

RULES OF PROCEDURE FOR JABMI TSHOGDEY 2018

In exercise of the power conferred by section 11 of the Act, the Jabmi Tshogdey hereby enacts the Rules of Procedure for Jabmi Tshogdey 2018.

PAELIMINARY

Title and commencement

1. These Rules shall:

(1) Be called Rules of Procedure for Jabmi Tshogdey 2018; and

(2) Come into force on 28th day of 9th Month of the Earth Male Dog Year of Bhutanese Calendar Year Corresponding to 5th November, 2018.

Application

2. The provisions of this Rules of Procedure shall apply to the Member of the Jabmi Tshogdey of Bhutan.

Purpose

3. The purpose of these Rules is to provide for the procedure for the conduct of business of the Jabmi Tshogdey.

CHAPTER I FORMATION OF JABMI TSHOGDEY

Appointment and election of members

4. Three Members elected from amongst the Jabmi shall be elected by the Jabmi Thuentshog.

5. An independent representative shall be invited by other members of the Jabmi Tshogdey on consensus.

6. The members nominated by the National Judicial Commission and members elected from amongst the Jabmi shall be issued and appointment order under the sign and seal of the President.

Election of President and Vice-President.

7. The election of the President and Vice-President shall be held at a meeting of the Jabmi Tshogdey to be presided over by Attorney General as ex-officio member.
8. A member can nominate a candidate for the President or the Vice-President, which shall be seconded by another member at the same meeting.
9. No member shall nominate more than one candidate.
10. If only one candidate is nominated, she or he shall be declared elected.
11. If the number of candidates nominated is more than one, there shall be an election by secret ballot.
12. A candidate securing majority vote shall be declared as the President.

Vacation of office of a member

13. A member shall be deemed to have vacated the office in an event of:
 - (1) The death of the member;
 - (2) The resignation of the member;
 - (3) The removal of the member from the office; or
 - (4) The expiry of the term.
14. A member shall not resign from the office unless the ground of resignation:
 - (1) is as provided under section 13 of the Jabmi Act;
 - (2) due to death of the member;
 - (3) physical or mental incapacity;
 - (4) due to appointment of the member to other positions which makes continuance of the term of membership to the Jabmi Tshogdey impossible; or

(5) due to transfer of the member to a country outside Bhutan.

15. In case of vacancy under Rule 13:

(1) The Secretariat of the Jabmi Tshogdey shall notify the President within 10 working days; and

(2) The Secretariat of the Jabmi Tshogdey shall call upon the National Judicial Commission or the Jabmi Thuentshog as the case may be requiring it to nominate their respective member to the Jabmi Tshogdey within twenty working days of notice.

Responsibility of the Jabmi Tshogdey

16. In addition to the functions provided under section 8 of the Amendment Act, the Jabmi Tshogdey shall ensure that a Jabmi complies with the Act, and rules or regulations made there under.

17. The Jabmi Tshogdey may establish a committee to take administrative actions against any employee of the Jabmi Tshogdey by reprimanding and may initiate proceedings for suspension, removal or dismissal.

Powers and Functions of the President

18. In keeping with the relevant laws and resolutions of the Jabmi Tshogdey, the President shall exercise general control and supervision over the affairs of the Jabmi Tshogdey.

19. The President shall sanction disbursement of salaries of the employees and order payment of any bills outstanding against the Jabmi Tshogdey.

20. The President shall preside over the meetings of the Jabmi Tshogdey.

21. Except as otherwise decided at a meeting of the Jabmi Tshogdey or a committee, as the case may be, the President shall.

(1) Cause the meetings of the Jabmi Tshogdey or the committee convened at such time as may be fixed by the President; and

(2) Settle the items for agenda for the meetings.

22. In the absence of the President, the vice-President shall exercise powers and discharge functions of the President under the direction of the President.

Secretariat of the Jabmi Tshogdey

23. The Jabmi Tshogdey Secretariat shall;

- (1) Coordinate correspondence with the members of the Jabmi Tshogdey;
- (2) Minute the proceedings of the Jabmi Tshogdey in accordance with the Act,
- (3) Prepare, maintain and update the rolls of the members of Jabmi and Paralegal in accordance with the Act;
- (4) Unless the members of the Jabmi Tshogdey resolve otherwise at a meeting, have custody of a book, document, record and register of the Jabmi: and
- (5) Perform any other functions assigned by the Jambi Tshogdey.

