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THE CIVIL SERVICE BILL OF BHUTAN 2009

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, the Constitution requires the Commission, as the central personnel agency of the Royal Government and in the interest of promoting merit, productivity and equity, to ensure that uniform rules and regulations prevail throughout the civil service on recruitment, appointment, staffing, training, transfers and promotion;

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 do hereby enact the Civil Service Act at its Fourth Session of the First Parliament as follows:

CHAPTER I
PRELIMINARY

Title and Commencement

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

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laws, rules and regulations pertaining to civil servants, so far as they are inconsistent with this Act, are hereby repealed.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 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 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 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*;
 - (e) prescribe Civil Service values; and
 - (f) prescribe duties and rights of a civil servant.

CHAPTER II

THE ROYAL CIVIL SERVICE COMMISSION

Establishment

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 be supported by a permanent Secretariat.

Composition

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

Independence

10. 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

11. 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 25 years of service in case of the Chairperson and 20 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 sentenced to imprisonment; and
 - (i) not have been disqualified under any other laws.

Appointment

12. 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

13. 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

14. 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

15. 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

16. 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

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

Accountability

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

19. The Commission shall ensure the highest level of transparency, accountability, efficiency and professionalism in the Civil Service.
20. 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.
21. The members of the Commission shall be accountable to the Chairperson.

Code of Conduct of the Members of the Commission

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 Chairperson and 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 as a member of the Commission.
24. The Chairperson and 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 Chairperson and 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 uphold the Civil Service Values and Conduct set out in this Act.
28. The Commission may prescribe additional 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 the Druk Gyalpo within thirty days' notice.

Removal from Office

30. 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 11 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 thirty days from the date of such vacancy in accordance with section 12 of this Act.

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

Powers and Functions

33. The Commission shall:
- (a) provide and ensure effective leadership in the civil service;
 - (b) be the ultimate guardian for all civil servants in the Kingdom;
 - (c) function as an impartial oversight body of the civil service;
 - (d) appoint, promote and transfer civil servants except as specified otherwise in this Act;
 - (e) uphold and promote Civil Service values and welfare;
 - (f) endeavour to promote and maintain the highest level of prestige, morale and well-being of the civil service;
 - (g) plan, coordinate, facilitate and monitor general civil service training and development programmes;
 - (h) consolidate all HRD plans and programmes of the agencies, and monitor and evaluate them;
 - (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) monitor compliance with the provisions of this Act and the BCSR, and update the BCSR regularly;
 - (k) monitor and review all forms of personnel actions in agencies, and where necessary, require appropriate actions including remedial measures and revocation of actions taken to ensure full compliance with this Act and the BCSR;

- (l) maintain up-to-date personnel information on all civil servants as prescribed in the BCSR;
 - (m) exercise general disciplinary control over civil servants;
 - (n) provide administrative and legal support to civil servants in respect of decisions taken in good faith or intended pursuant to officials duties; and
 - (o) perform any other functions to effect its mandates.
34. 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;
 - (c) create, abolish or classify positions;
 - (d) enhance capacity through Human Resource Development Programmes; and
 - (e) carry out organizational development reviews at regular intervals.
35. 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 carry out such organizational changes in consultation with the RCSC.
36. The Judiciary shall create, abolish, upgrade or alter courts or tribunals in keeping with the article 21 (2) of the Constitution while other organizational changes shall be carried out in consultation with the RCSC.

Rule-making Power

37. 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.
38. The Commission shall be the final authority for the interpretation of the BCSR.

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 and investigations where necessary throughout the Civil Service of the Kingdom to ensure parity, consistency, uniformity and compliance with the personnel policies, the Civil Service Act, 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, require the Agencies to take, such corrective personnel actions, 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

47. 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.
48. **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

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

Non-Involvement in Politics

50. 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/she shall not canvass for a political party or a politician.

Incompatible Activities

51. A civil servant shall not be a member of, belong to or take part in a society, assembly or association, except as may be permitted under the BCSR.

Prohibition on Strike

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

Government Copyright

53. 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

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

CHAPTER IV

DUTIES AND RIGHTS OF CIVIL SERVANTS

Duties

55. 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) not engage in proselytization;
- (i) maintain confidentiality of all facts and information discovered in the course of duty, both while in service and after separation from service;
- (j) not engage in sexual harassment;
- (k) not act against the interest of *tse-wa-sum*
- (l) refrain from publicly 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 summoned;
- (p) declare assets periodically to the authorities concerned as prescribed by rule; and
- (q) perform any other duty as may be prescribed from time to time.

Rights

56. 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

57. 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.

58. 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.
59. 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.

Qualification

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

Tenure

61. A Secretary to the Government shall be the highest position in the civil service. He/she may serve one term, which may be extended by one more term if he/she performs well or until the superannuation age, whichever is earlier, and each term shall consist of five years.

Oath of Office and Allegiance

62. 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

63. 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 58 of this Act.
64. 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.

