

Annual Activities Report

2018



Bhutan National Legal Institute
Motithang, Thimphu, Bhutan

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Foreword

“If you want to go fast, go alone. If you want to go far, go together.”

—African Proverb.

With the rapid socio-economic change and development in the country, the justice system has been placed with an enormous role to play in the society. With development of the country, it has led to equitable increase in peoples’ expectations from the judiciary. This has positioned judiciary in a complex situation- demanding expedited and quality justice. The judiciary has made relentless effort in enabling easy access to justice, through professionalising human resource development and career opportunities. Nevertheless, the Judiciary of Bhutan is confronted with expanding mandates. The exponential growth of legislations in the country demands judicial professionals to be vigilant; and engage in continuing legal education and professional growth. The absence of knowledge bank compounded by lack of robust and healthy culture of discussions and publications on evolving legal matters have created barriers to continuing legal education in Bhutan-hampering efficient administration of justice. As the judiciary of Bhutan expands in experience and mandates, the judiciary and legal professionals must not only rely on their traditional foundations of education but must also be provided with alternative avenues to information and source of knowledge to execute their roles effectively and efficiently. The judicial personnel must continue learning and relearning in order to stay relevant and effective in the discharge of their duties at all levels of the courts.

The Bhutan National Legal Institute (BNLI) was established to fulfil such needs as per the *Judicial Service Act of 2007*. The BNLI endeavours to help judicial personnel hone and update their judicial skills. The Institute serves not only to inspire but also impart traditional mores and values that will shape a generation of legal practitioners that are reflective of the principles and implications inherent in their decisions and conscious of the broader issues at hand in the practice of law. Thus, the Institute serve as a provider of legal training and education; a forum and resource bank for

discourse and research; and a key establishment of the Judiciary in conducting legal dissemination and awareness programs. For last eight years, the BNLI has conducted series of programs to enhance the access to justice, professionalise the judicial personnel and uphold the rule of law. Within a short span of time, a lot of progress has been made. For example, one of the several activities of the Institute is to revive and institutionalise the age-old practice of resolution of dispute systems in the community (*Nangkha Nangdrig*). Her Royal Highness Ashi Sonam Dechan Wangchuck, the Honourable President of the Institute envisioned that justice must be taken closer to the community by decentralising the dispute resolution system. Beginning 2011, the Institute trained the local government officials and other relevant agencies and individuals on the Alternative Dispute Resolution (ADR) in general and the *mediation* in particular. Institute brings out country's first law journal – the *Bhutan Law Review* biennially. This is the result of a combined effort of legal professionals working in the justice sector, and other legal personnel working in different areas- who have tirelessly contributed their articles. In the same way, looking back at 2018, it was a very eventful year with new sense of realization, optimism and possibilities. **A total of 196 Judicial Personnel and 431 Legal Professionals from various organizations have been trained in the year 2018.** Every year, we strive to train judicial and non- judicial personnel on different aspects of law, justice, current issues among other topical issues facing the judiciary and the stakeholders. Through this, we try to bring efficiency, leadership, partnership, dynamism and innovation as part of judicial education. Such strong perceptions of legal education has helped the Institute to score its success for the year 2018.

I invite you now to look at our *Annual Report*, which highlights our accomplishments for 2018 reflecting the Institute's long legacy of achievements.

Director General

Bhutan National Legal Institute

The Bhutan National Legal Institute (BNLI) was established on 25 February 2011 under the visionary leadership of Her Royal Highness Princess Sonam Dechan Wangchuck. It was in compliance with the statutory requirement (S.86 of the Judicial Service Act of 2007) to establish the Institute in its pursuit to provide continuing legal and judicial education. The BNLI is the only institution in the country that provides for continuing legal education.

The Institute's mandate, derived from the Constitution is twofold: Firstly, it seeks to provide a framework for the Judiciary to safeguard, uphold, and administer justice fairly and independently without fear, favour, or undue delay in accordance with the Rule of Law to inspire trust and confidence and to enhance access to justice. Secondly, it seeks to promote right to information and equal access to justice. The Institute will continue to support judiciary and the Royal Government of Bhutan in line with these constitutional mandates through legal research and education.

The Judicial Service Act of 2007 defines its mandate to create forum for legal and judicial discourse as well as to provide training and research support services to the judicial personnel for greater efficiency, fairness, access and productivity. Therefore, the Institute's primary objective is to develop targeted programs that strengthen the capacity of the judicial personnel and legal professionals. Its primary function is to provide services that aide the judiciary and legal professionals in arriving at carefully considered and researched interpretations, arguments, decisions, policies and perhaps publications that have long-term implications for the country and the people. The Institute shall seek to strike a fine balance between the domestic and international law in order to conserve and modernise the essence of traditional legal principles, while at the same time reforming it to be relevant, understandable, and accessible to legal professionals and other citizens alike.

Although the BNLI is the training arm of the Judiciary, it functions independently from the courts. It has both financial and administrative independence, however, it faces a number of challenges, including:

- (i) *Limited coordination of professionalization and awareness activities* - all justice institutions have a mandate to undertake capacity building and awareness activities. Consequently, with no joint planning and limited coordinating of these activities, there is significant potential for: cross-over in activities; transmission of ‘mixed messages’; and in efficiencies in resource allocation.
- (ii) *Low levels of professional staff* - only five of the 20 staff in the Institute are professional lawyers (excluding the Director General and the Personal Secretary to Her Royal Highness). This limits the capacity of the Institute to develop and implement its programs.
- (iii) Related to the above challenge are *constraints with regards to resourcing*. The Institute experiences difficulties in fulfilling its mandate, attracting and maintaining its staff, and also has no permanent facilities from which to operate, as a result of the financial and human resourcing constraints that it faces.

1. Judicial Professional Development Program

I. Sumtag Refresher Course

Overview

Sumtag is an abbreviated form of the words *Sum Chupa* and *Tag Gyijugpa* meaning “30 stanza sound differentiated grammar”. This is so named because the basic rules of grammar are explained in 30 stanzas. Similarly, the 30 alphabets are then classified into four categories viz. male letters (pho giyigu), female letters (mogi yigu), neutral (maningi yigu) and extremely feminine letters (shintu mo), based on the strength of the stress when pronounced.

King Songsten Gampo (627- 649 A.D.) was an incarnate of Avaloketeshwara and the spiritual and temporal head of Tibet. He established Buddhism as the state religion during his reign. He sent his scholar-minister Sambota to India to learn Buddhist literature and invent Tibetan scripts.

Sambota learnt Buddhist literature under the tutelage of Lewi Kara and Lharigpi Singay. Out of the several scripts in Sanskrit, Sambota chose 30 alphabets to form Tibetan script based on which he composed the 30 stanzas Tibetan grammar (Sumtag). Based on the grammar, the successive Tibetan scholars translated Sanskrit Buddhist literature into Chhokey- the language of Buddha Dharma in Tibet. Thus, the Sumtag is a master-key to the store houses of sacred Buddhist texts and in Dzongkha, the latter being the modified form of the former.

Since Dzongkha and Chhokey are interchangeably used in the Kingdom, it is important to be proficient in Sumtag to master Dzongkha. Moreover, Dzongkha is the court language –i.e the cases are heard in Dzongkha. It is also the language in which the judgments are written and records maintained. In addition, statutory Acts are legislated by the parliament in Dzongkha; and where the laws are translated into English, Dzongkha versions are more authoritative or prevail over English versions.

Since, the Judiciary is the de facto custodian of the Dzongkha language and culture, the judges and judicial personnel are required to speak and write good Dzongkha. Therefore, though most of the Judges and judicial personnel have strong foundation in Dzongkha periodic refresher courses are necessary. This will not only strengthen Dzongkha writing skills but aid in better judgment drafting and general correspondence. Moreover, the judgments and judicial documents are required to be of appropriate quality worthy of research and analysis by the increasingly legally literate population and legal fraternity.

Subject Knowledge

The eight -day refresher course was conducted to enhance the capacity of Judicial Personnel to read, understand, write and communicate in standard Dzongkha- the court language and national language of the country that will enable cultural preservation and promotion of Gross National Happiness.

Participants

A total of 39 participants took part in the eight-day program (24.1.18 till 2.2.18).



(His Excellency the Chief Justice of Bhutan with the Supreme Court Justices and the Participants during the Opening Program of Sumtag Refresher Course)

II. Induction and Orientation Program

Overview

With time the importance of judicial education has penetrated judicial institutions in Bhutan. This has led to the belief that nurturing of Judges with skills, information and calibre development are essential component of a progressive judiciary.

The purpose of judicial education is to enhance judicial competence, and assist new appointees make a smooth transition to judicial office through the provision of education and training. This programme focuses on developing the particular knowledge, skills and attitudes required for judging.

