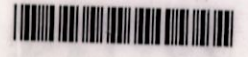


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# ཞུ་བོད་ཀྱི་རྩིས་པ།

CONSTITUTION OF TIBET

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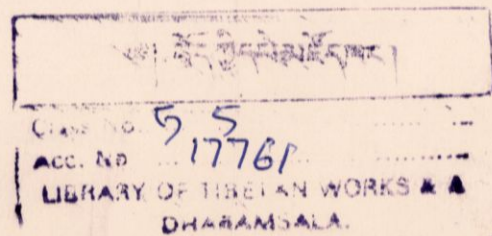
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CONSTITUTION OF TIBET

D17761



CONSTITUTION  
OF  
TIBET



Promulgated by  
HIS HOLINESS THE DALAI LAMA  
March 10, 1963

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## CONTENTS

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	<i>Page</i>
Foreword .. .. .	v
Constitution of Tibet .. .. .	1
I. Preliminary .. .. .	3
II. Fundamental Rights and Duties .. .. .	5
III. Of Land .. .. .	10
IV. Directive Principles of the State .. .. .	11
V. Of Executive Government .. .. .	13
VI. Of Legislative Authority .. .. .	18
VII. Of the Judicature .. .. .	26
VIII. Of Regional Government .. .. .	29
IX. Reorganization .. .. .	32
X. Amendment of the Constitution .. .. .	33

## FOREWORD

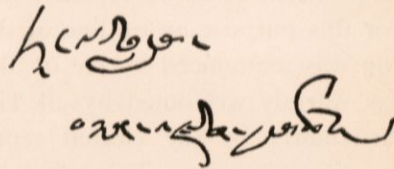
Even prior to my departure from Tibet in March, 1959, I had come to the conclusion that in the changing circumstances of the modern world the system of governance in Tibet must be so modified and amended as to allow the elected representatives of the people to play a more effective role in guiding and shaping the social and economic policies of the State. I also firmly believed that this could only be done through democratic institutions based on social and economic justice. Unfortunately, for me and my people, all our efforts were frustrated by the Chinese authorities who had established in Tibet the worst form of colonial régime.

Soon after my arrival in India I decided that a Draft Constitution should be prepared so as to give the people of Tibet a new hope and a new conception of how Tibet should be governed when she regained her freedom and independence. For this purpose an outline of the principles of the Constitution was announced by me on the 10th October, 1961. This was warmly welcomed by all Tibetans in India and abroad, particularly by the elected representatives of the Tibetans now living in exile. Thereafter, on the basis of these principles and in consultation with popular representatives, both lay and religious, this Constitution has been prepared in detail. This takes into consideration the doctrines enunciated by Lord Buddha, the spiritual and temporal heritage of Tibet and the ideas and ideals of the modern world. It is thus intended to secure for the people of Tibet a system of democracy based on justice and equality and ensure their cultural, religious and economic advancement.

It is my earnest hope that as soon as Tibet becomes once more free and independent, the system of government as laid down in this Constitution will be established for the benefit of my people. Thereafter, a final shape will be given to the Constitution in accordance with the wishes and aspirations of the National Assembly.

This Constitution was proclaimed by me on the Fourth Anniversary of the uprising of the people of Tibet against the Chinese aggressors. On that day, which marks the glory and courage of my people, I explained to all the situation which confronted us. Now I appeal once again to my people in and outside Tibet that each one of us must bear responsibility for regaining the freedom of our beloved country by united and earnest endeavours. We must all remember the teaching of Lord Buddha that truth and justice will prevail in the end.

Swargashram  
Upper Dharmasala  
Punjab, India



THE DALAI LAMA

## CONSTITUTION OF TIBET

WHEREAS it has become increasingly evident that the system of government which has hitherto prevailed in Tibet has not proved sufficiently responsive to the present needs and future development of the people

AND WHEREAS it is deemed desirable and necessary that the principle of justice, equality and democracy laid down by the Lord Buddha should be reinforced and strengthened in the government of Tibet

AND WHEREAS it is deemed essential that the people of Tibet should have a more effective voice in shaping their destiny

NOW, THEREFORE, His Holiness the Dalai Lama has been pleased to ordain, and it is hereby ordained as follows:

CHAPTER I  
PRELIMINARY

**Commencement**—Article 1. This Constitution shall come into force on the day appointed in this behalf by His Holiness the Dalai Lama.

**Nature of Tibetan Polity**—Article 2. Tibet shall be a unitary democratic State founded upon the principles laid down by the Lord Buddha, and no change in the present Constitution shall be made except in accordance with the provisions hereinafter specified.

