CHAPTER 19: ADMINISTRATIVE DISCIPLINE

19.1. **Policy**

19.1.1. Enhance good governance and eradicate corruption through promoting Transparency, Accountability and Efficiency in the Civil Service.

19.1.2. Ensure consistency, predictability and equity in administrative procedures and action, which are integral to upholding the rule of law.

19.1.3. Guide Agencies in their course of action in adjudicating administrative cases involving civil servants and empower the Agency to enforce discipline to lawfully exercise such power against an erring civil servant.

19.1.4. Provide speedy, just and cost effective process in the dispensation of administrative justice.

19.1.5. Ensure that a civil servant observes a standard of behaviour in accordance with the Civil Service Values and Conduct, Rules & Regulations and Laws of the Country.

19.1.6. Promote high morale, create confidence and protect a civil servant by ensuring justice, fairness and equity in protecting the innocent and punishing the guilty.

19.1.7. Protect a civil servant against intimidation and/or legal action or personal liabilities resulting from discharge of official duties in accordance with the rules and procedures.

19.2. **Rights of civil servants**

Every civil servant to whom disciplinary action is taken has a right to:

19.2.1. Written reasons for any disciplinary action that is taken against him/her;

19.2.2. Prior and adequate notice of the nature and reasons for the intended disciplinary action;
19.2.3. An opportunity to be heard/submit in that regard;
19.2.4. Right to legal representation, where applicable;
19.2.5. Right to an appeal or review against a disciplinary decision;
19.3. **Jurisdiction and Authority**

19.3.1. The Commission shall hear and decide all administrative and disciplinary issues and grievances concerning a civil servant when being approached by individual civil servants as per the provisions of this Rule, except criminal proceedings, which shall be under the jurisdiction of Courts.

19.3.2. 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 Rule.

19.3.3. The RCSC/Agency shall:

   19.3.3.1. Enforce all the provisions of the CSAB 2010, BCSR and other laws governing the discipline of a civil servant;

   19.3.3.2. Exercise appellate authority in required cases;

   19.3.3.3. Summon witnesses and/or the parties concerned with administrative complaints, issue *subpoena* and *subpoena duces tecum*, and take testimony in an investigation or delegate such power to a proper committee or office of the Government or an appropriate and competent civil servant of the Government;

   19.3.3.4. Punish or recommend punishment of the witness in case of a civil servant or the civil servant concerned who fails to comply with a summons, subpoena duces tecum, duly issued according to the subpoena or procedures herein prescribed, and with the same penalties provided in the law; and

   19.3.3.5. Enforce decisions on disciplinary actions involving a civil servant.

19.3.4. The HR Committee of an Agency, which shall function as the Disciplinary Committee, shall hear and decide administrative cases against an erring civil servant;
19.3.5. A person related to or prejudicial against a respondent civil servant shall not be a member of Disciplinary Committee, the Investigating Committee or as an Appellate Authority.

19.3.6. The authority to impose a penalty on a civil servant shall be exercised by the respective authority as under:

<table>
<thead>
<tr>
<th>Position Level</th>
<th>Minor Penalty</th>
<th>Major Penalty</th>
</tr>
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<tbody>
<tr>
<td>EX1-EX3/ES1-ES3</td>
<td>RCSC</td>
<td>RCSC</td>
</tr>
<tr>
<td>P1 – O4</td>
<td>Agency</td>
<td>Agency</td>
</tr>
</tbody>
</table>

19.3.7. Notwithstanding 19.2.7, the powers to impose both minor and major penalty on a Secretary to the Government, other officers of Secretary’s rank, and Head of the Autonomous Agency shall be exercised by the RCSC.