This orientation program was based on adult educational theory modified appropriately to meet the learning needs of judges. The design of the program as a whole, and of individual sessions, promotes active, participatory involvement, calling for the application and exchange of participants' experience, and encouraging reflection and self-critique. Information is imparted primarily through preliminary reading in order to allow sessions to focus on the application of theory to practice, skills development, problem-solving and reflection. The instructional design of sessions varies from informal lectures, discussions group exercises and reporting models.

Subject Knowledge

The program focused primarily on the development of judicial skills and disposition. Since the judicial appointees are selected on the basis of pre-existing professional merit as sitting judges, the course did not aim to address substantive aspects of the law, nor teach judges the law. The main goals of this program was to build on existing levels of experience to develop a judicial perspective through promoting knowledge and understanding of the role of judicial officers in the administration of justice, consolidate and develop the skills of judging, techniques of problem solving, promote a judicial disposition relating to the attitudes, values, ethics and conduct appropriate to judicial officers. The Program also aimed at encouraging and provide an opportunity for participants to review and critically reflect on their judicial experience. In addition, it also aimed at consolidating the experiences of appointees in a number of fundamental judging skills like court craft, judicial management, decision-making, sentencing, and assessment of damages. Such Orientation Program enhances judicial disposition relating to equality before the law, specifically gender, race and cultural awareness, and conduct and ethics, and build etiquette and understand protocols.

Participants

The Orientation Program was attended by three new elevated Drangpon Rabjams and Registrars at the Supreme Court Conference Hall from 7-9 February 2018.



(Justice Tshering Namgyel with the Participants during the closing program of the Orientation)

III. Judicial Wellness Retreat for the Judges of the Constitutional Courts of Judiciary of the Kingdom of Bhutan

Overview

Judiciary is mandated by the Constitution to dispense justice. Justice is the highest value and is the most abstract in nature. By “justice” different people mean and hope different thing. Therefore, it is not an easy task to dispense justice to the satisfaction of both or all the parties involved in the cases and disputes. Therefore, judging people and their weird acts and omissions and sitting on judgment of cases is at times a thankless and a stressful profession.

Judges on a daily basis live with the demanding parties and lawyers, increasing case loads, complex laws and legal issues. This requires the judges to be little more than an ordinary human being or civil servant. They must be equipped with legal as well as non-legal skills. Besides, judges face increasing demands from both the public and government, and media. The general public view and regard the judges as service-providers and at times as Kidu givers. Many still expect the judges to advocate their causes and take their sides to the prejudice of the other parties.

Moreover, people especially those who do not get favourable or the judgments they expect attribute their failure to the perceived judge’s discretion or ‘power’. The parties who get favourable judgments take the credit to themselves – disregarding the integrity and fairness of the judges or the courts.

The government on its part quite often does not appreciate the judgments rendered by lower courts and insists on completing the judicial process by appealing to the appellate courts.

Media on the other hand, exert pressure on the judiciary by their increasing scrutiny of judicial decisions and inciting public opinion on the judgments delivered by different levels of courts on a particular issue.

We are a fast-developing country with impatient and demanding citizens. As more and more of us share and compete for the ever-scarce space and resources in a rugged and resource strapped country more shoulders are likely to be rubbed, feathers ruffled and legs stepped upon giving rise to more and more conflicts, disputes and litigations. But are we prepared for the opening of the floodgate litigations? Even if we have courts and buildings do we have enough judges; even if we have enough judges do we have well-trained, motivated, and for that matter competent ones to tackle the emerging problems. This calls for selection, appointment, training and retention of the best legal minds in the Kingdom to fit for installation at as the high priests in the temple of justice – thereby truly living up to the expectation of His Majesty the King and the members of the public.

All these external factors seem to cause judicial stress and drain on the health of the judicial personnel and affecting the independent decision-making process and the administration of the justice.

In this regard, it was hoped that such programs would help judges cope with stress and lifestyle issues impacting their professional career.

Objectives

The seminar was aimed to create a forum to discover an inner spaciousness and freedom to de-intensify the workloads of Judges, develop inner stability and strength to support Judges through storms of everyday life, discuss and manage interventions in judicial life to promote the wellbeing and performance of judicial personnel by

engaging them out of their work premises, Create a forum to alleviate personal upheavals and enable Judges to lead balanced stress-free life.

Participants

The justices of Supreme Court and the high court attended the two- day program in Phobjikha, Wangdue Phodrang from 8-9 of June 2018.

2. Capacity Development Programs for Other Stakeholders

I. Workshop on Legislative Drafting for Legal Officers

Overview

Legislative Drafting is an important milestone in pursuit to proper laws that are implementable and effective for good governance. As Bhutan moves towards achieving good laws for the purpose of national good, prosperity and peace in the country, it is believed a well drafted bill results from a thorough knowledge of the subject, careful attention to detail and adherence to principles of simplicity, clarity and good organization. The Parliament of Bhutan, based on the principles of separation of power, performs the legislative function of the government. The legislators make laws according to basic political decision taken by the Executive- who is responsible to implement them. The pious expression of the Constitution confers legislative sovereignty to the Parliament. This imposes an imperative duty on the parliamentarians to provide the nation with enlightened laws, with a national good. The National Assembly of Bhutan, in order to promote uniformity in the structure, style and forms of Bills adopted the Drafting Guideline in 2004. The

Drafting Guidelines were transformed into Legislative Drafting Manual in 2016. The manual outlines relevant existing practices and generally accepted drafting rules with the aim to draft legislations and subordinate legislations- thereby explaining basic principles in drafting Bills and other legislative documents. This also provide basic legislative framework. This has squarely imposed responsibilities on government ministries in drafting subordinate legislations. It entails that the drafting instructions are clear, complete and comprehensive to facilitate proper understanding of the legislative intent. Coherence and consistency are desirable qualities in any legal system. A legal system is considered coherent if the wide arrays of laws are logically related to each other and show no contradictions. The Constitutional guidance in any legislative instrument is of paramount importance and ensures that any Bill does not contradict the provisions of the Constitution. Any legislation providing for judicial or quasi- judicial power should satisfy the principles of natural justice. In this light, drafting any legislation or subordinate legislation requires legislative craft- with uniform presentation of legislative provisions that represents professionalism. In this line, uniformity of drafting processes imposes a square responsibility on the part of the government and other governmental agencies to draft, and enact any by-laws, echoing common purpose, legislative process without legislative ambiguities. This poses challenges in interpretation, harmonisation and transposition.

Subject Knowledge

The participants discussed theories of legislation on how an effective and inclusive legislative process can improve the democratic process. They also discussed the dangers of poorly conceptualised legislation, and how properly planned legislative drafting could avoid problematic legislation. The workshop was aimed at bringing together the best drafting practices for better legislative structure, and to instil a coherent, consistent and common legislative drafting practice in the country. The workshop would enable Bhutanese legal professionals to understand the best

practices of legislative drafting including reading and understanding the implications of legal instruments that are drafted and adopted.

During the training, the participants with the help of case studies discussed how comparative legal research could improve legislation, the drafting process, and the legislative interpretation in the context of legislative drafting.

Participants

A total of 35 participants comprising Registrars and legal officers from the private and related agencies attended the workshop



(Dasho Kinley Tshering, the Hon'ble Justice of Supreme Court with the Participants during the Closing Program)

II. Workshop on Election Dispute Settlement System

Overview

The Election Commission of Bhutan (ECB), in fulfilling its mandate of free and fair Parliamentary and Local Government Elections, is also entrusted by law to act as a quasi-judicial body during the Election Period and required to adjudicate and resolve disputes and complaints related to elections after proper investigations are carried out and the facts established. Also, the Judiciary of the Kingdom of Bhutan involves directly or indirectly in the election cases – pre and post election period. Therefore, the Judiciary has a major role in the resolution of dispute particularly election petition cases in order to prevent escalation of violence that usually attends election process.

Election Dispute is not new in Bhutan. Any individual or entity in relation to any Electoral Law may file an election complaint due to the commission or omission of an act thereto. Such complaints have to be addressed through a legal process that requires legal skills and understanding of the Electoral Laws enacted by Parliament as well as the Rules, Circulars, Office Orders and Notifications issued by the Election Commission or other competent authorities from time to time. As a first step towards resolving election disputes, it is important for an election official and the Judiciary to have a good understanding of the Electoral Laws in particular and other relevant laws in general. Also, it is important to know how to manage and tackle election complaints and disputes during the election period, supplementing the procedures set out in the Act and Electoral Rules.

