



# THE CHARTER OF TIBETANS-IN-EXILE

*Published by*

THE TIBETAN PARLIAMENT-IN-EXILE

# THE CHARTER OF TIBETANS-IN-EXILE

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## PREAMBLE

It is a well-known fact that for more than one thousand years, starting from Nyatri Tsenpo, the first king of Tibet, who ruled in the 2<sup>nd</sup> century BC, until the reign of Wudum Tsenpo in the 9<sup>th</sup> century AD, a dynasty of 43 successive kings exercised sovereign authority over Tibet encompassing the entire territories of the three provinces of U-tsang, Kham and Amdo. During that historical period, Purgyal Tibet emerged as a country of great power and prosperity in Central Asia. It routinely found mention alongside the kingdoms of Mongolia and China as one of the three powerful countries of the region. Since Tibet established its own writing system, the country underwent splendid, all-round developments in the fields of religion, culture and society, comparable to the holy land of India.

In the 9<sup>th</sup> century AD, the Tibetan kingdom disintegrated into a number of principalities ruled by local chiefs. In 1260 AD, Drogon Choegyial Phagpa established a priest-patron relationship with the great Mongol emperor and thereby revived a government power whose authority extended to all the three provinces of Tibet. However, this did not last long - there were no effective border controls. In addition, for a period of around 380 years, there were frequent changes in the country's sovereign authority, marked by successive assumptions of power by the Phagdru, Rinpung, and Tsangpa rulers whose authority did not extend throughout the territory of Tibet. There were frequent internal turmoils, leading to a considerable decline in the sovereign authority of Tibet.

In 1642 AD, the Great Fifth Dalai Lama founded the Ganden Phodrang government of Tibet. And the system of both the temporal and spiritual leadership of Tibet vesting in successive Dalai Lamas was established at that time. Since then, the Tibetan government continued with a measure of stability, the Buddhist religion, with all its various traditions, flourished, and the citizens of Tibet were able to enjoy life with freedom and happiness. It became an established practice for the successive Dalai Lamas to assume political leadership of Tibet upon their coming of age.

By the end of the 19<sup>th</sup> century and beginning of the 20<sup>th</sup> century, not enough was done in terms of political work in general and, especially, foreign relations on the international arena. In addition, due to occurrences of adverse developments, the 13<sup>th</sup> Dalai Lama was compelled to leave for Mongolia, China, and India not long after he had assumed sovereign political authority over the country. Later, upon returning to Tibet, he issued a proclamation to reaffirm Tibet's sovereign status. Along with it, His Holiness, on the basis of his observations of the global situation in that period, initiated efforts designed to ensure the well-being of the Tibetan people and strengthening of the national polity by introducing modern education, reforming existing systems, and so on. These initiatives proved very successful. To sum up, for a period of nearly four hundred years, the sovereign authority of Tibet could be carried on in a stable and effective manner.

In 1949, communist China began its armed invasion of Tibet. In 1950, when the situation in Tibet became urgent and critical, His Holiness the 14<sup>th</sup> Dalai Lama, though only 16 years old, was compelled to assume sovereign political leadership of the country. In 1951 the People's Republic of China compelled Tibet to sign under duress the so-called 17-Point Agreement. For about eight years, Tibet tried to seek arrangement to co-exist<sup>1</sup>. However, the occupying Chinese government authorities violated the terms of that agreement and also carried out violent suppression of the Tibetan people. Consequently, His Holiness the Dalai Lama and the Kashag shifted the Tibetan government headquarters to Lhuntse Dzong and issued a declaration saying the 17-Point Agreement had been signed under duress.

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<sup>1</sup> Live with that agreement

Immediately after coming into exile thereafter, a proclamation was issued in the Indian town of Tezpur on 18 April 1959, repudiating the 17-Point Agreement.

The Tibetan people – both in Tibet and in exile – have always recognized and looked to His Holiness the Dalai Lama and his Kashag as their legitimate government regardless of where it may be based.

Along with the establishment in India of a Tibetan government-in-exile led by him, His Holiness the Dalai Lama gifted to the Tibetan people a genuine democratic system, thereby realizing a dream he had long cherished deeply. Pursuant to this, His Holiness, in 1960, ensured the establishment, for the first time, of a parliament comprised of members directly elected by the Tibetan people. This was followed, in 1961, by the announcement of an outline of a future constitution of Tibet. Thereafter, a constitution of Tibet was promulgated in 1963. In 1991, His Holiness the Dalai Lama transformed the Tibetan parliament into a genuine law-making body. In accordance with it, His Holiness, on 28 June 1991, approved the Charter of Tibetans-in-Exile which had been passed by the 11<sup>th</sup> Tibetan parliament. As a result, it was ensured that the Tibetan government-in-exile became an entity having its basis in a fundamental legal document and which was in keeping with modern democratic system.

In 2001, as expressly made clear by His Holiness the Dalai Lama, the Kalon Tripa was directly elected by the Tibetan people and a big step was thereby taken in the evolution of Tibetan democracy.

The Charter of Tibetans-in-Exile provided that the successive Dalai Lamas would remain the leader of government and head of state. Nevertheless, His Holiness the Dalai Lama decided that the time had now come to complete the process of full democratization and that the Tibetan people should no longer remain dependent on a single individual. After weighing the issue on numerous other considerations and reasons – both immediate and long term – His Holiness decided, on 14 March 2011, that he would not assume any political and administrative authority, that henceforth the functions of both the political leader and the government head should be fully discharged by persons directly elected by the Tibetan people. For this purpose, His Holiness issued a solemn and irrevocable directive to the Tibetan Parliament-in-Exile, mandating that fundamental features of the Charter of Tibetans-in-Exile be amended. The Parliament-in-Exile supplicated<sup>2</sup> that His Holiness reconsider his decision, only to be turned down thereof. The supplication<sup>3</sup> offered by the Second General Meeting of the Tibetan people that successive Dalai Lamas continue to assume the role as the head of Tibetan state was also turned down. When no option remained for the Parliament-in-Exile but to acquiesce to His Holiness the Dalai Lama's wishes, and so an additional session was held of the 14<sup>th</sup> Tibetan Parliament-in-Exile and the Charter of Tibetans-in-Exile amended accordingly. Along with it, the continuity of the Central Tibetan Administration was affirmed to be the sovereign entity lawfully empowered to administer and represent all the Tibetan people. That is the basis on which in accordance with the provisions of Chapter 11 of this Charter, His Holiness the Dalai Lama gave his assent to the amendment of this Charter. This provided the basis for the transfer of all the political authorities of His Holiness the Dalai Lama to leaders directly elected by the Tibetan people, vesting in them the competence to represent all Tibetans in Tibet and in exile, and to fulfil their public service<sup>4</sup>. This amendment, as thus provided, came<sup>5</sup> into force on 29 May 2011.

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<sup>2</sup>prayed

<sup>3</sup>prayers

<sup>4</sup>governmental aspirations

<sup>5</sup>entered

## CHAPTER I

### Directive Principles

#### **Article 1: Protector and symbol of Tibet and Tibetan people**

His Holiness the 14<sup>th</sup> Dalai Lama, the manifestation of Avalokiteshwara in human form, the designated deity of Tibet, is the divine lord of *the* Three Realms, a champion of world peace, the master of all Buddhist teachings, the protector of all Tibetans, and their supreme leader and guide. He is the objective embodiment of the Tibetan people, the symbol of their unity, and a free spokesperson for all Tibetans. He attained this status on the basis of the ardent desire of the Tibetan people with their centuries-old historical development, culture and sovereignty. Accordingly, the following responsibilities and authorities are inherent in His Holiness.

- 1) To work for the progress of the Tibetan people's wellbeing and their ethics; to protect and promote religion, culture and learning, and to provide guidance, advice and encouragement to the Tibetan people and the Central Tibetan Administration<sup>6</sup> in all areas, including in efforts towards Tibet cause.
- 2) As and when he sees it necessary, or whenever appealed to by the leadership, His Holiness the Dalai Lama is to provide suggestions on opinions of the Kashag or the Tibetan Parliament-in-Exile on important matters concerned with the Tibetan people, society, religion and politics.
- 3) To meet and hold discussions with important international leaders and personalities on behalf of the Tibetan people and those appointed by the Kashag as envoys or special envoys shall be given designations as representatives of His Holiness the Dalai Lama.

#### **Article 2: Jurisdiction<sup>7</sup> of this Charter**

This charter extends to all Tibetans who are subject to the authority of the Central Tibetan Administration.

#### **Article 3: Nature of the polity**

The governance of future Tibet shall be founded on the principle of peace and non-violence and, on that basis, freedom, social welfare, coexistence of religion and politics, democracy, and self-government. The governance of the Tibetans in exile too shall maintain these principles. And this Charter shall not be amended except in accordance with the provisions of Chapter XI hereof.

#### **Article 4: Fundamental Principles of the *Central Tibetan Administration*<sup>8</sup>**

The Central Tibetan Administration shall adhere to the principles enshrined in the Universal Declaration of Human Rights of the United Nations with respect to human rights; economic, social, and cultural rights; civil and political rights, and also strive to earn respect from the nations and communities across the world. In particular, the Tibetan Administration shall devote itself to accomplishing the tasks of realizing the just cause of the Tibetan people and progress in their ethical standards and material well-being.

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<sup>6</sup>their institution

<sup>7</sup>Application

<sup>8</sup>Tibetan Administration

## **Article 5: The extent of the Charter's validation**

- 1) Any laws, executive orders and regulations that are in violation of any of the provisions of this Charter shall be deemed<sup>9</sup> invalid.
- 2) As mentioned above,<sup>10</sup> in case of any dispute with regard to the question whether any laws, executive orders and regulations are in violation of any of the provisions of this Charter, the Tibetan Supreme Justice Commission shall be the deciding authority.

## **Article 6: Respect for international law and laws of the concerned country**

It shall be ensured that all laws of the Central<sup>11</sup>Tibetan Administration, executive orders, and its regulations are in compliance with international law and, in particular, with the laws of the host countries.

## **Article 7: Abjuration of war**

The territory of Tibet shall remain a zone of peace and non-violence in the future; the country will strive to never engage in the production of any type of chemical and biological weapons. Starting this present moment, war shall be abjured as a means for achieving any purpose, including the realization of the just cause of Tibet.