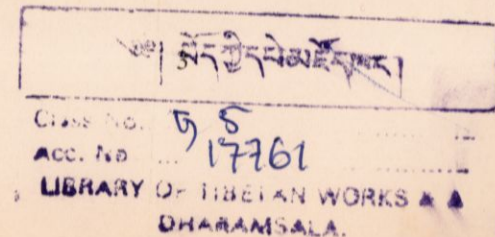
**Principles of Government**—Article 3. It shall be the duty of the Government of Tibet to adhere strictly to the Universal Declaration of Human Rights and to promote the moral and material welfare of the people of Tibet.

**Constitutional Invalidity**—Article 4. (1) Any law, ordinance or regulation or any administrative order which is repugnant to any provision of this Constitution shall be null and void to the extent of the repugnancy.

(2) The Supreme Court shall be specifically empowered to decide whether laws, ordinances, regulations or administrative orders violate the terms of this Constitution.

**Recognition of International Law**—Article 5. All laws, ordinances and regulations in force within the territories of the State shall conform to the generally recognized principles of international law, and the legal status of aliens shall be regulated by laws in conformity with the international rules and treaties.

**Renunciation of War**—Article 6. In accordance with its traditions, Tibet renounces war as an instrument of offensive



policy and force shall not be used against the liberty of other peoples and as a means of resolving international controversies and will hereby adhere to the principles of the Charter of the United Nations.

**Citizenship**—Article 7. The National Assembly shall make such provisions, as may be necessary, with respect to the acquisition or loss of Tibetan nationality and such other matters relating to it.

## CHAPTER II

### FUNDAMENTAL RIGHTS AND DUTIES

**Equality before the Law**—Article 8. All Tibetans shall be equal before the law and the enjoyment of the rights and freedoms set forth in this Chapter shall be secured without discrimination on any ground such as sex, race, language, religion, social origin, property, birth or other status.

**Right to Life, Liberty and Property**—Article 9. No person shall be deprived of life, liberty or property without due process of law.

**Right to Life**—Article 10. Every person shall have the right to life, provided that deprivation of life shall not be deemed to contravene this Article when it results from the use of force which is no more than absolutely necessary (a) in defence of any person from unlawful violence, (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained or (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

**Right to Liberty**—Article 11. (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and to be defended by a legal practitioner of his choice and to have adequate time and facilities for the preparation of his defence.

(2) Every person who is arrested and detained in custody shall be produced before the nearest court having jurisdiction within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Every person who has been arrested or detained in contravention of this provision of this Article shall have an enforceable right to compensation.

**Safeguards in Judicial Proceedings**—Article 12. (1) Every person shall be entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of public morality, public order or national security where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

(2) Every person charged with a criminal offence shall be presumed innocent until proved guilty according to law.

(3) Every person charged with a criminal offence shall have the free assistance of (a) a legal practitioner, when the interests of justice so require, if he has not sufficient means to pay and (b) an interpreter, if he cannot understand or speak the language used in court.

**Protection in respect of Conviction for Offences**—Article 13.

(1) No person shall be convicted of any offence except for violation of a law in force at the time of commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

**Prohibition of Inhuman Treatment**—Article 14. No person shall be subjected to torture or to inhuman or degrading treatment or punishment.

**Prohibition of Slavery and Forced Labour**—Article 15. (1) No one shall be held in slavery or be required to perform forced or compulsory labour.

(2) For the purpose of this Article, the term 'forced or compulsory labour' shall not include (a) any work required to be done in the course of detention under the sentence of a court of law, (b) any service exacted in case of an emergency or calamity threatening the life or well-being of the community, (c) any service of a military character or (d) any work or service which forms part of the normal civic obligations of a nation.

**Prohibition of Employment of Children**—Article 16. No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

**Religious Freedom**—Article 17. (1) All religious denominations are equal before the law.

(2) Every Tibetan shall have the right to freedom of thought, conscience and religion. The right includes freedom to openly believe, practice, worship and observe any religion either alone or in community with others.

(3) Freedom to manifest one's religion or beliefs and to deal with any matter relating to religious or charitable purpose either alone or in community with others shall be subject only to such limitations as are prescribed by law and are necessary in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

**Other Fundamental Freedoms**—Article 18. Subject to any law imposing reasonable restrictions in the interests of the security of the State, public order, health or morality, all citizens shall be entitled to:

- (a) freedom of speech and expression;
- (b) assemble peaceably and without arms;

- (c) form associations or unions;
- (d) move freely throughout the territories of Tibet;
- (e) the right to a passport to travel outside those territories;
- (f) reside and settle in any part of Tibet;
- (g) acquire, hold and dispose of property;
- (h) practise any profession or carry on any occupation, trade or business.

**Right to Property**—Article 19. No person shall be deprived of his property save by authority of law and for public purpose on payment of just compensation.

**The Right to Vote**—Article 20. All Tibetans, men and women, who have attained the age of eighteen and above shall have the right to vote. The vote shall be personal, equal, free, and secret, and its exercise shall be deemed to be a civic obligation.

**Disqualification of Vote**—Article 21. (1) A person shall be disqualified to vote if he is of unsound mind and stands so declared by a competent court.

(2) A person shall not have the right to vote if he is so disqualified by any law.

**Right to hold Office**—Article 22. All Tibetans of either sex shall have the right to hold public offices, whether elective or otherwise, on conditions of equality in accordance with the requirements of law.

**Obligations of Nationals**—Article 23. All Tibetans shall fulfil the following constitutional obligations:

- (a) bear true allegiance to the State of Tibet;
- (b) faithfully comply with and observe the Constitution and the laws of the State;

- (c) to pay taxes imposed by the State in accordance with the laws; and
- (d) perform such obligations as may be imposed by law in the event of a threat to national security or other public calamity.

**Enforcement of Rights**—Article 24. Every citizen whose rights and freedoms as set forth in this Chapter are violated shall have the right to approach the Supreme Court, Regional Courts and such other courts as the National Assembly may by a law designate for the enforcement of those rights and freedoms enumerated in this Chapter and the court shall be entitled to pass such orders as are necessary to protect those rights.

CHAPTER III

OF LAND

**Land-holding**—Article 25. (1) All land shall belong to the State and shall be made available on payment of annual rent as may be fixed from time to time for building, agricultural and other purposes according to need.

(2) The State shall prevent the concentration of land-holding in order to promote economic and social justice.

(3) No land shall be transferable by the holder or be used for any purpose different from that for which it was granted without the permission of the State.

CHAPTER IV

DIRECTIVE PRINCIPLES OF THE STATE

**Social Welfare**—Article 26. (1) The State shall endeavour to secure that the ownership and control of the material resources of the community shall be so distributed as best to subserve the common good and that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

(2) The system of taxation shall be so devised that the burden is distributed according to capacity.

(3) The State shall direct its policy toward securing that the citizens, men and women equally, have the right to an adequate means of livelihood and that there is equal pay for equal work for both men and women.

**Education and Culture**—Article 27. (1) The State shall endeavour to promote education so that educational facilities are available to every child above the age of six and that free primary education for a period of seven years is provided.

(2) The State shall pay special attention to the young and promote technical and professional and higher education. Such education shall be generally available and accessible on the basis of merit and that scholarships shall be also available on the basis of merit to those unable to pay for such education.

(3) All educational establishments shall be under the control and supervision of the State.

(4) The State shall endeavour to preserve and promote national culture and to support researches both in arts and sciences.

**Health**—Article 28. (1) The State shall endeavour to promote adequate health and medical services and to provide

that such services would be available free to those sections of the population which are unable to pay for them.

(2) The State shall endeavour to provide necessary facilities and institutions for the care of the aged and the infirm.

## CHAPTER V

### OF EXECUTIVE GOVERNMENT

**Executive Power**—Article 29. (1) The executive power of the State shall be vested in His Holiness the Dalai Lama on his attaining the age of eighteen and shall be exercised by him either directly or through officers subordinate to him in accordance with the provisions of this Constitution.

(2) Without prejudice to the generality of the foregoing provisions, His Holiness the Dalai Lama as the Head of the State shall—

- (a) accredit or withdraw diplomatic representatives in foreign countries and receive foreign diplomatic representatives, and ratify international treaties with previous approval, in appropriate cases, of the National Assembly or the Standing Commission of the National Assembly;
- (b) grant pardons, respite or remission of punishment or suspend, remit or commute the sentence of any person convicted of any offence;
- (c) confer honours and patents of merit;
- (d) promulgate laws and ordinances having the force and validity of laws;
- (e) summon and prorogue the National Assembly;
- (f) send messages to the National Assembly and address it whenever he, in his discretion, considers it necessary; and
- (g) authorize the holding of a referendum in cases provided for by this Constitution.

(3) Nothing in this Article shall be deemed to alter or affect in any manner the power and authority of His Holiness the Dalai Lama as the Supreme Spiritual Head of the State.

**Ministers and the Kashag**—Article 30. (1) His Holiness the Dalai Lama shall from time to time appoint such number of

Ministers as may be required. Out of the said Ministers His Holiness the Dalai Lama shall nominate a Prime Minister and not less than five other Ministers to be members of the Kashag.

(2) No Minister shall be a member of the National Assembly.

(3) Any person appointed as a Minister shall on such appointment, in case he is a member of the National Assembly, vacate his seat in the National Assembly.

(4) Before any Minister enters upon his office, His Holiness the Dalai Lama shall administer to him the oath of office and of secrecy in accordance with the form and procedure prescribed by law.

(5) The Kashag shall aid and advise His Holiness the Dalai Lama in the administration of the executive government of the State.

(6) The salaries and allowances of the Ministers shall be such as the National Assembly may from time to time by law determine.

**Meetings of the Kashag**—Article 31. (1) His Holiness the Dalai Lama shall preside over the meetings of the Kashag and in his absence such meetings shall be presided over by the Prime Minister or by the seniormost Minister present.

(2) His Holiness the Dalai Lama may invite any other Minister or Ministers to attend such meetings of the Kashag.

**Promulgation of Laws**—Article 32. His Holiness the Dalai Lama shall promulgate laws within a fortnight of their transmission to the Kashag after their final adoption by the National Assembly. Provided always that His Holiness the Dalai Lama may ask the Assembly to reconsider the law or any provision thereof before expiry of this period, and the National Assembly shall reconsider it in accordance with the message of His Holiness the Dalai Lama.

**Submission to Referendum**—Article 33. His Holiness the Dalai Lama may in his discretion or on the recommendation

of the Kashag refer any proposed legislation to a referendum and if the proposed legislation is approved by the majority of the electors, His Holiness the Dalai Lama shall promulgate it within the period specified in the last preceding article.

**Dissolution of the National Assembly**—Article 34. His Holiness the Dalai Lama may dissolve the National Assembly after consulting the Kashag and the Speaker of the National Assembly. Provided always that in such a case a general election shall be held in not less than forty days, after the dissolution.

**Conduct of Business of Government**—Article 35. (1) All executive action of the Government of Tibet shall be expressed to be taken in the name of His Holiness the Dalai Lama.

(2) With the previous approval of His Holiness the Dalai Lama, the Kashag shall make rules for the more convenient transaction of the business of the Government of Tibet, and for the allocation among Ministers of the said business, and thereafter submit such draft proposal to His Holiness the Dalai Lama for approval.

**Council of Regency**—Article 36. (1) There shall be a Council of Regency to exercise executive powers in the following circumstances:

- (a) until such period as the reincarnate Dalai Lama becomes of age to assume the powers of his predecessors;
- (b) until such period as His Holiness the Dalai Lama has not assumed the powers of his predecessors;
- (c) in case of any disability which prevents His Holiness the Dalai Lama from exercising his executive functions;
- (d) in case of the absence of His Holiness the Dalai Lama from the State;
- (e) when the National Assembly, by majority of two-thirds of its total members in consultation with the

Supreme Court, decides that in the highest interests of the State it is imperative that the executive functions of His Holiness the Dalai Lama shall be exercised by the Council of Regency.

(2) The Council of Regency shall consist of three members elected by the National Assembly, one of whom shall be an ecclesiastical representative. Provided that a member of the National Assembly shall vacate his seat if elected a member of the Council of Regency.

(3) Any Minister, if elected a member of the Council of Regency, shall cease to hold his office.

(4) A person when elected a member of the Council of Regency shall take the oath of office before the National Assembly in accordance with the form prescribed by law.

(5) Whenever any member of the Council of Regency, as a result of death or otherwise, is unable to discharge his functions, the National Assembly shall elect a new member.

(6) If a member of the Council of Regency is required to be removed from office while the National Assembly is not in session, the Assembly's Standing Commission in consultation with the Kashag may deprive the said member of his functions and later recommend to the National Assembly the removal of such person from office. The National Assembly may remove the said member if it considers proper and on removal shall elect a new member in the same session.

(7) If two or all three members of the Council of Regency is required to be removed from office while the National Assembly is not in session, the Assembly's Standing Commission in consultation with the Kashag may summon an Emergency Assembly and recommend to the National Assembly the removal from office of such persons. The Assembly may remove all or such of these members as it considers proper. The Assembly shall also on such removal elect in the same session new members in place of those removed.

(8) The duration of each Council of Regency will be of the same period as that of the National Assembly.

(9) The Council of Regency, in consultation with the Kashag, Ecclesiastical Council and the Standing Commission of the National Assembly, will conduct the search for the reincarnation of His Holiness the Dalai Lama. The Council will then submit its findings and opinion on the determination and installation of the reincarnation to the National Assembly for the adoption of a resolution.

(10) The Council of Regency shall have no power to alienate any part of the territory of the State or enter into any international agreement in relation to the independence of the State except with the previous approval of the majority of the electors expressed in a referendum held in accordance with the provisions of this Constitution and such other laws as may be enacted in this behalf by the National Assembly.

**Ecclesiastical Council**—Article 37. (1) There shall be an Ecclesiastical Council to administer the affairs of all monasteries and religious institutions in the State under the direct authority of His Holiness the Dalai Lama.

(2) The Ecclesiastical Council shall consist of not less than five members directly appointed by His Holiness the Dalai Lama from time to time.

(3) The Ecclesiastical Council, with the previous approval of His Holiness the Dalai Lama, will have the responsibility and power to administer all religious affairs.

CHAPTER VI  
OF LEGISLATIVE AUTHORITY

**Legislative Power**—Article 38. All Legislative power shall vest in the National Assembly subject to the assent of His Holiness the Dalai Lama.

**Composition of the National Assembly**—Article 39. (1) The National Assembly shall consist of—

- (a) 75 per cent of members directly elected by the people in the territorial constituencies;
- (b) 10 per cent of members elected by the monasteries and other religious institutions in accordance with the laws enacted in this behalf;
- (c) 10 per cent of members elected by Regional and District Councils in accordance with the laws enacted in this behalf; and
- (d) 5 per cent of members nominated directly by His Holiness the Dalai Lama. Such persons shall be selected for their distinguished services in the field of art, science or literature.

(2) For the purpose of sub-clause 1(a) the State shall be divided into territorial constituencies. Each constituency shall be made up of an equal proportion of those entitled to vote. The number of members to be allotted to each constituency shall be determined by an Electoral Commission appointed by His Holiness the Dalai Lama in this behalf.

**Duration of the National Assembly**—Article 40. (1) Each National Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House.

(2) There shall be a Standing Commission of the National Assembly while the Assembly is not in session.

(3) The National Assembly shall prepare proposals on the duties, powers and number of members of the Standing Commission and present such proposals to His Holiness the Dalai Lama for approval.

**Qualifications for Membership of the National Assembly**—Article 41. No person shall be qualified to be elected to the National Assembly unless he (a) is a Tibetan national who has attained the age of 25 and (b) is not subject to any disqualifications as may be prescribed in this behalf or under any law made by the National Assembly.

**Sessions of the National Assembly**—Article 42. (1) His Holiness the Dalai Lama shall from time to time summon the regular National Assembly to meet at such time and place as may be appointed in this behalf, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) Subject to the provisions of this Constitution His Holiness the Dalai Lama may (a) prorogue the National Assembly or (b) dissolve the National Assembly.

**His Holiness the Dalai Lama's Address and Messages to the National Assembly**—Article 43. (1) At the commencement of the first session after the general election and at the commencement of the first session of each year His Holiness the Dalai Lama shall address the National Assembly and inform it of the causes of its summons.

(2) His Holiness the Dalai Lama may send messages to the National Assembly, whether with respect to a Bill then pending in the Assembly or otherwise, and the Assembly shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

**Special Sessions**—Article 44. (1) Special sessions of the National Assembly may be summoned by His Holiness the

Dalai Lama, at the request of the Kashag or of the majority of the members of the Assembly.

(2) All special sessions of the National Assembly shall be opened and closed by a decree of His Holiness the Dalai Lama.

**Right of Access of Ministers**—Article 45. Every Minister shall have the right to speak in, and otherwise take part in the proceedings of the National Assembly and of any committee of the National Assembly of which he may be named a member but shall not be entitled to vote.

**The Speaker of the National Assembly**—Article 46. (1) The National Assembly at its first session after the general election shall elect two members of the Assembly to be respectively the Speaker and Deputy Speaker thereof, and so often as the office of the Speaker and Deputy Speaker becomes vacant, the Assembly shall elect another member to be Speaker or Deputy Speaker, as the case may be.

(2) The Speaker or the Deputy Speaker shall vacate his office if he ceases to be a member of the National Assembly or is removed from his office by a resolution of the Assembly by a two-thirds majority of all the members of the Assembly.

(3) There shall be paid to the Speaker and the Deputy Speaker of the National Assembly such salary and allowance as may be fixed by the National Assembly by law.

**Privileges of Members of the Assembly**—Article 47. (1) No member of the National Assembly shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the National Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the National Assembly of any report, paper, or proceedings.

(2) When the Assembly is in session no member thereof shall be prosecuted or arrested for civil or criminal offences without the previous authorization of the Speaker of the National Assembly unless he is arrested in the act of committing an offence.

(3) In other respects, the privileges of the members of the National Assembly shall be such as may from time to time be defined by the National Assembly by law.

**Oath or Affirmation by Members**—Article 48. Every member of the National Assembly shall, before taking his seat, make and subscribe before the Speaker, or some person appointed in that behalf, an oath or affirmation according to the form prescribed by law in this behalf.

**Voting in the Assembly**—Article 49. (1) Save as otherwise provided in this Constitution all questions at any sitting of the National Assembly shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as Speaker. The Speaker, or person acting as such, shall not vote in the first instance but shall have and exercise a casting vote in the case of an equality of votes.

(2) The National Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Assembly shall be valid notwithstanding that it is subsequently discovered that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(3) The quorum of a meeting of the National Assembly shall be one-fifth of the total number of members of the Assembly.

(4) If at any time during a meeting of the National Assembly there is no quorum it shall be the duty of the Speaker, or person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

**Vacation of Seats**—Article 50. (1) If a member of the National Assembly is elected a member of the Council of Regency or a Minister or becomes subject to any of the disqualifications mentioned in the next succeeding Article, or resigns his seat by writing under his hand addressed to the Speaker, his seat shall thereupon become vacant.

(2) If for a period of sixty days a member of the National Assembly is absent from all meetings thereof without permission of the Assembly, the Assembly may declare his seat vacant. Provided that in computing the said period of sixty days no account shall be taken of any period during which the Assembly is prorogued or adjourned for more than four consecutive days.

**Disqualification for Membership**—Article 51. (1) A person shall be disqualified for being chosen as, and for being, a member of the National Assembly—

- (a) if he holds any office of profit under the Government of Tibet, other than an office declared by the National Assembly by law not to disqualify its holders;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a Tibetan national, or is under any acknowledgement of allegiance or adherence to a foreign State; or
- (e) if he is so disqualified by or under any law made by the National Assembly.

**Decision on Questions as to Disqualifications of Members**—Article 52. If any question arises as to whether a member of the National Assembly has become subject to any of the disqualifications mentioned in the last preceding Article, the question shall be referred to the Chief Justice of the Supreme Court and his decision shall be final.

**Penalty for Sitting and Voting before making Oath or when Disqualified**—Article 53. If a person sits or votes as a member of the National Assembly before he has made and subscribed an oath or affirmation, or when he knows that he is not qualified or that he is disqualified for membership thereof or that he is prohibited from so doing by the provisions of any law made by the National Assembly, he shall be

liable in respect of each day on which he so sits or votes to a fine of . . . . .

**Salaries and Allowances of Members**—Article 54. Members of the National Assembly shall be entitled to receive such salaries and allowances as may from time to time be determined by the National Assembly by law.

**Introduction and Passing of Bills**—Article 55. (1) No Bill dealing with the imposition, abolition, remission, alteration or regulation of any tax, or the regulation of the borrowing of money or the giving of any guarantee by the Government of Tibet shall be introduced or moved except on the recommendation of the Kashag. Provided that an amendment making provision for the reduction or abolition of any tax shall need no such recommendation.

(2) A Bill shall not be deemed to make provision for any of the matters specified in the last preceding Clause by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered.

(3) A Bill involving expenditure for the Government of Tibet shall not be passed by the National Assembly without the recommendation of the Kashag.

(4) Subject to the provisions of the last preceding Clauses, any member of the National Assembly may introduce any Bill or move any Resolution or propose any amendment to any Bill.

(5) All Bills or Resolutions moved by a private member and all Bills proposed by the Kashag if so required shall be referred for consideration to committees especially appointed for the purpose.

**Annual Financial Statement**—Article 56. (1) The Kashag shall in respect of every financial year cause to be laid before the National Assembly a statement of the estimated receipts and expenditure for that year.

(2) The estimates of expenditure embodied in the statement shall show separately (a) the sums required to meet expenditure charged upon the revenues of the State under the next succeeding Clause; and (b) the sums required to meet other expenditure proposed to be made from the revenues of the State.

(3) The following expenditure shall be deemed to be charged on the revenues of the State:

- (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 National Assembly;
- (c) the salaries, allowances and pensions payable to the Judges of the Supreme Court;
- (d) debt charges for which the Government is liable including interest, sinking fund charges and redemption charges.

(4) So much of the estimates as relates to expenditure charged upon the revenues of the State shall not be submitted to the vote of the National Assembly, but nothing in this Clause shall be construed as preventing the discussion in the National Assembly of any of those estimates.

(5) So much of the said estimates as relates to other expenditures shall be submitted in the form of demands for grants to the National Assembly and the Assembly shall have power to assent or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

**Rules of Procedure**—Article 57. The National Assembly shall make rules for regulating, subject to the provisions of this Constitution, its procedure and conduct of its business.

**Restriction on Discussion**—Article 58. No discussion shall take place in the National Assembly with respect to the conduct of any Judge of the Supreme Court in the discharge

of his duties except upon a motion for presenting an address to His Holiness the Dalai Lama praying for the removal of the Judge as hereinafter provided.

**Promulgation of Ordinances by His Holiness the Dalai Lama**—Article 59. (1) If at any time, while the National Assembly is not in session His Holiness the Dalai Lama is satisfied that circumstances exist which render it necessary and urgent for him to take immediate action, he may, after consultation with the Standing Commission of the National Assembly, promulgate such Ordinances as the circumstances appear to him to require.

(2) An Ordinance promulgated under this Article shall have the same force and effect as an Act of the National Assembly, but on the proposal of the National Assembly every such Ordinance may be amended, altered or repealed by His Holiness the Dalai Lama.

**Assent to Bills**—Article 60. When a Bill has been passed by the National Assembly, it shall be presented to His Holiness the Dalai Lama, and His Holiness the Dalai Lama shall declare either that he assents to the Bill, or that he withholds assent therefrom. Provided that His Holiness the Dalai Lama may, after the presentation to him of a Bill for assent, return the Bill to the National Assembly with a message requesting that it will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message.

**Courts not to enquire into the Proceedings of the National Assembly**—Article 61. (1) The validity of any proceedings in the National Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No member of the National Assembly in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business or for maintaining order in the National Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

CHAPTER VII  
OF THE JUDICATURE

**Constitution of the Supreme Court**—Article 62. (1) There shall be a Supreme Court consisting of a Chief Justice and, until the National Assembly by law prescribes a larger number, of not more than three other Judges.

(2) Every Judge of the Supreme Court shall be appointed by His Holiness the Dalai Lama and shall hold office during the pleasure of His Holiness the Dalai Lama unless sooner removed by two-thirds majority of the National Assembly and assented to by His Holiness the Dalai Lama. Provided that in the case of appointment of a Judge other than the Chief Justice, the Chief Justice shall always be consulted.

(3) No person shall be qualified for appointment as a Judge of the Supreme Court unless he is a Tibetan national and has been for at least five years a Judge of a Regional Court or of two or more such courts in succession, or has been for at least ten years an enrolled advocate of a Regional Court or of the Supreme Court. Provided that for a period of five years from the commencement of the operation of this Constitution His Holiness the Dalai Lama may dispense with the requirements of this clause in the case of any or all appointments under this Article.

(4) Every person appointed to be Judge of the Supreme Court shall, before he enters upon his office, make and subscribe before His Holiness the Dalai Lama an oath or affirmation according to the form prescribed by the National Assembly by law in this behalf.

**Salaries, etc., of Judges**—Article 63. (1) There shall be paid to the Judges of the Supreme Court such salaries, allowances and pensions as may be specified by the National Assembly by law in this behalf.

(2) The salaries, allowances and other privileges of the

Judges of the Supreme Court shall not be reduced or altered to their detriment during their term of office.

**Jurisdiction of the Supreme Court**—Article 64. (1) The Supreme Court shall be the highest appellate court and shall be the exclusive head of the judicial administration of the State and shall exercise all such powers as are necessary for the discharge of its functions in accordance with such rules and regulations as may be made by it with the previous approval of His Holiness the Dalai Lama.

(2) An appeal shall lie to the Supreme Court from any judgement, decree or final order of a Regional Court or tribunal whether in a civil, criminal or other proceeding if it satisfies the conditions which shall be laid down by the National Assembly by law in this behalf. Provided always that an appeal shall lie as of right to the Supreme Court if the case involves a substantial question of law as to the interpretation of this Constitution.

**Special Leave to Appeal**—Article 65. Notwithstanding anything in this Constitution or any other law specifying the conditions subject to which an appeal shall lie to the Supreme Court, the Supreme Court may, in its discretion, grant special leave to appeal from any judgement, decree, sentence or order in any cause or matter passed or made by any court or tribunal.

**Rules of Court**—Article 66. Subject to the provisions of any law made by the National Assembly, the Supreme Court may from time to time, with the approval of His Holiness the Dalai Lama, make rules for regulating generally the practice and procedure of the Court.

