

# Who Should Bow to Whom? Power and Politics between the Dzungda and the Thrizin

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## Introduction

While granting the dhar (ceremonial scarf) and kabney (scarf) to the gups elected in the 2016 elections, His Majesty the King said the dhar from the Golden Throne was in recognition of the immense importance of local government which can be erroneously perceived as the lowest level of government while, in reality, it is the most important level of government — nearest and closest to the people.<sup>1</sup> This perception is now widely understood.

The local government in Bhutan at the dzongkhag (district) level is often marked by tension between the dzongda and thrizin. The former is the chief executive officer of the dzongkhag administration while the latter is the chairman of the dzongkhag tshogdu (DT or district councils).

The tension began in 2002 after the implementation of the Gewog Yargay Tshogchung (GYT or County Development Committee) chathrim (law) and Dzongkhag Yargay Tshogdu (DYT or District Development Council) chathrim. These legislations devolved a wide range of administrative, managerial, regulatory and financial powers to the local government, introduced an electoral system to elect local government functionaries (gup and mangmi — head of county and assistant) through a universal adult franchise, reconstituted DYT and GYT memberships, and elected a DYT thrizin from among the elected gups. This legislative reform empowered the local government vis-à-vis the dzongkhag administration headed by a dzongda.

Based on the review of local government legislations and documents, media reports on the issues, and informal interviews of local government

<sup>1</sup> Tshering Dorji. “His Majesty the King Awards Patang to Thrizins.” *Kuensel*, Dec 18, 2016.

functionaries, DT thrizins, dzongkhag civil servants, and dzongdas mostly based in Thimphu, this paper explores some of the causes of the problems.

### **A Snapshot of Local Government in Action**

In 2019, Trashigang dzongkhag tshogdu (DT) decided to blacktop the Merak gewog centre road via Chaling since it would benefit about 300 households. The people of Merak, who wanted the GC road to pass through Khardung, objected to the decision and appealed to the dzongkhag. The appeal reached the Prime Minister. The government decided that the road must be blacktopped via Khardung, and the DT accordingly reversed its two previous decisions.

When the people of Shongphu and Chaling protested against this new decision and appealed to Trashigang dzongkhag court on the grounds that the decision had violated its earlier decisions, the court rejected the appeal, since it was administrative in nature, and the case did not fulfil the requirement of a petition.<sup>2</sup>

The above case portrays local government in action that is inextricably linked to other agencies, such as the dzongkhag administration, the central government and judiciary. The key question is, can the central government reverse the DT's decision?

### **Legislating Local Government**

Any historical narrative about a proto-Bhutan describes the country as a loose federation of semi-autonomous fiefdoms before they were unified to form a unitary state in the mid-17th century. Governing remote and diverse communities scattered over the arduous Himalayan terrain was difficult. Village-based Bhutanese civilisations would not have flourished right up to the 20th century without functioning local governance institutions.

A narrative about Bhutan's decentralisation process necessarily includes a series of political milestones which culminated in introducing democracy in 2008. In 1981, power was devolved to the dzongkhag, and the Dzongkhag Yargay Tshogchung was formed in all dzongkhags to operationalise the reform.

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<sup>2</sup> Neten Dorji. "DT agrees to blacktop Merak GC from Khardung," *Kuensel*, August 4, 2020, <https://kuenselonline.com/>

This was followed by the formation of Gewog Yargay Tshogchung in all gewogs after further devolution of power to the gewogs in 1991. Thromde Tshogchung were formed for municipal governments.

In 1998, the fourth Druk Gyalpo devolved his executive power to a council of ministers elected by the people's representatives to the National Assembly. After initiating the drafting of the Constitution in 2001, Bhutan went to the polls in 2008 and elected members of the first bi-cameral parliament and the government.

This series of political reforms was preceded by the Third Druk Gyalpo's reforms, which include, among others, establishing the National Assembly, the Cabinet, the Royal Court of Justice, and other institutions and apparatus of a modern nation state.

No law of the country was as frequently replaced and amended as the Local Government Act. The devolution of power to the dzongkhags in 1981, and to the gewogs in 1991, resulted in establishing Dzongkhag Yargay Tshogchung (DYT) and Gewog Yargay Tshogchung (GYT), governed by the GYT Chathrim 1992 and the DYT Chathrim 1995. These two chathrim were replaced by the Gewog Yargay Tshogchung Chathrim 2002 (GYT2002) and the Dzongkhag Yargay Tshogdu Chathrim 2002 (DYT2002).

The last session of the old National Assembly of Bhutan enacted the Local Government Act 2007 (LGA2007) to replace two chathrim as one umbrella Act to bring all local government laws under one uniform law.

The first democratically elected government of Druk Phuensum Tshogpa (DPT) replaced the LGA2007 with Local Government Act 2009 (LGA2009), only to be amended by the People's Democratic Party (PDP) government as the Local Government (Amendment) Act 2014 (LGAA2014).

As recommended by the law taskforce, the DNT government has amended the LGA2009; however, its deliberation in Parliament was deferred thrice. Similarly, for the municipal government, the first municipal law, Bhutan Municipal Act, was passed in 1999 and replaced by the Thromde Act in 2007.

Despite all these legislative reforms, the local governments all over the country are fraught with problems, especially at the operational level.

### **The Causes of Conflict**

The dzongda-thrizin friction persists in all 20 dzongkhags in varying degrees but is seldom discussed by the public or covered by the media. The following lines from Alfred Lord Tennyson's *Morte d'Arthur* partly sums up the cause of the problem.

The old order changeth, yielding place to new,  
And God fulfils Himself in many ways,  
Lest one good custom should corrupt the world.

The problems arise with the waning power of the dzongda and the waxing power of thrizin, the incapacity of local government institutions to exercise their new power, and the tendency among the dzongkhag civil servants to hang on to their former powers.

Also underlying the tension is the idea that dzongkhag civil servants are selected on merit and their head, the dzongda, is appointed by the Royal Civil Service Commission (RCSC), while the local government functionaries are elected by the people and as such, are vested with more legitimacy in post-2008 Bhutan.

It is a norm for dzongkhag civil servants to undermine the elected local government functionaries as being not western-educated, with no or limited professional knowledge and technical skills necessary to take on their responsibilities.

The dzongda-thrizin conflict in particular, and gewog functionary-dzongkhag civil service conflict in general, is embedded in all local government acts. Not only are the roles, responsibilities, and accountabilities unclear, but they overlap when they are clear. Below are some of the root causes of problems which came up in my qualitative research interviews.

### **The End of Dzongdas' Hegemony**

Ever since Dzongkhag Yargay Tshogchung (DYT) was instituted in 1981, the dzongdag chaired the council comprising representatives of the

dzongkhag monk body, gups, and mangiaps of all gewogs, chimis, dungpa, and business community representatives as members, and dzongkhag sector heads as observers. The ramjam (dzongda's deputy) functioned as member secretary.

DYT was responsible for socio-economic development, plan preparation and implementation, national policies, problems and aspirations, enabling self-help among the people, and leadership and guidance for socio-economic programmes as well as self-help for maintaining and constructing community facilities and services, among others.

The members were involved in preparing and implementing their own development plans. DYT discussed the decentralisation process, promoted participation of the people as responsible citizens in fulfilling national goals and aspirations, and assisted the dzongkhag administration in determining local needs and priorities to formulate and implement the five-year plans. It is a policy-making body, with the dzongda exercising administrative powers.<sup>3</sup>

Those years, which I term as the years of the dzongdas' hegemony, had solidity, certainty, stability, and dependability in the local government. Fast decisions, albeit mostly top-down, were made, and the dzongda, as the chairperson, formalised the DYT and made decisions. There were measurable outcomes in the end.

### **A New Chathrim, A New Chairperson**

The stability gave way to confusion from 2002 when Dzungkhag Yargay Tshogchung was reconstituted to form Dzungkhag Yargay Tshogdu with elected gewog functionaries (gup, chimi, mangmi and tshogpa) as voting members, while civil servants led by the dzongda became mere observers. In place of the dzongda, the chathrim created a post of thrizin to chair the DYT.

This sudden change created a situation in which the DYT chair and members were not able to exercise their new-found power to serve the

<sup>3</sup> Kinzang Wangdi, "An account of the history and development of decentralised administration in the Himalayan kingdom of Bhutan. In *Governance in Bhutan: Insurance for Gross National Happiness in the New Millennium* (Thimphu: Royal Institute of Management, 1999).

people, and some dzongkhag administrations continued with their old roles and functions. In some dzongkhags, dzongdas' missteps were noticed. The creation of a separate post or institution of thrizin (chairperson) of DYT, which otherwise was performed by dzongda, became the initial seed of conflict.

### **A Geography Factor**

Conflicts were common in western and central dzongkhags DTs, while in the eastern and southern DTs, local government functionaries were incapable or reluctant to exercise their powers. In 2015, seven out of eight gewogs of Lhuntse could not submit any agenda for the DT session after it was rescheduled from 6-7 April to 3-4 April, so that the annual budget 2015-16, as proposed by the dzongkhag administration, could be endorsed by the DT by April 5.

According to the DT rules, the gewogs should be given enough time to hold the gewog tshogde as well as the preliminary discussion before the DT session. Since no GT was held in seven gewogs, no development issues related to the gewogs were discussed, and the DT was held as scheduled.

In some dzongkhags, civil servants are decision-makers, not implementers. The problem that emerged in Samtse provides insight into the power of the dzongkhag administration vis-à-vis the gewogs.

The district planning officer supposedly gave verbal approval to construct the Chugu farm road in Joenpang-Lingarnang chiwog, Norgaygang gewog. The gup went ahead with the construction. The dzongkhag administration objected on the grounds of its location near the international border, imposed a penalty of Nu 33,000 on the Norgaygang gewog, and asked the gup for an explanation. The gup refused to comply.

When the police contacted him for his personal information, the gup submitted his resignation. According to the gup, the dzongkhag administration started to object to the road after the gup made an online complaint about a deferred tshogpa training of which the participants were not informed. The dzongda served a warning letter to the gup for writing

the online complaint. Not satisfied, the gup wrote to the Home Ministry, which in turn asked the Samtse DT thrizin to study the case and report back.<sup>4</sup>

The situation is different in Paro. In 2015, Paro DT endorsed the dzongkhag administration's proposal to close Taktshang monastery to visitors on Tuesdays (except on auspicious days) from January 2016, through a majority vote.

Later, the meeting held between the Tourism Council of Bhutan (TCB), Paro Dzongkhag Administration, and the Association of Bhutanese Tour Operators (ABTO) agreed to defer the enforcement of the closure for three months.

The DT thrizin reacted to the decision: "No one has the right to nullify a DT resolution," and added that the right to alter a resolution lay with the DT and not even with the dzongda or the chairman. The thrizin asked, "If any of the agencies feel that the DT resolution contravenes the existing laws, they can file a court case but they cannot make fun of the DT."<sup>5</sup>

Similarly, Paro DT endorsed Jitsiphu as a satellite town in 2020, despite Parliament refusing to endorse it. There were also objections from the National Council member of Paro and representative of the Dogar-Shaba constituency.<sup>6</sup>

In 2015, Mongar DT rejected the decision of the Ministry of Education to upgrade Gyalpoishing higher secondary school to a central school. Instead, it decided to upgrade Kengkhar lower secondary school to a central school, and to upgrade Gyalpoishing to a college. The DT was not happy with the government for not consulting the local government leaders and people.<sup>7</sup>

## A Personality Clash

The dzongda-thrizin friction can be explained as a personality conflict. A personality conflict occurs when the basis for two persons to clash is not issues, but their incompatible personalities, approaches, or their style of life.

<sup>4</sup> Rajesh Rai, "Norgaygang gewog officials embroiled in farm road issue," *Kuensel*, June 3, 2021.

<sup>5</sup> Kinga Dema, "Paro DT stands by its decision," *Kuensel*, December 30, 2015.

<sup>6</sup> Kinga Dema, "Local government capacity questioned," *Kuensel*, April 25, 2020.

<sup>7</sup> Tashi Phuntsho, "Mongar DT rejects decision on central school," *Kuensel*, September 2, 2015.

It takes two to tango (as the saying goes); it takes the dzongda and thrizin having different personalities to create problems.

There were cases in which the appointment of new dzongdas or the election of new thrizins had removed friction and created a conducive working environment for everybody. One dzongda was able to overcome the old dzongda-thrizin antagonism plaguing the local government by sticking to his mandate. The thrizin's posturing remained the same for a while, but later changed completely. What made him change was the different treatment given by the new dzongda.

### **Who Should Bow to Whom?**

Perhaps, the issue of who should bow to whom, albeit appearing petty and almost laughable, pervaded all forms of contact, official or private, and created sufficient grounds for resentment and grievances which played out in other spheres of government. Not as ubiquitous as other reasons for conflict, it was never-ending, since the occasions to interact and official requirement to bow are frequent.

The issue became more pronounced after 2016 when the thrizin received patang (ceremonial sword) from His Majesty the King, understood as empowering the institution of DT and the chairperson. The general practice is for the dzongda to bow to the thrizin during the DT sessions, while on all other days, the thrizin bows and reports to dzongda. This is similar to the Prime Minister bowing to the Speaker of the National Assembly of Bhutan in Parliament.

### **Higher Seat Low Seat**

The height of the seat matters, not only in Vajrayana Buddhist space occupied by lamas and luminaries, but also in DT socio-political space. The height of the chairs used in their respective offices does not matter much, but what matters is the height of their seats in the DT hall.

Since the civil servants were initially responsible for arranging the DT hall, dzongdas' seats were made higher than those of the thrizin. It was argued that as a "special guest-observer", the dzongda's role was apolitical, and represented the State and as such deserved the higher seat.



The opposing argument was that the Constitution of Bhutan has transferred the sovereignty of the country to the people, and as the local government representatives elected by the people, or thrizin in particular, they should have higher seats. Most dzongkhags have resolved this embarrassing problem by having an equal height for the seats.

## Reporting Error and Accountability

While deliberating the DYT chathrim 2002, the people's representatives (chimis) had mentioned the problem of DYT thrizin or gups reporting to the executive branch in the form of dzongda or Home Minister. They instead proposed that they should report to the Speaker of the National Assembly.<sup>8</sup> The idea was that DT is a legislative body, although LGA2009 clearly mentions that it is not a legislative body.

## The Twice Elected

Although the position and power of thrizin is contingent on DT and the thrizin is a gup, they have begun to assume power and predominance primarily for being elected by DT members through a secret ballot from among the gups who, in turn, were already elected by their electorates. In a way, the thrizin is elected twice. Since the thrizin's power and position were once the dzongda's prerogative, some assumed their power to be more or equivalent to the dzongda.

## Kabney and Patang

Following the 2016 local government elections, His Majesty granted dhar and kabney to the elected gups to underscore the importance of local government. This elevated the profile of the gups.<sup>9</sup>

Two months later, all DT thrizins were granted the patang "in recognition of the important role that the local government plays in achieving the development goals of the country and as an effort to further the process of decentralisation". His Majesty reiterated that "contrary to what is often perceived, local government is not the lowest level of government, but the

<sup>8</sup> National Assembly of Bhutan. *English translation of the resolution of the 81st session of the National Assembly* (Royal Government of Bhutan, 2003).

<sup>9</sup> Kuensel. "His Majesty the King grants dhar and kabney to gups." *Kuensel*, October 14, 2016.

nearest and closest level of government for the people”, and commanded the thrizins to serve the Tsawa-Sum with utmost devotion and loyalty.<sup>10</sup>

### **An Observer Informant**

GYT 2002 had reduced the dzongda’s role to a special guest-observer, whose duty was to observe if the DYT was functioning in accordance with the Act, and report any serious shortcoming to the Lhengye Zhungtshog (Cabinet). To some DYT members, the dzongda appeared like a government’s informant, to report any missteps in their deliberations and decisions. Initially, DYT had some members who served as members of the old DYT with dzongda as the chairperson.

### **A Mere Implementor**

The dzongda is accountable to the DT for implementing its decisions and, as such, the dzongda is the chairperson of dzongkhag tender committee, the role perhaps desired by the thrizin. The dzongda has to assist the thrizin and local governments by directing the relevant sectors to provide technical or other forms of assistance to the local governments for free, but within the principle of the basic policy of local autonomy.

### **Who is Accountable?**

Who is accountable for inaction or action in terms of implementing development activities? While the Act has made the GT responsible for the development in the gewog, they did not have technical competency to implement activities, while the dzongkhag civil servants headed by a dzongda had. This problem has resulted in a situation in which the dzongda became responsible for development activities which were either not implemented, not completed, or not done well. In such cases, a dzongda was held accountable while the elected gewog functionaries could be held accountable in the election.

### **Lessons for Amendment?**

Any amendment of a law as important as the Local Government Act is sensitively fraught with power politics and self-interest. There are several

<sup>10</sup> Tshering Dorji, “His Majesty the King awards patang to thrizins,” *Kuensei*, Dec 18, 2016.

stakeholders who have much stake in any amendment of the Local Government Act. If past amendments had failed, will another amendment succeed?

A question hanging over any amendment is whether it will resolve or compound the existing problems. Will it reduce the independence of the local government vis-à-vis the central government or, more importantly, dzongkhag administration?

Amidst the expectation that the amendment is only going to increase the local government's autonomy, Members of Parliament (MPs) have openly lobbied for bigger roles in development programmes and activities in their constituencies. The current Act restricts them from exercising their oversight roles. Such as monitoring and reviewing development activities in gewogs that matter to them.

A few lessons can be learned from the persisting dzongda-thrizin problem. Streamlining inconsistent and contradicting provisions in the Local Government Act can help solve the ambiguities. Clearly defining the roles of local government functionaries and institutions. As well as the dzongda and the dzongkhag civil service, can remove some problems.

Accountability is another important issue. To whom is the local government accountable? To the voters? The Act has no provision to hold the gups accountable for violating the Act other than facing the electorate in the election, or the constitutional bodies like Royal Audit Authority and Anti-Corruption Commission holding them accountable.

The High Court sentenced the Goshing gup in Zhemgang to eight years in prison for embezzlement of public funds.<sup>11</sup> The parliamentary committees can summon even cabinet ministers for questioning as a part of their oversight roles; there is no provision for MPs to question the local government and its functionaries even if they made wrong decisions.

Any amendment will have to define a clear boundary of roles, responsibility and accountability between the dzongda and thrizin in particular, and with the gups in general.

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<sup>11</sup> Kuensel, "HC sentences Goshing gup to eight years in prison for embezzlement," *Kuensel*, May 7, 2021.

The need to upgrade the qualification requirement for local leaders, especially gups and mangmis, was expressed by the local leaders themselves at the Democracy Forum 2019.<sup>12</sup> Qualification is felt necessary to cope with increased power, responsibility, and accountability.

When the gewog is involved in planning and execution of development works and when most of the documents are in English, it is not enough for them to read Dzongkha. If lack of formal education of local government functionaries — gups in particular — is an impediment to planning and implementing development programmes and activities, should a qualification requirement be set to replace the current one of basic Dzongkha competency?

What about the issue of infringement of the local people's right to determine their own future? The local government, for the democratic participatory school, exists to engender democracy at the local level and ensures political participation as well as serving as the training ground for state and national government participation.<sup>13</sup>

The problems of the local government are much bigger than the dzongda-thrizin conflict. The local government's plight mirrors national politics. Amending the existing local government laws will certainly help solve the problems but what matters in the end is balancing the independence of the local government on one hand and on the other, removing the impediment to providing locally characterised efficient services to the people.

Local government independence is necessary to engender democracy at the local level and people's participation in their own governance, while providing an efficient service to the people is one of the fundamental principles for the existence of the local government in the first place.

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<sup>12</sup> MB Subba. "Time to set qualification for local leaders?" *Kuensel*, May 7, 2019.

<sup>13</sup> Onyishi Tony (ed.) *Key issues in local government and development: a Nigerian perspective* (Enugu: Praise House Publishers, 2011).

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