

# ELECTION COMMISSION OF BHUTAN



## **Guidelines for Interpretation of Section 184 of the Election Act of the Kingdom of Bhutan, 2008 concerning Religion and Elections**



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## **ELECTION COMMISSION OF BHUTAN**

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# **Guidelines for Interpretation of Section 184 of the Election Act of the Kingdom of Bhutan, 2008 concerning Religion and Elections**

## **Religion and Society**

It is enshrined in the Constitution of the Kingdom of Bhutan that it shall be the responsibility of religious institutions and personalities to promote the spiritual heritage of the country while also ensuring that religion remains separate from politics in Bhutan.

Religion is an important aspect of Bhutanese life, it will be beneficial to the people of Bhutan and the Religious personalities, institutions and organizations should continue to direct their influence towards the promotion of peace, harmony and spiritual development of the society in general. At the same time it is important that religious institutions and personalities remain above politics as laid down in the Constitution.

Accordingly, the Election Commission, in order to ensure that religion remains above politics, and elections are conducted in keeping with the provisions in the national laws, issues this *Interpretation of Section 184 of the Election Act of the Kingdom of Bhutan, 2008 concerning Religion and Elections* hereunder:

### **What is the policy?**

Section 3, Article 3 of the Constitution of the Kingdom of Bhutan provides that:

"It shall be the responsibility of religious institutions and personalities to promote the spiritual heritage of the country while also ensuring that religion remains separate from politics in Bhutan. Religious institutions and personalities shall remain above politics."

Accordingly, Section 184 of the Election Act further provides that:

"A truelku, lam, any influential religious personality or

ordained members of any religion or religious institutions excluding the laity, as determined/ registered as religious organizations or religious personalities under the provisions of the Religious Organizations Act, 2007, shall neither join a Political Party nor participate in the electoral process as they must remain above politics and cannot use their influence for the benefit of any party or candidate."

This provision clearly lays down that religious institutions and personalities shall not participate in the electoral process as a Voter, Candidate, member or supporter for a Political Party. As such they shall not indulge in any form of election campaigning or show any preference of people, Parties and Candidates on grounds of belief and faith, thereby ensuring a secular political system in the Kingdom.

During an election, performing or sponsoring any activity of religious nature such as *kellha-yuellha-neydhag-zhidhag soelkha, dralha soelni, tordog phangni, jangkri, pawo pamo soelni, gegtrei phangni, witchcraft, exorcism* etc. for or by a Political Party, a Candidate or a supporter or any congregation such as *wang, lung, thri*, etc., that could be exploited for political gains are to be discouraged as these could constitute electoral offences under the Election Act.

### **What is a ‘Religious *Organization or Institution*’?**

A religious institution is an entity that may be supported by the State, community or through endowments to further religious beliefs and practices.

Religious organization or institutions of Bhutan shall include entities such as the *Zhung Dratshang* and *Rabdeys*; private/community *Dratshangs*; *Goendeys* and *Gomdeys*; *Shedras* and *Drubdras*; *Mandirs* and *Partshalas*.

### **Who is a ‘Religious Personality’?**

A religious personality is a Bhutanese citizen who is a monk,

gomchen, nun, priest, sadhu, pundit, an ordained or a robed person of any religion, whether or not he/she is a member of any religious organization or institution that would include:

1. *Truelkus, Lams, Pundits, Imam, or Priests;*
2. Ordained members of the *Zhung Dratshang* and *Rabdeys;*
3. Members of private/community *Dratshangs;*
4. Members of the *Goendeys* and *Gomdeys;*
5. Ordained members of the *Lobdras, Shedras and Drubdras;*
6. Ordained members of the Nunneries;
7. Members of the *Partshalas;*
8. Members of any other religious institutions; or
9. Any other ordained/robed person who does not fall in any of the above categories, but is determined or registered under the Religious Organization Act of the Kingdom of Bhutan, 2007 as a religious person.

The Election Commission shall obtain and maintain an upto-date list of individual citizens who are registered as religious personalities under the Religious Organisations Act, 2007 from the Department of Culture/Secretary of the Religious Organisation Council.

The Chief Electoral Registration Officer of the Election Commission will make a copy of the list available to the Election Officers and Dzongkhag Electoral Officers upon an election being announced for verification and reference.

Any person or organization found guilty of violation of any provision herein shall be dealt in accordance with the Election Act.

## **Power of the Election Commission to Issue Instructions and Directions**

The Election Commission may issue further instructions and directions:

1. For the clarification of any of the provisions of the Electoral Laws;
2. For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and
3. In relation to any matter with respect to section 184 of the Election Act, for which the above are insufficient provision in the opinion of the Election Commission.

## **Authority of Interpretation and Amendment**

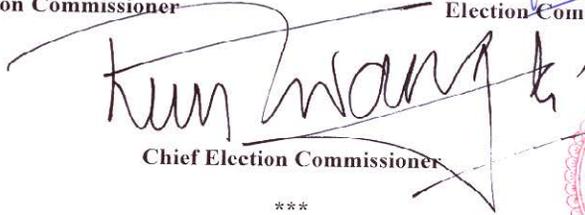
The Election Commission shall:

1. In case of differences in meaning, be the final authority for the interpretation; and
2. Have the power to amend by way of addition, variation or repeal any of the above provisions.

Done under the seal of the Election Commission of the Kingdom of Bhutan on this 18<sup>th</sup> Day of the 8<sup>th</sup> Month of the Year 2009 corresponding to the 28<sup>th</sup> Day of the 6<sup>th</sup> Month of the Earth Female Ox Year in the Bhutanese Calendar.

  
Election Commissioner

  
Election Commissioner

  
Chief Election Commissioner

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## **Relevant Articles from Constitution**

### **Article 3**

#### **Spiritual Heritage**

1. Buddhism is the spiritual heritage of Bhutan, which promotes the principles and values of peace, non-violence, compassion and tolerance.
3. It shall be the responsibility of religious institutions and personalities to promote the spiritual heritage of the country while also ensuring that religion remains separate from politics in Bhutan. Religious institutions and personalities shall remain above politics.

## **Relevant Section from Election Act**

### **Ineligibility of a Religious Personality to Participate in the Electoral Process**

A truelku, lam, any influential religious personality or ordained members of any religion or religious institutions excluding the laity, **as determined/ registered as religious organizations or religious personalities under the provisions of the Religious Organizations Act 2007**, shall neither join a political party nor participate in the electoral process as they must remain above politics and cannot use their influence for the benefit of any party or candidate.