19.3.8. The Appellate Authority to review the decisions taken by the Disciplinary Committee shall be:

<table>
<thead>
<tr>
<th>Appellate Authority</th>
<th>For appeal cases against the decision of the Royal Civil Service Commission.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Tribunal</td>
<td></td>
</tr>
<tr>
<td>Royal Civil Service Commission</td>
<td>For appeal cases against the decision of the Ministries and Agencies.</td>
</tr>
<tr>
<td>Ministry</td>
<td>For appeal cases against the decision of the Department and Dzongkhags.</td>
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</tbody>
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19.4. **Causes for Disciplinary Action**

Disciplinary action against a civil servant shall be taken for offences related to:

19.4.1. Duties of a civil servants;
19.4.2. Performance; and
19.4.3. Civil Service Values and Code of Conduct.

19.5. **Fiscal Responsibility, Accountability and Liability**

19.5.1. A civil servant whose official duties and responsibilities require possession or custody of Government funds and accounts, or properties shall be liable for their safekeeping.

19.5.2. The Head of Agency shall be primarily responsible for all Government funds and properties, or any lapse of fiscal responsibility and duties pertaining to his jurisdiction.

19.5.3. A civil servant shall be held responsible and liable for expenditure of Government funds, use of Government properties, or any decision or action thereon in violation of the provisions of the CSAB 2010, BCSR and other laws.

19.5.4. A civil servant responsible for Government vehicles, machineries or any other forms of property shall be liable for the value thereof in case of improper or unauthorised use or misapplication by him or any person for whose acts he may be responsible. Similarly, the individual concerned shall be held responsible and liable to make good of all loss, damage, or deterioration of such properties caused by negligence or misuse.

19.5.5. Every civil servant accountable for Government funds shall be liable for all losses resulting from unlawful deposit, use, or application thereof and for all losses attributable to negligence in keeping of the funds.

19.5.6. An accountable civil servant shall not be relieved from liability by reason of his having acted under the direction of a superior if he fails to notify the superior in writing on the illegality of such an act. The superior directing any illegal
action shall be primarily responsible for any loss incurred thereby, while the accountable officer or civil servant who fails to serve the required notice shall be secondarily responsible.

19.5.7. A civil servant shall not have any personal or pecuniary interest in any contract or transaction of the respective Agency. The individual shall be held primarily responsible for any violation of this Rule, unless it is evident beyond reasonable doubt that:

19.5.7.1. It was for the best interest and exigencies of the service;
19.5.7.2. It was due to force majeure or fortuitous event; or
19.5.7.3. It was inevitable to prevent further losses and to ensure continuity of Government operation.

19.5.8. A supervisor shall be liable for administrative actions, including compulsory retirement and termination, for any major corruption or grave official misconduct of his subordinates even if the supervisor concerned is not directly involved in such misdeeds.

19.6. **Filing of Administrative Charge(s)**

19.6.1. An administrative charge against a civil servant may be initiated:

19.6.1.1. By the Disciplinary Committee on its own initiative;
19.6.1.2. On written complaint supported with sufficient documentary evidence by any person;
19.6.1.3. As per the judgement/verdict issued by the Court of Law;
19.6.1.4. By Agency.

19.6.2. The complaint shall contain the following:

19.6.2.1. Full name and address of the complainant;
19.6.2.2. Full name, address, position and office of the person against whom the complaint is being lodged;
19.6.2.3. A narration of the relevant and material facts which shows the acts of omission/commission alleged;

19.6.3. The absence of any of the aforementioned requirements may cause the dismissal of the complaint.

19.6.4. An anonymous complaint/letters shall not be admitted if not filed properly as prescribed.

19.7. Guiding Principles for Administrative Discipline

19.7.1. The disciplinary procedure in the civil service shall be governed by the following guiding principles;

19.7.1.1. Exhaust Dispute Resolution Mechanism;

19.7.1.2. The rules of natural justice;

19.7.1.3. Upholding the rule of law

19.8. Alternative Dispute Resolution (ADR)

19.8.1. The purpose of dispute resolution mechanism is to probe causes of misconduct together with the employee and to jointly identify means of correcting the unacceptable conduct. ADR shall normally be applied in cases of a less serious nature where there is room for change and improvement and where a trend has developed (e.g. irregular attendance, habitual habits affecting office work and performance).