## **Article 8: Citizenship of Tibet**

- 1) All Tibetans born within the dominion of Tibet as well as all Tibetans born in foreign countries are all citizens of Tibet. Besides, anyone born in a foreign country with anyone of his or her parents being Tibetan shall also be eligible to become a citizen of Tibet.
- 2) A Tibetan need not give up his or her Tibetan citizenship if due to exigency of circumstances he or she had no choice but to take up the citizenship of another country as long as he or she continues to fulfil without violating<sup>12</sup> the duties of Tibetan citizenship enshrined in Article 13 of this Charter.
- 3) A citizen of another country being validly married to a Tibetan citizen and having cohabited continuously with his or her Tibetan spouse for more than three years and is desirous of acquiring Tibetan citizenship shall be eligible to do so in accordance with a law for the purpose thereof passed by the Tibetan parliament.
- 4) For the purpose of implementing the above provisions, the Tibetan Parliament shall adopt a Tibetan Citizenship Act.

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<sup>9</sup>addition

<sup>10</sup>"" ""

<sup>11</sup>"" ""

<sup>12</sup>violation

## CHAPTER II

### Fundamental Rights and Duties

#### **Article 9: Equality before law**

All citizens of Tibet are equal before law. They are entitled to enjoy all the conferred rights mentioned in this chapter without discrimination on grounds of sex, race, language, religion, whether lay or clergy<sup>13</sup>, rich or poor, birthplace, social class, official status and other personal circumstances.

#### **Article 10: Freedom of religious belief**

All religions are equal before law. Each Tibetan is entitled to freely exercise his or her freedom of thought, conscience and religion. Every Tibetan has the right to openly profess, practice, join, teach, propagate or carry out services in any religion of his or her choice, whether alone or in community with others.

#### **Article 11: Right to vote and to stand as candidates for elections**

Save in the case of anyone who had been deprived of the right to vote in accordance with the provisions of any law in force at the relevant time, every person who is a citizen of Tibet and who has fully attained eighteen years of age, whether male or female, has the right to vote. Likewise, save in the case of anyone who had been deprived of the right to stand as candidate in accordance with the provisions of any law in force at the relevant time, every person who is a citizen of Tibet has the right to stand as a candidate in elections.

According to the rules and regulations, age of an individual shall be determined as mentioned in his/her Greenbook.

#### **Article 12: Other fundamental freedoms and rights**

Save in the case of restrictions imposed under any law for purposes of the current or long-term fundamental cause or interests of the Tibetan people, or in the case of restrictions imposed by the Tibetan Parliament-in-Exile by law on the officials of the Central<sup>14</sup>Tibetan administration for the duration of their services, all Tibetan citizens are entitled to the following freedoms and rights:

- 1) Rights to life, personal liberty and property;
- 2) Speech;
- 3) Movement;
- 4) The publication and distribution of newspapers, periodicals and other types of articles;
- 5) Peaceful assembly without bearing arms;
- 6) To be provided free of charge lawyers and interpreters if needed for<sup>15</sup> litigants during judicial proceedings;
- 7) To form and join associations or unions (or co-operatives) whether they are religious, cultural or economic;
- 8) Equality of opportunity in the matter of employment under any undertaking of the Central Tibetan Administration commensurate with the level of one's educational qualification;
- 9) To pursue any occupation or trade, buy and sell land and properties, or undertake any other means of livelihood in accordance with the laws of one's host country; and

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<sup>13</sup>ecclesiastical persons

<sup>14</sup>addition

<sup>15</sup>in the case of indigent

10) No child who is yet to attain 14 years of age shall be employed as a manual labourer.

### **Article 13: Duties of citizens**

All Tibetan citizens are enjoined to carry out the following duties:

- 1) To bear true allegiance to the Central<sup>16</sup>Tibetan Administration;
- 2) To bear true faith and abide by<sup>17</sup> to this Charter and the laws made under its provisions;
- 3) To strive for the resolution of cause of Tibet.
- 4) To pay the voluntary contribution in accordance with the relevant laws thereof.
- 5) To carry out any task that may be assigned in accordance with law during emergency situations concerned with the Central<sup>18</sup> Tibetan Administration or the Tibetan people.

### **Article 14: Effective enforcement of the fundamental rights and duties**

In case of violation of any fundamental rights and duties mentioned above, the right to seek remedy by timely appeal to the Tibetan Supreme Justice Commission or its subordinate Commissions, excluding the cases of legal restrictions contained in Article 12, is guaranteed. These justice commissions, in turn, have the power to make such appropriate rulings as may be necessary to secure these rights and duties.

## **CHAPTER III**

### **Directive Principles of the Central<sup>19</sup>Tibetan Administration**

#### **Article 15: Endeavouring to resolve the just cause of Tibet and striving for the welfare of the Tibetan community in exile**

The main objective of the **Central<sup>20</sup>Tibetan Administration** is to strive resolving the Tibetan issue. The environment of the Tibetan Plateau is highly critical to the world at large and, especially, to large proportions of the Asian continent and peoples. That being the case, the **Central<sup>21</sup>Tibetan Administration** and all the Tibetan people should make efforts to undertake as much international campaign actions as possible directed at protecting the environment of Tibet.

In contemporary terms too, efforts should be directed at protecting the Tibetan people left behind in Tibet from hardship and suffering. Within the Tibetan community in exile, the system of governance should be based on a policy of ensuring the general welfare through justice, equality and fair access to the economic benefits. In particular, efforts should be made to give quality opportunities to the youth in the fields of education and to enable them to imbibe the excellent Tibetan cultural heritage. Efforts should also be made to provide quality health facilities to ensure their sound physical and mental<sup>22</sup> upbringing. In order to achieve this multitude of objectives, the initiatives especially outlined in the following articles should be accomplished.

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<sup>16</sup>addition

<sup>17</sup>and allegiance to

<sup>18</sup>addition

<sup>19</sup>.. " ..

<sup>20</sup>.. " ..

<sup>21</sup>.. " ..

<sup>22</sup>intellectual

## **Article 16: Social welfare**

- 1) For the purpose of ensuring the social welfare of the Tibetan people in exile, measures must be adopted in attempts to secure their means of livelihood as well as their physical and mental well-being. Policy measures should be adopted to provide equal right to humanitarian relief and equal pay for equal work under the Central Tibetan Administration and its affiliates. The taxation system must ensure equitable dues in accordance with the level of income of the concerned Tibetan tax payer.
- 2) In the case of those who are chronically ill, handicapped, or whose living conditions are extremely poor that they cannot meet their ends and those who have too many children that they live in poverty and unable to educate their children, arrangements should be made to provide guidance and economic assistance. Efforts must be made in attempts to prevent occurrences of slave labour and economic exploitations.
- 3) In particular, for the purpose of ensuring that the Tibetan settlements and other types of Tibetan communities do not disintegrate, agricultural works must be modernized and manufacturing projects set up. Public or private cooperatives, handicraft centres, and other types of enterprises shall be set up in accordance with the rules and regulations passed by the Tibetan Parliament.

## **Article 17: Education and culture**

- 1) Adhering to the Declaration of the Rights of the Child adopted by the United Nations, all Tibetan children in exile who had reached school-going age shall be given the opportunity and access to education.
- 2) In order to enhance the imparting of education, an ideal education policy meeting the fundamental requirements of Tibet shall be formulated.
- 3) Efforts should be made to ensure that the children are able to attend as day scholars in schools within their respective settlements or communities and whenever required attempts should be made to set up hostels for the school children.
- 4) In the case of the children of Tibetans living in other scattered communities, attempts should be made to ensure their admittance in Tibetan schools located nearest to their place of residence.
- 5) Arrangement must be made to provide expert counselling and guidance to the students to enable them to make the right choices regarding their educational future and career.
- 6) For those who are economically well off, advice should be provided on financing their children's higher education until successful completion.
- 7) Attempts must be made to provide those who had excelled in their studies and conduct with opportunities of further education in specialized fields, vocational courses and college and university degree courses. Efforts must be made to provide scholarships to those who lack the means to pay their fees.
- 8) Efforts must be made to improve the standard of education in the primary, secondary and higher secondary schools in both private and government schools, whether residential or day schools, attempts shall be made to gradually teach all the subjects in Tibetan language. It shall be made

part of the primary school education curriculum to impart the children the ethical principles taught by Tibet's religions and religious commentaries.

- 9) Teachers at all levels of schools should be held in high esteem in society and attempts shall be made to recruit the most learned of people in the teaching community.
- 10) Efforts should be made to ensure the quality and efficient running of institutions for monks, nuns and tantric practitioners and also to prevent abuse of means to procure facilities befitting the norms.  
  
(Attempts should be made to ensure the propriety and quality of the monks, nuns and tantric practitioners of the concerned religious order and measures should be taken to prevent their facilities from being abused.)
- 11) Moves should be initiated in efforts to promote to a higher level of the noble Buddhist faith in its ecumenical form and without any sectarian bias.
- 12) Efforts should be made to provide guidance and facilities to the community of monks and nuns to afford them the opportunities to participate in educational, health and other appropriate social service avenues.
- 13) By fostering and holding in public esteem the master craftsmen and other experts in their respective fields which are in danger of becoming extinct, efforts should be undertaken to preserve and promote the ancient Tibetan culture in general terms and, especially, in the fields of performing arts; the handicrafts and craftsmanship involving the forging, curving or casting of various kinds of materials such as iron, copper, gold and silver.
- 14) Guidance shall be provided especially in the study of important modern subjects, such as science, and efforts to be made to provide research facilities in the fields of science and art.
- 15) Support and facilities shall be provided to the centres for preserving and administering religion and culture represented by the monasteries and nunneries, institutions of higher learning, and other types of educational centres.
- 16) Efforts shall be made to ensure progress in games and athletic endeavours.

## **Article 18: Health**

- 1) To ensure public health, there should be progress in the provision of adequate facilities of hygiene and medical treatment. Efforts should be made to provide free medical treatment to the indigent; special inoculation drives should be launched to prevent chronic ailments and the spread of contagious diseases, **specialised medical attention**<sup>23</sup> and education on environmental protection should be carried out.
- 2) In particular, efforts should be made to achieve progress in the traditional Tibetan medical practice, pharmacology, and comparative study and research on Tibetan medicine vis-a-vis modern medical sciences.
- 3) In order to standardize the practice of Tibetan medicine, regulation and administration should be carried out in compliance with legal regulations.<sup>24</sup>

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<sup>23</sup>addition

<sup>24</sup>a system of legal regulation should be introduced.

