

ELECTION COMMISSION OF BHUTAN

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STANDARD OPERATING PROCEDURE (SOP)

Implementation of the Gift Rules 2017

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STANDARD OPERATING PROCEDURE (SOP)

The Election Commission of Bhutan (ECB) is committed to upholding the highest standards of integrity, transparency, and accountability in the discharge of its constitutional mandate. In line with the Gift Rules 2017 issued by the Anti-Corruption Commission (ACC), this Standard Operating Procedure (SOP) provides guidance on the disclosure, review, and management of gifts received by ECB officials and staff in connection with their official duties. This SOP aims to ensure consistent compliance with the Gift Rules and safeguard public trust in the impartial functioning of the Commission.

1. Title and Commencement

- 1.1 Standard Operating Procedure for the Implementation of the Gift Rules 2017 in the Election Commission of Bhutan (ECB)
- 1.2 Come into force with effect from 13th March 2026, corresponding to the 25th day of the 1st Month of the Fire Female Horse Year in the Bhutanese Calendar.

2. Legal Basis

This SOP is issued pursuant to:

- Chapter 16 of the Election Act of the Kingdom of Bhutan, 2008 and the mandate of the Election Commission of Bhutan to uphold the model code of conduct for public servants, integrity, impartiality, transparency, and public confidence in the electoral process; and
- The Gift Rules 2017, issued by the Anti-Corruption Commission (ACC).

3. Purpose

The purpose of this SOP is to:

- Operationalise the Gift Rules 2017 within the ECB;
- Provide clear procedures for disclosure, review, handling, disposal, recordkeeping, and reporting of gifts; and
- Ensure uniform compliance by all ECB officials and staff.

4. Scope of Application

This SOP shall apply to:

- All officials and staff of the ECB at Headquarter and Dzongkhag Offices;
- All election officials appointed or engaged during electoral processes; and
- Contractual, temporary, and deputed personnel engaged by ECB.



5. Definition of Gift and Interpretation of Terms

For the purpose of this Standard Operating Procedure (SOP), the term “*gift*” shall have the same meaning as assigned to it under the **Gift Rules, 2017**, and shall include any item, service, favour, hospitality, or benefit received in connection with the discharge of official duties. Unless the context otherwise requires, all other words and expressions used in this SOP shall have the same meanings as those respectively assigned to them under the **Gift Rules, 2017**.

Notwithstanding any provisions, *Soeltra* by His Majesty The Druk Gyalpo or members of the Royal Family as defined under the Constitution of the Kingdom of Bhutan, shall not be treated as gifts.

6. Nominal Value of Gift

As the Gift Rules 2017 do not prescribe a specific monetary threshold, the ECB shall adopt the following for implementation purposes:

- Any gift exceeding the nominal value of up to ten days of the minimum wage rate (Nu. 1,250/- as on 13th March 2026) shall be subject to mandatory disclosure and review. However, in the case of gifts received from prohibited sources, all gifts, irrespective of the value shall be duly declared, and decided by the GDC
- For the purpose of this SOP, a **prohibited source** shall include any individual, organisation, business entity, political actor, or other stakeholder that:
 - Is seeking or has official dealings with the Election Commission of Bhutan;
 - Is regulated, supervised, or monitored by the ECB in the course of its constitutional or statutory mandate;
 - Has interests that may be affected by decisions, actions, or policies of the ECB; or
 - May reasonably be perceived as attempting to influence the impartial discharge of official duties.

7. General Obligations of Staff

All ECB officials and staff shall:

- Not solicit gifts in any form;
- Disclose all gifts received in connection with official duties;
- Seek guidance when unsure about the acceptability of a gift; and
- Comply strictly with this SOP and the Gift Rules 2017.



8. Gift Disclosure Procedure

1. When an ECB official or staff receives a gift, the recipient shall disclose the gift **within twenty four hours after receiving the gift or upon arrival at his/her work place.**
2. Disclosure shall be made using the **ECB Gift Disclosure Form**, either in physical or electronic form.
3. The completed form shall be submitted to the **Gift Disclosure Administrator (GDA)**.
4. The GDA shall:
 - o Acknowledge receipt of the disclosure; and
 - o Record the details in the **ECB Gift Register**.
5. The disclosure shall then be referred to the **Gift Administration Committee (GAC)** for review and decision.

9. Review and Decision by Gift Administration Committee (GAC)

The GAC shall examine the disclosed gift and decide whether the gift:

- May be accepted for personal retention;
- Must be returned to the giver;
- Must be deposited as state property; or
- Must be disposed of in accordance with prescribed procedures.

Purchase of Disclosed Gift by the Recipient: Where a gift has been duly disclosed and reviewed, and the gift is not received from a prohibited source, the Gift Administration Committee (GAC) may permit the recipient to retain the gift for personal use upon payment of the assessed fair market value of the gift. The payment shall be made to the appropriate government account and properly recorded by the Gift Disclosure Administrator.

The decision of the GAC shall be communicated in writing to the concerned staff through the GDA.

10. Handling and Disposal of Gifts

Where a gift is not approved for personal retention:

- The gift shall be deposited with the ECB store or designated custody; or
- Transferred to the appropriate government agency, as required.

Specific categories shall be handled as follows:

- **Perishable items:** Immediate disposal or donation with proper documentation;
- **High-value items:** Disposal through approved government procedures, including auction or official transfer.

