



# CHARTER OF THE TIBETANS-IN-EXILE

1991

## *Preface*

His Holiness the Dalai Lama has guided us towards a democratic system of government, in order that the Tibetan people in exile be able to preserve their ancient traditions of spiritual and temporal life, unique to the Tibetans, based on the principles of peace and non-violence, aimed at providing political, social and economic rights as well as the attainment of justice and equality for all Tibetan people,

Efforts shall be made to transform a future Tibet into a Federal Democratic Self-Governing Republic and a zone of peace throughout her three regions, Whereas in particular, efforts shall be made in promoting the achievement of Tibet's common goal as well as to strengthen the solidarity of Tibetans, both within and outside of Tibet, and to firmly establish a democratic system suitable to the temporary ideals of the Tibetan people.

The Eleventh Assembly of Tibetan People's Deputies do hereby promulgate and legalize this Charter of the Tibetans-in-Exile as their fundamental guide. Adopted on June 14, 1991; Second Day of the Fifth Tibetan Month, 2118 Tibetan Royal Year.

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## **CHAPTER - I**

### **FUNDAMENTAL PRINCIPLES**

**Article 1 - Commencement**

This Charter having been adopted by the Assembly of the Tibetan People's Deputies<sup>1</sup> and assented to by His Holiness the Dalai Lama shall come into force on the day appointed by His Holiness the Dalai Lama.

**Article 2 - Jurisdiction**

This Charter shall be binding and enforceable on all Tibetans under the jurisdiction of the Tibetan Administration-in-Exile.

**Article 3 - Nature of the Tibetan Polity**

The future Tibetan polity shall uphold the principle of non-violence and shall endeavour to promote the freedom of the individual and the welfare of the society through the dual system of government based on a Federal Democratic Republic. The polity of the Tibetan Administration-in-Exile shall conform to the provisions herein after specified. No amendments to this Charter shall be made except as specified in the Articles of Chapter XI of this Charter.

**Article 4 - Principles of the Tibetan Administration**

It shall be the duty of the Tibetan Administration to adhere to the principles of the Universal Declaration of Human Rights as specified by the United Nations, and to also urge and encourage all other countries of the world to respect and comply with such Declarations, and shall emphasize the promotion of the moral and material well-being of the Tibetan people, the safeguarding of their social, cultural, religious and political rights, and in particular, the ultimate achievement of their common goal.

**Article 5 - Validity of the Charter**

- (1) Any existing law, ordinance, regulation, administrative or executive order which is deemed repugnant to any particular provision of this Charter shall be declared null and void to the extent of its repugnancy.
- (2) In the event of disputes arising from the above provision, the Tibetan Supreme Justice Commission shall adjudicate all such disputes.

**Article 6 - Recognition of International and Local Law**

All laws, ordinances, regulations, administrative and executive orders of the Tibetan Administration-in-Exile shall conform to the generally accepted principles of international law and in particular comply with the local laws of the host countries.

**Article 7 - Renunciation of Violence and the Use of Force**

The future Tibet shall be a zone of peace and shall strive to disengage itself from the production of all destructive weapons, including Nuclear and Chemical; and, currently, the Tibetans-in-Exile shall refrain from all warfare as a means to achieve the common goal of Tibet, or for any other purpose.

**Article 8 - Citizen of Tibet**

- (1) All Tibetans born within the territory of Tibet and those born in other countries shall be eligible to be citizens of Tibet. Any person whose biological mother or biological father is of Tibetan descent has the right to become a citizen of Tibet; or
- (2) Any Tibetan refugee who has had to adopt citizenship of another country under compelling circumstances may retain Tibetan citizenship provided he or she fulfills the provisions prescribed in Article 13 of this Charter; or
- (3) Any person, although formally a citizen of another country, who has been legally married to a Tibetan national for more than three years, who desires to become a citizen of Tibet, may do so in accordance with the laws passed by the Tibetan Assembly.

- (4) The Tibetan Assembly shall formulate laws of citizenship in order to enforce the above Articles.

## **CHAPTER - II**

### **FUNDAMENTAL RIGHTS AND DUTIES**

#### **Article 9 - Equality Before the Law**

All Tibetan citizens shall be equal before the law and shall enjoy the rights and freedoms set forth in this Charter without discrimination on grounds of birth, sex, race, religion, language, lay or ordained status, social origin, rich or poor.

#### **Article 10 - Religious Freedom**

All religious denominations are equal before the law. Every Tibetan shall have the right to freedom of thought, conscience and religion. These religious rights include the freedom to manifest one's beliefs, to receive initiation into religious traditions, and to practice with matters relating to religious commitment, such as preaching or worship of any religion, either alone or in community with others.

#### **Article 11 - Right to Vote and Nomination of Candidates for the Assembly**

Subject to laws depriving the right to vote, all Tibetan citizens who have attained the age of eighteen shall be entitled to the right to vote. Subject to laws depriving the right to nomination, all Tibetan citizens who have attained the age of 25 shall be entitled to be a nominee.

#### **Article 12 - Other Fundamental Rights and Freedoms**

Subject to any law imposing restrictions in the immediate and ultimate interest of the Tibetan people and for the benefit of the public, and subject to legal restrictions imposed by the Tibetan Assembly during the tenureship of a civil servant, all Tibetans shall be entitled to the following rights and freedoms:

- (a) freedom of life, liberty and property;
- (b) freedom of speech and expression;
- (c) freedom of movement;
- (d) the right to publish and distribute newspapers, periodicals, articles and other writings;
- (e) freedom to assemble peacefully without arms;
- (f) when charged and required to appear before a court of law, the right to free legal counsel and interpreter should a person lack necessary means;
- (g) the right to form and become a member of any religious, cultural, economic, or trade union or other association;
- (h) freedom of employment in the Tibetan Administration, or any other institution under its jurisdiction, according to qualification;
- (i) the right to practice any profession or carry out any trade or business enterprise or occupation, including acquisition of land and property, in accordance with the law of the respective host countries;
- (j) the right of children under the age of 14 years not to be employed in manual labor.

#### **Article 13 - Obligations of Citizens: All Tibetan citizens shall fulfill the following obligations**

- (a) bear true allegiance to Tibet;
- (b) faithfully comply and observe the Charter and the laws enshrined therein;
- (c) endeavor to achieve the common goal of Tibet;
- (d) pay taxes imposed in accordance with the laws; and
- (e) perform such obligations as may be imposed by law in the event of a threat to the interest of Tibet or other public catastrophe.

#### **Article 14 - Enforcement of Fundamental Rights and Duties**

Subject to restrictions imposed by law, as specified in Article 12 of this Charter, all Tibetans shall have the right to approach the Tibetan Supreme Justice Commission, and all Tibetan Local Justice Commissions, in the event of violation of rights. The above Justice Commissions are entitled to issue such orders as are necessary to protect these rights as specified therein.

### **CHAPTER - III**

#### **DIRECTIVE PRINCIPLES OF THE TIBETAN ADMINISTRATION**

#### **Article 15 - Achievement of the Common Goal and the Social Welfare of the Tibetans-in-Exile**

The primary aim of the Tibetan Administration-in-Exile shall be to endeavor to maintain a just policy for the achievement of the common goal of Tibet, and in addition, at the present moment, to protect Tibetans in Tibet from present hardships and danger; and shall formulate a policy to secure just and equal opportunities for the economic development of Tibetans-in-Exile. Furthermore, it shall endeavour to provide reasonable opportunities to all Tibetan youth for the procurement of a modern education and the derivation of the ancient cultural heritage of Tibet; and in particular, shall also strive to provide adequate health services for sound mental and physical development. For the implementation of the above objectives, the following tasks may be undertaken.