## CHAPTER IV

### The Executive of the Central<sup>25</sup>Tibetan Administration

#### **Article 19: The Executive Power**

The executive power of the **Central**<sup>26</sup> Tibetan Administration vested in the Sikyong. He may, in accordance with the provisions of this Charter, exercise this power either directly or through the Kalons and responsible officers on whom he may delegate his power. In particular, the Sikyong may, in exercise of his executive authority:

- 1) Approve and announce<sup>27</sup>bills and regulations passed by the Tibetan Parliament;
- 2) Confer honours for exemplary accomplishments as well as present titles and awards;
- 3) To present proposals, deliver addresses and offer explanations to the Parliament.

#### **Article 20: The Sikyong and the Kashag**

Under the leadership of the Sikyong, there shall be a council of ministers called the Kashag with responsibility over the administrative and political affairs of the **Central**<sup>28</sup>Tibetan Administration. The Kashag shall consist of a Sikyong and not more than seven Kalons.

#### **Article 21: Qualifications of the Sikyong and the Kalons**

A candidate must fulfil the following qualifications to be eligible for election as Sikyong or for being considered for confirmation as a Kalon:

- 1) Must be a Tibetan citizen;
- 2) Must have completed the age of 35 years;
- 3) Must not have been declared mentally challenged / unstable by a court of law or a licensed medical practitioner;
- 4) Must not be indebted as to have become insolvent;
- 5) Must not have been found guilty and sentenced for a criminal offence by a court of law;
- 6) Must not have been resolved by the Tibetan Parliament to be ineligible as candidate for Sikyong or Kalon by more than two-thirds majority vote;
- 7) Must not be in continuance as Sikyong or Kalon for two consecutive terms;
- 8) Must not have been forced to step down as Sikyong or Kalon in accordance with the provisions of sub-clause (a) of clause 3 and of clause 4 of Article 29 of this Charter;
- 9) Must not be a person involved in any work, or having rank or enjoying pecuniary or material benefits under any other country which may be detrimental to the interest of the Tibetan people.
- 10) Must not be contradictive to any of the provisions of the election law or any regulations adopted by the Tibetan Parliament.
- 11) Must not be a person who has no trust and confidence in the Charter of Tibetans in Exile, and must not have been proven to have caused damage to the Tibetan cause directly, spontaneously or indirectly.

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<sup>25</sup> addition

<sup>26</sup>... " "...

<sup>27</sup>promulgate

<sup>28</sup>addition

## **Article 21A: Election of the Sikyong**

The election of the Sikyong shall be held under a law for the purpose passed by the Tibetan Parliament and on the basis of universal suffrage exercised by all citizens of Tibet who are eligible and have the freedom to vote; the winner in such an election should assume the post of the Sikyong.

- 1) Where in such an election, in case two candidates win equal number of votes, a new round of general voting shall be held with them as the candidates and in accordance with the law for the purpose.
- 2) In case any member of the Tibetan Parliament gets elected as Sikyong or confirmed as a Kalon, such a member must resign his or her membership of the parliament. Likewise, any staff of the **Central**<sup>29</sup>Tibetan Administration who gets elected as the Sikyong or confirmed as a Kalon must resign from service. However, after leaving the post as the Sikyong or, as the case may be, Kalon, such a person shall be entitled to all the retirement benefits as may have accrued to him or her under the relevant rules on the basis of his or her service years and rank held before assuming the posts of Sikyong or Kalon.

## **Article 22: Election of the Kalons**

The duly elected Sikyong, after having taken his or her oath of office, shall present to the Tibetan Parliament a list of number of candidates as he or she may require for his or her Kashag not exceeding seven, along with their names and personal descriptions, explaining their eligibility for confirmation in accordance with the provisions of Article 21 of this Charter. No question arises if the candidates are confirmed as Kalons by unanimous approval of the parliament. However, in the absence of unanimous approval, secret ballot must be held by the members present in the house with regard to each candidate and a candidate who wins atleast 50 percent of the votes shall be declared as an elected Kalon. The Sikyong shall then appoint such candidates who have been approved unanimously or by not less than 50% votes by the Tibetan Parliament as Kalon. If all or any of the candidates proposed by the Sikyong fail to win at least 50% votes, the Sikyong shall present a fresh list of candidates to the Tibetan parliament in accordance with the above procedure.

## **Article 23: Conduct of election of the Kalons**

In every case where the Kalons need to be elected as per the provisions of Article 22 of this Charter, the same shall be held under the agenda of the Tibetan Parliament in accordance with the Rules of Procedure and Rules for Conduct of Business of the house.

## **Article 24: Tenure of the Sikyong and the Kashag**

Unless removed from office in accordance with the provisions of this Charter before the end of their tenure, the Sikyong and the Kashag shall continue in office for a term of five years.

## **Article 25: Taking of oath of office by the Sikyong and the Kalons**

The duly elected Sikyong and the Kalons shall, before assuming their offices, take their oath or affirmation of office and secrecy before the Chief Justice Commissioner of the Tibetan Supreme Justice Commission, in accordance with the format set out for the purpose in Appendix 1A of this Charter.

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<sup>29</sup>addition

## **Article 26: Salaries *and* other allowances of the Sikyong and the Kalons**

The salaries, allowances and other entitlements of the Sikyong and the Kalons during the tenure of their services shall be as determined in law by the Tibetan Parliament.

## **Article 27: The Council of Kashag<sup>30</sup>**

The Sikyong is to preside over all meetings of the Kashag. And during the absence of the Sikyong, the Kashag meetings should be presided over by the available Kalon based *on the genesis of*<sup>31</sup> departments in the list of departments by the official order.

## **Article 28: Joint session of His Holiness the Dalai Lama and the Kashag (repealed)**

## **Article 29: The responsibilities and removal of the Kashag**

- 1) The responsibility of the Kashag shall be that of Sikyong and all the Kalons collectively. The Kashag shall be accountable to the Tibetan Parliament to whom it shall routinely present its proposals and answer questions.
- 2) It shall be for the Sikyong to determine the responsibilities and allocate portfolios of each Kalon.
- 3) (a) The Tibetan Parliament is entitled, by the concurrence of at least two-thirds of the members present, to remove the Sikyong and any particular Kalon or the entire Kashag from the office.  
  
(b) On the death or removal from office of the Sikyong, the entire Kashag shall automatically stand dissolved. When the Sikyong dies, the Kalon available at the time based on the genesis of<sup>32</sup> department in the list of departments by the official order shall officiate as the acting Sikyong in accordance with the provisions of Article 27 of this Charter until a new Sikyong is elected in accordance with the procedure laid down in Article 21A of this Charter.
- 4) Any Kalon whose resignation from office is demanded by the Sikyong must comply. In such cases, the Sikyong shall give explanations<sup>33</sup> for the removal to the Tibetan Parliament if it happens to be in session or during the parliament's upcoming session.
- 5) In the event of removal of the Kashag from office, the Central Tibetan Election Commission shall announce new election dates; election of the Sikyong and the result thereof shall be declared within 120 days from the date of the announcement. In the event of the removal of any particular Kalon from office, the Sikyong shall in accordance with the provisions of Article 22 of this Charter, present the name of his or her proposed replacement Kalon to the Tibetan Parliament if it happens to be in session or during the parliament's upcoming session.
- 6) After his or her term of office comes to an end, the existing Sikyong shall continue in office until the new Sikyong takes his or her oath of office. However, in the case of removal of any particular Kalon from office in accordance with the provisions of Clauses (3) *and* (4) of this Article, such a Kalon must leave office at once. In the case of removal of the entire Kashag from office, the existing Kashag will continue until the new Sikyong takes his or her oath of

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<sup>30</sup>Kashag in Council

<sup>31</sup>of the top

<sup>32</sup>of the top

<sup>33</sup>present his justification

office. However, during such transitional period, only routine office works could be carried out while taking new policy decisions is forbidden.

### **Article 30: Conduct of business of the *Central*<sup>34</sup>Tibetan Administration**

All actions of the **Central**<sup>35</sup>Tibetan Administration shall be taken in the name of the Sikyong. For the ease of carrying out administrative work, with regard to the manner of taking decisions, and on the manner in which the Kashag and individual departments are to carry out their respective responsibilities, the Sikyong and the Kalons shall formulate detailed regulations and abide by them upon getting passed by the Tibetan Parliament.

### **Article 31: Council of Regents (Repealed)**

### **Article 32: Chairman of the Council of Regents (Repealed)**

### **Article 33: *Power*<sup>36</sup>of the Council of Regents (Repealed)**

### **Article 34: *Change*<sup>37</sup> of the Regent (Repealed)**

### **Article 35: Terms of service and salary *and benefits*<sup>38</sup>of the Regent (Repealed)**

## **CHAPTER V**

### **Legislative Power**

### **Article 36: Legislative power**

All power to draft and pass laws shall reside in the Tibetan Parliament. However, they shall attain the force of law only after they *are* approved and signed by the Sikyong.

### **Article 37: Composition of the Tibetan Parliament**

The Tibetan Parliament shall be constituted in the following composition:

- 1) (a) Irrespective of sex, ten members each from each of the three provinces of Tibet determined through election;  
(b) Two members each from the five religious schools of Nyingma, Kagyu, Sakya and Gelug and the Yungdrung Bon religion determined through election;  
(c) Two members from amongst the Tibetans residing in North and South Americas determined through election;  
(d) Two members from amongst the Tibetans residing in Europe and Africa determined through election;  
(e) One member from amongst the Tibetans residing in Asia and Australasia, excluding India, Nepal and Bhutan.
- 2) With regard to the ten members from each of the three provinces, irrespective of sex, mentioned in Clause (1), at least two each must be females.

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<sup>34</sup>addition

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<sup>36</sup>Responsibilities

<sup>37</sup>Removal

<sup>38</sup>addition

- 3) The Tibetan Parliament is entitled, as and when it sees it fit to do so, to raise the number of different regional electoral constituencies.

### **Article 38: Qualifications of members of parliament**

To stand for election as a member of parliament, a candidate:

- 1) Must be a Tibetan citizen;
- 2) Must have completed the age of 25 years;
- 3) Must not have been declared to be mentally challenged/ unstable by a court of law or by a licensed medical practitioner;
- 4) Must not be so indebted as to have become insolvent;
- 5) Must not have been convicted for a criminal offence by a court of law;
- 6) Must not be an employee of the **Central**<sup>39</sup>Tibetan Administration;
- 7) Must not be a person involved in any work, or having rank or enjoying pecuniary or material benefits under any other country which may be detrimental to the interest of the Tibetan people;
- 8) Must not be contradictive to any of the provisions of the election law or any regulation adopted by the Tibetan Parliament.
- 9) Must not be a person who has no trust and confidence in the Charter of Tibetans in Exile, and must not have been proven to have caused damage to the Tibetan cause directly, spontaneously or indirectly.