The Courts in Bhutan often face difficulties to effectively manage electoral disputes. Furthermore, electoral cases cannot be treated in the same way as other matters that come before the courts because of their inherent political sensitivity, the high public interest in their outcomes, the intense bursts in which election petitions are filed, and the short time limits in which election matters must be dispensed if they are to be

credible. Thus, It is important to know Judicial Officers on the latest electoral jurisprudence, international standards and principles of elections, Election Dispute Resoulution Mechanism, and also to learn from the experience of other countries.

Therefore, Bhutan National Legal Institute had organized a 2-day Workshop on Election Dispute Settlement System for the judges and registrars from 22-23 January 2018.

The Workshop had empowered them to upgrade on the electoral laws and provide mechanisms to resolve the election disputes effectively.

Subject Knowledge

The two-day Workshop delivered on the laws, procedures and best practices related to Election. It also discussed on election offences, penalties and appeal procedures. The Workshop provided the forum for the judicial and election officials to share mutual experiences and clarify issues for uniform application of laws and rules related to the elections by all courts. The participants were also informed on the aspects of 3rd Parliamentary election.

Participants

Judges and Registrars attended the two-day workshop.



(His Excellency the Chief Justice of Bhutan with the Supreme Court and High Court Justices and the Participants during the Opening Program of the Workshop)

III. Workshop to the Paralegal Service Providers on Mediation Procedures and Skills

Administration of justice comprises of many institutions primarily the Judiciary that stands as an independent institution from executive institutions and bodies; the Bar Council has equal stake in it. The Bar Council ensures effective litigation and related services through conduct of bar exam, training of *Jabmis* (practicing lawyers), disciplinary issues and code of conduct of *Jabmis*. The Bar Council also regulates other legal service providers (Paralegal), especially those engage in drafting of legal documents, and negotiation and mediation of disputes through legal firms and

consultancies. The role of Paralegals is equally important and relevant just like judicial and litigation services.

In this regards Her Royal Highness, the Hon'ble President of Bhutan National Legal Institute (BNLI) upon the request of Bar Council has commanded the Institute to conduct workshop on mediation procedures and skills for delivering professional services. Accordingly, the Institute in collaboration with the Bar Council of Bhutan has organized two-day Workshop to paralegal Service Providers working under different legal firms in the country.

The workshop saw benefits to the participants largely the paralegals in understanding mediation much deeper in light of rising issues and concepts. It aided in standardization of the procedures including requisite skills of communication, drafting and analysis of issues.

Subject Knowledge

The two- day workshop was designed to create a uniform practice of mediation and alternative dispute resolutions including the different way and means of conduct of mediation and negotiation, professional conduct, levying of fees and charges across the country, etc.

It was also aimed to enhance their (paralegals) skills to mediate the civil disputes so that they would be able to analyse issues of disputes, devising options and solutions, and to effectively deal with or manage diverse groups of disputants.

Participants

Participants include paralegal service providers across the country. A total of 36 registered paralegal service providers attended the workshop.



(HRH, Ashi Sonam Dechan Wangchuck, the Hon'ble President with the Chief Justice of Bhutan and the Participants during the Closing Program of the Workshop)

IV. Workshop on ‘Current Trends and Best Practices in Management of Environmental Disputes’

Overview

Conservation of environment has always played a critical role in the Bhutanese approach to sustainable economic development. Environment conservation has ensured inter-generational equity of Bhutan. The greenery in Bhutan is a result of careful environmental craftsmanship, and conservation efforts initiated by the wise leadership of His Majesty the Kings. Bhutan has championed environmental conservation and etched the image on a global environmental stage. However, with increasing inroads to westernization and development, Bhutan needs to adopt intelligent steps towards economic development- that prioritizes preservation of Bhutanese pristine environment. Environment protection is enshrined in various

Articles of the Constitution of the Kingdom of Bhutan. The present generation must ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations. In this pursuit, the government of Bhutan follows a 'Middle Path Strategy' where it balances economic development with sustainable conservation of environment. Bhutan is a biodiversity rich country. It cannot risk environmental degradation caused by economic development, it is seen that wise management of our mountain ecology is a key step to forestall environmental impact. To respond to the effects of globalization, which is starkly marked by environmental degradation in most countries, Bhutan has initiated many effective environmental protection laws and policies. With expanding urbanization, environmental conflicts can be sometimes inevitable. The Thimphu Declaration of 2013 recognizes the critical environmental challenges confronting the region. It also recognizes the unique role of the judiciary to ensure environmental protection, to uphold environmental rights and provide fair and consistent adjudication of issues in environmental cases. Bhutan has received tremendous inspiration from His Majesty the Kings, who has championed environment conservation in Bhutan and passed to our generations a strong environmental legacy. In 2015, the Judiciary of the Kingdom of Bhutan established the Green Bench. This marks an optimistic step towards enforcement of environmental laws and an approach towards development of a uniform environmental jurisprudence in Bhutan. This initiative served as a commitment towards preserving the fragile mountain ecology. Since then, the judiciary of Bhutan has seen some prominent environmental cases. The role of judiciary to protect and preserve the environment in the country, since then, is continually growing. This has, indirectly increased the roles and responsibilities of the judges and justices where the expertise and skills of the judges and justices are paramount. Environmental litigations in most cases require interdisciplinary expertise. In many cases, it requires advanced evidence, and extensive research, analysis and expert input.

Environmental disputes can be difficult to resolve for many reasons: they often involve technical evidence; may involve experts from many disciplines, including multiple scientific fields, economics, and engineering; they may affect or be affected by resources that may be difficult to observe (i.e. atmospheric or subsurface); they may involve multiple parties; and they often involve complex legal issue. To hone the skills of our justices, the Bhutan National Legal Institute in collaboration with the White &Case, a global law firm is planning to conduct a 2- Day National Workshop on *Current Trends and Best Practices in Management of Environmental Disputes* to the judges, Legal Officers and other relevant stakeholders. The workshop is aimed at building capacity and skills of the judges to adjudicate and manage environmental disputes, in view of the establishment of the Green Bench in the High Court.

Objectives

The Workshop is expected to:

- a) Familiarize on the sources of environmental law, and effect those sources have on litigation;
- b) Introduce to the complex range of potential environmental litigations, including civil enforcement, judicial review, and merits review;
- c) Discuss common issues encountered by courts in Bhutan;
- d) Familiarize on the procedural matters common to environmental litigation including the use of witnesses, specific rules, and guidelines;
- e) Discuss emerging regional trends in environmental litigation and processes;
- f) Brainstorm and discuss appropriate Bhutanese approaches to resolution of environmental disputes, and
- g) Build the capacity and the skills of judges to adjudicate or manage environmental disputes.



(His Excellency the Chief Justice of Bhutan with the Participants during the Opening Program of the Workshop)

VI. Workshop on “ADR (Mediation) Principles and Procedures” to the PGDNL trainees

Overview

Nangkha Nangdrig is an age-old informal community dispute resolution system prevalent in the country since time immemorial. Under the patronage and leadership of the Honourable President, mediation has revived and strengthened by capacitating the local government leaders and other stakeholders to resolve minor community civil disputes. This is a decentralisation of legal services and taking justice to the doorstep of the people. It strengthens relationships and improves community vitality to ensure peaceful coexistence of our society.

The PGDNL are at the entrance of the legal market. While some might work as a legal adviser in government and non-governmental organisations, many are expected to earn their livelihood by practicing in the market. With a recent establishment of the Bar Council in Bhutan, the number of practicing lawyers might easily double. Therefore, the Institute has conducted a three-day training on mediation for PGDNL Trainees at the Royal Institute of Management (RIM), Semtokha. Given this background, the training on mediation for PGDNL was timely and appropriately tailored so that petty civil cases are not litigated. This will not only decongest the courts with trivial cases but will certainly save time and resources of the people. Above all, it will help preserve the relation between the people and harmony in the society.

Subject Knowledge

The workshop has extensively covered the knowledge and the principles of mediation. In addition to the advantages and benefits of mediation the participants are imparted with skills and techniques to manage and resolve disputes through a structured process identifying the needs and interests of the parties leading to win-win outcomes acceptable to the parties through informal, confidential, expeditious, inexpensive and collaborative methods. Interspersed with theoretical presentations and practical simulations of mediator roles and leadership, the interactive and intensive workshop aims to prepare the participants to be mediation practitioners and trainers in future. The training has equipped them with the requisite skills, knowledge and competency as they are poised to join the legal system shortly.

The workshop was expected to serve not only as an orientation to the legal system but help law professionals begin their career on a sound footing and serve in different capacities in various sectors across the country. It is expected that the attitude of the legal professionals towards the conflict resolution mechanisms are enhanced.

Participants

The workshop was attended by the 45 trainees of PGDNL, Royal Institute of Management (RIM) as a part of their academic syllabus.





