

Election Commission of Bhutan



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**Guidelines for Interpretation and
Implementation of Sections 176 (D), 177
(D) and 178 (D) of the Election Act of the
Kingdom of Bhutan, 2008 Regarding the
Academic Qualification Requirement for
a Candidate Contesting Elections to
National Assembly, National Council
or the Post of Thrompon, 2015**

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Guidelines for Interpretation and Implementation of Sections 176 (d), 177 (d) and 178 (d) of the Election Act of the Kingdom of Bhutan, 2008 regarding the Academic Qualification Requirement for a Candidate *contesting Elections to National Assembly, National Council or the Post of Thrompon, 2015*

The sovereign power willed to the people of the Kingdom of Bhutan is exercised through the representatives of the people elected as Members of Parliament (MPs) through regular, free and fair elections. An MP is a holder of a very important elected position in the highest legislative body of the country. Any person who is interested in attaining the post must meet the required criteria to be considered eligible for it. It is important that eligibility criteria for a position of great importance to the Nation is such that only the most able and qualified candidates are elected by the Voters.

Parliament and the Council of Ministers, from amongst the elected MPs, are responsible and accountable for Good Governance and ensuring the well-being of the Bhutanese People.

The Kingdom of Bhutan has enjoyed a hundred years of peace and development under the dynamic leadership of the successive Monarchs of the Wangchuck Dynasty. In order to promote and safeguard the present and future interest and well-being of the Bhutanese people, it is important that the electorate in Bhutan has the opportunity to elect capable and qualified Candidates.

The Thrompon under the local governments is also the holder of a very important post. As the pace of urbanization gains further momentum, our cities are developing into centers of economic activities that must provide quality and comfort of living in line with the aspirations of the people and the Visions of Our Beloved Monarchs.

Therefore, in order to ensure that a person contesting an election to serve as an MP in Parliament or as Thrompon possess a minimum of a Formal University Degree besides other requirements as a Candidate, the Election Commission of Bhutan hereby issues *these Guidelines for Interpretation*

and Implementation of Sections 176 (d), 177 (d) and 178 (d) of the Election Act of the Kingdom of Bhutan, 2008 regarding the Academic Qualification Requirement for a Candidate contesting Elections to National Assembly, National Council or for the Post of Thrompon, 2015.

1. Short Title, Extent, Application and Commencement

1.1 These Guidelines shall:

1.1.1 Be called the *Guidelines for Interpretation and Implementation of Sections 176 (d), 177 (d) and 178 (d) of the Election Act of the Kingdom of Bhutan, 2008 regarding the Academic Qualification Requirement for a Candidate contesting Elections to National Assembly, National Council or for the Post of Thrompon, 2015;*

1.1.2 Extend to the whole of Kingdom of Bhutan;

1.1.3 Apply to the *Academic Qualification Requirement for a Candidate contesting Elections to National Assembly, National Council or for the Post of Thrompon; and*

1.1.4 Come into force with effect from 24th of June 2015 corresponding to 8th Day of the 5th Month of the Wood Female Sheep Year of the Bhutanese Calendar.

2. Legal Provision

2.1 Sections 176(d), 177(d) and 178 (d) of the Election Act of the Kingdom Bhutan, 2008, provides that a person shall be qualified to be elected as a Member of Parliament of the National Assembly, National Council or as a Thrompon if he/she possesses a Formal University Degree.

2.2 The Election Act defines a “Formal University Degree” as “a degree not lower than a Bachelor’s Degree conferred on a person after having pursued a formal course of study at a university or an institution of higher learning recognized by the Royal Government of Bhutan and attested by a competent authority in the Kingdom.”