### **Article 39: Tenure of the Tibetan Parliament**

The term of the Tibetan Parliament is five years.

### **Article 40: Sessions of the Tibetan Parliament**

The parliamentary secretariat shall notify each member of the Tibetan Parliament whenever a regular session of the Tibetan Parliament is to be held. The dates, durations and the venue of parliamentary session should be determined collectively by the Speakers in consultation with the Standing Committee of the Tibetan Parliament. However, it must be ensured that each regular session of the Tibetan Parliament begins within six months from the date of the adjournment of the previous session. However, in case any unavoidable difficulty arises from any incident of epidemic or war or any natural calamity, the parliamentary session may be postponed. And in such a case, the Standing Committee may, within a time fixed for the purpose, examine and finalize the sanction where a budget proposal requires to be presented and approved.

### **Article 41: Additional sessions of the Tibetan Parliament**

When requested by more than fifty percent of the Kashag, or of the Tibetan Parliament, or of the Standing Committee of the Tibetan Parliament, the Speaker and the Deputy Speaker may jointly decide to call additional sessions of the Tibetan Parliament.

### **Article 42: Standing Committee of the Tibetan Parliament**

- 1) When the Tibetan Parliament is not in session, there will be a standing committee which will consist of two members of parliament from each three traditional provinces and one member from each religious school. The different constituencies may determine their choice for membership of the standing committee either by voting amongst themselves or by making

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<sup>39</sup> addition

nomination in accordance with their own circumstances. The membership of the standing committee shall be reconstituted annually.

- 2) Regarding the functioning of the standing committee and the extent of its authority, they shall be determined in accordance with the rules or regulations adopted by the Tibetan Parliament.

### **Article 43: Address or message by His Holiness the Dalai Lama during sessions of the Tibetan Parliament (Repealed)**

### **Article 44: Right of the Sikyong and the Kalons to attend sessions of the Tibetan Parliament**

The Sikyong and the Kalons have the right to take part in the sessions of the Tibetan Parliament and of its standing committee, to address, take part in discussions and put forward proposals for discussion. However, they shall have no voting right in the parliamentary sessions.

### **Article 45: The Speaker and Deputy Speaker of the Tibetan Parliament**

- 1) At the first meeting of each Tibetan Parliament, the members should elect a Speaker and a Deputy Speaker from amongst themselves by secret ballot in accordance with the rules for the purpose.
- 2) Immediately after their elections, the Speaker and the Deputy Speaker shall, before assuming their offices, take their oath or affirmation of office before the Chief Justice Commissioner of the Tibetan Supreme Justice Commission in accordance with the format set out for the purpose by law in Appendix 3 of this Charter.
- 3) When the Speaker or the Deputy Speaker is removed as a member of the Tibetan Parliament, or when either of them is removed from office by a resolution for the purpose with the support of at least two-thirds of the total strength of the parliament, the Speaker or, the Deputy Speaker must give up office from that day itself.
- 4) The Speaker or, the Deputy Speaker, cannot preside over a parliamentary session during which a debate takes place on the question of his or her removal from office for the duration of that debate.
- 5) Whenever the seat of the Speaker or, the Deputy Speaker of the Tibetan Parliament, becomes vacant by resignation, removal, or death, a replacement must be elected in accordance with the rules for the purpose at earliest.<sup>40</sup>

### **Article 46: Privileges of the Members of Tibetan Parliament**

- 1) No one is allowed to initiate any legal proceeding in a court of law against any member of Tibetan Parliament for anything said or any vote cast by him or her in the Parliament or in any committee thereof.
- 2) The Tibetan Parliament shall, from time to time, determine by law the other privileges of its members.

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<sup>40</sup>addition

## **Article 47: Oath taking by members of Tibetan Parliament**

The Standing Committee of the Tibetan Parliament shall appoint the elected member with the longest record of membership of parliament as the Interim Speaker. In case there are two or more members with equal length of longest parliamentary membership record, the oldest aged among them shall be appointed as the Interim Speaker. After the Interim Speaker had taken his oath of office before the Chief Justice of the Tibetan Supreme Justice Commission, each Member of Parliament shall, before assuming office, take his or her oath or affirmation of office before him in accordance with the format set out for the purpose by law. After the election of the Speaker and the Deputy Speaker, the oath shall be taken before the Speaker. In case the Speaker happens to be absent, the oath shall be taken before the Deputy speaker.

## **Article 48: Voting during parliamentary sessions**

Save as otherwise provided in this Charter, all businesses of the Tibetan Parliament shall be determined by majority vote. In cases of equal votes, the presiding Speaker shall resolve the matter by casting his or her own vote.

## **Article 49: Quorum to constitute a meeting of the Tibetan Parliament**

- 1) Both the Tibetan Parliament and its standing committee shall be entitled to conduct their respective businesses, including in the matter of the election of the Speaker and the Deputy Speaker, if at least two-thirds of their total members are present. However, while calculating the proportion of the number of members present at a meeting, fractional numbers less than one shall not be taken into account.
- 2) In case a meeting of the Tibetan Parliament had to be adjourned for more than seven days due to the absence of the requisite quorum for the purpose, the Speaker and the Deputy Speaker shall together take a decision to adjourn the meeting.
- 3) The Tibetan Parliament shall abide by any decision it may have taken notwithstanding the fact that any vacancy had arisen in the membership thereof or upon subsequent discovery that a person who was not entitled to participate in its proceedings had done so, including by voting. However, any person who had participated in a parliamentary proceeding or voted therein without being entitled to do so shall be ineligible as a candidate in any future parliamentary election.

## **Article 50: Honorarium and daily emoluments for the members of the Tibetan Parliament**

All members of the Tibetan Parliament shall be entitled to such amount of honorarium and daily allowances as determined by parliament by law and he or she shall be entitled to draw these amounts from the day of taking oath of office until the end of his or her term as a member.

## **Article 51: Introduction and adoptions of legislative bills**

- 1) Without the recommendation<sup>41</sup> of the Kashag, the Tibetan Parliament shall not introduce any legislative bill which seeks to impose taxes, or give temporary tax concessions or exemptions, or deals with any taxation matter, or accepts for the Tibetan Administration any loan or deals with the giving of guarantees for any such loan. However, no recommendation<sup>42</sup> from the Kashag would be required in all cases in which the legislative bill had already been introduced.

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<sup>41</sup>backing

<sup>42</sup>“ ”

In such cases, the Tibetan Parliament may amend the relevant provisions dealing with the increase or reduction of taxes or with giving of tax concessions.

- 2) Finalization of implementations of any legislative bills which would require the Administration to incur expenses shall not be allowed unless it is recommended by the Kashag.
- 3) Except as provided above, the Tibetan Parliament, or any of its members, shall have the right to introduce any draft legislation or any draft resolution and to present suggestions for amendments to their provisions in accordance with the relevant rules of the Tibetan Parliament.
- 4) With regard to the question whether any draft legislation or draft resolution deserves to be debated in the Tibetan Parliament, a separate committee may, if felt required, be constituted and the matter referred to it for examination.

### **Article 52: The annual budget of the Central<sup>43</sup>Tibetan Administration**

- 1) Each year the Kashag shall present to the Tibetan Parliament its total annual budget, setting out the total estimates of the income and expenditure of the **Central**<sup>44</sup>Tibetan Administration and all its main and subsidiary offices without anything being set aside or omitted from them. With regard to the Administration's estimates of annual expenditure in the annual budget, they shall be set out in the following two categories:
  - a) The sums required to meet the expenditure set out in Clause 2 of this Article out of the income of the **Central**<sup>45</sup>Tibetan Administration; and
  - b) Other sums proposed to be spent under other heads of expenditure chargeable to the income of the **Central**<sup>46</sup>Tibetan Administration.
- 2) The following are the expenditure mentioned in sub-clause (a) above required to be charged to the income of the **Central**<sup>47</sup>Tibetan Administration:
  - a) All expenditure pertaining to His Holiness the Dalai Lama, including his personal security;
  - b) The honorarium and allowances of the Speaker and the Deputy Speaker of the Tibetan Parliament;
  - c) The salaries, allowances and retirement entitlements of the Chief Justice Commissioner and the other two Justice Commissioners of the Tibetan Supreme Justice Commission.
  - d) Repayment of loans and payment of interest on loans of the Central Tibetan Administration<sup>48</sup>.
- 3) The specific expenditure mentioned above need not be decided<sup>49</sup> by vote in the Parliament. However, nothing in this clause shall be construed as a bar on the Tibetan Parliament from discussing any of those estimates.

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<sup>43</sup> addition

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<sup>49</sup>submitted to decision

- 4) With regard to all the other sums required to meet the types of expenditure mentioned above in Sub-clause (b) of Clause (1), sanction must be obtained from the Tibetan Parliament in accordance with the rules of procedure on budgetary matters which had been adopted by it. The Tibetan Parliament may assent, enhance or reduce the amounts, or return the demands for grant as it sees fit.

#### **Article 53: Proceeding rules of the Tibetan Parliament**

On the basis of the provisions of this Charter, the Tibetan Parliament shall frame rules of procedure with regard to its meetings and rules for conduct of business and shall adhere to them once they are approved by a majority of at least two-thirds of its members.

#### **Article 54: Restriction on discussion in the Tibetan Parliament**

No discussion or debate shall take place in the Tibetan Parliament with respect to the removal or conduct of the Chief Justice Commissioner or any of the other two Justice Commissioners of the Tibetan Supreme Justice Commission except after a committee constituted by the Tibetan Parliament for the purpose had submitted its enquiry report thereon.

#### **Article 55: Passing of bills**

With regard to the legislative bills and rules passed by the Tibetan Parliament, the Sikyong shall, thereon give assent by signing his or her name within 14 working days from the date of their presentation to him or her.

#### **Article 56: Popular Referendum**

For the purpose of taking a decision on an important policy matter pertaining to the fundamental interests of Tibet or of the Tibetan people, a popular referendum may be initiated through the Central Tibetan Election Commission if a call for such a recourse is made by at least two-thirds majority of the total strength of the Tibetan Parliament or at least three-fourths of the combined strength of the Kashag and the Standing Committee of the Tibetan Parliament. With regard to the outcome of such referendum, the Sikyong shall, within 14 working days, make an announcement, setting out his or her recognition of the majority decision and signing his or her name thereon.