CHAPTER II CONDUCT OF BUSINESS OF THE JABMI TSHOGDEY

Jabmi Tshogdey Meeting

24. The Jabmi Thsogdey shall meet not less than four times in a year for the conduct of business.

Quorum

25. The quorum for a meeting shall be four members.

Notice

26. The Secretariat shall send a notice of a meeting to the members at least fifteen days before the date of meeting, except when the President or any two members request for cancellation/postponement of a meeting for emergency/urgency. Nevertheless, no proceedings shall be invalidated by non-compliance with the rule of notice.

27. The notice of a meeting shall specify the time, place and draft agenda for the meeting.

28. Any matter for discussion during a meeting to be included in the agenda shall be submitted to the Secretariat at least 10 working days prior to the meeting.
29. Notwithstanding Rule 28, a member may raise material issues for discussion during the meeting with the permission of the President.

Procedure and order of business

30. The Jabmi Tshogdey shall, from time to time determine the procedure and order for the conduct of a meeting and business.
31. The meeting shall primarily focus on the approved agenda.
32. A member shall directly address to the Chair, while speaking at the meeting.
33. In an event of an urgent action required to be taken by the Jabmi Tshogdey or a committee;
- (1) the President may require the secretariat to be taken through circulation of information to the members of the Jabmi Tshogdey or the Committee, as the case may be;
 - (2) the proposed action shall be taken upon meeting the quorum of the members; and
 - (3) the action shall be notified to all the members.

Voting and Decision Making

34. Each member present at a meeting has a vote.
35. Except as otherwise provided under these Rules, any decision shall be by majority of votes, and in case of tie votes, the President or the Chair of the meeting shall have the casting vote.
36. A member already decided shall not be reconsidered for a period of the three months unless the matter is approved for reconsideration by the Jabmi Tshogdey by a two-third majority of the members present at a meeting.

Disclosure of Interest

37. A member who has a direct or indirect interest in the subject matter for discussion in the Agenda during a meeting shall disclose the nature and extent of the interest to the Jabmi Tshogdey in a manner prescribed by the Jabmi Tsshodey.
38. The Secretary shall record the disclosure of interest in the minutes of the meeting.

Minutes of Meeting

39. The Secretariat shall record and maintain the minutes of a meeting. A member may ask for their position to be recorded in the minutes.
40. The Secretariat shall circulate the minutes to the members no later than five working days after the meeting.
41. The members may comment on the minutes in writing within five days and send to the Secretariat. Any disagreement on the content of the minutes shall be discussed during the next meeting.
42. Every minutes of the meeting shall be signed by the members present.
43. A copy of signed minutes shall be furnished to the members by the secretariat.

Inspection of records

44. A member may inspect the records and minutes of the meeting of the Jabmi Tshogdey during working hours.
45. The member shall not make copies of the records and Minutes of the Meeting of which the member is allowed to inspect.

CHAPTER III MISCELLANEOUS

Interpretation

46. The interpretation of these Rules by the Jabmi Tshogdey shall be final and binding and in case of court proceedings, the interpretation of the court shall be final and binding.

Amendment

47. The Jabmi Tshogdey may revise these Rules based on simple majority vote.

Authoritative text

48. The Dzongkha text shall be the authoritative text, if there exists any difference in meaning between the Dzongkha and the English text.

Definitions

49. In this Rules, unless context otherwise requires:

- (1) “Act” means the Jabmi Act of the Kingdom of Bhutan 2003 including the amendment made thereunder;
- (2) “Jabmi Tshogdey” means the Jabmi Tshogdey of the Bhutan established under the Act;
- (3) “Jabmi” means a lawyers who is enrolled in the of Jami prepared and maintained by the Jabmi Tshogdey under the Act;
- (4) “Meeting” means a meeting of the members of the Jabmi Tshogdey;
- (5) “Member” means a member of the Jabmi Tshogdey;
- (6) “President” means the President of the Jibmi Tshogdey;
- (7) “Secretariat” means the Secretariat of the Jabmi Tshogdey; and
- (8) “Vice- President” means the Vice- President of the Jabmi Tshogdey;