

**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, 2017**

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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, 2017

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. The sovereign power willed to the People of the Kingdom of Bhutan, as enshrined in the Constitution, is exercised through their representatives elected through regular, free and fair elections.

A Member of Parliament is a holder of a very important elected position in the highest legislative body of the country. Parliament and the Council of Ministers, appointed from amongst the elected MPs, are responsible and accountable for good governance to ensure the well-being of the Bhutanese People. Similarly, the *Thrompon* is also the holder of a very important post even as the pace of urbanization gains further momentum, and the urban centers must deliver and meet the aspirations of the people and the Vision of Our Wise Leaders.

It is important that eligibility criteria for position of such great importance to the Nation ensures that the most able and qualified candidates are elected by the Voters. 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. Any person who is interested in attaining such posts must meet the minimum standard criteria.

The Electoral Laws specifically require that a person contesting an election to serve as a MP or Thrompon possess a minimum of a Formal University Degree besides the other requirements of a Candidate. Accordingly, 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, 2017.*

1. 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, 2017;*

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 9th of November 2017 corresponding to 21st Day of the 9th Month of the Fire Female Bird 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. Recognized Universities or Institutions of Higher Learning

4.1 The degrees awarded by institutions of higher learning shall be classified or categorized as:

4.1.1 Degrees awarded for a full-time course of study by the colleges and institutions under the Royal

University of Bhutan;

- 4.1.2 Degrees awarded for a full-time course of study by the colleges and institutions in India registered under the Association of Indian universities; and
- 4.1.3 Degrees awarded for a full-time course of study by the colleges and institutions in other nations.
- 4.2 The degrees shall be recognized for electoral purposes in Bhutan through a process of verification/accreditation and accepting by the competent authorities.

5. Authority Competent to Verify a Degree Certificate

- 5.1 The Bhutan Accreditation Council, Department of Adult & Higher Education, Ministry of Education (BAC) shall be the competent authority to verify whether a Degree Certificate issued is for a regular study or not in accordance with the Electoral Laws and these Guidelines.
- 5.2 BAC shall issue a Qualification Endorsement Certificate to the concerned person after the completion of procedure for recognition of the qualification. Where necessary, Bhutan Accreditation Council may contact the said university or college to confirm the authenticity of the degree certificate of the Candidate, before issuing a Qualification Endorsement Certificate for the purposes of Section 5.1 of these Guidelines.

6. Authority Competent to Attest a Degree Certificate

6.1 The Division of Attestation & FLT, Department of Elections, Election Commission of Bhutan shall be the competent authority to attest a Degree Certificate based on the Qualification Endorsement Certificate issued by the BAC.

6.2 The Division of Attestation & FLT, Department of Elections, Election Commission of Bhutan shall issue a Letter of Attestation based on the qualification endorsement issued by the BAC as per the requirement of the Election Commission of Bhutan.

7. Documents related to Academic Qualification that are Required to be Submitted upon Filing Nomination as a Candidate

7.1 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 the Letter of Attestation obtained from the Division of Attestation & FLT, Department of Elections, Election Commission of Bhutan.

8. Penal Provision

8.1 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.

9. Power of the Commission to Issue Instructions and Directions

9.1 The Commission may issue further instructions and directions:

9.1.1 For the clarification of any of the provisions of the Electoral Laws and these Guidelines;

9.1.2 For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and

9.1.3 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.

10. Authority of Interpretation and Amendment

10.1 The Commission shall:


10.1.1 In case of differences in meaning, be the final authority for the interpretation; and

10.1.2 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 9th of November 2017 corresponding to the 21st Day of the 9th Month of the Fire Female Bird Year in the Bhutanese Calendar.



Election Commissioner



Election Commissioner



Chief Election Commissioner