#### **Article 57: Removal of a member of the Tibetan Parliament**

- 1) An already elected member of the Tibetan Parliament shall resign from the Tibetan Parliament if he or she loses any of the qualifications listed in Article 38 of this Charter or when at least two-thirds of the total strength of the Tibetan Parliament votes for his or her removal.
- 2) In a case where such removal takes place or in other circumstances when a member of the Tibetan Parliament resigns from the Tibetan Parliament, or when he or she dies, or when a member gets nominated and confirmed as a Kalon, a replacement member must immediately take his or her oath of office. Such member should come from a reserve list maintained by the Central Tibetan Election Commission for the concerned constituency on the basis of the required minimum number of votes won by the candidates who did not make it to the Parliament during the last general election and who had the highest number of votes among those in the existing reserve list. However, where no such member exists in a concerned reserve list, election must be held to fill the vacancy within 180 days from the date a seat falls vacant.

However, if due to inevitable circumstances resulting from reasonable causes such an election could not be held within the period prescribed above, the Chief Election Commissioner of the Central Tibetan Election Commission may postpone the election. In such case, the Chief Election Commissioner must seek approval for the postponement from the Tibetan Parliament if it happens to be in session or during the immediate next session of the Tibetan Parliament through a petition containing a detailed explanation of reasons for the same. And the election must then be concluded within the period allowed by the Tibetan Parliament.

#### **Article 58: Tibetan Justice Commission to not enquire into the proceedings of the Tibetan Parliament**

- 1) The Tibetan Justice Commission shall not question the validity of any proceedings or whether any decisions arrived in the Tibetan Parliament are in conformity with the relevant rules of the parliament.
- 2) With regard to the exercise of powers conferred under this Charter for the purposes of drafting procedural or substantive rules, no member of the Tibetan Parliament shall be subject to the jurisdiction of any Tibetan Justice Commission.

#### **Article 59: Special General Convention**

- 1) When an occasion arises necessitating the holding of debate by the general public on an urgent or important matter, the Kashag, the Speaker and the Deputy Speaker of the Tibetan Parliament may call a special general convention of the Tibetan public after holding a discussion for the purpose.
- 2) For such type of meeting, the participants shall be constituted, apart from the members of the Tibetan Parliament, by such number of delegates from such sources, with such agenda, on such dates, and at such venue as may be determined either by a joint sitting of the Kashag and the Tibetan Parliament or by the Kashag and the Standing Committee of the Tibetan Parliament.
- 3) Once the sources of the delegates and their numbers, the agenda, the dates and the venue for the meeting have been determined, the secretariat of the Tibetan Parliament shall send out a notification for holding the meeting 45 days before the date of the start of the meeting.

#### **Article 60: Local committees of the Tibetan Freedom Movement**

- 1) In every place in exile where Tibetans live, a local committee of the Tibetan Freedom Movement shall be established. Each such committee shall be constituted with members not less than 3, and not exceeding 11 members, elected by the local Tibetan people in accordance with the relevant rules for the purpose. Each such committee shall work for the accomplishment of objectives beneficial toward efforts to resolve the just cause of Tibet and for progress in the ethical character and material well-being of the Tibetan people through direct collaboration with the Tibetan Parliament.
- 2) Establishment of new local committees of the Tibetan Freedom Movement, or closing down of existing ones, or merging of existing committees, shall all be carried out in compliance with directives from the Tibetan Parliament.
- 3) With regard to the local committees of the Tibetan Freedom Movement, conduct of works, and collection of voluntary contribution and remittance works, the Tibetan Parliament shall exercise direct jurisdiction and conduct enquiries.

- 4) Where a committee of the Tibetan Freedom Movement as provided in the Clause (1) of this article could not be set up, the Tibetan Parliament may grant special permission for the continuance of whatever arrangement may already be in existence for the concerned area.

#### **Article 61: Secretariat of the Tibetan Parliament**

There shall be a permanent secretariat of the Tibetan Parliament with a Secretary General and other number of staff as may be required shall be determined through consultation between the Speaker, the Deputy Speaker and the Kashag and to be appointed or recruited as per the relevant rules for the purpose.

#### **Article 61A: Office of legal matters**

Under the supervision of the secretariat of the Tibetan Parliament, an office on legal matters may be set up. The role of this office would be to provide guidance to the Kashag and the Tibetan Parliament as well as individual Kalons and individual Tibetan Parliament members on general legal matters and matters concerned with the drafting of bills.

## **CHAPTER VI**

### **The Judiciary**

#### **Article 62: The Supreme Justice Commission**

In keeping with the special requirements to appropriately meet the transient current situation of the **Central**<sup>50</sup>Tibetan Administration and the Tibetan public, there shall be a Tibetan Supreme Justice Commission. The Tibetan Supreme Justice Commission shall consist of one Chief Justice Commissioner and two other Justice Commissioners until the Tibetan Parliament by law may requires to increase the numbers.

#### **Article 63: Justice Commissioners of the Tibetan Supreme Justice Commission**

- 1) Whenever a vacancy arises for the post of the Chief Justice Commissioner and for any of the two other Justice Commissioners, the Chief Justice Commissioner, the Speaker and the Deputy Speaker of the Tibetan Parliament, and the Sikyong shall together constitute an ad hoc nomination committee of three or five members who shall propose a list of candidates whose number shall not be less than twice the number of vacancies to be filled. While it bears no mentioning that the presence of all the above persons would be ideal, in case a meeting of all of them could not be held, it would suffice if those who are actually present constitute the ad hoc nomination committee. The Tibetan Parliament shall then vote on this list and those who win a majority of the votes shall be considered as having won the election as the Chief Justice Commissioner or, as a Justice Commissioner of the Tibetan Supreme Justice Commission.

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<sup>50</sup> addition

- 2) The Chief Justice Commissioner and the other two Justice Commissioners of the Tibetan Supreme Justice Commission must be:
  - a) A citizen of Tibet
  - b) Must have completed the age of 50 years
  - c) Must have been a judge in any court for a continuous period of 5 years, or has been an experienced advocate standing for at least 10 years. However, for a period of 30 years from the coming into force of this Charter, the provisions of this sub-clause on appointment of the Chief Justice Commissioner and the other two Justice Commissioners need not be adhered to.
- 3) Immediately after election, before assuming post, the new Chief Justice Commissioner shall take his or her oath or affirmation of office in accordance with the legally prescribed format before the out-going Chief Justice Commissioner or, the officiating chief justice commissioner. As for the other two Justice Commissioners, they shall, immediately after their election, before assuming post, take their oath or affirmation of office in accordance with the legally prescribed format before the Chief Justice Commissioner.
- 4) Unless removed from office with a resolution for impeachment initiated by two-thirds majority of the total members of the Tibetan Parliament-in-Exile, the term of the Chief Justice Commissioner is five years or until the completion of 65 years of age, whichever is earlier. The tenure of the other two Justice Commissioners shall continue to remain in office until the completion of 65 years of age.
- 5) An individual who had left service as the Chief Justice Commissioner or as a Justice Commissioner of the Tibetan Supreme Justice Commission, whether due to retirement or removal from service, is not allowed to serve in an office of profit under the Central Tibetan Administration.
- 6) If Chief Justice Commissioner of the Tibetan Supreme Justice Commission takes leave from office for a fixed period of time, a replacement shall be appointed in accordance with rules framed under the provisions of Article 67 of this Charter.

#### **Article 64: Jurors**

- 1) For the purpose of assisting the Chief Justice Commissioner and the two other Justice Commissioners of the Supreme Justice Commission in the discharge of their judicial works, a committee of jurors made up of not more than three members may be constituted if required. The members of this committee shall be appointed by the Chief Justice Commissioner in consultation with the Kashag. At least two of the three members of the committee of jurors shall be an individual with degree in law obtained from a recognized law school. The term of the committee of jurors shall not be more than three years. However, there is no bar on reappointing them after their tenures.
- 2) Whenever required in any judicial proceeding of particular importance, an impartial jury of nine members having familiarity with the case may be directly appointed by the Chief Justice Commissioner and they shall serve in addition to the members of the committee of jurors.

## **Article 65: Salaries and other allowances of the justice commissioners**

- 1) The salaries, perquisites, pensions and other entitlements of the Chief Justice Commissioner and the other two Justice Commissioners of the Tibetan Supreme Justice Commission shall be as determined in law by the Tibetan Parliament.
- 2) The salaries, perquisites and retirement entitlements of the Chief Justice Commissioner and the other two Justice Commissioners of the Tibetan Supreme Justice Commission are barred from being altered or reduced to cause adverse impact on their recipient.

## **Article 66: Powers of the Tibetan Supreme Justice Commission**

- 1) The Tibetan Supreme Justice Commission shall be the justice commission of final appeal for both private and public disputes of exiled Tibetans. It shall be the apex judicial organ of the **Central**<sup>51</sup>Tibetan Administration.
- 2) Although for the period the Tibetan people remain in exile, the jurisdiction of the courts of the concerned host countries prevails, thereby obviating the assumption of power with regard to criminal as well as land and building property cases, the role of the Tibetan Supreme Justice Commission shall lie in the following areas:
  - a) Resolving disputes arising from the interpretation of the provisions of the Charter of Tibetans-in-Exile; and
  - b) Resolving disputes based on the manner of discharge of functions by the offices or officials under the executive organ of the **Central**<sup>52</sup>Tibetan Administration and allegations of unfairness in regard thereto;
  - c) Resolving disputes with regard to service matters and service benefits concerned with officials of the **Central**<sup>53</sup>Tibetan Administration;
  - d) Resolving disputes involving land and housing in the Tibetan settlements;
  - e) Resolving disputes within the Tibetan society and disputes concerned with security within the Tibetan society;
  - f) Resolving other disputes not included in the above list as an impartial tribunal through judicial proceeding.
  - g) In addition, the Tibetan Supreme Justice Commission has the power to conduct enquiries, provide guidance and exercise supervisory control over the functioning and administration of the subordinate Tibetan justice commissions and other offices concerned with legal matters.

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<sup>51</sup>addition

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**Article 67: Judicial code and code of judicial procedure of the Tibetan Supreme Justice Commission**

In accordance with the relevant provisions of this Charter and any law passed by the Tibetan Parliament, the Tibetan Supreme Justice Commission may draft its judicial code and code of judicial procedure which should be unanimously approved by the Chief Justice Commissioner and the other two Justice Commissioners. It will begin implementing them after being presented to and approved by the Tibetan Parliament.

**Article 68: Tibetan supreme justice commission to entertain applications to provide legal opinions (Repealed)**

**Article 69: Subordinate Tibetan justice commissions**

- 1) The Tibetan Supreme Justice Commission may vest judicial power in the local Tibetan settlement officer, or other officials, or any other capable person to ensure carrying out by them in accordance with the existing local situation the functions of a permanent, temporary, or, mobile subordinate justice commission.
- 2) The Chief Justice Commissioner of the Tibetan Supreme Justice Commission may, in consultation with the other two Justice Commissioners, appoint such number of jurors and impartial jury members for the subordinate justice commissioners or for any particular subordinate justice commissioner as may be seen appropriate and necessary from time to time.

**Article 70: Office on legal matters (Repealed)**

## **CHAPTER VII**

### **Formation of the Tibetan settlements**

**Article 71: The Tibetan settlements in exile consist of the following types of Tibetan communities:**

- 1) Agricultural settlements;
- 2) Handicraft settlements and handicraft cooperatives;
- 3) Religious institutions;
- 4) Schools and *institutes*<sup>54</sup>;
- 5) Self-supporting cluster communities;
- 6) Scattered Tibetans living away from Tibetan communities;
- 7) Tibetans living in other places.

**Article 72: Settlement officer and Assistant Settlement officer**

Each Tibetan settlement shall have a Settlement officer and, in the case of the large settlements, an Assistant Settlement officer as well.

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<sup>54</sup>training centres

- 1) All Tibetans, whether lay or clergy, male or female, in the concerned settlements who fulfil the eligibility conditions and qualifications specified in Articles 11 and 38 of this Charter have the right to vote and to stand as candidates for election as Settlement officer. However, representatives of office of **His Holiness the Dalai Lama**<sup>55</sup> are not required to be elected.
- 2) An Assistant Settlement officer, wherever necessary, need not be determined through direct election. Rather, he or she may be elected by the concerned Local Tibetan Assembly through voting. However, to be considered elected winner must have two-third of the number of votes of the total strength of the local assembly.

#### **Article 73: Election of the Settlement officer**

- 1) The Tibetan public in each of the concerned local Tibetan settlement shall initially vote for a preliminary list of possible candidates.
- 2) A final list of 2 candidates arranged in descending order of the number of votes obtained<sup>56</sup> by them shall be drawn up and the Tibetan public shall cast their votes in a final election.
- 3) When any member of the concerned local assembly or any locally recruited official of the concerned settlement gets elected as the Settlement officer or as Assistant Settlement officer, he or she shall vacate their previous posts.

#### **Article 74: Settlement officer and Assistant appointed by the Central Tibetan Administration**

- 1) Where the local Tibetan residents do not fulfil the requisite conditions, or where it had emerged that the local Tibetan residents were not willing to hold an election for the time being; or
- 2) Where the elected Settlement officer proves to be incompetent, or where it has emerged that he or she is disapproved by the majority of the local Tibetan residents, and at the same time, the local Tibetans are not willing to go for an election, the Central Tibetan Administration shall require to appoint either, Settlement officer and the Assistant Settlement officer or both.

#### **Article 75: Replacement of Settlement officer appointed by the Central Tibetan Administration**

In any Tibetan settlement while a Settlement officer and an Assistant Settlement officer appointed by the Central Tibetan Administration continue to be in office, a candidate emerges from amongst the local residents fulfilling the conditions for being elected to these posts, the Local Tibetan Assembly shall, upon sending an application to the Central Tibetan Administration, scrutinize the same and follow it up by replacing the existing Settlement officer.

#### **Article 76: Tenure of an elected Settlement officer**

- 1) The term of office of a Settlement officer and an Assistant Settlement officer is three years, unless as per relevant rules, he or she had to be removed from office before his or her term comes to an end.
- 2) There shall be no objection to a Settlement officer and, as the case may be, an Assistant Settlement officer being re-elected unless he or she had to be removed from office under the provisions of Article 91 of this Charter.

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<sup>55</sup>addition

<sup>56</sup>polled

#### **Article 77: Responsibilities of a Settlement officer and an Assistant Settlement officer**

- 1) All matters pertaining to administration of the concerned settlements;
- 2) Judicial works assigned by the Tibetan Supreme Justice Commission;
- 3) To respectfully abide by the laws of the local community and to respect their customs and traditions as to ensure harmonious coexistence and tranquillity amongst the Tibetans themselves and between the Tibetans and the public of the local community;
- 4) To carry out the work that may be assigned by any of the Central Tibetan Administration offices, the Tibetan Parliament, the Kashag and the relevant departments in accordance with existing rules and regulations;
- 5) In addition, to adhere and implement, in accordance with existing rules and regulations, whatever measures may be required for the benefit of the Tibetan public in consonance with the prevailing conditions.

#### **Article 78: The Local Tibetan Assembly**

- 1) There shall be a Local Tibetan Assembly in each Tibetan settlement.
- 2) a) With regard to the constituent representation of its members, all Tibetans, whether lay or clergy, male or female, who are residents of the concerned settlement shall have the right to vote and to stand for election as provided under Articles 11 and 38 of this Charter;  
  
b) In case a Local Tibetan Assembly cannot be constituted with members with qualifications provided (a) above, the local Election Commissioner may, based on the population size of the settlement, monasteries and other scattered Tibetans of the locality to determine the number of members required for the Local Tibetan Assembly and then the residents of the locality will cast their votes to elect the members.  
  
c) In the case of a dispute between the (a) and (b) above as to which one the candidate(s) belongs, residents of the locality will conduct a referendum and the one with more votes will prevail.

#### **Article 79: Quorum and tenure of a Local Tibetan Assembly**

- 1) The strength of a Local Tibetan Assembly shall not be less than 7 and not exceeding 35, depending on the size of the population of the concerned Tibetan settlement.
- 2) The term of a Local Tibetan Assembly is three years unless it had to be dissolved due to intervening circumstances before the end of its term.

#### **Article 80: The Speaker and Deputy Speaker of a Local Tibetan Assembly**

- 1) At the commencement of the first session of the concerned Local Tibetan Assembly, the members should elect, a Speaker and a Deputy Speaker amongst themselves, by majority vote through a secret ballot.

- 2) The Speaker and the Deputy Speaker shall, before assuming responsibilities, take their oath or affirmation of office before the Local Justice Commissioner, in accordance with the format set out in this Charter.
- 3) When the Speaker or the Deputy Speaker is to be removed from office by a majority vote of at least two-thirds of the membership of the Local Tibetan Assembly, or whenever their seats fall vacant, an election must be held in accordance with the provision of the law to install their replacements.

### **Article 81: Conducts of election**

In accordance with the provisions of the election law of the Tibetans in exile, conduct of all election on local ground shall be the responsibility of the concerned Local Tibetan Election Commission.

### **Article 82: Power of the Local Tibetan Assembly**

All powers related to drafting rules and regulations and to pass them, vests in the concerned Local Tibetan Assembly. However, before passing them, consultations must be held with the Settlement officer and the Assistant Settlement officer.

### **Article 83: Voting in the Local Tibetan Assembly**

Except for the laws and regulations that are especially provided by the Tibetan Parliament, the Local Tibetan Assembly shall decide on all other matters through debate either by unanimous<sup>57</sup> or by majority vote.

### **Article 84: Quorum of the Local Tibetan Assembly**

A Local Tibetan Assembly shall have the competence to take decisions on all matters as long as at least two-thirds of the total strength of its members are present during the session. However, while calculating the quorum, fractional numbers shall not be taken into account.

### **Article 85: Emolument and other allowances of the members of the local assemblies**

Members of the Local Tibetan Assembly shall be entitled to such emoluments and conveyance allowances as may be determined in law by the Tibetan Parliament.

### **Article 86: Annual budgets of the settlements**

The office of the Settlement officer shall draft the estimates of the total income and, expenditure for financial year in an annual budget proposal and present during the budget session. Two different sections of the proposed annual budgets are as follow:

- 1) Settlements officer's salaries and the administrative expenses of the settlements with no source of income are to be wire by the Central Tibetan Administration.
- 2) The salaries of the Assistant Settlement officers and other proposed expenditures are to be met from the income generated by the settlements themselves, with regard to which the Local

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<sup>57</sup>consensus

Tibetan Assembly may decide whether to sanction, reduce, or altogether reject the amounts of the budgetary proposals as it may deem fit.

**Article 87: Proceeding Rules of the local assembly**

Each Local Tibetan Assembly shall, in accordance with the relevant provisions of the Charter, draft rules for the proceeding of its sessions and the procedure for the conduct of its business, and it shall be implemented after being approved by two-thirds of the members present at the session. With the approval<sup>58</sup> of two-thirds of the members present, the rules and any of the provisions therein could be amended.

**Article 88: Right of the Settlement officer and the Assistant Settlement officer to attend the sessions of the Local Tibetan Assembly**

The Settlement officer and the Assistant Settlement officer have the right to attend the sessions of the Local Tibetan Assembly, take part in discussions, answering questions, and to clarify. However, they shall have no voting right.

**Article 89: Right to present motions**

All members of the Local Tibetan Assembly have the equal right to offer suggestions and present motions on any matters pertaining to the conduct of affairs of the settlement, and its rules, regulations and laws. However, a non-member desiring to present motions on any of the above matters can do so only through a member.

**Article 90: Restriction on discussion in a Local Tibetan Assembly**

- 1) No discussion or debate shall be held in a Local Tibetan Assembly with regard to any person already working as Justice Commissioner or with respect to any matter being examined by a committee of the Local Tibetan Assembly unless a motion had been approved by at least two-thirds of the total strength of the assembly calling for the removal of the local Tibetan Justice Commissioner.
- 2) However, final approval must be sought from the Chief Justice Commissioner of the Tibetan Supreme Justice Commission in case the Local Tibetan Assembly arrives at a final decision to remove a local justice commissioner.

**Article 91: Removal of a Settlement officer and Assistant Settlement officer**

- 1) In case a resolution to remove the Settlement officer from office had been adopted by a majority of at least two-thirds of the total strength of the concerned Local Tibetan Assembly, the decision shall be taken on the basis of majority votes of the residents of the settlement.
- 2) With the approval of at least two-thirds of the total strength of the concerned Local Tibetan Assembly, the Assistant Settlement officer can be removed from office.
- 3) In that cases, an opportunity and right must be accorded to the concerned individual to be heard at the Local Tibetan Assembly before the final decision is taken by vote.

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<sup>58</sup>consent

## **Article 92: Dissolution of a Local Tibetan Assembly or removal of any of its members**

- 1) In case the Settlement officer and, the Assistant Settlement officer, in consultation with the Speaker and Deputy Speaker, deem it fit to dissolve the whole members of concerned Local Tibetan Assembly, the decision shall be taken on the basis of majority vote by the residents of the settlement.
- 2) Or, in case a particular member of the Local Tibetan Assembly to be removed as a member, the decision should be taken by majority vote among the rest of the members.
- 3) In case, the local assembly is dissolved or a particular member is removed, new members Must be elected/ constituted within 30 days.

## **Article 93: Ownership and management of the co-operatives**

- 1) Ownership of the Federation of Tibetan Co-operatives in the settlements shall rest in the local Tibetan co-operatives holding shares in their capital investments and ownership of the local Tibetan co-operatives rest in the local Tibetans holding shares.
- 2) In accordance with the provisions of the co-operative's Memorandum and Articles of Association, excluding the amounts set aside to meet the future fund requirements, the surplus income generated by the Federation of Tibetan Co-operatives and Local co-operatives should be used solely for the benefit of the shareholders or residents of the concerned settlements.
- 3) Concerning the Plans and conduct of business of the co-operatives, the co-operatives shareholders, the Local Tibetan Assembly and the concerned settlement officers shall be frequently notified and consulted.

## **Article 94: The Local Tibetan Justice Commission**

In accordance with the Article 69 of this Charter, a permanent or provisional local justice commission may be set up in each Tibetan settlement. The justice commissioners for such Local Justice Commissions shall be appointed by the Supreme Tibetan Justice Commission, giving the appointment to anyone it deems qualified for the post.

## **Article 95: Formation of new Tibetan scattered communities**

With regard to Tibetans settled in area with no settlement office and Local Tibetan Assembly

- 1) In accordance with the provisions of Article 78 of this charter, a permanent settlement in an area comprised of 50 to 150 Tibetan families or has a population of 200 to 600 Tibetan residents with a steady and reliable source of income within the local area (can set up) a Local Tibetan Assembly.
- 2) Settlement consists of more than 150 Tibetan families, or has a population of more than 600 Tibetan residents, both settlement office and a Local Tibetan Assembly can be set up in accordance with the Article 72 and 78 of this Charter.
- 3) However, a concerned office of the Central Tibetan Administration must carry an investigation with due care and diligence in regards to whether any particular area fulfils the conditions prescribed above.)

## CHAPTER VIII

### Conduct of election

#### Article 96: The Central Election Commission

There shall be an independent Central Election Commission with the responsibility to carry out all works related to the election of the members of the Tibetan Parliament, the Speaker and the Deputy Speaker, the Sikyong, and for all other election-related matters specified in the Charter and, likewise, for conducting the voting in all cases where issues of vital importance pertaining to Tibet and the Tibetan people have to be decided through referendum.

#### Article 97: The Election Commissioner of the Central Tibetan Election Commission and its powers

1) (a) There shall be a Chief Election Commissioner at the Central Tibetan Election Commission. Whenever a vacancy occurs for this post, the Chief Justice Commissioner of the Tibetan Supreme Justice Commission, the Speaker and the Deputy Speaker of the Tibetan Parliament, and the Sikyong shall together constitute an ad hoc nomination committee of three members solely for the purpose of drawing up a list of candidates numbering at least twice the number of the post to be filled. While it bears no mentioning that the presence of all the above persons would be ideal, in case a meeting of all of them could not be held, it would suffice if those who are actually present constitute the ad hoc nomination committee. The Tibetan Parliament shall vote on the list submitted by the nomination committee and the candidate who wins majority number of the votes as compared to the other candidate(s) shall be considered having won the election as the Chief Election Commissioner. Regarding other staff that may be required for the office of the Central Election Commission, the Kashag may make appointments from time to time in consultation with the Chief Election Commissioner of the Central Election Commission.

(b) In case a new Chief Election Commissioner needs to be appointed at a time when the Tibetan Parliament is not in session, the candidates listed by the nomination committee specified above shall be voted on by the Standing Committee of the Tibetan Parliament and the candidate who wins at least two-thirds of the votes of the total strength of the Standing Committee shall be appointed as the new Chief Election Commissioner.

2) (a) As and when the Sikyong and the Tibetan Parliament elections are to be held, two Additional Election Commissioners shall be required; they will serve for the period from the announcement of the start of the election process until the declaration of the final voting results. For this purpose, the Chief Justice Commissioner of the Tibetan Supreme Justice Commission, the Speaker and Deputy Speaker of the Tibetan Parliament, and the Sikyong shall together constitute an ad hoc nomination committee of three members solely for the purpose of drawing up a list of candidates numbering at least twice the number of posts to be filled. The Tibetan Parliament shall vote on the list submitted by the nomination committee and the candidates who win the majority of the votes shall be considered having won the election as the Additional Election Commissioners. Alternatively, the nomination committee may propose or support a proposal to vest in the Chairman of the Tibetan Public Service Commission and the Auditor General of the Central Tibetan Administration additional responsibilities as Additional Election Commissioners and they shall be so appointed if approved by the Tibetan Parliament by majority vote.

(b) In case the Additional Election Commissioners need to be appointed at a time when the Tibetan Parliament is not in session, the candidates listed by the nomination committee

specified above shall be voted on by the Standing Committee of the Tibetan Parliament and the two candidates who win two-thirds of the votes of the total strength of the Standing Committee shall be appointed as the Additional Election Commissioners.

(c) The Chief Election Commissioner and the Additional Election Commissioners of the Central Election Commission shall, before assuming their offices, take an oath or affirmation before the Chief Justice Commissioner of the Supreme Justice Commission, in accordance with the format set out in the Appendix 5 of this Charter.

- 3) From the appointment of the Additional Election Commissioners until the end of the announcement of the election results, all election-related decisions shall be taken either unanimously or through majority vote amongst the Chief Election Commissioner and the two Additional Election Commissioners of the Central Election Commission. The Chief Election Commissioner shall preside over all meeting of the Central Election Commission.
- 4) The Election Commission shall exercise its powers and conduct its duties according to the relevant laws passed by the Tibetan Parliament.
- 5) In accordance with the relevant provisions of this Charter, the Central Election Commission shall draft comprehensive election rules meant for general application and implement the same on the basis of its approval by the Tibetan Parliament.
- 6) All disputes related to election matters shall be enquired into and decided upon by the Central Election Commission. In case where the decision of the Central Election Commission is not in agreement, an appeal can be filed only before the Tibetan Supreme Justice Commission, excluding any other Justice Commission.
- 7) With regard to any dispute related to local ground elections, the Local Election Commission may conduct the enquiry and take the decision. If the decision of the Local Election commission is not in agreement, an appeal can be filed before the Central Election Commission but if the decision is still in disagreement, further appeal can be filed before the Tibetan Supreme Justice Commission.

#### **Article 98: Salary and other allowances of the Chief Election Commissioner**

- 1) The Chief Election Commissioner of the Central Election Commission shall be entitled to such salary, perquisites, pension and other entitlements as may be determined in law by the Tibetan Parliament.
- 2) The salaries, perquisites and retirement entitlements of the Chief Election Commissioner of the Central Election Commission are barred from being altered or reduced to cause adverse impact on the recipient.
- 3) Where the Additional Election Commissioners are people serving in additional responsibilities, there will be no need to provide for additional salaries, perquisites, pensions and other entitlements for them. However, with regard to Additional Election Commissioners appointed specifically for conduct of election, they shall be entitled to the same amounts of salaries, perquisites and other entitlements and facilities as the Chief Election Commissioner to the exclusion of pension.

## **Article 99: Tenure of the Chief Election Commissioner of the Central Election Commission**

- 1) Unless a resolution to remove the Chief Election Commissioner from the office has been passed with at least two-thirds of the total members of the Tibetan Parliament, tenure of the Chief Election Commissioner is five years or the completion of 65 years of age, whichever is earlier.
- 2) An individual who served as the Chief Election Commissioner of the Central Election Commission shall not be allowed to take up any office of profit under the Central Tibetan Administration after retirement or removal from the office.

## **CHAPTER IX**

### **Conduct of the Public Service Commission**

#### **Article 100: The Public Service Commission**

There shall be an independent Public Service Commission responsible for the selection and appointment of both section A and section B as per the<sup>59</sup>Central Tibetan Administration's staff statutory.

#### **Article 101: Formation of the Public Service Commission**

- 1) The Public Service Commission shall have a Chairman and two to four other members. As and when vacancies occur for these posts, the Chief Justice Commissioner of the Tibetan Supreme Justice Commission, the Speaker and the Deputy Speaker of the Tibetan Parliament, and the Sikyong shall together constitute an ad hoc nomination committee of three members solely for the purpose of drawing up a list of candidates numbering at least twice the number of the posts to be filled. While it bears no mentioning that the presence of all the above persons would be ideal, in case a meeting of all of them could not be held, it would suffice if those who are actually present constitute the ad hoc nomination committee. The Tibetan Parliament shall vote on the list submitted by the nomination committee and the candidates who win the majority of the votes shall be considered as the elected Chairman of the Public Service Commission or, as a member of the Public Service Commission.
- 2) In case the Chairman or any member of the Public Service Commission needs to be appointed at a time when the Tibetan Parliament is not in session, the candidates listed by the nomination committee specified above shall be voted on by the Standing Committee of the Tibetan Parliament and the candidate who wins at least two-thirds of the votes of the total strength of the Standing Committee shall than be appointed as the chairman.
- 3) The Chairman and the members of the Public Service Commission shall, before assuming their offices, shall take an oath or affirmation of offices before the Chief Justice Commissioner of the Tibetan Supreme Justice Commission, in accordance with the format set out for the purpose in Appendix 6 of this Charter.

#### **Article 102: Powers and duties of the Public Service Commission**

In accordance with the relevant laws passed by the Tibetan Parliament, the Public Service Commission shall frame and implement rules for the selection and appointment, training,

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<sup>59</sup>the administrative and subordinate service officials for the

entitlements, and duties of both section A and section B as per the<sup>60</sup>*Central Tibetan Administration's Staff Statutory*.

### **Article 103: Functioning of the Public Service Commission**

The Public Service Commission shall frame comprehensive rules regarding its functioning and implement the same in accordance with the law passed by the Tibetan Parliament.