CHAPTER VI

REMUNERATION AND ALLOWANCE

Determination of Remuneration and Allowances

65. 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

66. 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

67. 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.
68. 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

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

Retaining Trained Civil Servants

70. The Commission shall endeavour to create conditions for the retention and career advancement of trained and highly qualified professionals in their own fields and respective agencies. To this end, it shall introduce and implement appropriate incentives and legally binding obligations as may be prescribed by the BCSR.

CHAPTER VIII

PROMOTION, PLACEMENT AND TRANSFER

Performance Evaluation

71. 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

72. The Commission shall be the authority for all fast-track and out-of-turn promotions.
73. 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. All promotions to executive positions must include proven leadership and positive feedbacks.
74. There shall be no retroactive promotion.

Placement of Senior Civil Servants

75. The Commission shall select and appoint all heads of autonomous agencies.
76. 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

77. 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.
78. 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.

79. 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.
80. Notwithstanding section 79, the Cabinet 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

81. 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

82. 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

83. 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

84. 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

85. 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

86. 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

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

Retirement Scheme

88. 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

89. 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.
90. 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

91. 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 official functions.
92. 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 official functions.

CHAPTER XI

MISCELLANEOUS PROVISIONS

Establishment of Civil Service Award

93. 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

94. 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.
95. The Commission shall endeavor to promote family values and children's welfare through appropriate measures as prescribed by rules.

Immunity from Prosecution

96. 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.
97. The Commission shall protect a civil servant or an agency from false allegation or defamation leveled by any person or party while discharging his/her duties and responsibilities in accordance with rules and regulations.
98. 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

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

Authoritative Text

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

Amendment

101. 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 either House, provided that the amendment does not undermine the functions and effectiveness of the Royal Civil Service Commission.

CHAPTER XII

DEFINITION

Definition

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

- 102.1 **Agency** means Legislature, Judiciary, Ministry, Constitutional Office, Autonomous Agency, Dzongkhag, Gewog, Thromde or a statutory body of the Royal Government.
- 102.2 **Apolitical** means not linked with political parties or engaged in any political activities.
- 102.3 **Appellate Authority** means the Administrative Tribunal for appeal cases from the RCSC, the RCSC for appeal cases from Ministries and Agencies, and the Ministry for appeal cases from Departments and Dzongkhags.
- 102.4 **Armed Forces** mean the Royal Bhutan Army and the Royal Body Guard.
- 102.5 **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.
- 102.6 **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.
- 102.7 **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.
- 102.8 **Civil Service** means the services within the jurisdiction of this Act.

- 102.9 **Code of Conduct** means the code of conduct and values set out in this Act and the BCSR.
- 102.10 **Commission** means the Royal Civil Service Commission established under the Constitution of the Kingdom of Bhutan.
- 102.11 **Company** has the same meaning as in the Companies Act of the Kingdom of Bhutan.
- 102.12 **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.
- 102.13 **Corruption** means as those defined in the Anti Corruption Act of Bhutan.
- 102.14 **Criminal Offence** means any serious offence as defined by the Bhutan Penal Code.
- 102.15 **Driglam Namzhag** means values of *Tha Damtsi, Ley Jumdrey*, etiquettes and conscious pursuit of harmonious living.
- 102.16 **Dzongkhag Tshogdu** has the same meaning as in the Local Governments Act.
- 102.17 **Elected Representatives** mean the members of Parliament and local governments.
- 102.18 **Excellent Performance** means an outstanding rating done in the performance evaluation form or an outstanding contribution made in the service.
- 102.19 **Family** means members consisting of a spouse and children.
- 102.20 **Gewog Tshogde** has the same meaning as in the Local Governments Act.
- 102.21 **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.

- 102.22 **Head of Ministry** means the Minister in-charge of the respective Ministries.
- 102.23 **Head of Gewog** means the Gup.
- 102.24 **Head of Thromde** means the Thrompon.
- 102.25 **Holder of Constitutional Office** has the same meaning as in the Constitution.
- 102.26 **Incompatible Activities** mean those activities performance of which is inconsistent with the civil servant's official functions.
- 102.27 **Member** means the members of the Commission.
- 102.28 **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.
- 102.29 **Organization** means an entity outside the jurisdiction of the Commission, whether fully or partially funded by the Government.
- 102.30 **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.
- 102.31 **Performance Evaluation** means both the appraisal of performance and the assessment of individual capacity/potential.
- 102.32 **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.
- 102.33 **Personnel 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.

- 102.34 **Position** means specific roles and functions executed by a civil servant on behalf of an agency.
- 102.35 **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.
- 102.36 **Royal Government** includes all the three branches of the Government, namely the Legislature, the Executive and the Judiciary.
- 102.37 **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.
- 102.38 **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.
- 102.39 **Secretariat** means the Secretariat of Royal Civil Service Commission.
- 102.40 **Society** has the same meaning as in the Civil Society Organization Act.
- 102.41 **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.
- 102.42 **Training Obligations** mean 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.
- 102.43 **Vacancy** means an approved position that is currently vacant.