**Obtaining Opinion of the Supreme Court**—Article 67. If, at any time, it appears to His Holiness the Dalai Lama that a question of law or fact has arisen or is likely to arise which

is of such a nature and such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that Court for consultation and the Court shall, after such hearing as it thinks fit, report to His Holiness the Dalai Lama its opinion thereon.

## CHAPTER VIII OF REGIONAL GOVERNMENT

**Regions of the State**—Article 68. (1) The entire territory of the State shall be divided into . . . regions as follows:

(a) . . . . .

(2) The extent of each region shall be determined by the National Assembly with the approval of His Holiness the Dalai Lama.

**Regional Governors**—Article 69. (1) In each region there shall be a chief executive officer directly appointed by His Holiness the Dalai Lama, who shall be styled the Governor of the Region.

(2) There shall also be a Deputy Governor in each region to be elected by the respective Regional Councils and approved by His Holiness the Dalai Lama.

(3) The Governor and Deputy Governor shall hold office for such term as may be determined by His Holiness the Dalai Lama in consultation with the National Assembly.

(4) During the absence, illness or other inability of the Governor, the Deputy Governor shall execute the office and functions of the Governor.

(5) The salaries of the Governors and Deputy Governors shall be fixed by the National Assembly and shall not be reduced during their respective terms of office.

**Constitution of Regional Councils**—Article 70. (1) There shall be a Regional Council in each region consisting of such number of members as may be determined by His Holiness the Dalai Lama in consultation with the National Assembly.

(2) The members of the Regional Council shall be elected by persons qualified to vote for the election of members of the National Assembly.

(3) The election shall take place at such times as the Governor shall direct in consultation with the Kashag.

(4) Each Regional Council shall continue for three years from the date of its first meeting and shall not be subject to dissolution save by effluxion of time.

**Sessions of Regional Council**—Article 71. The Governor of each region shall by notification fix such times for holding the sessions of the Regional Council as he may think fit. Provided that there shall be a session of every Regional Council at least three times in every year, so that a period of four months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session.

**Chairman of the Regional Council**—Article 72. The Governor and, in his absence, the Deputy Governor of the Region shall preside over the meetings of the Regional Council and the Governor shall make rules for the conduct of its proceedings in consultation with the Kashag and in accordance with such laws as may be enacted in this behalf by the National Assembly.

**Powers of Regional Councils**—Article 73. Subject to the provisions of this Constitution and the laws enacted by the National Assembly, the Regional Council may make regulations in relation to matters coming within the following classes of subjects:

- (a) public health and sanitation, including the establishment, maintenance and management of hospitals and charitable institutions;
- (b) primary and secondary education subject to such laws as may be enacted by the National Assembly;
- (c) local works and undertakings within the region;
- (d) roads, bridges and other constructional works;
- (e) social welfare and public assistance;
- (f) irrigation, agriculture, animal husbandry and small-scale industries;
- (g) the imposition of punishment by fine for enforcing

any regulation of the region made in relation to any matter coming within any of the classes of subjects enumerated in this Article; and

- (h) any other subject in respect of which the National Assembly may by any law delegate the power of making regulations to the Regional Council. In case of a conflict between a regulation made by a Regional Council and a law passed by the National Assembly, the latter shall prevail.

**Submission of Reports**—Article 74. At the end of each year the Governor of the Region shall submit to the Kashag a detailed report regarding the work done by the Regional Council and all such reports shall be laid before the National Assembly.

CHAPTER IX

REORGANIZATION

**Reorganization of Public Departments**—Article 75. As soon as possible after the commencement of this Constitution His Holiness the Dalai Lama shall appoint a Public Service Commission to make recommendations for such reorganization and readjustment of the departments of the public service as may be necessary.

**Public Service Commission**—Article 76. After the provisions of this Constitution have come into operation His Holiness the Dalai Lama shall appoint a Permanent Public Service Commission with such powers and duties relating to the appointment, discipline, retirement, and superannuation of public officers as His Holiness the Dalai Lama may, in consultation with the National Assembly, determine.

CHAPTER X

AMENDMENT OF THE CONSTITUTION

**Procedure for Constitutional Amendment**—Article 77. (1) This Constitution or any provision thereof may be amended, altered or varied by an Act passed by a two-thirds majority of the total number of members of the National Assembly and assented to by His Holiness the Dalai Lama.

(2) His Holiness the Dalai Lama may direct that any such amendment be submitted to a referendum, and any such amendment shall not come into force unless it has been ratified by a two-thirds majority of the electors qualified to vote for elections to the National Assembly.

(3) Nothing in this Article shall be deemed to confer any power or authority on the National Assembly to affect in any manner the status and authority of His Holiness the Dalai Lama as the Spiritual Head of the State.

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