### **Article 104: Salary and other allowances of the Chairman of the Public Service Commission**

The Chairman of the Public Service Commission shall be entitled to such salary, perquisites, pension and other entitlements as determined in law by the Tibetan Parliament. The salaries, perquisites, honoraria, daily allowances, and retirement entitlements, of the Chairman and members of the Public Service Commission are barred from being altered or reduced to cause adverse impact on their concerned recipients.

### **Article 105: Tenure of the Chairman and members of the Public Service Commission**

- 1) Term of the chairman and the members of the Public Service Commission is five years or until they attain the age of 65, whichever is earlier
- 2) The Chairman and any individual member or all the members of the Public Service Commission may be removed from office on the basis of a resolution for the purpose approved by a majority of at least two-thirds of the total strength of the Tibetan Parliament.
- 3) An individual who had served as the Chairman of the Public Service Commission is not allowed take up any office of profit under the Central Tibetan Administration after the completion of his or her term, retires, or is removed from office.

## **CHAPTER X**

### **Function of the Auditor general**

#### **Article 106: The Office of the Auditor General**

In accordance with law, excluding the financial accounts of the Office of the Audit Commission itself there shall be an independent Audit Commission for the purpose of auditing all the income and expenditure of all the offices of the Central Tibetan Administration and its units and the accounts of all the organizations funded by the Central Tibetan Administration.

#### **Article 107: Formations of the Office of the Auditor General**

- 1) (a) There shall be an Auditor General who shall be the head of the Audit Commission. Whenever vacancy occurs for this post, the Chief Justice Commissioner of the Tibetan Supreme Justice Commission, the Speaker and the Deputy Speaker of the Tibetan Parliament, and the Sikyong shall together constitute an ad hoc nomination committee of three members solely for the purpose of drawing up a list of candidates numbering at least twice the number of the post to be filled. While it bears no mentioning that the presence of all the above persons would be

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<sup>60</sup>the administrative and subordinate service officials for the

ideal, in case a meeting of all of them could not be held, it would suffice if those who are actually present constitute the ad hoc nomination committee. The Tibetan Parliament shall then vote on the list submitted by the nomination committee and the candidate who wins the majority of the votes shall be considered as the elected Auditor General of the Audit Commission.

(b) In case the Auditor General of the Audit Commission needs to be appointed at a time when the Tibetan Parliament is not in session, the candidates listed by the nomination committee specified above shall be voted on by the Standing Committee of the Tibetan Parliament and the candidate who secures<sup>61</sup> at least two-thirds of the votes of the total strength of the standing committee shall then be appointed as the Auditor General of the Audit Commission.

- 2) The Auditor General of the Audit Commission, before assuming his or her office, shall take an oath or affirmation of office before the Chief Justice Commissioner of the Supreme Justice Commission, in accordance with the format set out in the Appendix 7 of this Charter.

### **Article 108: Powers and duties of Office of the Auditor General**

- 1) In accordance with relevant rules passed Excluding its own financial accounts, the Audit Commission shall have the full power and responsibility to examine, exercise control over and ask questions with regard to all the financial records, including the annual financial accounts and balance sheets, maintained by the Central Tibetan Administration, its subordinate offices, branches, and all organizations funded by the Central Tibetan Administration.
- 2) The Office of the Auditor General shall exercise its powers and conduct its duties according to the relevant laws passed by the Tibetan Parliament.
- 3) The Audit work must be completed within seven months from the end of the relevant statutory fiscal year and the certified accounts and audit reports should be returned to the concerned offices. The concerned offices shall in turn present the certified accounts and audit reports, with their clarifications, to the Tibetan Parliament within a period of nine months from the end of the relevant fiscal year.

### **Article 109: Salary and other allowances of the Auditor General of the Office of the Auditor commission**

- 1) The Auditor General shall be entitled to salary, perquisites, pension and other entitlements as determined in law by the Tibetan Parliament.
- 2) The salaries, perquisites and retirement entitlements of the Auditor General are barred from being altered or reduced to cause an adverse impact on the recipients.

### **Article 110: Tenure of the Auditor General**

Unless removed from office on basis of a resolution for the purpose approved by a majority of at least two-thirds of the total strength of the Tibetan Parliament, the term of the Auditor General of the Audit Commission is ten years or until they attain the age of 65 years, whichever is earlier.

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## CHAPTER XI

### Amendment of the Charter and the Official Language

#### Article 111: Amendment of the Charter

- 1) Excluding the Preamble of this charter and Article 1, 3 and 4 of Chapter I, and all Articles of Chapter II and III; any amendment by way of addition, deletion or revision to any of the provisions of this Charter, whenever required, can only be initiated by an Act of the Tibetan Parliament with the support of at least two-thirds of its total strength and with the signed approval thereon by the Sikyong.
- 2) Any amendment when required in the case of the provisions of the Preamble of this charter and Articles 1, 3 and 4 of Chapter I, and all Articles of Chapters II and III, can only be initiated by an Act of the Tibetan Parliament with the support of at least three-fourths of its total strength and with the signed approval thereon by the Sikyong.

#### Article 112: Referendum (Repealed)

#### Article 113: Transitional provisions (Repealed)

#### Article 114: Reorganization of the Tibetan Administration (Repealed)

#### Article 115: Official Language

All official translations into English and other languages of this Charter adopted by the Tibetan Parliament shall be accepted as standard documents of this Charter. However, in case of any dispute with regard to the interpretation<sup>62</sup> of words and meanings, the Charter's original rendition in Tibetan shall be accepted as the authoritative one.

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<sup>62</sup>understanding

## **APPENDIX 1A**

### **Form of oath or affirmation for assumption of office for the Sikyong and the Kalons**

I \_\_\_\_\_ having been elected as the Sikyong / appointed as a Kalon of the Tibetan Administration, do hereby

1. swear in the name of the Three Supreme Jewels

Or

2. solemnly affirm

that I will bear true faith and allegiance to the Charter of Tibetans-in-Exile as by law established, that I will discharge my responsibilities in all areas of my role as the Sikyong/Kalon to the best of my ability without violating the provisions of the Charter and without fear, or favour, or affection but, rather, with fairness, sincerity and utmost integrity.

## **APPENDIX 1B**

### **Form of oath or affirmation of secrecy**

I \_\_\_\_\_

1. swear in the name of the Three Supreme Jewels

Or

2. solemnly affirm

that unless officially decided upon as being required to be announced publicly for the benefit of the Tibetan nation and people, I will never reveal either directly or indirectly to anyone any confidential matter which may come to my knowledge in the course of the discharge of my duties as the Sikyong / Kalon.

## APPENDIX 2

### **Form of oath or affirmation for assumption of office for a member of the Tibetan Parliament**

I \_\_\_\_\_ having been elected to the \_\_\_\_\_ Tibetan Parliament, do hereby

1. swear in the name of the Three Supreme Jewels

Or

2. solemnly affirm

that I will bear true faith and allegiance to the Charter of Tibetans-in-Exile as by law established, that I will discharge my responsibilities in all areas of my role as a member of the Tibetan Parliament to the best of my ability without violating the provisions of the Charter and without fear, or favour, or affection but, rather, with fairness, sincerity and utmost integrity.

## APPENDIX 3

### **Form of oath or affirmation for assumption of office for the Speaker and the Deputy Speaker of the Tibetan Parliament**

I \_\_\_\_\_ having been elected as the Speaker / Deputy Speaker of the Tibetan Parliament, do hereby

1. swear in the name of the Three Supreme Jewels

Or

2. solemnly affirm

that I will bear true faith and allegiance to the Charter of Tibetans-in-Exile as by law established, that I will discharge my responsibilities in all areas of my role as the Speaker / Deputy Speaker to the best of my ability without violating the provisions of the Charter and without fear, or favour, or affection but, rather, with fairness, sincerity and utmost integrity.

## APPENDIX 4

### **Form of oath or affirmation for assumption of office for the Chief Justice Commissioner and the other Justice Commissioners of the Tibetan Supreme Justice Commission**

I \_\_\_\_\_ having been elected as the Chief Justice Commissioner / Justice Commissioner of the Tibetan Administration, do hereby

1. swear in the name of the Three Supreme Jewels

Or

2. solemnly affirm

that I will bear true faith and allegiance to the Charter of Tibetans-in-Exile as by law established, that I will discharge my responsibilities in all areas of my role as the Chief Justice Commissioner / Justice Commissioner to the best of my judgement and ability without violating the provisions of the Charter and without fear, or favour, or affection but, rather, with fairness, sincerity and utmost integrity.

## APPENDIX 5

### **Form of oath or affirmation for assumption of office for the Chief Election Commissioner and the Additional Election Commissioners of the Central Tibetan Election Commission**

I \_\_\_\_\_ having been elected as the Chief Election Commissioner / Additional Election Commissioner of the Central Tibetan Election Commission, do hereby

1. swear in the name of the Three Supreme Jewels

Or

2. solemnly affirm

that I will bear true faith and allegiance to the Charter of Tibetans-in-Exile as by law established, that I will discharge my responsibilities in all areas of my role as the Chief Election Commissioner / Additional Election Commissioner to the best of my ability without violating the provisions of the Charter and without fear, or favour, or affection but, rather, with fairness, sincerity and utmost integrity.

## APPENDIX 6

### **Form of oath or affirmation for assumption of office for the Chairman and members of the Tibetan Public Service Commission**

I \_\_\_\_\_ having been elected as the Chairman / member of the Public Service Commission, do hereby

1. swear in the name of the Three Supreme Jewels

Or

2. solemnly affirm

that I will bear true faith and allegiance to the Charter of Tibetans-in-Exile as by law established, that I will discharge my responsibilities in all areas of my role as the Chairman / member of the Public Service Commission to the best of my ability without violating the provisions of the Charter and without fear, or favour, or affection but, rather, with fairness, sincerity and utmost integrity.

## APPENDIX 7

### **Form of oath or affirmation for assumption of office for the Auditor General of the Audit Commission**

I \_\_\_\_\_ having been elected as the Auditor General of the Central Tibetan Administration, do hereby

1. swear in the name of the Three Supreme Jewels

Or

2. solemnly affirm

that I will bear true faith and allegiance to the Charter of Tibetans-in-Exile as by law established, that I will discharge my responsibilities in all areas of my role as Auditor General of the Audit Commission of the Central Tibetan Administration to the best of my judgement and ability without violating the provisions of the Charter and without fear, or favour, or affection but, rather, with fairness, sincerity and utmost integrity.

## LIST OF TRANSLITERATIONS USED

*Kashag* ..... Cabinet

*KalonTripa*..... Prime Minister

*Sikyong* ..... Political Leader

*Kalon(s)*.....Minister(s)

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