19.8.2. Dispute Resolution Mechanism is an effort to address employee misconduct using a method other than disciplinary enquiry to resolve, reduce, or even eliminate workplace disputes that might come from a circumstance where disciplinary action is not necessarily appropriate and effort is towards amicable resolution.

19.8.3. Alternate Dispute Resolution in the civil service can take many forms such as mediation, counselling, guidance or training for less serious offences with civil servants whose conduct needs correcting.
19.8.4. The Agency shall identify the relevant civil servant(s) to execute ADR.

19.8.5. The Agencies shall refer ADR to RCSC where it pertains to the Executive/Head of the Agency.

19.8.6. The method shall be applied in accordance with the

19.8.7. If the agency decide and resort to dispute resolution mechanism, the agency should follow the steps below;

19.8.7.1. Invite the civil servant and inform the him what the meeting is about;

19.8.7.2. Ensure absolute privacy for the meeting and ensure that there are no interruptions;

19.8.7.3. Draw the civil servant’s attention to the alleged misconduct and ensure that you both agree that it indeed occurred or is occurring;

19.8.7.4. Determine the reasons for the misconduct by asking the civil servant to explain his or her conduct;

19.8.7.5. Request the civil servant to come up with ways of correcting the behaviour;

19.8.7.6. Offer your suggestions and come to a consensus position on how to deal with the improper conduct;

19.8.7.7. After agreeing on how to correct the conduct, agree on each party’s role and a return date for assessment of progress;

19.8.7.8. Keep a note of the meeting and especially the agreement reached of addressing the employee’s conduct;

19.8.7.9. On the return date, check on the progress made and whether the civil servant co-operated or not;

19.8.7.10. If the civil servant did not co-operate as agreed, then the agency should consider further disciplinary actions.
19.8.8. If the civil servant is not satisfied with the DRM, the Agency may terminate the DRM and forward the case to disciplinary Committee.

19.8.9. If, during DRM, it transpires that the alleged misconduct is of a more serious nature than initially thought, the Agency shall terminate the DRM and forward the case to Disciplinary Committee of the Agency.

19.8.10. Conduct of Disciplinary Enquiry

19.8.10.1. The HR Committee of an Agency, which shall function as the Disciplinary Committee, shall hear and decide administrative cases against an erring civil servant.

19.8.10.2. When HRC of an Agency considers it inappropriate to use Dispute Resolution Mechanism to resolve the case or DRM is unsuccessful, the HRC shall direct Disciplinary Committee to conduct disciplinary enquiry in accordance with the following steps;

19.8.10.3. **Step 1: Notification to respondent**

   a) The Disciplinary Committee, when convinced that a *prima facie* case exists, shall notify the respondent civil servant in writing of the administrative charge(s) and direct him to submit an explanation on the charge within 15 working days from receipt of the notification;

   b) The respondent civil servant shall explain the charge(s), supported with evidence, if any;

   c) The Disciplinary Committee may dismiss the case when the respondent civil servant explanation proves beyond reasonable doubt that the administrative charge(s) is/are without basis.
19.8.10.4. **Step 2: Investigation**

a) The Disciplinary Committee may order the conduct of an investigation when it is convinced that no decision can be judiciously taken without such an investigation;

b) Investigation of administrative charges or complaints against a civil servant shall be in conformity with the Constitution, provisions of the CSAB 2010, BCSR and other laws of the Kingdom;

c) In cases where the facts are not complex and the alleged misconduct is not serious, the Member Secretary of the Disciplinary Committee shall investigate and execute the fact findings and submit to the Disciplinary Committee;

d) If a matter initially appears to be neither complex nor serious but in the course of the investigation it becomes clear that the case may be complex or serious, the matter shall be transferred to Investigation Committee;

e) The Investigator or Investigating Committee shall commence investigation within 10 working days on receiving directives from the Disciplinary Committee;