All handling and disposal actions shall be properly recorded.



11. Roles and Responsibilities

11.1 Gift Administration Committee (GAC)

The GAC shall:

- Interpret the Gift Rules 2017 in complex or exceptional cases;
- Validate claims of personal relationship exceptions;
- Approve decisions on acceptance, return, deposit, or disposal of gifts;
- Review quarterly gift disclosure reports; and
- Recommend disciplinary action for violations.

The **Gift Administration Committee (GAC)** of the ECB shall be constituted as follows:

Composition:

1. Chief Legal Officer – Chairperson
2. Chief Administrative Officer – Member
3. Chief Human Resource Officer – Member
4. Personal Assistant to the Hon'ble Chief Election Commissioner
 - Gift Disclosure Administrator (GDA)
 - Member Secretary to the GAC

11.2 Gift Disclosure Administrator (GDA)

The GDA shall:

- Receive and acknowledge gift disclosures;
- Maintain the **ECB Gift Register**;
- Provide secretarial support to the GAC;
- Ensure timely updating of records; and
- Submit quarterly and annual compliance reports.

11.3 ECB Officials and Staff

All officials and staff shall:

- Disclose all gifts received;
- Submit disclosures within the prescribed timeline;
- Comply with GAC decisions; and
- Cooperate fully in the implementation of this SOP.



11.4 Head of Agency

The Head of Agency shall:

- Provide overall oversight on enforcement of the Gift Rules 2017; and
- Ensure organisation-wide compliance with this SOP.

12. Documentation and Recordkeeping

- All gift disclosures shall be maintained in digital form for **ten (10) years**;
- The Gift Register shall be updated **within forty-eight (48) hours** of receiving a disclosure;
- Minutes of GAC meetings shall be formally documented and securely filed.

13. Reporting

- The GDA shall submit quarterly reports to the GAC;
- An annual gift compliance report shall be submitted to the Head of Agency/Commission.

14. Compliance and Penalties

Any non-compliance with this SOP or the Gift Rules 2017 shall constitute a violation under **Chapter VII of the Gift Rules 2017** and shall invite disciplinary action in accordance with applicable service rules and relevant laws.

15. Awareness and Sensitisation

- Mandatory sensitisation on the Gift Rules 2017 shall be conducted for all ECB staff;
- Training shall be organised by HRD in collaboration with the Legal Division;
- Sensitisation shall be conducted during induction and through periodic refresher programmes;
- Coverage shall include HQ and Dzongkhag offices.



16. Annexures

The following shall form an integral part of this SOP:

1. ECB Gift Disclosure Form
2. ECB Gift Register Format
3. Annual Compliance Report Template


Done under the seal of the Election Commission of the Kingdom of Bhutan on this 13th Day of the 3rd Month of the year 2025 corresponding to the 25th Day of the 1st month of the Fire Female Horse Year in the Bhutanese Calendar.



Election Commissioner



Election Commissioner



Chief Election Commissioner

Annexure I
ECB GIFT DISCLOSURE FORM

Gift Recipient Information

Name of the gift recipient (Public servant, spouse and/ or dependent):

Relationship to the public servant (if gift receiver is spouse and/ or dependent):

Designation of the recipient public servant:

Agency of the recipient public servant:

Address:

Phone:

Gift Information

Description of the gift:

Value of the gift (based on a receipt/estimated fair market value):

Date of receipt of the gift:

Gift Giver's Information

Name of the gift giver:

Designation:

Agency:

Address:

Phone:

Gift Acceptance Circumstances *(Please provide circumstances justifying the gift acceptances):*

Affidavit

I affirm that all the information that I have written in this form is true, correct and complete to the best of my knowledge, information and belief. I understand that I am liable for penalty under the Gift Rules if I have knowingly hidden or falsely disclosed the gift.

.....
(Signature of the recipient)

.....
(Date)



Retention or Disposal of Gift

- (1) Gift will be retained/used by the recipient.
Date of Return.....
- (2) In accordance with the Rule 33 (b) of the Gift Rules, the gift has been returned to the giver
(Please attach the receipt or acknowledgement of the deposit).
Date of Return.....
- (3) In accordance with Rule 33 (c) of the Gift Rules, the gift from foreign source is disposed of
in accordance with the procedures in force for disposal of the government properties
- (4) In accordance with Rule 33 (d) of the Gift Rules, the gift from foreign government is used
for official purposes or disposed of in accordance with the procedures in force for disposal
of government properties.
Name of the organization:
Address:
Date of Deposit:
(Please attach the receipt or acknowledgement of the deposit)

I have determined that this gift is appropriate for use/retention/return in accordance with the Gift Rules and that this gift was not solicited by the recipient.

.....
(Name and Signature of the Head of Agency)

.....
(Date)

In the case of the Head of Agency

.....
(Name and Signature of the Committee Chair)

.....
(Date)



Annexure III
ANNUAL GIFT COMPLIANCE REPORT
Election Commission of Bhutan

Reporting Year: _____

1. **Total number of disclosures received:**
2. **Number of gifts accepted for personal retention:**
3. **Number of gifts deposited as state property:**
4. **Number of gifts returned:**
5. **Number of gifts disposed:**
6. **Cases of non-compliance identified (if any):**
7. **Actions taken:**
8. **Challenges encountered:**
9. **Recommendations:**

Submitted by:
Gift Disclosure Administrator
Date:

