

**RULES FOR ADMINISTRATIVE
DISCIPLINARY ACTIONS**

July, 2022

**Royal Civil Service Commission
Bhutan**

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FOREWORD

Disciplinary matters in the civil service is one of the Royal Civil Service Commission's functions as provisioned under Section 27 (n) of the Civil Service Act of Bhutan 2010. Civil servants are expected to maintain integrity and uphold the dignity of the office to which they are appointed. In developing this Rule, RCSC has adopted a Zero tolerance stance against administrative lapses/misconduct by Civil Servants. The penalties have been drawn up aligned to the Principle of Deterrence.

This Rule issued vide Notification No. RCSC/LD-63/2022/223 dated 15th July 2022 expands on the provisions of the Chapter 19 of the BCSR 2018, to ensure that the Administrative Discipline Regulations are interpreted correctly and uniformly by the Agencies, and also to impart best practices on the exercise of discipline and the conduct of disciplinary hearings by Disciplinary Committees in the respective agencies.

In this Rule, administrative offenses with corresponding sanctions are classified into major and minor depending on their gravity or depravity and effects on the government service.

It is expected that this Rule will address any inconsistencies in the implementation of discipline cases. The Rule, however, is not intended to replace BCSR or any other relevant laws but will supplement the BCSR. It is the Commission's hope that this Rule will play a vital role in implementing disciplinary action in the civil service with appropriate administrative sanction corresponding to particular administrative offenses.

A. RIGHTS OF CIVIL SERVANTS (Section 19.2 of the BCSR 2018)

Every civil servant subject to disciplinary action shall have the right to:

1. Written reasons for any disciplinary action that is taken against him/her;
2. Prior and adequate notice of the nature and reasons for the intended disciplinary action;
3. Opportunity to be heard and placed on record; and
4. Right to an appeal or review of a disciplinary decision.

B. JURISDICTION AND AUTHORITY (Section 19.3 of the BCSR 2018)

The Royal Civil Service Commission (RCSC) shall hear and decide administrative cases instituted by or brought before it, directly or on appeal. The RCSC shall hear and decide all administrative and disciplinary issues and grievances concerning a civil servant on being appealed by individual civil servants as per the provisions of the Rule, except criminal proceedings, which shall be under the jurisdiction of Courts.

The authority to impose a sanction on a civil servant shall be exercised by the respective authority as under:

<i>Position Level</i>	<i>Minor sanction</i>	<i>Major sanction</i>
EX1-EX3/ES1-ES3	RCSC	
P1 – O4	Agency	

C. GUIDING PRINCIPLES (Section 19.4 of the BCSR 2018)

The disciplinary procedure in the Civil Service shall be governed by the following guiding principles:

1. The rules of natural justice; and
2. Upholding the rule of law.

D. CONDUCT OF DISCIPLINARY ENQUIRY (Section 19.9 of the BCSR 2018)

The HRC of an Agency shall function as the Disciplinary Committee which shall hear and decide administrative cases against an erring civil servant. The Disciplinary Committee shall conduct a disciplinary inquiry in accordance with the processes as provisioned in Section 19.9 of the BCSR 2018.

E. GENERAL RULES

1. For criminal offense and if convicted by the court of law, the administrative sanction shall be as per Section 85 and Section 86 of the Civil Service Act of Bhutan 2010.
2. 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 the BCSR and this Rule to take appropriate administrative actions.
3. All administrative sanctions imposed on a civil servant shall be within the provisions of Bhutan Civil Service Rules and Regulations (BCSR) and law of the Country.
4. In line with the principles of deterrence, the primary purpose of following administrative sanction is to take appropriate action against the offender and to deter future offenders in the civil service at large.
5. The provisions of following administrative sanctions, which are not exhaustive, shall be imposed on civil servants facing disciplinary action.
6. The list is indicative and does not cover all the offenses. Hence, respective management in agencies must adjudge for themselves in the event if the offense is not covered in this Rule.
7. For the purpose of the administrative disciplinary action, one sanction per charge shall be imposed. If an individual is charged with multiple charges, the sanctions shall be imposed per charge.
8. In the determination of sanctions to be imposed, mitigating and aggravating circumstances may be considered such as previous offenses for which administrative sanctions have been imposed.
9. Gross/grave – is more than simple carelessness or failure to act. It is wilful behavior/action done with extreme disregard of established norms, breach of professional responsibilities, rules and regulations causing major financial implication to Government, including substantial loss or damage to Government property.
10. A supervisor shall be liable for supervisory accountability and administrative sanction for the lack of his supervision, for any major corruption or gross official misconduct of his subordinates even if the respective supervisor is not directly involved in such misdeeds. The head of the Agency shall be responsible for fixing accountability on supervisors as per the delegation of authority prescribed in BCSR.
11. The administrative sanction for supervisory accountability shall be first a reprimand, then withholding of two months basic salary and finally demotion respectively or any appropriate actions as per the gravity of the case.

F. ADMINISTRATIVE OFFENSES AND SANCTIONS

Nature of offenses	Classification of offense	Sanctions		
		1st offense	2nd offense	3rd offense
a. National Security				
i. Unauthorized disclosure or exposure of classified/administratively-controlled information.	Major	Prosecute in the Court. Administrative sanction shall depend on the Court verdict.		
ii. Engage in any action that would undermine peace, security and sovereignty of the nation.	Major	Prosecute in the Court. Administrative sanction shall depend on the Court verdict.		
iii. Aid or cover another person or group engaged in anti-Agency or antisocial activities.	Major	Prosecute in the Court. Administrative sanction shall depend on the Court verdict.		
iv. Initiate, support or participate in any form of demonstration or similar other activities including online protest against Government.	Major	Prosecute in the Court. Administrative sanction shall depend on the Court verdict.		
v. Express views or involve in activity that would tarnish the image of the country.	Major	Compulsory Retirement		
b. Criminal conviction				
i. Convicted by the court of law for a criminal offense of a misdemeanor and above for offenses related to discharge of official functions.	Major	Termination		
ii. Convicted by the court of law for a criminal offense of a misdemeanor and above for offenses not related to discharge of official functions.	Major	Compulsory Retirement		

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<i>Nature of offenses</i>	<i>Classification of offense</i>	<i>Sanctions</i>		
		<i>1st offense</i>	<i>2nd offense</i>	<i>3rd offense</i>
iii. Tampering of computer files and programmes.	Major	Demotion	Compulsory Retirement	
iv. False recording of receipts of goods and services/Acceptance of inferior goods and services. *	Major	Demotion	Compulsory Retirement	
v. Acceptance of wrong/defective goods/services/works *	Major	Demotion	Compulsory Retirement	
vi. Deliberate manipulation of specification/Collusive bidding/Collusive price fixing.	Major	Demotion	Compulsory Retirement	
vii. Forgery of official documents (Eg: Forgery of signature and documents, manipulation of records etc).	Major	Prosecute in the Court. Administrative sanction shall depend on the Court verdict.		
c. Corrupt practices				
i. Gross misuse of government properties. *	Major	Demotion	Compulsory Retirement	
ii. Solicit or accept gratuity or gift by an employee which might reasonably be interpreted as tending to influence the performance of official duties.	Major	Withholding of two month's basic salary.	Demotion	Compulsory retirement
iii. Engaging in private trade, employment and commercial activities.	Minor	Withholding of one month's basic salary.	Compulsory Retirement	

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		<i>1st offense</i>	<i>2nd offense</i>	<i>3rd offense</i>
iv. Gross misuse of office time for personal purposes.	Minor	Reprimand	Withholding of two month's basic salary.	Compulsory Retirement
v. Influence clients and staff for personal gains.	Minor	Reprimand	Withholding of one month's basic salary.	Compulsory Retirement
vi. Disclose critical information to an inappropriate person or audience/ platform/forum.	Major	Demotion	Compulsory Retirement	
vii. Use official information for personal gains.	Major	Demotion	Compulsory Retirement	
viii. Communicate/transmit/post hate messages or any content with the intent to defame a person or Government Agencies	Minor	Withholding of one's month's basic salary.	Demotion	Compulsory Retirement
ix. Post hate messages or any content with the intent to defame a person or Government Agencies in a public forum (including online forums).	Major	Demotion	Compulsory Retirement	
x. Support or conceal information related to corrupt practices.	Major	Withholding of two month's basic salary.	Compulsory Retirement	
xi. Lobby his Agency or others to promote the business or trade of his family or relatives.	Major	Withholding of two month's basic salary.	Compulsory Retirement	
xii. Failure to declare conflict of interest which results in major implications for the Agency.	Major	Withholding of two month's basic salary.	Compulsory Retirement	

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			<i>1st offense</i>	<i>2nd offense</i>	<i>3rd offense</i>
xiii.	Embezzlement and misappropriation of Government cash, revenue, properties, funds and any other misappropriation.	Major	Prosecute in the Court. Administrative sanction shall depend on the Court verdict.		
xiv.	Repeated/Intentional double bookings/irregular payments/excess payment/Unauthorized payments. *	Major	Prosecute in the Court. Administrative sanction shall depend on the Court verdict.		
xv.	Malpractice and abuses (Eg: Fictitious expenditure, payment without execution of work/without receiving goods, payments of inflated amount etc) *	Major	Prosecute in the Court. Administrative sanction shall depend on the Court verdict.		
xvi.	Make fictitious claims or incur expenses such as travel and subsistence payments, unjustified either by themselves or by staff reporting to them. *	Major	Demotion	Compulsory Retirement	Compulsory Retirement
xvii.	Non-adherence to Procurement rules (Procurement without tender /quotation/ Non-constitution of tender committee/improper evaluation of bids/*	Major	Withholding of two month's basic salary.	Demotion	Compulsory Retirement
viii.	Execution of substandard works. *	Major	Withholding of two month's basic salary.	Demotion	Compulsory Retirement

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Nature of offenses	Classification of offense	Sanctions		
		1st offense	2nd offense	3rd offense
d. Behavioral Issues				
i. Unauthorized absence during working hours or on any scheduled day of work, including a pattern of frequent lateness for duty.	Minor	Reprimand	Withholding of one month's basic salary.	Compulsory Retirement
ii. Steal or vandalize office properties. (This can include deliberate or wilful damage to property or gross negligence that can result in substantial loss or damage to Government property).	Major	Prosecute in the Court. Administrative sanction shall depend on the Court verdict.		
iii. Acts of violence including the physical assault against a fellow employee or client.	Major	Prosecute in the Court. Administrative sanction shall depend on the Court verdict.		
iv. Indulge in gambling or imbibing intoxicating substances like consuming drugs, alcoholic drinks during office hours.	Minor	Reprimand	Compulsory Retirement	
v. Habitual Drunkenness/Compulsive drinker/substance abuser	Major	Demotion	Compulsory Retirement	
vi. Gross uneconomical usage of properties. *	Major	Withholding of two month's basic salary.	Demotion	Compulsory Retirement
vii. Intentionally mislead by giving false, fib or an omission of part or whole of information.	Minor	Reprimand	Withholding of one month's basic salary.	Compulsory Retirement

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			<i>1st offense</i>	<i>2nd offense</i>	<i>3rd offense</i>
viii.	Unjustified hiring of properties from others/Irregular hiring of properties to others. (unauthorized issue of materials, Payment of hiring charges at higher rates and Short/non-collection of hiring charges)*	Major	Withholding of two month's basic salary.	Demotion	Compulsory Retirement
ix.	Under utilization of equipment. (a situation of not utilizing equipment or resources to the fullest capacity or kept idle after procurement causing financial implication to the Government.)*	Major	Withholding of two month's basic salary.	Demotion	Compulsory Retirement
x.	Gross Neglect of Duty.	Major	Demotion	Compulsory Retirement	
xi.	Engage in incitement and conflicts.	Minor	Reprimand	Demotion	Compulsory Retirement
xii.	Pass lewd remarks to clients and colleagues.	Minor	Reprimand	Demotion	Compulsory Retirement
xiii.	Discrimination in rendering public service due to preference.	Minor	Reprimand	Demotion	Compulsory Retirement
xiv.	Inefficiency and Incompetence in the performance of official duties.	Major	Withholding of two month's basic salary.	Demotion	Compulsory Retirement
xv.	Refusal to perform official duty.	Minor	Reprimand	Demotion	Compulsory Retirement

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		1st offense	2nd offense	3rd offense
e. Apolitical Civil Service				
i. Be a candidate for any election conducted under the electoral laws of the Kingdom of Bhutan or hold any paid or unpaid post in any political party.	Major	Compulsory Retirement		
ii. Express any opinion on Politics/Political Parties either explicitly or implicitly.	Minor	Reprimand	Withholding of one month's basic salary.	Demotion/Compulsory Retirement
iii. Perform or neglect his duty based on his political view.	Major	Demotion	Compulsory Retirement	

Note: The Supervisor shall be accountable and liable for all the offenses with asterix () in the above table.*

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