(Participants engaged in Group Exercise)



(Participants during the Role Play on Negotiation Skills)



(Honourable Director General with the Resource Persons and Participants after the Program)

V. Workshop on ‘Contract and Company Law’ to the PGDNL Trainees (Class of 2018, 21st Batch)

The law of contract governs us on a daily basis. Besides, we operate in an interconnected global village - selling and buying goods and services including FDIs. Of all the laws, contract is crucial for the law graduates aiming to join corporations and private companies. In order to equip our graduates with the crucial contract drafting and interpretation skills, Bhutan National Legal Institute and the Royal Institute of Management have organized a four-day Workshop on 'Contract and Company Law' to the PGDNL trainees (Class of 2018) from 6 - 9 November 2018. The Workshop covered essential elements of both national and international commercial contracts including e-contracts, drafting contracts, interpretation of contracts, governing law of contracts, conflict of law in contracts, etc. The other component of the Workshop is the Company Law, Corporate Governance and

Companies Rules and Regulations. The Workshop was facilitated by a team of experts from the Ministry of Economic Affairs, the Royal Court of Justice, High Court of Bhutan the JSW Law and the Bhutan National Legal Institute.



(Sonam Tshering, Professor, Jigme Singye Wangchuck School of Law with the Participants)



(Honourable Director General, BNLI with the Participants)

3. Mediation Training Program for the Local Government Leaders

Overview

Since the eighth century, informal systems of dispute resolution existed in Bhutan. Popularly known as *Nangkha Nangdrik*, it is widely practiced in Bhutan to the present day. It existed as one of the best methods of disputes resolution since time immemorial in Bhutan. However, the recent practice indicates that Courts are burdened with petty civil cases that can be easily resolved without having resort to the court of law. In this regard, one of the primary focuses of the Bhutan National Legal Institute (BNLI) is to take justice closer to the people. The BNLI has initiated training local leaders on mediation skills and techniques. It's primary mission of the nationwide training program is to strengthen, revitalize and institutionalize the

practice of mediation in Bhutan in order to meet the needs of the communities by taking justice closer to the doorsteps of the people. In addition to basic mediation training, BNLI's goal is to establish uniform best practices of mediation throughout the country.

Subject Knowledge

The Bhutan National Legal Institute (BNLI) under the visionary and dynamic leadership of Honourable President, Her Royal Highness Ashi Sonam Dechan Wangchuck, owing to the continuing importance of age old practices of mediation, undertook a comprehensive program of mediation training for local leaders. Started in 2012, its primary mission of the nationwide training program was to strengthen, revitalise and institutionalise the practice of mediation in order to meet the needs and aspirations of the communities by taking justice closer to the doorsteps. After assessing the state of the existing mediation practices in different parts of the country, the BNLI has consolidated the system and began training local government leaders on mediation skills and techniques. In addition to basic mediation training, the BNLI's goal was to establish uniform best practices of mediation throughout the country. While doing so, the BNLI has covered wide range of topics – from teaching the fundamental concepts of mediation to the stages of mediation, role plays, and communication skills.

Participants

Bhutan National Legal Institute has thus far conducted Mediation training for the Mangmis and Tshogpas of 9 Dzongkhags (Thimphu, Paro, Haa, Chukha, Samtse, Sarpang, Dagana, Trongsa and Bumthang) of the Second Local Government Election, in last financial year (2017-18). Resuming the training this year, a total of 126 Mangmis and Tshogpas of Gasa and Punakha and Wangdue Phodrang Dzongkhags were trained on the ADR/Mediation and Disputes Resolution Skills (Nangkha Nangdrig) in the Community.

Feedbacks from the participants were collected. This was done in order to obtain the views on overall training and the content of the training, in particular. This will help the Institute to determine the issues of concern and help to improve the quality of the training in future. Not much difference has been observed in the feedbacks. Maximum participants believed that the objectives of the training were clearly defined and it has been duly met. The participants also felt that the course content were organised and easy to follow, and agreed that the trainer's knowledge on the subject matters is vast and immense. Every participant shared their views on the relevancy of the training and how the training will help them to mediate the dispute at the grass root level. However, most of the participants were not satisfied with the duration of time allotted for the training. Overall, the participants had provided good feedback. They had gratifying experiences and also thanked HRH and the Institute for providing such awaited training.

The following table shows the Mediation Training conducted in different regions:

Sl. No.	Dzongkhag	No.of Participants	Date	Venue
1	Chiwog Tshogpas and Mangmis of Punakha and Gasa	61	20-22.12.2018	Khuruthang Middle Secondary School, Punakha
2	Chiwog Tshogpas and Mangmis of Wangdue Phodrang	65	24-26.12.2018	Wangdue Primary School, Wangdue
3	Chiwog Tshogpas and Mangmis of Zhemgang	65	7-9.02.2019	Professional Development Center, Tsirang
4				
5				
6				



(Hon'ble Director General, BNLI with the participants at Khuruthang Middle Secondary School, Punakha, 20.12.2018)



(Hon'ble Dasho Sonam Jamtsho, Dzongda, Wangdue Phodrang District with the participants at Wangdue Primary School, Wangdue during the opening program of the training, 24.12.2018)



(Participants during the closing ceremony of the training, 26.12.2018)

4. School Law Club Capacity Development Programs

I. Guest Lecture to school Law Clubs

Overview

Coinciding the 32nd Birth Anniversary of His Majesty the King Jigme Khesar Namgyel Wangchuck, On 21 February 2012 the Bhutan National Legal Institute has instituted School Law Clubs at various schools. The Institute initially has 24 Schools, but now there are 38 registered School Law Clubs in the country.

The introduction of School Law Clubs has a significant role to play both in the society as well as for the children themselves. The Club provides children an

opportunity to understand the basic legal principles and values that concerns their lives. The primary objective of the Law Clubs is to promote legal awareness among the youth and the people of Bhutan. The legal literacy of the youth will facilitate the process of legal awareness and access to justice. The Club will also provide opportunities for the youth to prepare themselves for public life and to share the benefits of law and development to the society. Today, one of the main problems in the society is the youth coming into conflict with the law. This attributes to the lack of legal outreach and literacy. While we know that the ignorance of law is not excuse, we however, also have to know that advocacy to dispel the ignorance of law is our responsibility. Therefore, through these School Law Clubs, the students will acquire the basic legal knowledge, which will help them becoming better citizens.

Recently, the Institute initiated talks on various legal matters and also to make them aware- the objectives of the club and also to inspire and motivate our youth take up legal profession in their carrier. The members were also taught on importance of law in the country.

Subject Knowledge

The objective of visit was to disseminate the legal information and knowledge to the members of the School Law Clubs to improve access to legal information, and successful spreading of knowledge of legal rights and duties, legal principles and legal systems without any detriment to their study curriculum.

Participants

A total of 197 law club members, 12 law club coordinators from the following six schools attended the talk.

1. Schools Visited

1. Kelki Higher Secondary School, Thimphu

Date	Venue	Memb present	School Faculty Present	BNLI Faculty Present
21.3.2018	BNLI Tantra Hall	11	Two Coordinators	BNLI Staff

2. Khangkhu Middle Secondary School, Paro

22.3.2018	Khangkhu MP Hall	57	Two Coordinators	Dasho Lobzang Rinzin Yargay, DG
				Mr. Jangchuk Norbu, LO
				Mr. Narayan Kumar Chhetri, FO
				Mr. Tenzin, Bench Clerk
				Mr. Dhan Raj Ghalley, Driver

3. Shaba Higher Secondary School, Paro

23.3.2018	Shaba HSS	24	Vice Principal	Dasho Lobzang Rinzin Yargay, DG
				Mr. Jangchuk Norbu, LO
				Mr. Narayan Kumar Chhetri, FO
			Two Coordinators	Mr. Tenzin, Bench Clerk
				Mr. Dhan Raj Ghalley, Driver

4. Ugyen Academy, Punakha

6.4.2018	Ugyen Academy, Conference Hall	60	Two Coordinators	Dasho Lobzang Rinzin Yargay, DG
				Mr. Kinzang Chedup, LO
				Mrs. Phuntsho Zangmo, FO
				Mr. Tenzin, Bench Clerk
				Mrs. Tashi Lhamo, Adm.Asst.
				Mrs. Ugyen Tshomo, Despatcher
				Mr. Jamtsho, Driver

5. Punakha Central School, Punakha				
6.4.2018	Punakha Central School, Conference Hall	16	Two Coordinators	Dasho Lobzang Rinzin Yargay, DG
				Mr. KInzang Chedup, LO
				Mrs. Phuntsho Zangmo, FO
				Mr. Tenzin, Bench Clerk
				Mrs. Tashi Lhamo, Adm.Asst.
				Mrs. Ugyen Tshomo, Despatcher
				Mr. Jamtsho, Driver
6. Bajo Higher Secondary School				
13.4.2018	Bajo Higher Secndary School,	30	Two Coordinators	Dasho Lobzang Rinzin Yargay, DG
				Mr. KInzang Chedup, LO
				Mrs. Phuntsho Zangmo, FO
				Mr. Tenzin, Bench Clerk
				Mrs. Tashi Lhamo, Adm.Asst.
				Mrs. Ugyen Tshomo, Despatcher
				Mr. Jamtsho, Driver

II. Guest Lecture to the school Law Clubs on the theme ‘Fundamental Principles of the Constitution of the Kingdom of Bhutan’

Overview

On 21 February 2012 the Bhutan National Legal Institute under the visionary leadership of Her Royal Highness, Princess Sonam Dechan Wangchuck instituted

School Law Clubs at various schools. The Institute initially has 24 Schools, but now there are 38 registered School Law Clubs in the country.