f) The investigation shall be completed within 30 days from its commencement. The period for investigation may be extended for a maximum of 30 days by the Disciplinary Committee, if required;

g) During the investigation, all civil servants must be treated in a fair and equitable manner;
h) The investigator/Investigation Committee may make findings on the basis of the evidence available in the event that the civil servant fails or refuses to participate;

i) The Evidence Act of the Kingdom of Bhutan shall govern evidence of the case;

j) On completion of the investigation, the investigator/Investigation Committee shall submit a written report to the Disciplinary Committee within 10 working days after the completion of the investigation; and

k) The civil servant under investigation will be given a complete copy of the investigation report except where it is inappropriate to disclose certain information;

19.8.10.5. **Step 3: Disciplinary Committee Meeting**

a) The purpose of the disciplinary meeting will be to put any concerns (including, where appropriate, the investigation report or parts of it) to the civil servant and allow the civil servant to respond;

b) The Disciplinary Committee shall ensure that decisions are fair and consistent and that the facts of each case are considered carefully;

c) The Disciplinary Committee shall consider the report of any findings made in respect of the civil servant;

d) The civil servant should be given an opportunity to respond to any concerns raised by the Investigation Committee;

e) Where a civil servant fails to answer questions or fails to submit any justification on the investigation report, the Disciplinary Committee may make a
decision on the basis of the evidence available;

f) The Disciplinary Committee shall conclude its meeting within 30 days from the receipt of the investigation report;

g) On establishing the facts based on investigation report and the evidence, the Disciplinary Committee shall determine if misconduct has occurred and if there are breach of Civil Service laws and other relevant laws of the Kingdom, and decide on the outcome of the meeting;

h) The Disciplinary Committee shall decide on the penalty, if any, in accordance with Section 19.11 on Penalty during the closing Disciplinary Committee Meeting; and

i) The Disciplinary Committee shall take into consideration the nature of the offence, circumstances leading to the omission/commission of the offence and the past service record of the respondent before imposing any penalty, including compulsory retirement from the service with retirement benefits or termination.

19.8.10.6. **Step 4: Execution of the Disciplinary Committee's Decision**

a) The decisions of the Disciplinary Committee shall be submitted, formally endorsed and executed by HRC;

b) The decision shall be informed to the respondent within 5 working days from the endorsement by HRC;

c) Decision letter shall be signed by the Chairperson of the HRC of an Agency; and

d) A copy of the decision letter shall be submitted to RCSC.
19.8.10.7. In appeal cases, the Disciplinary Committee of the Appellate Authority shall direct the HRC of the appellant’s Agency to execute the decision rendered by the Appellate Authority.

19.9. Suspension

19.9.1. Suspension must be discretionary and not mandatory in its application. It is a means to prevent one from hampering the ongoing investigation while the person is in office or to prevent further misfeasance/malfeasance or destruction of evidence.

19.9.2. The Disciplinary Committee must be engaged in executing administrative responsibility of ordering suspension and must conduct a pre-suspension hearing, according the accused fair and adequate opportunity to challenge the validity of the suspension order in consonance with the principle of administrative law, natural justice and procedural due process.

19.9.3. A civil servant can be suspended under the following circumstances;

19.9.3.1. Cases involving moral turpitude;
19.9.3.2. Serious negligence and dereliction of duty resulting in considerable loss to government;
19.9.3.3. If the charge is connected to the official position of the public servant;
19.9.3.4. If an official is charged for an offence against the “security and sovereignty of the Nation” or for “an offence of or above felony of the second degree”; and
19.9.3.5. Any other similar circumstances.