#### **Article 16 - Social Welfare**

- (1) The Tibetan Administration-in-Exile shall endeavor to secure appropriate means of providing sources of livelihood, happiness and mental and physical well-being for the Tibetan people. Those policies shall include the promotion of equal opportunity and adequate means of livelihood, equal pay for equal work, either within the Tibetan Administration or any other institutions under its jurisdiction, and equal taxation in accordance with the amount of income.
- (2) The Tibetan Administration shall provide economic assistance and guidance to those who are infirm, physically handicapped, or economically disadvantaged, or to those Tibetan families with large numbers of children who are unable to adequately raise and educate their children. Reasonable efforts shall be made by the Tibetan Administration to prevent economic exploitation by others, and to educate and assist those exploited by others.
- (3) In particular, the Tibetan Administration shall modernize agricultural techniques and develop appropriate cottage and home industries to prevent Tibetan settlements and communities from disintegration. It shall operate public and private undertakings, such as co-operatives, trade and business enterprises and communities, in accordance with the regulations laid down by the Tibetan Assembly.

#### **Article 17 - Education and Culture**

- (1) The Tibetan Administration shall abide by the UN's declarations of the rights of the children and shall provide all Tibetan children in exile, who have reached school age, the opportunity for primary education.
- (2) A standard education policy shall be formulated in accordance with the fundamental requirements of Tibetans and the endeavor to promote education.
- (3) It shall endeavor to establish and maintain day schools in the respective Tibetan establishments and shall provide hostel facilities wherever deemed necessary.
- (4) It shall endeavor to admit Tibetan children from various scattered Tibetan communities, where there are no educational institutions, to the nearest Tibetan schools.
- (5) It shall give career guidance to Tibetan children by providing expertise in educational counseling.
- (6) It shall encourage those who are economically able to provide their own financial support for

- the continuation of their children's education.
- (7) It shall endeavor to provide special programs and opportunities for technical, professional, and general higher education on the basis of scholarship and merit; and scholarships shall be made available to those unable to pay for such an education.
  - (8) It shall endeavor to improve the residential and non-residential government and private primary, middle and high schools, and it shall endeavor to gradually introduce the Tibetan language as the medium of instruction in all of its schools, with special emphasis placed on moral education rooted in the Buddhist teachings.
  - (9) It shall endeavor to raise public respect for teachers of all grades, and recruit those with meritorious academic records.
  - (10) It shall endeavor to improve the purity and efficiency of academic and monastic communities of monks, nuns, and tantric practitioners, and shall encourage them to maintain proper behavior.
  - (11) It shall endeavor to disseminate a non-sectarian and wholesome tradition of Buddhist doctrines.
  - (12) It shall endeavor to provide facilities for monks and nuns to provide appropriate educational and health services for the benefit of the society.
  - (13) It shall endeavor to preserve and promote ancient Tibetan culture in general, and in particular those aspects of Tibetan arts and sciences which are on the verge of extinction, such as the performing arts, metal crafts and other traditional handicrafts. It shall also recognize, honor and reward professional master-craftspeople.
  - (14) It shall endeavor to provide guidance in fields of modern education of special importance, such as contemporary science, and support research in the fields of science, art and technology.
  - (15) It shall support and promote cultural, religious, monastic and academic institutions.
  - (16) It shall promote games and athletic sports.

#### **Article 18 - Health**

- (1) The Tibetan Administration shall endeavor to promote adequate health, medical and sanitation services, and provide free medical treatment for the needy. It shall conduct special medical care programs for immunization and chronic illnesses and educate people on environmental issues.
- (2) In particular, it shall endeavor to promote the Tibetan pharmacy and the practice of ancient astro-medical sciences, and conduct comparative research in the field of Tibetan and modern astro-medical sciences.
- (3) The manufacture and prescription of Tibetan pharmaceutical medicines shall be authorized, regulated and standardized in accordance with the law.

### **CHAPTER - IV THE EXECUTIVE**

#### **Article 19 - Executive Power**

The executive power of the Tibetan Administration shall be vested in His Holiness the Dalai Lama, and shall be exercised by Him, either directly or through officers subordinate to Him, in accordance with the provisions of this Charter. In particular, His Holiness the Dalai Lama shall be empowered to execute the following executive powers as the chief executive of the Tibetan government:

- (a) approve and promulgate bills and regulations prescribed by the Tibetan Assembly;
- (b) promulgate acts and ordinances that have the force of law;
- (c) confer honors and appointments;
- (d) summon, adjourn, postpone and prolong the Tibetan Assembly;
- (e) send messages and addresses to the Tibetan Assembly whenever necessary;
- (f) dissolve or suspend the Tibetan Assembly;
- (g) dissolve the Kashag or remove a Kalon or Kalons;
- (h) summon emergency and special meetings of major significance; and

- (j) authorize referendums in cases involving major issues in accordance with this Charter.

## **Article 20 - The Kashag and the Chief Kalon**

Under the leadership of His Holiness the Dalai Lama, there shall be a Kashag and a Chief Kalon primarily responsible for exercising the executive powers of the Tibetan Administration.

## **Article 21- Election of the Kalons**

- (1) The Kashag shall consist of seven Kalons who shall be elected by the Tibetan Assembly in accordance with the law by means of a secret ballot.
- (2) The original nominees for Kalons shall consist of not more than 21 members nominated by sub-committees of the Tibetan Assembly by means of a secret ballot. The Kalons shall be elected following selection of the nominees.
- (3) Qualifications of a Kalon:
  - (a) Must be a citizen of Tibet;
  - (b) At least 35 years of age;
  - (c) Not declared mentally unsound by a court or a licensed medical practitioner;
  - (d) Not declared legally bankrupt;
  - (e) Not convicted of any criminal offence by any court of law;
  - (f) Not declared disqualified by more than two-thirds majority in the Tibetan Assembly;
  - (g) Not a Kalon who is serving a second consecutive term in office;
  - (h) Not previously removed as a Kalon as prescribed in clause (3) & (4) of Article 29 of this Charter;
  - (i) Does not enjoy service, status or economic benefit from other countries detrimental to the interest of the Tibetan people.
- (4) Any person nominated as a Kalon who is unwilling to accept the office must be withdrawn from the nomination within the allotted time in accordance with the notification.
- (5) A nominee must secure at least 70% of the total number of votes to be elected as a Kalon.
- (6) If seven Kalons are not elected, three nominees for each remaining position of Kalon shall be nominated for a reelection from the list of remaining candidates.
- (7) Provided further that if the total of 3 Kalons are not elected upon the subsequent ballot, the required percentage for election may be reduced to, but not below, 55%, and subject only to the approval of more than two-thirds majority of members present in the Tibetan Assembly. If the Kalons are elected upon reduction of the required percentage of votes, the number of Kalons thus elected shall not exceed three.
- (8) If a two-thirds majority of members present in the Tibetan Assembly has not approved the reduction of the required percentage of votes for election, or if after the reduction, the required percentage has not been secured by 3 candidates for the position of Kalon, the matter shall be presented to His Holiness the Dalai Lama and decided thereon in accordance with His advice.
- (9) If the number of elected candidates with equal percentages of votes exceeds the required number of Kalons, all such candidates who got equal percentage of votes will then form the nominees and voting started again.
- (10)
  - (a) If the elected Kalons are so few that they are unable to discharge their responsibilities properly, then the Kashag may approach the Tibetan Assembly, whereupon the matter may be submitted to His Holiness the Dalai Lama, and following His assent, the vacancies for the remaining positions of Kalons within the Kashag may be elected by the Tibetan Assembly.
  - (b) In the event of the death, replacement, or resignation of a Kalon, his or her replacement shall be elected within six months.
  - (c) In the case of such an election, the nominees for the replacement of the Kalons required thereof shall not exceed three for each position of Kalon.
  - (d) Further, in the case of no such nominee securing the required percentage as laid down in the regulation, re-election of the Kalon or Kalons shall not be required.
  - (e) A Kalon so elected shall hold office for the same period as that of the remaining term of the

incumbent Kashag.

- (11) Any member of the Tibetan Assembly elected as a Kalon shall cease to be a member of such Assembly, and any civil servant of the Tibetan Administration elected as a Kalon, shall resign from his or her service provided that, upon completion of a Kalon's term, he or she shall be entitled to receive benefits of old age according to his or her former rank and the duration of the previous service.
- (12) This specific procedure applicable to the election of Kalons as formulated by the Tibetan Central Election Commission, in accordance with the provisions of this Charter, ratified by the Tibetan Assembly, and with the assent of His Holiness the Dalai Lama, shall henceforth come into full force and effect.

**Article 22 - Tenure of Kashag**

- (1) Subject to Article 29 of this Charter, and unless otherwise specified, such as the dissolution of the Kashag or the removal of a Kalon or Kalons before the expiration of a term, the tenure of the Kashag shall be 5 years.
- (2) Except in cases of dissolution of the Kashag as specified in Article 29 of this Charter, the re-election of any Kalon shall not be invalid, provided that such re-election of a Kalon shall not exceed two consecutive terms.

**Article 23 - Election of the Chief Kalon**

A Chief Kalon shall be elected, in accordance with the law, by the elected Kalons by means of a secret ballot. Election of a Chief Kalon shall be valid by a simple majority.

**Article 24 - Tenure of the Chief Kalon**

Except in the case of a removal, in accordance with clause (5) of Chapter 29 of this Charter, and before the expiration of a term, the tenure of the Chief Kalon shall be one year. Provided that he or she can remain as Chief Kalon if re-elected.

**Article 25 - Oath or Affirmation by the Chief Kalon and Kalons**

All Kalons, including the Chief Kalon, shall, before assuming office, take and subscribe before His Holiness the Dalai Lama an oath and affirmation of office and secrecy according to the form prescribed by law.

**Article 26 - Salaries of the Chief Kalon and Kalons**

The Chief Kalon and Kalons shall be entitled to receive such salaries, allowances and other privileges during their term as determined by the Tibetan Assembly by law.

**Article 27 - Meeting of the Kashag**

The Chief Kalon shall preside over meetings of the Kashag, and during his or her absence, it shall be presided over by a Kalon elected for the purpose.

**Article 28 - His Holiness the Dalai Lama's Summoning of the Kashag Meetings**

- (1) His Holiness the Dalai Lama may, from time to time, summon a meeting, or may be requested by the Kashag to attend Kashag meetings. The Kalons shall be in attendance during such meetings and His Holiness the Dalai Lama shall preside over these Kashag meetings.
- (2) The Kashag shall be exclusively responsible for the expeditious execution of resolutions passed thereof in the meetings of His Holiness the Dalai Lama and the Kashag.

**Article 29 - Obligations of the Kashag and Removal of Kalons**

- (1) The Kashag shall be collectively responsible for the discharge of their duties, and in general it shall be accountable and answerable to the Tibetan Assembly.
- (2) The Chief Kalon shall allocate portfolios to the individual Kalons with the consent of His Holiness the Dalai Lama, and His decision shall be binding.

- (3) The entire Kashag may be dissolved, or any Kalon or Kalons may be removed, as the case may be, with the approval of more than a two-thirds majority of the total members of the Tibetan Assembly.
- (4) His Holiness the Dalai Lama may, in cases of an emergency, dissolve the Kashag or remove a Kalon or Kalons, including the Chief Kalon, as the case may be.
- (5) If at any time the Chief Kalon makes a reasonable recommendation regarding the dissolution of the Kashag or the removal of a Kalon or Kalons, including himself, such a recommendation submitted through the Tibetan Assembly, shall come into force with the support of a two-thirds majority of the total number of the Kalons in the Kashag, and the approval of His Holiness the Dalai Lama.
- (6) If the entire Kashag is so dissolved, a new Kashag shall be elected in not less than 30 calendar days from the day of dissolution, if the Tibetan Assembly is in session. If the Assembly is not in session and an emergency session is required to be summoned, the replacement of the Kashag shall be elected within 60 calendar days, except in the case of a removal of a particular Kalon, in which case his or her replacement may be elected within 6 months.
- (7) The Kashag shall continue to hold office in accordance with the law even after the expiration of its term until such time as the newly elected Kashag takes and subscribes its oath and affirmation of office. In the case of a removal of a particular Kalon, as specified in clauses (3) (4) (5) of this article, he or she shall cease to hold his or her office. In the case of the dissolution of the entire Kashag, the incumbent Kashag shall continue to hold office until such time as the newly elected Kashag takes and subscribes the oath and affirmation of office provided that they do not make new decisions relating to policy matters.

**Article 30 - Conduct of Business of the Tibetan Administration**

All executive business of the Tibetan Administration shall be conducted in the name of His Holiness the Dalai Lama. The Kashag shall formulate detailed regulations concerning transaction of administrative business, rules and regulations, and the making of decisions, by the chief Kalon or Kalons of the Kashag; and those laws shall come into force with the approval of the Tibetan Assembly and the assent of His Holiness the Dalai Lama.

**Article 31 - Council of Regency**

The Council of Regency shall exercise executive powers and authority in the following circumstances:

- (1) (a) at such time as His Holiness the Dalai Lama has not assumed or retained the powers of the head of the Tibetan Administration and the executive functions therein;
- (b) when the Tibetan Assembly, by more than three-fourths of its total members in consultation with the Tibetan Supreme Justice Commission, decides that, in the highest interests of the Tibetan Administration, and the Tibetan people, it is imperative that the executive functions of His Holiness the Dalai Lama shall be exercised by the Council of Regency.
- (2) If such a situation arises, a three member Council of Regency shall be elected jointly by the Kashag and the Tibetan Assembly in accordance with law, by means of secret ballot. Provided that any Tibetan who desires to become a nominee of the Council of Regency shall fulfill the same qualifications as those for becoming a Kalon as specified in clause (3) of Article 21 of this Charter.
- (3) If any Member of the Kashag, member of the Tibetan Assembly, or civil servant of the Tibetan Administration and its private institutions is elected as a member of the Council of Regency, he or she shall relinquish his or her present position.
- (4) A Regent, once elected as member of the Council of Regency, shall take and subscribe an oath and affirmation of office and secrecy before the Chief Justice Commissioner of the Tibetan Supreme Justice Commission.

**Article 32 - The Chief Regent of the Council of Regency**

- (1) There shall be a Chief Regent in the Council of Regency who shall be elected jointly by mem-

bers of the Tibetan Assembly and Kashag by a majority vote. However, the Council of Regency shall be collectively responsible for the conduct of their business.

- (2) Except in the case of a removal before the expiration of a term, in accordance with Article 34 of this Charter, the tenure of the Chief Regent shall be one year. Provided that he or she can continue to remain as the Chief Regent if reelected.

### **Article 33 - Duties and Powers of the Council of Regency**

- (1) The Council of Regency shall have all the executive powers and authority as prescribed in Article 19 except as otherwise prescribed in sub-clause (f) & (g) of the same Article.
- (2) Subject to clause (f) of Article 19, the Council of Regency may, in consultation with the Kashag and the Chief Kalon, with the approval of more than two-thirds majority of the members of the Kashag, call for a popular referendum to suspend or dissolve the Tibetan Assembly.
- (3) Subject to clause (g) of Article 19, the Council of Regency may, in consultation with the Speaker and Deputy Speaker of the Tibetan Assembly, dissolve the Kashag or remove a Kalon or Kalons, as the case may be, with the approval of more than two-thirds of the total members of the Tibetan Assembly.
- (4) At the earliest time for His Holiness the Dalai Lama to assume the executive authority and power of the Tibetan Administration, the Council of Regency or a Regent, the Kashag or a Kalon, the Tibetan Assembly or a member thereof, may introduce a bill in the Tibetan Assembly to reinstate the power and authority of His Holiness the Dalai Lama. Upon adoption of such a bill the Council of Regency shall be dissolved.
- (5) In all other matters of procedure, the Council of Regency shall adhere and comply in accordance with duly passed laws.

### **Article 34 - Dissolution of the Council of Regency and Removal of Regents**

- (1) Whenever any Regent of the Council of Regency, as a result of death or otherwise, is unable to discharge his or her duties and responsibilities, the Kashag and the Tibetan Assembly shall, in accordance with law, jointly elect his or her replacement.
- (2) Any Regent(s) or all three Regents of the Council of Regency may be removed, with the approval of more than two-thirds majority of the total members of the Tibetan Assembly in consultation with the Kashag.
- (3) In the case of a situation requiring the removal of a member of the Council of Regency when the Assembly is not in session, the Standing Committee of the Tibetan Assembly may, in consultation with the Kashag, suspend the powers and authority of that particular Regent. Provided that the Kashag and the Standing Committee of the Tibetan Assembly shall jointly explain such removal when the assembly reconvenes and, if approved by more than a two-thirds majority of the total members of the Tibetan Assembly, that Regent shall be removed from his or her office. The Tibetan Assembly shall also elect in the same session a new Regent as his or her replacement in accordance with Article 31 of this Charter.
- (4) If two or three Regents of the Council of Regency are required to be removed from office while the Tibetan Assembly is not in session, the Kashag in consultation with the Standing Committee of the Tibetan Assembly shall summon an Emergency Meeting of the Assembly and recommend in that session the removal of such Regents. The Tibetan Assembly may approve the removal of two or three Regents by more than two-thirds of its total members. Provided that any or all of the Regents of the Council of Regency shall be given an opportunity to present an explanation thereof. The Tibetan Assembly shall also elect, in the same session, their replacements in accordance with Article 31 of this Charter.

### **Article 35 - Term of Office and Salary of the Council of Regency**

- (1) Unless the Council of Regency is required to be dissolved, or a Regent(s) is required to be removed as specified in Article 33 of this Charter, or in the appropriate event of reinstating power and authority in the hands of His Holiness the Dalai Lama, the term of each Council of Regency shall not exceed 3 years.

- (2) In the event of removal of one or two Regents, their replacement shall hold office for the same period of time as that of the remaining term of the former. Provided that in the event of removal of all Regents, the term of office of the new Regency shall be three years.
- (3) In the event of removal of a particular Regent, he or she must immediately relinquish his or her position. Provided that if all three Regents are removed, they shall continue to hold office until such time as the newly elected Regency takes an oath and affirmation of office, provided that they do not make decisions relating to policy matters.
- (4) The Regents shall be entitled to receive such salaries, allowances and other privileges during their tenureship as determined by the Tibetan Assembly in accordance with law.

## **CHAPTER - V**

### **THE LEGISLATURE**

#### **Article 36 - Legislative Power**

All legislative power and authority shall rest in the Tibetan Assembly, and such legislation shall require the assent of His Holiness the Dalai Lama to become law.

#### **Article 37 - Composition of the Tibetan Assembly**

The Tibetan Assembly shall consist of:

- (1)
  - (a) 10 members elected from each of the three regions of Tibet without discrimination of sex;
  - (b) 2 members elected from each religious denomination: Nyingma, Kagyud, Sakya, Geluk and Yungdrung Bon.
  - (c) 2 members elected by Tibetans residing in Canada and the United States of America;
  - (d) 2 members elected by Tibetans residing in European countries.

According to clause (a) of this Article, there shall be at least 2 elected women members from each region to represent that region's constituency.
- (2) The Tibetan Assembly may increase the number of regional deputies as and when required.

#### **Article 38 - Qualifications for Membership of the Tibetan Assembly**

The qualifications of a member of the Tibetan Assembly shall be:

- (a) Must be a citizen of Tibet.
- (b) Must be at least 25 years of age.
- (c) Not declared mentally unsound by a Court or a qualified medical practitioner.
- (d) Not declared bankrupt.
- (e) Not convicted of any criminal offense by a court of law.
- (f) Not a member of the Tibetan civil service engaged in profit-orientated enterprises.
- (g) Does not enjoy service, status or economic benefit from other countries detrimental to the interest of the Tibetan people.
- (h) Not declared disqualified in accordance with the election rules and regulations prescribed by the Tibetan Assembly.

#### **Article 39 - Duration of the Tibetan Assembly**

Subject to Article 57 of this Charter, on the dissolution of the Tibetan Assembly before the expiration of its duration, the term of each Tibetan Assembly shall be 5 years.

#### **Article 40 - Sessions of the Tibetan Assembly**

His Holiness the Dalai Lama shall summon the regular Tibetan Assembly to meet at such time, place and duration as may be recommended by the Speaker and the Standing Committee of the Tibetan Assembly in this behalf. The Secretary General of the Tibetan Assembly shall send notices summoning members of the Tibetan Assembly to such a session. A time period of six months shall not pass between the last session and the date appointed for the next session.

#### **Article 41 - Special Sessions**

- (1) His Holiness the Dalai Lama may, at His discretion, summon a Special Session of the Tibetan Assembly, or He may do so at the recommendation of more than 50% of the members of the Kashag, the Tibetan Assembly, or the Standing Committee of the Tibetan Assembly.
- (2) In an event which requires the summoning of a special session of the Tibetan Assembly for the purpose of matters specified in clause (1), sub clause (b) of Article 31 & clause (4) of Article 34, the Speaker of the Tibetan Assembly may, in consultation with the Kashag, summon such a session.

#### **Article 42 - Standing Committee of the Tibetan Assembly**

- (1) When the Tibetan Assembly is not in session, there shall be a Standing Committee of the Tibetan Assembly which shall consist of 2 members from each region, 1 member from each of the religious denominations, and 1 member from among those directly nominated by His Holiness the Dalai Lama, either elected or selected. This Standing Committee shall be redesignated each year.
- (2) The Standing Committee shall exercise authority and the conduct of business in such manner as the Tibetan Assembly may direct in accordance with law.

#### **Article 43 - His Holiness the Dalai Lama's Annual Address and Messages to the Tibetan Assembly**

- (1) At the commencement of the first session of each Tibetan Assembly, or at the commencement of the first session of each year, His Holiness the Dalai Lama shall address or send messages to the Tibetan Assembly.
- (2) His Holiness the Dalai Lama may, at His discretion, address or send messages to the Tibetan Assembly or the Standing Committee of the Tibetan Assembly on such occasions when a Bill or other legislation is returned by His Holiness to the Assembly for reconsideration, in accordance with law.

#### **Article 44 - Right of Admission of Kalons in the Tibetan Assembly Session**

The Kalons shall have the right to take part in debate, discussion and submit any recommendations or explanation in the sessions of the Tibetan Assembly, provided that the Kalons are not entitled to vote in the Tibetan Assembly.

#### **Article 45 - The Speaker and Deputy Speaker of the Tibetan Assembly**

- (1) At the commencement of the first session of each Tibetan Assembly, the members shall elect a Speaker and a Deputy Speaker from among the Assembly members by means of a secret ballot.
- (2) After the election of the Speaker and the Deputy Speaker of the Tibetan Assembly, and as soon as possible before assuming their respective offices, they shall each take an oath and affirmation of office before His Holiness the Dalai Lama according to the form as prescribed by law.
- (3) If either the Speaker or the Deputy Speaker so elected is removed by more than a two-thirds majority of the total members in the Tibetan Assembly, he or she shall vacate his or her office on and from the day of such a resolution.
- (4) When the Tibetan Assembly is in session deliberating on a matter concerning the removal of either the Speaker or the Deputy Speaker of the Tibetan Assembly, he or she shall not partake in such a session.
- (5) In the event of the seat of the Speaker or the Deputy Speaker of the Tibetan Assembly becoming vacant due to removal, death or otherwise, as soon as may be, their replacement shall be elected in accordance with law.

#### **Article 46 - Privileges of the Members of the Tibetan Assembly**

- (1) Any member of the Tibetan Assembly shall not be liable to any proceedings in any Tibetan Justice Commission with regard to any statement made or voting procedures held in the Tibetan

Assembly or any Committee thereof.

- (2) All matters regarding privileges of the members of the Tibetan Assembly shall be defined in accordance with law made, from time to time, by the Tibetan Assembly.

**Article 47 - Oath or Affirmation by Members of the Tibetan Assembly**

Every member of the Tibetan Assembly shall, before taking his or her seat, take and subscribe before the Speaker or Deputy Speaker of the Tibetan Assembly, or a person appointed on his or her behalf, an oath and affirmation of office according to the form as prescribed by law.

**Article 48 - Voting in the Tibetan Assembly**

Except as provided in the Articles and other provisions of this Charter, all other business of the Tibetan Assembly shall be determined by a majority vote. In the case of a even or tie of votes, with regard to business matters, the Speaker of the Tibetan Assembly shall, in his or her discretion, cast the deciding vote whereupon the matter may be resolved.

**Article 49 - Quorum of the Tibetan Assembly**

- (1) If two-thirds of the total number of members, either in the Tibetan Assembly or its Standing Committee, as the case may be, are in session, it shall have the right to resolve any matter. Provided that when the total percentages are calculated the fractions thereof shall not be taken into account.
- (2) If a session of the Tibetan Assembly is required to be adjourned by more than a week in the absence of the minimum quorum required, the Speaker of the Tibetan Assembly may, in consultation with His Holiness the Dalai Lama, adjourn the meeting.
- (3) If any member of the Tibetan Assembly vacates his or her seat during a session, or if it is later discovered that a non-member was present and had voted in the session, the matter deliberated thereupon by the Tibetan Assembly shall remain valid provided that such a person present and voting without any right shall not be eligible in the future for nomination as a member in the Tibetan Assembly.

**Article 50 - Salaries and Allowances of Members of the Tibetan Assembly**

All members of the Tibetan Assembly shall, from the day of taking an oath and affirmation of office until the expiration of their term, be entitled to receive salaries and allowances as may be determined by the Tibetan Assembly in accordance with law.

**Article 51 - Introduction and Passing of Bills**

- (1) No bill or legislation dealing with the imposition, remission, abolition, alteration or regulation of any tax, or regulation for borrowing of money for the Tibetan Administration or giving of any guarantee by the Tibetan Assembly, shall be introduced without the recommendation of the Kashag. Provided that existing laws for the reduction or increase of any tax shall need no recommendation from the Kashag.
- (2) Any bill or legislation formally deliberated in the Tibetan Assembly involving an expenditure of the Tibetan Administration shall not be passed without the recommendation of the Kashag.
- (3) Subject to the preceding Articles, the Tibetan Assembly or any member therein is entitled to introduce any bill or legislation, or propose any amendment, as prescribed in the rules of the Tibetan Assembly.
- (4) Any bill or legislation, if necessary, can be referred for consideration and recommendation to the Committee(s) specially appointed for that purpose before being discussed or deliberated in the Tibetan Assembly.

**Article 52 - Annual Budget of the Tibetan Administration**

- (1) The Kashag shall be required to produce an annual statement of expenditure and estimated receipts of the entire Tibetan Administration for the coming year before the Tibetan Assembly. The annual budget statement shall be divided into the following categories:

- (a) the sums deemed necessary to meet the estimated expenditure from the revenue of the Tibetan Administration as stated in the succeeding clause; and
- (b) the sums required to meet other expenditure(s) proposed to be made from the revenue of the Tibetan Administration.
- (2) The sum of expenditure(s) deemed necessary to be made from the revenue of the Tibetan Administration as stated in sub-clause (a) of the preceding clause shall be as follows:
  - (a) expenditures necessary for the office and dignity of His Holiness the Dalai Lama;
  - (b) the salary and allowances of the Speaker and Deputy Speaker of the Tibetan Assembly;
  - (c) the salary, allowance and pension of the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission; and
  - (d) debt charges for which the Tibetan Administration is liable, including interest and redemption charges.
- (3) The sum of expenditure to be made as stated above shall not be liable for vote in the Tibetan Assembly. However, the Tibetan Assembly shall not be prevented from discussing any of the above matters.
- (4) The sums of all expenditures required to be made, as specified in sub clause (b) of clause (1) of this Article, shall be subject to the approval of the Tibetan Assembly in accordance with budget regulations as set forth by the Tibetan Assembly, and it shall assent, reduce or reject the proposal, as it thinks fit.

**Article 53 - Rules of Procedure of the Tibetan Assembly**

The Tibetan Assembly shall formulate rules of procedure and conduct of business, with the approval of more than two-thirds of its total members, in accordance with the provisions of this Charter, and such rules shall then come into force.

**Article 54 - Restriction on Discussion**

No discussion or question shall be raised in the Tibetan Assembly with respect to the conduct of the Chief Tibetan Justice Commissioner in the discharge of his or her duties, except in regard to the issue of removal of the Chief Tibetan Justice Commissioner made by the findings of a Committee especially appointed by the Tibetan Assembly, and upon its recommendation to and with more than a two-thirds majority of the total members of the Tibetan Assembly, and with the approval of His Holiness the Dalai Lama.

**Article 55 - Promulgation of Ordinances**

- (1) Any legislation, bill or proposal passed by the Tibetan Assembly and presented to His Holiness the Dalai Lama shall be treated as law once He assents to its enactment. His Holiness the Dalai Lama shall decide within 14 working days whether such legislation shall be approved, or He may return the proposal with recommendations as is deemed fit within that time. Thereafter the Tibetan Assembly shall deliberate upon His Holiness' recommendations for the proposal and then present the same to His Holiness the Dalai Lama for re-approval within fourteen working days.
- (2) If at any time the Tibetan Assembly is not in session, and if any issue of major significance arises which renders it necessary and urgent, His Holiness the Dalai Lama, may in consultation with the Standing Committee of the Tibetan Assembly, promulgate ordinances which have the same force of law.
- (3) Any ordinances promulgated may be amended, altered or annulled by the Tibetan Assembly through deliberation during their subsequent session.

**Article 56 - Referendum**

His Holiness the Dalai Lama may, in pursuant to clause (1) of Article 55 of this Charter, on any legislation, bill or proposal passed and presented to His Holiness the Dalai Lama by the Tibetan Assembly, call for a referendum. Such a referendum shall become law if a majority vote by the Tibetan people is obtained and His Holiness the Dalai Lama assents to its enactment within 14

working days from the election result.

**Article 57 - Dissolution of the Tibetan Assembly and Removal of a Member**

- (1) In the interest of Tibet and its people, His Holiness the Dalai Lama may, in consultation with the Kashag, the Chief Tibetan Justice Commissioner, the Speaker and Deputy Speaker of the Tibetan Assembly, either prorogue or dissolve the Tibetan Assembly in accordance with the provisions of this charter.
- (2) If any member of the Tibetan Assembly has lost public support and confidence after assuming office, or if his or her conduct is found incongruent to the qualifications of the Tibetan Assembly as determined by Article 38 of this Charter, and if such an allegation or accusation made thereof is approved by a majority of its members, he or she shall be required to resign from membership in the Tibetan Assembly.
- (3) In the event of such a removal, resignation, dissolution, death or election as a Regent or Kalon, as the case may be, the election for new members of the Tibetan Assembly shall be held within 180 days from the day thereof.

**Article 58 - Non-Liability of the Proceedings of the Tibetan Assembly**

- (1) Any manner of the proceedings of the Tibetan Assembly shall not be called into question by any Tibetan Justice Commissioner under the pretext of any alleged irregularity or discrepancy with the regulations.
- (2) No member of the Tibetan Assembly who is empowered under this Charter with regard to the conduct of business, regulation, discipline or for maintaining order within the Tibetan Assembly shall be subject to the jurisdiction of any Tibetan Justice Commission.

**Article 59 - Special General Meeting**

- (1) If a situation necessitates polling of the general Tibetan public in respect to an emergency or significant public issues, His Holiness the Dalai Lama may either promulgate an ordinance, or a Special General Meeting may be summoned on the joint proposal of the Kashag and the Speaker and the Deputy Speaker of the Tibetan Assembly, with the consent of His Holiness the Dalai Lama.
- (2) The composition of the representatives to such a meeting shall include the members of the Tibetan Assembly and others appointed in this behalf; the Kashag shall jointly decide, in consultation with the Tibetan Assembly or the Standing Committee of the Tibetan Assembly, the agenda, time, and venue of its occurrence.
- (3) Once the agenda of the Meeting, the number and composition of representatives, and time and venue are decided, the Office of the Secretary General of the Tibetan Assembly shall issue notification within 45 days prior to the day of such a meeting.

**Article 60 - Regional Committee of Bhod Rangwang Denpe Legul**

- (1) There shall be a Regional Committee of Bhod Rangwang Denpe Legul in all places where Tibetans-in-Exile reside. It shall be comprised of at least 3 members, but not more than 11, elected by the residents of the respective Regions. In direct co-ordination with the Tibetan Assembly, the committee shall carry out effective activities that are related to the achievement of the common goal, and for the advancement of the moral and material well-being of the Tibetan people.
- (2) The formation, dissolution and integration of all Regional Committees of Bhod Rangwang Denpe Legul shall be subject to the jurisdiction of the Tibetan Assembly.
- (3) The composition, conduct of business and auditing of revenues collected by the Regional Committees of Bhod Rangwang Denpe Legul shall be subject to the direct jurisdiction of the Tibetan Assembly.
- (4) The Tibetan Assembly shall have the discretion to approve existing organizations in regions to carry out the functions of the Regional Committee where a Regional Committee of Bhod Rangwang Denpe Legul cannot be constituted as prescribed in clause (1) of this Article.

### **Article 61 - Office of the Secretary General**

There shall be a permanent Office of the Secretary General in the Tibetan Assembly. It shall consist of one Secretary General, and the required number of his or her staff shall be determined by the Speaker and the Deputy Speaker of the Tibetan Assembly in consultation with the Kashag, in accordance with the regulations governing the appointment of civil servants of the Tibetan Administration.

## **CHAPTER - VI THE JUDICIARY**

### **Article 62 - Tibetan Supreme Justice Commission**

There shall be a Tibetan Supreme Justice Commission vested with judicial powers suitable to the temporary and special needs of the Tibetan Administration and citizens in exile. It shall consist of a Chief Tibetan Justice Commissioner until such time as the Tibetan Assembly appoints additional Justice Commissioners of law.

### **Article 63 - Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission**

- (1) The Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission shall be appointed by His Holiness the Dalai Lama, and if supported by more than two-thirds of the total members of the Tibetan Assembly, he or she shall be appointed as the Chief Tibetan Justice Commissioner by His Holiness the Dalai Lama in His capacity as the chief executive of the Tibetan Administration.
- (2) No person shall be qualified for appointment as a Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission unless he or she is a citizen of Tibet and has the experience of being in the legal profession for 5 consecutive years in any court of law, or has been a licensed attorney for at least 10 years. Provided that for a period of 10 years from the commencement of the operation of this Charter, the appointment of the Chief Tibetan Justice Commissioner shall not be subject to the qualification requirements specified in this Article.
- (3) A Tibetan who is appointed as the Chief Tibetan Justice Commissioner shall, before assuming office, take and subscribe an oath and affirmation of office in the presence of His Holiness the Dalai Lama according to the form prescribed by law.
- (4) Unless a resolution is passed demanding the removal of the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission by more than two-thirds of the total members of the Tibetan Assembly and with the assent of His Holiness the Dalai Lama, the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission shall continue to discharge his or her duties until the age of 65.
- (5) Any person upon retirement or resignation from the position of the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission may not be allowed to hold any profit-orientated office in the Tibetan Administration.
- (6) In the event of a fixed duration of leave sought by the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission, his or her replacement shall be appointed as prescribed in Article (67) of this Charter by law.

### **Article 64 - A Committee of Jurors**

- (1) There shall be a permanent jury, consisting of three citizens, to assist in the judicial proceedings of the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission. The members of such a jury shall be appointed by the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission in consultation with the Kashag. At least two of the three jurors shall have obtained law degrees from recognised Law Schools. The term of office of the Members of the Committee of Jurors shall be three years. Provided that no restriction is made

regarding his or her appointment for subsequent terms of office.

- (2) If at any time a judicial enquiry is deemed necessary in regards to major cases, the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission shall from time to time directly appoint a jury consisting of not more than 9 Tibetan citizens, who have experience in matters of law, in addition to the 3 regular jurors.

#### **Article 65 - Salary of the Chief Tibetan Justice Commissioner**

- (1) The Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission shall be entitled to receive salary, allowances, pensions, and other privileges as determined by the Tibetan Assembly according to law.
- (2) The salary, allowances and other privileges of the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission shall not be altered or reduced to the detriment of his or her privileges during his or her term of office.

#### **Article 66 - Jurisdiction of the Tibetan Supreme Justice Commission**

- (1) The Tibetan Supreme Justice Commission shall be the supreme appellate court regarding legal issues involving individuals and public institutions of the Tibetans-in-Exile. It shall be the highest judicial authority of the Tibetan Administration.
- (2) As all Tibetans-in-Exile are required to adhere to the laws of the respective host countries, the Tibetan Supreme Justice Commission shall have no authority over civil and criminal proceedings while in exile. It will nevertheless exercise its authority over the following:
  - (a) cases involving interpretation of the wordings of the Charter of the Tibetans-in-Exile;
  - (b) cases involving issues of fairness on the conduct of business of the executive departments or civil servants of the Tibetan Administration;
  - (c) cases involving redressal of grievances regarding the services of civil servants of the Tibetan Administration and such institutions under its jurisdiction;
  - (d) disputes involving land and property in the Tibetan settlements;
  - (e) cases of arbitration involving Tibetan communal disputes, social welfare and security;
  - (f) pronouncement of judgements in types of cases other than those specified in this Article; and
  - (g) it shall have the authority over and offer guidance to the Tibetan Local Justice Commissions and the Tibetan Administration in regard to their conduct of business involving legal matters.

#### **Article 67 - Rules of Procedure and Code of Law of the Tibetan Supreme Justice Commission**

Subject to the provisions of any law as specified in this Charter passed by the Tibetan Assembly, the Tibetan Supreme Justice Commission shall make its own rules of procedure and codes of law, and once approved by His Holiness the Dalai Lama, they shall come into effect.

#### **Article 68. - Obtaining Opinion from the Tibetan Supreme Justice Commission**

The Tibetan Supreme Justice Commission may issue the following types of opinions in the following matters:

- (1) regarding interpretation of the terms, phrases and meanings of this Charter;
- (2) concerning legal matters of a significant nature, or a fact of such nature that has arisen or is likely to arise; and
- (3) other matters of legal ambiguity. Whenever His Holiness the Dalai Lama asks for its opinions, the Tibetan Supreme Justice Commission shall submit its views and opinions on legal issues.

#### **Article 69 - Tibetan Local Justice Commission**

- (1) The Tibetan Supreme Justice Commission may, from time to time, authorize the Tibetan Administrator of a respective Tibetan settlement, or a Tibetan civil servant, or any other Tibetan person thereof, to conduct legal business, of a permanent or temporary nature, as a circuit Tibetan Local Justice Commissioner.
- (2) Whenever needed, a Commission of Jurors or Judges to assist in the judicial proceedings of the Tibetan Local Justice Commissioner shall be appointed, as the need may be, by the Supreme

Tibetan Justice Commissioner.

**Article 70 - Office of the Tibetan Judicial Administration**

Under the Supreme Tibetan Justice Commissioner an Office of the Tibetan Judicial Administration may be established. This office shall offer guidance to the Kashag, the Tibetan Assembly, and individual members thereof in connection with judicial matters and preparation of bills.

**CHAPTER - VII**

**THE ADMINISTRATION OF TIBETAN SETTLEMENTS**

**Article 71 - The Administration of Tibetan Settlements in Exile**

There shall be a Tibetan Administrative Office in every Tibetan settlement in exile, defined by:

- (a) Settlements engaged primarily in agriculture
- (b) Settlements engaged primarily in handicrafts and Co-operatives
- (c) Monastic Communities
- (d) Schools and Academic Institutions
- (e) Self-employed communities
- (f) Scattered Tibetan Communities; and
- (g) Other places of residence.

**Article 72 - Tibetan Administrator and Assistant Tibetan Administrator of the Tibetan Settlements**

There shall be a Tibetan Administrator in every Tibetan settlement, and an Assistant Tibetan Administrator in larger Tibetan settlements.

- (1) Any Tibetan resident of a Tibetan settlement, regardless of sex or of lay or ordained status, shall be entitled to stand for nomination for election as a Tibetan Administrator subject to the qualifications prescribed in Articles 11 and 38 of this Charter. Provided that the diplomatic representatives of the Tibetan Administration shall not be elected as a Tibetan Administrator.
- (2) An Assistant Tibetan Administrator may be elected by the respective Tibetan Local Assembly, as deemed necessary, without direct election by the general Tibetan public. Such an election shall require the support of at least a two-thirds majority of the total number of members of that Tibetan Local Assembly.

**Article 73 - Election of the Tibetan Administrators of the Tibetan Settlements**

- (1) There shall be a preliminary election for nomination from amongst the general Tibetan public in each of the respective settlements, and those citizens shall be divided into sub-committees, each consisting of not more than 25 Tibetan citizens, for the election of a Tibetan Administrator.
- (2) 4 candidates shall be elected from amongst the nominees who have secured the highest vote, before holding the final election for the positions of the Tibetan Administrator of each respective Tibetan settlement.
- (3) The candidate who is elected to be the Tibetan Administrator shall secure more than 51% of the total number of votes within that respective Tibetan settlement.
- (4) If any candidate has failed to secure 51% of the vote within the respective Tibetan settlement, a decision shall be made in accordance with Article 74 of this Charter.
- (5) If any member of the Tibetan Local Assembly or any locally appointed staff of the Tibetan settlement is elected as the Tibetan Administrator or Assistant Tibetan Administrator, such persons shall resign from his or her former membership or position.

**Article 74 - The Appointed Tibetan Administrator and Appointed Assistant Tibetan Administrator**

There shall be both a Tibetan Administrator and an Assistant Tibetan Administrator, or either, as the case may be, for each Tibetan settlement appointed by the Central Tibetan Administration under the following circumstances:

- (1) when the required percentage of votes has not been secured from the general Tibetan public within the respective Tibetan settlement as specified in clause (3) of Article 73 of this Charter;
- (2) either a candidate elected from amongst the general Tibetan public has failed to meet qualifications, or the general Tibetan public has expressed an unwillingness to hold an election for the time being; and
- (3) either the Elected Tibetan Administrator has failed to discharge his or her responsibility, or has lost the confidence of the general Tibetan public, or if the Community is unusable to select his or her replacement the Central Tibetan administration shall appoint their replacements.

**Article 75 - Removal of Appointed Tibetan Administrators**

In any Tibetan settlement, if any Tibetan person qualified to be their Administrator or Assistant Tibetan Administrator is found among the general Tibetan public while the Appointed Tibetan Administrator and/or Appointed Assistant Tibetan Administrators are holding their respective offices, as soon as the Tibetan Administration is notified thereof by the Local Tibetan Assembly, the appointed Administrator or Administrators may be replaced.

**Article 76 - Tenure of the Tibetan Administrators**

- (1) Unless a situation otherwise necessitates their removal before the expiration of their term, and in accordance with the provision of the regulation, the term of office of the Tibetan Administrator and Assistant Tibetan Administrator shall be 3 years.
- (2) Unless otherwise a situation necessitates their removal in accordance with Article 91 of this Charter, there shall be no objection to the re-election of any Tibetan Administrator or Assistant Tibetan Administrator.

**Article 77 - Duties of the Tibetan Local Administrators and Assistant Tibetan Local Administrators**

All Tibetan Local Administrators and Assistant Tibetan Local Administrators shall have the following duties:

- (a) to conduct all administrative business of their respective Tibetan settlements;
- (b) to carry out judicial responsibilities authorized by the Tibetan Supreme Justice Commission;
- (c) to make efforts to maintain harmony, safety and security among Tibetan citizens and between Tibetans and the indigenous people of the respective area; and also to make efforts to adhere to the local laws of the respective host countries and respect the customs and traditions of the people therein;
- (d) to carry out all the official responsibilities instructed by the Tibetan Assembly, the Kashag, the concerned Department and other Departments of the Central Tibetan Administration, in accordance with regulations;
- (e) to fulfill the objectives and oversee the efficient functioning of the Tibetan Local Co-operative Societies as prescribed by law; and
- (f) any other duties deemed to be in the interest of the Tibetan people, from time to time, according to the prescribed rules and regulations.

**Article 78 - The Tibetan Local Assembly of Tibetan Settlements**

- (1) There shall be a Tibetan Local Assembly in each of the respective Tibetan settlements.
- (2) (a) Each Tibetan Local Assembly shall be comprised of members, regardless of sex or of lay or ordained status, from among the Tibetan residents of their respective settlement, who shall be entitled to stand for nomination and be elected as a member of the Tibetan Local Assembly as prescribed in Articles 11 and 38 of this Charter;
- (b) Or, each Tibetan Local Assembly may consist of elected members of the Board of Directors of the Tibetan Co-operative Societies, Regional Bhod Rangwang Denpe Legul, leaders and representatives of Tibetan Villages, or elected members of the various communities and Associations. It shall be provided that no Tibetan Administrator and Assistant Tibetan Administrator shall become members.

**Article 79 - Number of Members and Duration of the Tibetan Local Assembly of Tibetan Settlements**

- (1) The quorum of each Tibetan Local Assembly of each Tibetan settlement shall be comprised of not less than 11, but not more than 35, members depending on the population of the respective Tibetan settlements.
- (2) Unless circumstances demand dissolution of the Tibetan Local Assembly before the expiration of the term, each Tibetan Local Assembly of the respective Tibetan settlement shall have a term of 3 years.

**Article 80 - Speaker and Deputy Speaker of the Tibetan Local Assembly**

- (1) At the commencement of the first session of each Tibetan Local Assembly, a Speaker and a Deputy Speaker shall be elected from among members by means of a secret ballot and by majority vote.
- (2) After their election, the Speaker and Deputy Speaker of the Tibetan Local Assembly shall take and subscribe the oath and affirmation of their respective offices before the Tibetan Local Justice Commission.

**CHAPTER - VIII**

**THE TIBETAN ELECTION COMMISSION**

**Article 96 - Tibetan Central Election Commission**

There shall be an independent Tibetan Central Election Commission for the discharge of duties pertaining to the election of the members of the Tibetan Assembly, the Speaker and Deputy Speaker of the Tibetan Assembly, the Kalons and Chief Kalon; and any other election responsibilities in regard to referendums on major issues involving the interest of Tibetan citizens.

**Article 97 - The Chief Tibetan Election Commissioner and Functions of the Commission**

- (1) Whereas His Holiness the Dalai Lama shall appoint the Chief Commissioner of the Tibetan Central Election Commission; other members of the Tibetan Central Election Commission may be appointed, from time to time, by the Chief Commissioner of the Tibetan Central Election Commission in consultation with the Kashag.
- (2) The rules of procedure and the functions of the Tibetan Central Election Commission shall be determined by the Tibetan Assembly, and after the consent of His Holiness the Dalai Lama, such regulations shall come into full force.
- (3) The Tibetan Central Election Commission shall formulate general election regulations, and following the approval of the Tibetan Assembly and the assent of His Holiness the Dalai Lama, such regulations shall come into full force in accordance with the provisions of this Charter.
- (4) The Tibetan Central Election Commission shall investigate and resolve all irregularities or discrepancies involving election procedure, and if the decision made by the Commission is disapproved, the matter may not be brought before any other Tibetan Justice Commission except the Tibetan Supreme Justice Commission.
- (5) Any irregularities or discrepancies involving election procedure in separate Tibetan settlements may be investigated and resolved by the Tibetan Local Election Commission, and if the decision made by the Tibetan Local Election Commission is disapproved, the matter may be brought before the Tibetan Central Election Commission. Provided further that if the matter still remains unresolved, the matter may be referred to the Tibetan Supreme Justice Commission.

**Article 98 - Salary of the Chief Commissioner of the Tibetan Central Election Commission**

- (1) The Chief Commissioner of the Tibetan Central Election Commission shall be entitled to receive salary, allowances, pensions and other privileges as determined by the Tibetan Assembly according to law.

- (2) The salary, allowances and other privileges of the Chief Commissioner of the Tibetan Central Election Commission shall not be altered or reduced to the detriment of his or her privileges during the tenure of office.

**Article 99 - Tenure of the Chief Commissioner of the Tibetan Central Election Commission**

- (1) Unless a situation arises which calls for the removal of the Chief Commissioner of the Tibetan Central Election Commission, and approved by more a than two-thirds majority of the total members in the Tibetan Assembly and consented to by His Holiness the Dalai Lama, the tenure of the Chief Commissioner of the Tibetan Central Election Commission shall be 5 years, or his or her attainment of 65 years of age, as the case may be.
- (2) Any person, upon completion of his or her tenureship, retirement, resignation or removal from the position of the Chief Commissioner of the Tibetan Central Election Commission may not be allowed to hold any office entitled to benefit in the Tibetan Administration.

**CHAPTER - IX**  
**THE PUBLIC SERVICE COMMISSION**

**Article 100 - Public Service Commission**

There shall be an independent Public Service Commission for the appointment of the gazetted officials of the Central Tibetan Administration.

**Article 101 - Composition of the Public Service Commission**

The Public Service Commission shall consist of a Chairman, and two or three members, as the case may be, appointed by His Holiness the Dalai lama.

**Article 102 - Duties and Powers of the Public Service Commission**

The Public Service Commission shall formulate rules and regulations in regard to the appointment, training, privileges and powers of the gazetted officials of the Central Tibetan Administration as determined by the Tibetan Assembly by law.

**Article 103 - Rules of Procedure and functions of the Public Service Commission**

The Public Service Commission shall formulate specific rules of procedure as determined by the Tibetan Assembly, and following the consent of His Holiness the Dalai Lama, such regulations shall come into full force.

**Article 104 - Salary of the Chairman of Public Service Commission**

The Chairman of the Public Service Commission shall be entitled to receive salary, allowances, pensions and other privileges as determined by the Tibetan Assembly according to law. The salary, allowances and other privileges of the Chairman and the members of the Public Service Commission shall not be altered or reduced to the detriment of his or her privileges during the tenure of office.

**Article 105 - Term of Office of the Public Service Commission**

- (1) The term of office of the Chairman and the members of the Public Service Commission shall be 5 years, or his or her attainment of 65 years of age, as the case may be.
- (2) The Chairman, or any and all of the members of the Public Service Commission may be removed, if approved by a two-thirds majority of the total members of the Tibetan Assembly, in consultation with the Kashag, and with the consent of H.H. the Dalai lama.
- (3) No person, upon the completion of his or her tenureship, retirement, resignation or removal as the Chairman of the Public Service Commission shall be allowed to hold any office entitled to benefit within the Tibetan Administration.

**CHAPTER - X**  
**THE TIBETAN AUDIT COMMISSION**

**Article 106 - The Tibetan Audit Commission**

There shall be an independent Tibetan Audit Commission to examine, in accordance with law, all income and expenditure accounts of the Tibetan Administration in-exile, including all Administrative Departments and establishments receiving economic or financial assistance from the Tibetan Administration.

**Article 107 - Composition of the Tibetan Audit Commission**

- (1) There shall be an Auditor General appointed by His Holiness the Dalai Lama.
- (2) The Auditor General shall, before taking his or her office, subscribe before His Holiness the Dalai Lama, an oath and affirmation of office according to the form as prescribed by law.

**Article 108 - Duties and Powers of the Tibetan Audit Commission**

- (1) The Tibetan Audit Commission shall have exclusive authority to audit and investigate, according to law, the entire fiscal record of the Tibetan Administration, including all Tibetan Administrative Departments and establishments, which are recipients of grants, funds, or monies from the Central Tibetan Administration.
- (2) The Tibetan Assembly shall determine the specific regulations in respect to the audit procedures, duties and powers of the Tibetan Audit Commission, and following the consent of His Holiness the Dalai Lama, such regulations shall come into full force and effect.
- (3) The Tibetan Audit Commission shall complete and return the annual Audit Report and Certified Accounts to the respective Tibetan Administrative Departments within 7 months from the day appointed in that behalf, at the end of each fiscal year; consequently, the respective Tibetan Administrative Departments shall submit clarifications, together with the Certified Accounts and Audit Report, within 9 months at the end of each fiscal year to the Audit Commission.

**Article 109 - Salary and Allowances of the Auditor General**

- (1) The Auditor General shall be entitled to receive salary, allowances, pensions and other privileges as determined by the Tibetan Assembly in accordance with law.
- (2) The salary, allowances and other privileges of the Auditor General shall not be altered or reduced to the detriment of his or her privileges during the tenure of office.

**Article 110 - Tenure of the Auditor General**

Unless a situation arises which calls for the removal of the Auditor General by His Holiness the Dalai Lama in consultation with the Kashag, or unless a resignation is approved by more than two-thirds of the total members of the Tibetan Assembly, and consented to by His Holiness the Dalai Lama, the maximum tenure of the Auditor General shall be 10 years, or his or her attainment of 65 years of age, as the case may be.

**CHAPTER - XI**  
**AMENDMENT OF THE CHARTER AND TRANSITIONAL PROVISIONS**

**Article 111 - Amendment of the Charter**

- (1) Except in regard to Article (3) and (4) of Chapter I, all Articles of Chapter II and III and Article (19) of Chapter IV as prescribed in this Charter, any other provision thereof may be altered, amended or revised, if necessary, by an act passed by more than two-thirds of the total members of the Tibetan Assembly, and with the assent of H.H. the Dalai Lama, in accordance with the

- law.
- (2) Any provision in regard to Article (3) and (4) of Chapter I, and all Articles of Chapter II and III and Article (19) of Chapter IV as prescribed in this Charter, may be amended or revised, if necessary, by an act passed by more than two-thirds of the total members of the Tibetan Assembly and assented to by His Holiness the Dalai Lama in accordance with the law.

**Article 112 - Referendum**

His Holiness the Dalai Lama may, if He thinks fit, direct that an act pertaining to the amendment of this Charter be submitted for a referendum. Such an amendment shall be considered unnecessary unless ratified by more than two-thirds of the total number of Tibetan citizens qualified to vote.

**Article 113 - Transitional Provisions**

Any resolution pertaining to all administrative business and policy matters of Tibetans in-exile which is ratified prior to the commencement and operation of this Charter shall not be subjected to judicial proceedings before any Tibetan Justice Commission under the pretext that such a decision is repugnant to any provision of this Charter.

**Article 114 - Infrastructural Reorganisation**

Any organisational or operational alterations of any provision of this Charter shall commence within 90 days from the day of the commencement of the operation of this Charter.

**Article 115 - Discrepancies Regarding the Translation**

An official translation of this document into English, or any other language, as approved by the Tibetan Assembly shall be recognised as an accurate rendition. Provided that if any discrepancies arise regarding the interpretation of the terms, phrases and meanings of this document, the original Tibetan text shall be considered as authoritative.