3. Formal University Degree

- 3.1 “A degree not lower than a Bachelor’s Degree”, for the purpose of the Parliamentary and Thrompon Elections, in accordance with the provisions of the Election Act, will be evidenced by:
 - 3.1.1 Production of a certificate not lower than a Bachelor’s Degree awarded to a person, upon satisfactory completion of a formal course of study, by a University or an Institution of higher learning in Bhutan which is an authority on whom such a power to confer degrees is bestowed under a law of the Kingdom; or
 - 3.1.2 Production of a certificate not lower than a Bachelor’s Degree awarded to a person, upon satisfactory completion of a formal course of study, by a University or an Institution of higher learning recognized by the Royal Government of Bhutan.
- 3.2 The clause “...having pursued a formal course of study...” requires that a candidate must have undertaken a structured course of full-time study in a formal classroom setting for the required period of time.

4. Authority Competent to Attest a Degree Certificate

- 4.1 The Division of Electoral Education and Training of the Election Commission of Bhutan shall be the competent authority designated to attest whether a certificate is a formal university degree or not after determining in accordance with these Guidelines.
- 4.2 The Division of Electoral Education and Training of the Election Commission of Bhutan shall, where necessary, contact the competent national authority of the said university or college to confirm the authenticity of the degree certificate of the Candidate, before issuing a Letter of Attestation for the purposes of Section 4.1 of these Guidelines.

5. Recognized Universities or Institutions of Higher Learning

- 5.1 The degrees awarded by institutions of higher learning that are to be considered as “recognized” in Bhutan are classified or categorized as:
 - 5.1.1 Degrees awarded for a full-time course of study by the colleges and institutions under the Royal University of Bhutan;
 - 5.1.2 Degrees awarded for a full-time course of study by the colleges and institutions in India registered under the Association of Indian universities; and
 - 5.1.3 Degrees awarded for a full-time course of study by the colleges and institutions in other nations recognized by the Royal Government and accepted as such by the Division of Electoral Education and Training of the Election Commission of Bhutan.
- 5.2 The Department of Electoral Registration shall maintain an up-to-date list of colleges and institutions of higher learning that shall be used for reference at the time of scrutiny of nominations by the Returning Officers.
- 5.3 The list of colleges and institutions of higher learning must be maintained in three parts as provided below:

Part 1

- 5.3.1 Degrees of the colleges and institutions under the Royal University of Bhutan;

Part 2

- 5.3.2 Degrees of the colleges and institutions in India registered under the Association of Indian Universities; and

Part 3

- 5.3.3 Degrees of the colleges and institutions in other nations recognized by the Royal Government of Bhutan for a full-time course of study maintained by the Royal Government of Bhutan.

- 5.4 The list of Bhutanese with “Formal University Degree” shall be in two parts:

Part 1

- 5.4.1 List of Bhutanese with formal university degrees who are members of a Political Party; and

Part 2

- 5.4.2 General List of Formal University Degree holders in Bhutan who are not members of a Political Party.

6. Documents related to Academic Qualification that are Required to be Submitted upon Filing a Nomination

- 6.1 A Candidate must, at the time of filing nomination, produce before the Returning Officer, the Degree certificate in original duly awarded for a full-time course of study by a university or higher learning institution recognized by the Royal Government of Bhutan, along-with a separate Letter of Attestation obtained from the Division of Electoral Education and Training of the Election Commission of Bhutan.

7. Penal Provision

- 7.1 Any fraudulent act committed by a Candidate in the process of obtaining a letter of attestation regarding his/her Formal Degree, shall be dealt in accordance with the Electoral Laws and the Penal Code of the Kingdom of Bhutan.

8. Power of the Commission to Issue Instructions and Directions

- 8.1 The Commission may issue further instructions and directions:
- 8.1.1 For the clarification of any of the provisions of the Electoral Laws and these Guidelines;
- 8.1.2 For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and

8.1.3 In relation to any matter with reference to the Academic Qualification Requirement for a Candidate contesting Elections to National Assembly, National Council or for the Post of Thrompon.

9. Authority of Interpretation and Amendment

9.1 The Commission shall:

- 9.1.1 In case of differences in meaning, be the final authority for the interpretation; and
- 9.1.2 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 24th of June 2015 corresponding to the 8th Day of the 5th Month of the Wood Female Sheep Year in the Bhutanese Calendar.



Election Commissioner



Election Commissioner



Chief Election Commissioner