19.9.4. Once charges are filed public interest should be the guiding factor in deciding to place a Civil Servant under suspension. The Agency shall consider the following circumstances for placing civil servants under suspension.
pending an investigation when civil servant faces criminal charges in the Court of Law;

19.9.4.1. Cases where continuance of office will prejudice the disciplinary process;
19.9.4.2. Where continuance in office is likely to seriously subvert discipline in the office or organization;
19.9.4.3. Where continuance in office will be against the wider public interest or the need to demonstrate the policy of Government to deal strictly with officials involved in scandals or corruption;
19.9.4.4. Matters involving corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gain;
19.9.4.5. Where charges filed are likely to end in the official’s conviction and/or dismissal from service, including compulsory retirement and termination; and
19.9.4.6. Any other similar circumstances.

19.9.5. The Agency shall issue a formal Office Order to execute the suspension, which shall be notified to the RCSC and the civil servant concerned.

19.9.6. If the Suspension Order is issued by the RCSC, the respective Agency shall be notified and the civil servant concerned.

19.9.7. A civil servant under suspension shall receive a subsistence allowance of an amount equal to half the basic pay he was receiving before suspension.

19.9.8. The subsistence allowance at 50% of the last basic pay shall be paid until the completion of Court/disciplinary proceedings. However, on finalization of the Court/disciplinary proceedings if the civil servant is found innocent and acquitted of all charges and accordingly reinstated in service, he shall be entitled to receive the
remaining 50% of his basic salary and other benefits as applicable for the entire period of suspension.

19.9.9. The period of suspension shall be considered as part of active service for the purpose of gratuity, annual increment and promotion only if the respondent civil servant is found innocent and acquitted of all charges and accordingly reinstated.

19.9.10. An order of suspension shall remain in force as herein provided, unless it is modified or revoked by the appropriate authority.
19.9.10.1. Where a civil servant is suspended, whether in connection with a disciplinary proceeding or otherwise, and another disciplinary proceeding is commenced against him during suspension, the competent authority to place him under suspension may, for justifiable reasons, order the continued suspension of the civil servant until the completion of all the proceedings against him.

19.9.11. In the event a respondent civil servant expires during his suspension, the administrative case against him shall be immediately decided, so that whatever benefits decided in his favour may be availed of by his family or legal nominees.

19.9.12. The Agency concerned shall not recruit new employees in place of incumbent when the incumbent is under suspension till all the administrative and court proceedings are completed and the final decision against the incumbent is taken.

19.10. **Summary Proceedings**
19.10.1. The RCSC, upon recommendation of the HR Committee of the Agency may compulsorily retire a civil servant without formal investigation when a civil servant:
19.10.1.1. Habitually exhibits bad behaviour and poor performance as may be indicated in the Performance Appraisal; or
19.10.1.2. Is charged with a very grave or serious offence and the guilt is proven with evidence beyond reasonable doubt including self admittance.

19.11. **Penalty**

19.11.1. For the purpose of administrative disciplinary action, one penalty per charge shall be imposed. However, this shall not include different administrative processes that may be required in determining as well as implementing the penalty.

19.11.2. The same penalties shall be imposed for similar offences under comparable circumstances.

19.11.3. In no case shall imprisonment be imposed as a penalty in an Administrative Case. It shall be pronounced only by a Court of Law. If warranted under the circumstances, the RCSC or any other Disciplinary Committee shall file appropriate criminal charges against a respondent civil servant in a Court of Law in Bhutan.

19.11.4. All disciplinary cases involving civil servants after establishing, beyond reasonable doubt by the RCSC/Agencies, the need for criminal prosecution in the Court of Law shall be forwarded to the Court of Law through the Office of Attorney General.

19.11.5. 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.

19.11.6. A civil servant shall be compulsorily retired from service if he or she is convicted by the court of law for a criminal offence of petty misdemeanor for offences related to discharge of official functions.
19.11.7. 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.

19.11.8. Any administrative penalty imposed on a civil servant shall be entered in his service record.

19.11.9. The Table below does not presume to cover all possible offenses, nor does it mandate the use of specific penalties in all administrative disciplinary. The RCSC/Disciplinary Committee may impose greater or lesser penalties than suggested as circumstances warrant, and based on a consideration of mitigating and aggravating factors.