The School Law club provides platform for children to learn and understand the basic legal principles and values that guide their conduct and way of life. It provides opportunities to prepare individual child to grow and develop by enhancing their network and dealings by adhering to the rightful path and values thus the School Law Clubs through various activities have created impacts in the society, and in the life of each individual child.

The impact and importance of the Club is evident from the membership enrollment. The membership of the club has increased steadily; currently there are total of 38 law clubs in the country with a total membership of 1,118 students including 533 male and 585 female students. Students show keen interest in taking up the club activities amidst time constraints and other challenges in their school.

Organising Guest Lecture in the School Law club with members and others is prioritised as one of the regular core activities. Last year Lecture on the theme ‘Saying No to Drugs at all Time and Places’ was delivered in an effort to conduct advocacy and legal awareness program against abuse of drugs. This year, the theme for the Guest Lecture was identified as ‘***Fundamental Principles of the Constitution of the Kingdom of Bhutan***’.

The Constitution of the Kingdom of Bhutan is adopted in 2008, and it gave birth to development of the nation from erstwhile monarchy to a democratic constitutional monarchy, an emergence of new governance system.

A Constitution is the most valued document. Nothing is more important in the political culture and history of a nation than understanding Constitution and its impacts on the rule of law. A crucial feature of democracy is political representation through periodic or regular elections to sustain governance by the people. Such

procedure for formation of governance and its guidance is provided in the Constitution.

While the Constitution provides the rights of all citizens, which is the Bill of Rights, it also provides constitutional duties that the citizens must adhere to. Various institutions are also designed by it through which power is to be exercised and specifies roles each institution is to perform. Through various institutions, the Constitution prevents power from being fragmented in a manner that could lead to an ineffectual and unstable government. Further a well-defined role for central and local governments is provided. The separation of power among the three branches of government is well-crafted that can maintain proper checks and balances on the delegation of powers under the constitution, and among various institutions including constitutional bodies, state functionaries, statutory bodies, ministries, departments and agencies, and political parties.

The Constitution is the basis for all laws, rules and principles that all persons in the country can indisputably agree upon to be governed by. Since the constitution is the superior law of the country, every law enacted by the Parliament and rules and legal instruments framed by the government has to be in conformity with its Articles and principles enshrined therewith. The constitution limits the power of the government and establishes a system of checks and balances for present and for generations to come. The emphasis of lecture was on basic principles of Constitution such as:

- (i) Rule of Law;
- (ii) Separation of power;
- (iii) Representative government;
- (iv) Checks and balances; and
- (v) The Principle of equality and fairness under the constitution.

Objective

The objective of proposed theme was to impart greater reverence for the Constitution by understanding constitutionalism. It was to make students aware that all persons have the duty to uphold justice and to act against corruption; to cooperate with the enforcement agencies and show respect and be abided by the provisions of the Constitution and the laws. While this can help broadening of legal knowledge of the students, it can instil a sense of citizenry duties and responsibilities; ultimately this can both in short and long-term act as deterrent or prevention of offences by these very students and associates and ensure peaceful coexistence in the communities and families.

The Constitution provides a unique democratic form of government, which His Majesty has benevolently bestowed upon the people of Bhutan. The principles provided in the constitutions are pertinent for its citizens to understand so that citizenry rights and duties are implemented, and institutional checks and balances. As the school law clubs are efficient method for imparting the abovementioned subjects because learning must start from the early age, the constitutional principles are thematic areas that are deemed important to impart for present and for long term impact to the students.

The Institute has directed the Law Club Coordinators to request respective hon'ble Dzongkhag Judges to deliver the lecture in the respective schools during law club period with no disruption to the regular classes and academic schedules.

(Pic)

III. Legal Essay Writing Competition to the School Law Clubs in Thimphu

Overview

Bhutan National Legal Institute (BNLI) has initiated the School Law Clubs in 24 Schools as pilot project in 2012. It was initiated with the purpose to:

1. Create legal awareness to the public and youth in particular;
2. Encourage students to learn about rights, duties, democratic principles and concepts;
3. Make children understand, respect and abide by the law
4. Inculcate writing, communication and analytical skills
5. Promote value-education and academic skills such as reading, writing, researching, debates and presentation, etc.

The initiation of School Law Clubs have significant role to play to the society as well as for the individual children. The Club provides children an opportunity to understand the basic legal principles and values that concerns their way of life. Such legal literacy facilitates the process of legal awareness and access to justice. The Club also provide opportunities to prepare individual students to deal with the communities, with the society.

Today, children in our country come in conflict with the law. They are also exposed to the law, as children who come in contact with the law. This attributes to the lack of legal outreach and literacy. While *ignorance of law is not excuse* it is incumbent upon the state to conduct legal advocacy to dispel the ignorance of law to every individual in the society. Through School Law Clubs students are able to acquire basic legal knowledge so that they understand their responsibility and make informed choices.

Since its inception in 2012, coordinators from the respective Law Clubs are given full autonomy to design and implement club activities under the general guidance of the Institute. There are only few activities that are directly coordinated by the Institute such as Legal Awareness and Education (LEAP) program for the coordinators and organizing workshop in collaboration with the Queensland University of Technology for the club members.

Among others, legal essay writing competition is one of the core activities envisioned during the inception of the School Law Club. However, the institute was not able to facilitate the activity due to other competing priorities. Therefore, the Institute will for the first time organize Legal Essay Writing competition among the members of the School Law Clubs in Thimphu as a way of engaging students effectively in understanding law based on their research and personal experience. It is hoped that such program will help student to analyse and reflect on important legal issues.

Subject Knowledge

The main objectives of Legal Essay Writing were to help student understand basic legal concepts, to encourage students to appreciate the purpose and relevance of laws in the society, to comprehend consequences of having a rule of law, to inculcate analytical thinking, and promote value-education and academic skills such as reading, writing, and presentations, to enhance basic research and help organize his/her thoughts into an introduction, a body and a conclusion and to enable students to pursue independent research on the focussed topic.

Participants

Considering these important objectives, BNLI has organized Legal Essay Writing Competition on the topic - *Importance of Law in the Society*. A total of 25 students from School Law Clubs in Thimphu (1. Druk School; 2.Rinchen Higher Secondary School; 3.Motithang Higher Secondary School; 4.Yangchenphug Higher secondary School and 5.Kekli Higher Secondary School) participated in the competition on 8 June 2018.

The participants were awarded cash prizes, certificate of participation and they were also served working lunch and refreshments.



(Law Club Students Writing Essay Competition at Conference Hall, Supreme Court)



(HRH awarding prize for the Position Holder of Legal Essay Writing Competition)



(HRH Princess Sonam Dechan Wangchuck, the Honourable President of BNLI, with Participants at Terma Linca after the Program)

(4) Moot Court Hearings to the PGDNL Trainees

The BNLI conducted moot court hearings to the Post Graduate Diploma in National Law(PGDNL) trainees class of 2018 (21st Batch) at the Royal Institute of Management (RIM). The experiential simulated court proceedings at appellate court level are aimed at imparting advocacy skills such as drafting, pleading and court etiquette. The program was expected to be very useful to those trainees whose work will involve appearing before the courts as prosecutors, government representatives, defence counsels, and private practitioners. The program also hones public speaking, researching and communication skills of the trainees as it requires preparing and presenting cases before a panel of appellate court judges, law professors and experienced practices. In many countries moot court experience on lawyer's resume is considered advantageous in the job market. Furthermore, the ability to speak persuasively and think on your feet is invaluable in all types of legal careers.





