authoritative Text**

95. The Dzongkha text shall be the authoritative text, if there exists any difference in meaning between the Dzongkha and the English text.

**Amendment**

96. The amendment of this Act by way of addition, variation or repeal shall be effected by a simple majority of the respective Houses or vote of no less than two thirds of the total members of Parliament present and voting on a motion submitted by one third of the members of the Houses.
either House, provided that the amendment does not undermine the functions and effectiveness of the Royal Civil Service Commission.

CHAPTER XII
DEFINITION

Definition

97. In this Act unless the subject or context otherwise requires:

97.1 **Agency** means Legislature, Judiciary, Ministry, Constitutional Office, Autonomous Agency, Dzongkhag, Gewog, Thromde or a statutory body of the Royal Government.

97.2 **Apolitical** means not linked with political parties or engaged in any political activities.

97.3 **Appellate Authority** means the Administrative Tribunal for appeal cases from the Royal Civil Service Commission for appeal cases from Ministries
and Agencies, and the Ministry for appeal cases from Departments and Dzongkhags.

97.4 **Armed Forces** mean the Royal Bhutan Army and the Royal Body Guard.

97.5 **Autonomous Agencies** mean those agencies under the Executive, established and mandated to function with autonomy by Royal Charters, Royal Kashos, Executive Orders or Acts of the Parliament.

97.6 **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.

97.7 **Civil Servant** means a person registered with the Commission and employed in the services of the Judiciary, the Legislature, the Executive, Constitutional Offices and Autonomous Agencies of the Royal Government, unless otherwise specified.
97.8 Civil Service means the services within the jurisdiction of this Act.

97.9 Code of Conduct means the code of conduct and values set out in this Act and the BCSR.

97.10 Commission means the Royal Civil Service Commission established under the Constitution of the Kingdom of Bhutan.

97.11 Company has the same meaning as in the Companies Act of the Kingdom of Bhutan.

97.12 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.

97.13 Corruption means as those defined in the Anti Corruption Act of Bhutan.

97.14 Criminal Offence means any offence as defined by the Bhutan Penal Code.
97.15 **Driglam Namzhag** means values of *Tha Damtsi, Ley Jumdrey*, etiquettes and conscious pursuit of harmonious living.

97.16 **Elected Representatives** mean the members of Parliament and local governments.

97.17 **Excellent Performance** means an outstanding rating done in the performance evaluation form or an outstanding contribution made in the service.

97.18 **Family** means members consisting of a spouse and children.

97.19 **Head of Agency** means the Head of Legislature, Judiciary, Ministry, Constitutional Bodies, Autonomous Agency, Dzongkhag, Gewog, Thromde or a statutory body of the Royal Government.

97.20 **Holder of Constitutional Office** has the same meaning as in the Constitution.
97.21 **Incompatible Activities** mean those activities performance of which is inconsistent with the civil servant’s official functions.

97.22 **Member** means the members of the Commission.

97.23 **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.

97.24 **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.

97.25 **Performance Evaluation** means both the appraisal of performance and the assessment of individual capacity/potential.

97.26 **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.

97.27 **HR Audit** means assessment of the implementation of all HR actions by the Agencies as per the provisions of the Constitution, the Civil Service Act, the BCSR and the other relevant rules with the view to ensure fairness and objectivity in the Civil Service.

97.28 **Position** means specific roles and functions executed by a civil servant on behalf of an agency.

97.29 **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.

97.30 **Royal Government** includes the Legislature, the Executive and the Judiciary.
97.31 Secondment means a transfer of personnel both within and outside the Civil Service on a temporary basis to develop human resource capacity, in a way that does not affect the employment status in the Royal Government.

97.32 Secretary to the Government refers to the head of the Cabinet Secretariat or the head of a Secretariat of a Ministry appointed by the Druk Gyalpo as per the provisions of the Constitution.

97.33 Secretariat means the Secretariat of Royal Civil Service Commission.

97.34 Society has the same meaning as in the Civil Society Organization Act.

97.35 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.

97.36 Training Obligation means legal responsibilities of a candidate to contribute or serve in the same Organization or Profession, after completion of his or her training for a minimum
period prescribed in the BCSR, failing which he/she 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 or her training.

97.37 **Vacancy** means an approved position that is currently vacant.
སྔོན་པོ་གཞན།

སྐྲོབ་པར་མཐུ་ནོར་སྤེལ་འགོད་མཐུ་ནོར་ན།
མི་ཤིན་སྲིད་གྱུར་བསྒོད་ལེགས་པོའི་འོག་ཏུ་བསྡུ་མཐུ་ནོར་ན།
གངུང་སུ་བརྙན་པའི་བོད་སྐྱོར་མི་བྱ་བ་བསྡུ་མཐུ་ནོར་ན།
མི་མཐོ་སོགས་ཀྱི་བོད་སྐྱོར་ཞིང་བྱ་བ་བསྡུ་མཐུ་ནོར་ན།

རྒྱས་བཤད་སྲོང་ཕྲིན་པའི་དབུ་བུ་དཀར།
དེ་བུ་དག་དེ་ལོ་བརྒྱ་བརྡ་དུ་རྩུང་གི་སྟེང་ཁ།
བདེ་བུ་རྩུང་གི་སྟེང་ཁ་ཟིང་ལྟ་བྲལ་བྱས་པ།
སྨྱོར་ཡོད་བཞི་ལྟ་བྲལ་བྱས་པ་ལླ་ཅིག་ལྟ་བྲལ་བྱས་པ།

སྨྱོར་བཤད་སྲོང་ཕྲིན་པའི་དབུ་བུ་དཀར།