19.11.10. The Disciplinary Committee must exercise reasonable judgment and consider all relevant factors in determining the most appropriate administrative penalty for each situation.

19.11.11. A civil servant can be charged with any other offences which are not listed in the Table below and shall be liable for the penalties indicated in the Table. In such instances, a penalty may be determined by the RCSC/Disciplinary Committee of an Agency with comparison to those offenses listed in the Table.

19.11.12. Notwithstanding, the HR actions to be implemented under the Performance Management System, the HRC may impose the following penalties where applicable.

19.11.13. In the imposition of penalties, the Disciplinary Committee shall take into consideration the nature and seriousness of the offence, as well as the circumstances, which either mitigate or aggravate the intention of the respondent civil servant and the offence.
19.11.14. For the purpose of administrative disciplinary action, one penalty per charge shall be imposed. However, this shall not include different administrative processes that may be required in determining as well as implementing the penalty. Further, if convicted by the Court of Law for criminal offences, Sections 19.9.9 and 19.9.10 shall apply.

19.11.15. The same penalties shall be imposed for similar offences under similar circumstances.

19.11.16. A minor penalty shall consist of actions such as:

19.11.16.1. Reprimand, which shall be generally issued for:

19.11.16.2. Irregular Attendance;
19.11.16.3. Lack of *Driglam Namzhag*;
19.11.16.4. Unbecoming etiquettes and manners;
19.11.16.5. Poor performance reflected in the performance appraisal; and
19.11.16.6. Carelessness and/or negligence of duties.

19.11.17. Fine of an amount not exceeding one month’s salary.


19.11.19. Withholding of one/two annual increments.

19.11.20. Three or more reprimands or minor penalties would lead to a major penalty.

19.11.21. A major penalty shall consist of:

19.11.21.1. Withholding of annual increment for a period of three to five years;
19.11.21.2. Reduction of salary below the existing pay level but with entitlement to normal increments on due dates;
19.11.21.3. Reassignment;
19.11.21.4. Withholding of promotion;
19.11.21.5. Demotion to a lower Position Level/Position;
19.11.21.6. Withholding of long-term training;
19.11.21.7. Compulsory retirement from service with post retirement benefits; and
19.11.21.8. Dismissal or termination of service without post retirement and other benefits, except one's own contribution.

19.11.22. In no case shall imprisonment be imposed as a penalty in an Administrative Case. It shall be pronounced only by a Court of Law. If warranted under the circumstances, the RCSC or any other Disciplinary Committee shall file appropriate criminal charges against a respondent civil servant in a Court of Law in Bhutan.

19.11.23. All disciplinary cases involving civil servants, contract employees, after establishing, beyond reasonable doubt by the Commission/Agencies, the need for criminal prosecution in the Court of Law shall be forwarded to the Court of Law through the Office of Attorney General.

19.11.24. A civil servant shall be terminated from service as per Section of this Rule if he is convicted by the Court of Law for an offence of misdemeanour and above, related to official functions.

19.11.25. 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 misdemeanour and above for offences not related to official functions.

19.11.26. A civil servant convicted of any petty misdemeanour may be retired from service with or without post service benefits based on the nature and gravity of the offence.

19.11.27. Any minor or major penalty imposed on a civil servant shall be entered in his service record.

19.12. Right to Appeal

19.12.1. A civil servant aggrieved by a decision of the Disciplinary Committee has the right to appeal to the Appellate Authority. In the event an aggrieved civil servant or
oversight agency has observed inconsistencies in the disciplinary action, the case may be appealed to the Appellate Authority.

19.12.2. A respondent civil servant may appeal against the decision of the Disciplinary Committee within 10 working days from the receipt of the decision. Such an appeal shall be submitted to the relevant Appellate Authority for the reasons that.