5. Legal Dissemination Program

1. Publication of Bhutan Law Review (Volume IX)

Legal research and publication is one of the primary mandates of the BNLI. Our aim is to support sustainable socio-economic development through relevant and internationally excellent collaborative research, innovation and knowledge-based enterprise. With the socio-economic development, judges and judicial personnel need research backed knowledge and information while dispensing their normal routine of administration of justice. Supporting through research and innovation for judicial personnel is crucial in the delivery of justice and thus, it is crucial to maintain the infrastructure which supports research at the highest levels, including information and communication technology systems. As and when the justices and judges seek our research assistance during any stage of court proceeding, we shall stand in a better position to provide the services they needed. In this way, we definitely will play greater role in the administration of justice.

Similarly, our endeavour to research service would extend to the law-making agencies. For example, when the Parliament wish to amend the particular provision of legislation, we can play role through feeding with relevant information so that laws are made and amended with adequate information and in accordance with the constitution and the best international practices. Through this support, peace and harmony will exist in the society under good legislations. This is possible only through publication.

We also strive to provide research work that will help national and international scholars to flourish in their career. Research on law and good governance, law and Gross National Happiness (GNH), and qualitative research on practice of mediation will help global scholars to understand Bhutanese context of law and its roles in the

good governance and GNH principles. With these objectives, Institute publishes a biannual Bhutan Law Review. We have also published legal pamphlets to inform the general public on the basic principles of law. In a long run, BNLI aims to increase publications such as research papers, journals, and magazines to ensure easy access to legal information and aiding the government in decision-making processes.

As a mark of tribute to His Majesty the King, the Bhutan National Legal Institute launched the 9th Volume of Bhutan Law Review coinciding with the 38th birth anniversary of His Majesty the Druk Gyalpo. The Bhutan Law Review is bi-annual publication of the Institute, which features articles on wide range of ideas and opinions on various aspects of Law. It is instituted under the directives of Her Royal Highness, Princess Ashi Sonam Dechan Wangchuck, the Hon'ble President of the Institute. It is aimed at providing a vibrant forum to the judicial academics and legal fraternity of Bhutan to engage in the contemporary legal issues and contribute toward building a fair, just and content society. The next issue of BLR will be published in July 2018.



(Launching of the 9th Volume of Bhutan Law Review at BNLI Conference)

1. Publication of Bhutan Law Review (Volume X)

The Constitution is the highest law of the state, which spells out the structures of the government, the principles of the state, political processes and the rights of the citizens. It provides mechanism as to how we share power and govern ourselves. The Constitution contains a set of fundamental legal-rules, binding on all the state. It is an inter-section of legal, political and social systems of the country. In order to provide the stability, constitution cannot be changed by ordinary legislative acts, like other laws.

The Constitution is the most profound achievement of our recent times, which will go a long way into the future, shaping the lives of the people; and the advancement of Bhutanese civilization. It reflects the vision of His Majesty the Fourth Druk Gyalpo, and that of His Majesty the king for the country and people- to protect,

promote and preserve a precious piece of land called *Druk Yul*- Bhutan; and a handful of most fortunate people called *Drukpas*- the Bhutanese.

As the Kingdom celebrates 10 years of adoption of the Constitution, it was with considerable pride that the Bhutan National Legal Institute, the Research and Training arm of the Royal Court of Justice, Judiciary of the Kingdom of Bhutan under the leadership and guidance of Her Royal Highness, Princess Sonam Dechan Wangchuck, the Honourable President published the 10th Volume of the Bhutan Law Review-Kingdom's maiden law journal, as a Special Edition dedicated to the evolution of Constitutionalism, Democracy and Rule of Law in the Kingdom.



(Launching of the 10th Volume of Bhutan Law Review at BNLI Conference)



(Hon'ble Director General with the Staff after the launching of Bhutan Law Review (Vol X)

(i) Legal Dissemination Program through Media

Like any other legal systems, Bhutanese legal systems require the people to uphold the rule of law and abide by the letter of the law to ensure protection of rights and privileges offered by the laws of the state. Knowledge of law to common citizens is increasingly recognised as an important component of inclusive growth. It is believed that citizens can be law abiding only if they know the laws well. This poses equal responsibility on the citizens and they cannot plead the ignorance of the law if they are caught breaking them. This principle is captured by the well-known Latin maxim '*ignorantia juris non excusat*' which literally means that 'ignorance of law is no excuse'. This means that we will be punished irrespective of whether we broke the law knowingly or unknowingly. Therefore, it is our utmost duty to respect the

laws to avoid coming in conflict with the law. It can be said that had ignorance of the law had been an excuse, then every time people commits an offence, they will argue that they did not know the law that it was disallowed by the sections of the law. Therefore, to prevent this mischief, the State has the duty to make people informed of the prevailing laws. In order to ensure that information of the laws reach the people, laws must be widely published and made freely available to the public. Agencies and institutions must engage in advocacy and dissemination of laws so that people are not entangled in the legal mesh avoiding protracted and frivolous litigation. More importantly, Bhutan is small country composed of closed knit society that demand social harmony, peace and social unity as a contrivance for equitable growth of the nation. Thus, legal awareness as an arm for equal social justice plays an important role to uplift people living in remote areas.

Empowerment of the people through proper information about the laws strengthens the people's ability to use law to defend their rights and use law as a tool for social harmony, and equitable social development. Legal empowerment fosters development through empowering and strengthening the voices of the people at the grass root level. It seeks to establish the rule of law and ensure equal and equitable access to justice and tackle the root causes of exclusion, vulnerability and poverty. Security of livelihoods, shelter, tenure and contract can enable and empower the poor to defend their rights. Legal empowerment can give poor people and communities the legal tools to proactively protect themselves from vices of the society. Despite continuous support for people in the rural areas, people in the remotest part of the country face challenges in legal literacy and means of redress and access to justice and remedies. Many people in the rural areas have limited legal capacity, and many issues of land, family, marriage that severely limit people's ability to defend.

As part of the continuous effort to fulfil the aspirations of the people in bringing laws to their doorsteps, and promote positive changes in our rural communities, the BNLI

has identified key aspects of legal empowerment of the people through voice and information. It is believed that the people in the rural areas need information on legal and judicial system, which is accessible to make their legal entitlements practical, enforceable and meaningful. Legal empowerment of our people lies in strengthening the capacity of the people to exercise their rights either as individuals or members of the community. It is seen as the grass root justice - to ensure that laws are not confined within the Court Rooms but is available to the ordinary people. Unlike traditional rule of law orthodoxies, legal empowerment views our citizens living in different parts of the country as our partners of justice. Legal empowerment is ‘the process of systemic change’ through which the poor are protected and enabled to use the law to advance their rights and their interests as citizens and economic actors. To ensure that Bhutanese citizens living in remotest part of the country are sensitized on various new legislations that comes up every year.

In this background, the BNLI has carried out Legal Dissemination and Awareness Programs to the rural communities since 2013. This was further reinforced by the wisdom of the Honourable President of the Institute who staunchly believes and stresses on “taking justice closer to the door steps of the people at the grassroots level”. In our commitment to empower the people with knowledge of law, the Institute had continued the advocacy and awareness programs to the rural communities in 2016 and 2017. The program was initiated in collaboration with the Bhutan Broadcasting Service Corporation (BBSC). So far, the Institute has initiated the Programs in the sixteen Dzongkhags. The Department of Local Governance, Ministry of Home and Cultural Affairs and respective Dzongkhag and Gewog Administrations assisted the program.

During the Program, officials from the Institute and Dzongkhag Judges of the respective districts delivered lectures and initiated the discussions with the people. Among various Acts - that were presented - the Institute selected categorical

legislations - which were pertinent to the people, which would serve them with knowledge and information in executing their daily lives. The Institute was astute in making difference to the lives of the people – with relevant information that benefit them in their everyday lives. Looking at their everyday relevance and the nature of the society they were dwelling, Legal Dissemination Program presentations were designed to address the challenges faced by the communities. As many people and families in the communities are often embroiled in inheritance related litigations, and as a part of providing them with detail provisions of the Inheritance Law, we presented the Inheritance Act of 1980. This enables to dispel their various doubts on various issues of inheritance.

Various other Acts were also disseminated at the same time. They also discussed various provisions of the Penal Code of Bhutan. Information on penal laws is important in the lives of common people - as they seek to either deter the people or arm them with legal defences. Other laws include Marriage Act of Bhutan 1980, Domestic Violence Prevention Act of Bhutan 2012, Child Care and Protection Act of Bhutan 2011 with relative stress on other topical discussions on their issues. From the feedback of the viewers and the participants, the programs seem to be both popular and beneficial to the people.

People cited that they got the opportunity to understand and know them. They held positive opinion on the programs and expressed satisfaction about its benefit. The BNLI in its efforts to materialise the noble objective of taking justice to every door step of the people in the rural communities and empowering them with legal information and knowledge is committed to carry out dissemination and awareness programs on laws in coordination with BBSC, the Department of Local Governance and the Local Governments. The BNLI is committed to facilitate dissemination and creation of awareness on laws and legal issues with special emphasis on rural communities and students/youth across the nation. The students are kept abreast of

the emerging laws and legal issues through the respective School Law Clubs. Therefore, the BNLI aims to target the rural communities through this program. In our commitment to empowering the people with the knowledge of the law, the Institute had continued the advocacy and awareness programs to the general public via BBS radio and Kuzu FM in 2017 and 2018. We aspire to capitalize on our citizens to enhance the knowledge of the law and take justice closer to our people.

Details of the Legal Dissemination Program carried out in the year 2018:

Sl. No.	Acts	Legal Officer	Date
1	The Tenancy Act of Bhutan, 2015	Jangchuk Norbu & Dechen Lhamo	2018
2	The Jabmi Act & its Amendment	Jangchuk Norbu	2018
3	The Alternative Dispute Resoulution Act, 2013	Sangay Chedup & Tshering Pem	2018
4	The Child Adoption Act, 2012	Jangchuk Norbu & Kinzang Chedup	2018
6	The Marriage Act, 1980	Jangchuk Norbu	16.03.2018 & 06. 04. 2018
7	The Tobacco Control Act of Bhutan, 2010 & Its Amendent	Jangchuk Norbu	26.04.2018
8	The Domestic Violence Prevention Act, 2013	Tshering Pem	17.05.2018
9	The Forest & Nature Concervation Act, 1995	Jangchuk Norbu	28. 05.2018

10	Child Care and Protection Act, 2011	Dechen Lhamo	25.07.2018
11	Land Act of Bhutan, 2007	Jangchuk Norbu	06.08.2018
			09.08.2018
			15.08.2018
			8/10/2018
12	Private Money Lending Rules & Regulations, 2017	Jangchuk Norbu	15/10/2018



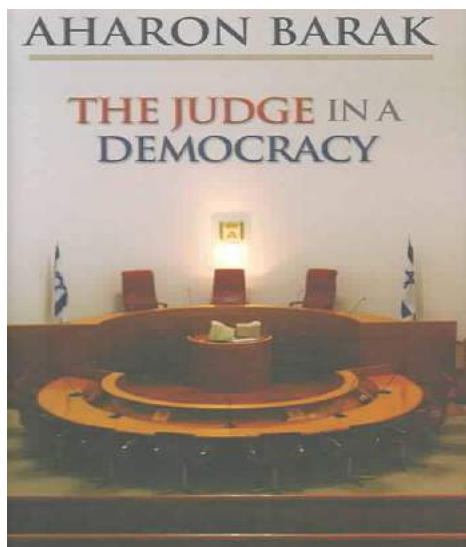
(Jangchuk Norbu, Sr. Legal Officer during the legal Dissemination program at BBSC Radio)

6. Judges Book Club

Her Royal Highness Ashi Sonam Dechan Wangchuck initiated Judges Book Club in 2011. The primary purpose is to promote and instil a culture of reading among the legal fraternity, mainly the judges. It is composed of judges and lawyers, who meet on the last Friday of every Month to discuss a book that they have chosen, and share their opinions, experiences and beliefs.

The forum enables the academically inclined judges and legal officers to cultivate a habit of reading. The Book Club is also a forum for interaction, to enrich the legal and the judicial fraternity over creative discussions. This will uplift the judges from the rituals of adjudication of disputes. It is expected to develop reading, writing, speaking, researching and presentation skills. So far, 56 Books have been reviewed, presented and discussed, out of which five Book Sessions have been held from January – October 2018 (45th – 55th Judges Book Club).

The following five books were discussed from January-September 2018.



45th Session of Judges Book Club:

The Bhutan National Legal Institute convened its 45th Session of the Judges' Book Club on 26 January 2018. Hon. Justice Kinley Dorji of the Royal Court of Justice, the High Court of Bhutan reviewed "*Judge in a Democracy*" by Aharon Barak, the President (Chief Justice) of the Supreme Court of Israel. Justice Kinley's in-depth and analytical presentation was followed by a lively discussion among the

participants regarding the roles and perception of Judges especially in a democratic scenario. According to the book, based on the varied education and backgrounds of

judges they tend to display liberal, conservative or centrist leanings with some taking activist roles where laws are deficient or do not cover the problems at hand thereby engineering the society through their judgements. The session threw light on the important roles and authority of the judges in rendering justice or perpetuating injustice in the hands of unscrupulous and reckless judges.

Whether examining election outcomes, the legal status of terrorism suspects, or if (or how) people can be sentenced to death, a judge in a modern democracy assumes a role that raises some of the most contentious political issues of our day. But do judges even have a role beyond deciding the disputes before them under law? What are the criteria for judging the justices who write opinions for the United States Supreme Court or constitutional courts in other democracies? These are the questions that one of the world's foremost judges and legal theorists, Aharon Barak, poses in this book.

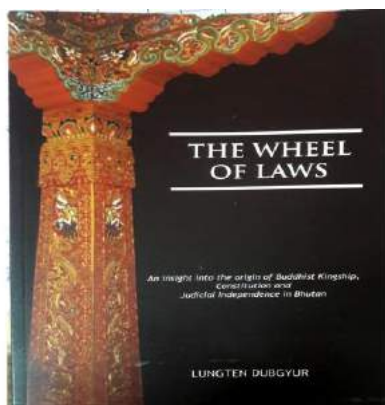
In fluent prose, Barak sets forth a powerful vision of the role of the judge. He argues that this role comprises two central elements beyond dispute resolution: bridging the gap between the law and society, and protecting the constitution and democracy. The former involves balancing the need to adapt the law to social change against the need for stability; the latter, judges' ultimate accountability, not to public opinion or to politicians, but to the "internal morality" of democracy.

Barak's vigorous support of "purposive interpretation" (interpreting legal texts--for example, statutes and constitutions--in light of their purpose) contrasts sharply with the influential "originalism" advocated by U.S. Supreme Court Justice Antonin Scalia.

As he explores these questions, Barak also traces how supreme courts in major democracies have evolved since World War II, and he guides us through many of his

own decisions to show how he has tried to put these principles into action, even under the burden of judging on terrorism.

The takeaway lesson or the reminder from the book however was that when judges sit to try litigants in cases, what we should bear in mind is that judges are also being tried by the litigants, the government and the public at large, thereby demanding well-considered, reasoned and mindful judgements.



46th Session of Judges Book Club:

The Bhutan National Legal Institute convened its 46th Session of the Judges' Book Club on 28 February 2018. The Book chosen was '*The Wheel of Laws*' authored by Justice Lungten Dubgyur. Dasha has written three books on laws now. It is for the first time that a Book has been presented

by the author himself throwing the true light on the actual messages and content of the book.

The Book is about the Bhutanese laws in general and the constitutional and democratic changes which swept the country in the last decade. It highlights the constitutional cases and events which tested the endurance of the systems and values enshrined by in the constitution; and the wisdom, competency and maturity of the Bhutanese judiciary in engineering the society and consolidating the Bhutanese statehood as envisioned by the constitution framers. During the lively discussion which ensued the participants expressed their appreciation to the author for the persistent and pioneering academic pursuit despite lack of adequate patronage and support.

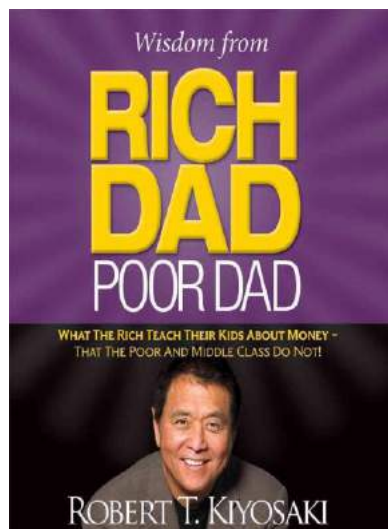
This book is an attempt to highlight some of the profound Buddhist concept of the state of human nature, state formation, and the appointment of the first Buddhist King through the social contract theory akin to the enthronement of our first hereditary monarch through the signing of historic Gyenja in 1907. The book also enumerates some of the important historical events of the country in crafting of the Constitution and about the historic constitutional decisions made by the judiciary. It also discusses the roles of Bhutanese Judges and the complexities involved in dispensing justice. This book also records and assesses the progress and performance of the judiciary vis-à-vis the progress of democracy and constitutionalism in Bhutan. The book, in a way, delves in the past and focuses on the present status of the courts and judges and unwavering hopes to the future for further improvement and professional excellence. Some chapters are an update of summaries that were published in Bhutan Law Review Journal and in international forums such as the South Asian Journal.

This book is not exclusively directed to lawyers and judges alone. It is intended for a wide audience including politicians, bureaucrats, academics, media personnel, law students and those who are interested in the areas of law and contemporary legal issues in Bhutan. Court's decisions are often technical and complex and can be difficult to understand unless one has a legal background.