19.12.3. There is evident injustice due to grave abuse of discretion;
   19.12.3.1. The decision is not supported by the evidence on record;
   19.12.3.2. Evidence was not considered when imposing the penalty;
   19.12.3.3. Newly discovered or additional evidence which materially affects the decision is presented; or
   19.12.3.4. There is patent error in the interpretation of rules & regulations and laws, prejudicial to the interest of the respondent civil servant.

19.12.4. The Appellate Authority, while reviewing the appeal shall examine whether the disciplinary authority has complied with the due process.

19.12.5. Decision on the appeal shall be rendered within 30 days from receipt of the appeal.

19.12.6. The decision of the Appellate Authority shall be enforced by the Agency.

19.12.7. An aggrieved civil servant, if not satisfied with the decision of the ultimate Appellate Authority, namely, Administrative Tribunal, may appeal against such decision to the High Court or Supreme Court.

19.12.8. Administrative Tribunal shall be the ultimate appellate authority to adjudicate the civil service appeal cases.
19.12.9. In the event the High Court or Supreme Court acquits the respondent civil servant of all charges on reviewing the appeal against the decision of the Administrative Tribunal, the penalty shall stand revoked. However, if the Court finds him guilty in some charges he shall be imposed such administrative penalty as deemed appropriate.

19.13. Administrative and Legal support

19.13.1. No party shall prosecute or suspend a civil servant without notifying the RCSC. Also, the civil servant concerned shall be responsible for notifying the RCSC.

19.13.2. RCSC/Agency shall provide administrative and legal support to a civil servant in the event he is accused and prosecuted for actions and decisions taken in good faith in the interest of Agency’s mandates, laws, rules and regulations, and overall national vision. The support shall be as follows:

19.13.2.1. If prosecuted by Government/Government Agency, all expenses related to defense of charge(s) shall be processed and reimbursed by the working Agency in the event he is acquitted. However, he shall be represented by a Bhutanese law firm/lawyer only; and

19.13.2.2. If prosecuted by others related to official function, Agency concerned shall depute its Legal Officer or request the Office of Attorney General to represent him in the Court.

19.13.3. No legal proceeding or suit shall lie against the Civil Servants in respect of official duties, which is done in good faith or intended to be done pursuant to the provisions of the CSAB 2010. Such immunity shall not cover corrupt acts committed by any civil servants in connection with the discharge of their duties or cover other valuables in consideration to act in a particular manner.
19.13.4. The Agency concerned shall through proper media coverage reveal facts leading to acquittal of civil servant by the Court of Law on the charges lodged against him.

19.13.5. In the event, a civil servant charged for corruption case related to official function is proven innocent in a Court of Law, he shall be eligible for refund of expenses for legal process, if any with proper documentary evidences.

**19.14. The RCSC shall maintain the Negative List of Civil Servants as follows:**

19.14.1. Definition
The Negative List is a register or list of civil servants who have been punished as guilty by the Court of Law through conviction for breaching the law of the nation and/or who have been punished by Agencies concerned through major administrative actions for breaching the provision of the CSAB 2010 and/or the provisions of the BCSR.

19.14.2. Objective
19.14.2.1. To have a clean and sincere Civil Service run by people of strong moral and character;
19.14.2.2. To guide future HR actions, especially appointment to senior and important positions; and
19.14.2.3. To keep vigil on erring civil servants.

19.14.3. Criteria
If a civil servant has:
19.14.3.1. been convicted by the Court of Law, he/she shall automatically be included in the Negative List;
19.14.3.2. been sanctioned major and repeated minor administrative actions by the Agency concerned, he/she shall automatically be included in the Negative List; and
19.14.3.3. [Committed single minor offence] [ ]

Agencies shall maintain record of civil servants falling under the Section 19.13 above, in the CSIS.

19.14.5. Implication
A civil servant whose name has featured in the Negative List once will be subject to special scrutiny for promotion to a higher Position Level or appointment to another Position.

19.14.6. **Time frame for Negative list:**
A civil servant shall be on negative list until he completes the term of his Major penalty.