This book covers the -legal order of *Mangpo Kurwai Gyalpo*, the first Buddhist king in comparison with the western philosophy, -a summary of the process of drafting the Constitution and its subsequent adoption, -Discusses some of the conceptual ideas raised during the debates of the drafting Committee on the political system, - First constitutional case between the government and the opposition party, -It also explains the two courts decisions on the interpretation issues pertaining to "Budget", - explains the decision of the first constitutional writ decided by the High Court in case *Between Texmaco Rail & Engineering Ltd. Based in Kolkata Vs. Mangdechhu*

Hydroelectric project Authority, -It highlights the historic first written dissenting opinion in a taxi parking land case between the *Office of Attorney General & Ministry of Works and Human Settlements vs. Tashi Commercial Corporation*, and It also highlights the Constitutionalism and Case precedent in Bhutan.

It is learnt that the book is being translated into other languages and constitutes an essential component in many international library catalogues on Bhutanese laws. As Benjamin Franklin said" if you would not be forgotten as soon as you are dead and rotten; do something worth writing about; or write something worth reading." Justice Lungten has definitely written something worth reading. Since the Judges' Book Club was initiated with a noble vision, the Institute hopes that the more judges and judicial officials will available the opportunity to benefit themselves of the academic platform afforded by the monthly activity despite their busy schedules in the courts.



47th Session of Judges Book Club:

Mr. Karma Yeshey, Registrar of Company, MoEA presented the book '*Rich Dad, Poor Dad - What the Rich Teach their Kids about Money that the Poor and the Middle Class Donot*' by Robert T.Kiyosaki and Sharon L. Lechter. The Book is a New York Times Best Seller on Financial Intelligence (Financial IQ).

The book is the story of a person (the narrator and author) who has two fathers: the first was his biological father – the poor dad - and the other was the father of his childhood best friend, Mike – the rich dad. Both fathers taught the author how to achieve success but with very disparate approaches. It became evident to the author which father's approach made more financial sense. Throughout the book, the author compares both fathers – their principles, ideas, financial practices, and degree of dynamism and how his real father, the poor and

struggling but highly educated man, paled against his rich dad in terms of asset building and business acumen.

The author compares his poor dad to those people who are perpetually scampering in the Rat Race, helplessly trapped in a vicious cycle of needing more but never able to satisfy their dreams for wealth because of one glaring lack: financial literacy. They spend so much time in school learning about the problems of the world, but have not acquired any valuable lessons about money, simply because it is never taught in school. His rich dad, by contrast, represents the independently wealthy core of society who deliberately takes advantage of the power of corporations and their personal knowledge of tax and accounting (or that of their financial advisers) which they manipulate to their advantage.

The book's theme reduces to two fundamental concepts: a can-do attitude and fearless entrepreneurship. The author highlights these two concepts by providing multiple examples for each and focusing on the need for financial literacy, how the power of corporations contribute to making the wealthy even wealthier, minding your own business, overcoming obstacles by not fostering laziness, fear, cynicism and other negative attitudes, and recognizing the characteristics of humans and how their preconceived notions and upbringing hamper their financial freedom goals.

The author presents six major lessons which he discusses throughout the book:

- The rich don't work for money
- The importance of financial literacy
- Minding Your own business
- Taxes and corporations
- The rich invent money
- The need to work to learn and not to work for money

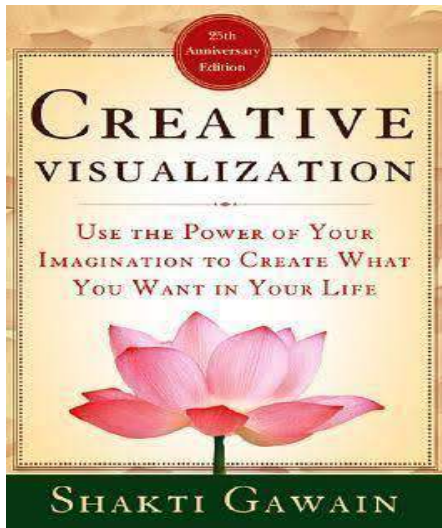
It advocates the importance of financial literacy, financial independence and building wealth through investing in assets, real estate, starting and owning business, as well as increasing one's financial intelligence and aptitude.

Rich Dad Poor Dad is Robert's story of growing up with two dads, his real father and the father of his best friend, his rich dad — and the ways in which both men shaped his thoughts about money and investing.

The book explodes the myth that you need to earn a high income to be rich and explains the difference between working for money and having your money work for you.

Rich Dad, Poor Dad has been called the number one personal finance book of all time, boasting over 26 million copies sold. In his book, Mr. Kiyosaki illustrate the mindsets and beliefs that make the rich, rich and poor, poor by contrasting the advice of his real dad with that of his financial mentor, who was the father of the author's best friend.

Robert's biological father was brilliant and charismatic, finishing his four-year undergraduate degree in less than two years, then going on to obtain a masters and PhD at two prestigious universities before rising to the number one person in the state of Hawaii's educational system. He left debts to be paid upon his death, while Robert's mentor (who never even finished eighth grade) became the richest man in the state, leaving tens of million to his family and charity.



48th Session of Judges Book Club:

Drangpon Lobzang Rinzin Yargay, Director General of the Institute reviewed and presented on the book '*Creative Visualization: Using the Power of your Imagination to create what you want in life*' by Shakti Gawain.

Creative Visualization synthesizes Western psychology and Eastern philosophy for success, positivity, change, growth and self-discovery using meditative and mindfulness tools and

techniques to visualise, set goals and achieve what we want in life. The book is about being accommodative, adjustable, forgiving, loving, peaceful and happy by looking within and spreading positive energy around with affirmation and positive approaches. It is a tool for creating new life and living fulfilling life.

This book is about learning to use your natural creative imagination in a more and more conscious way, as a technique to create what you truly want - love, fulfillment, enjoyment, satisfying relationships, rewarding work, self-expression, health, beauty, prosperity, inner peace, and harmony ... whatever your heart desires. The use of creative visualization gives us a key to tap into the natural goodness and bounty of life.

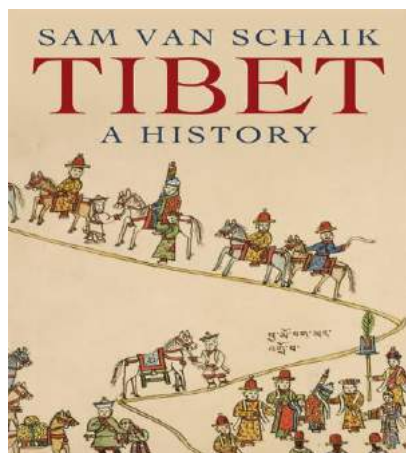
Imagination is the ability to create an idea, a mental picture, or a feeling sense of something. In creative visualization you use your imagination to create a clear image, idea, or feeling of something you wish to manifest. Then you continue to focus on the idea, feeling, or picture regularly, giving it positive energy until it becomes objective reality ... in other words, until you actually achieve what you have been imagining.

Your goal may be on any level -- physical, emotional, mental, or spiritual. You might imagine yourself with a new home, or with a new job, or having a satisfying

relationship, or feeling calm and serene, or perhaps with an improved memory and learning ability. Or you might picture yourself handling a difficult situation effortlessly, or simply see yourself as a radiant being, filled with light and love. You can work on any level, and all will have results ... through experience you will find the particular images and techniques that work best for you.

Creative visualization is magic in the truest and highest meaning of the word. It involves understanding and aligning yourself with the natural principles that govern the workings of our universe and learning to use these principles in the most conscious and creative way.

This is one of the Books recommended by Her Majesty the Gyalyum Ashi DWW for the Club. A international best seller written in 1978, the Book has been translated in 25 international languages and some 7 million copies are sold worldwide. Shakti Gawain, a multi-bestseller author has written over a dozen books on looking inward and within for happiness, change and personality development. The Session saw participation of Supreme Justice Tashi Chhozom, High Court Justice Lungten Dubgyur, Justice Duba Dukpa, Justice Kinley Dorji, Judge Rinchen Penjor, Judge Passang Wangmo, Judge Kesang Choden, Deputy Judge Dechen Wangmo and other judicial officials in addition to the officials and staff of the Institute.



49th Session of Judges Book Club:

The Book was reviewed and presented by Drangpon Rabjam Tenzin of the Institute on the book '*Tibet – A History*' by Sam Van Schaik. The Book provides an overview of Tibet's past from 7th Century A.D. to the present. It is organized into 10 Chapters with different themes. The Book begins with the first

appearance of Tibet on the world stage in the seventh century, and ends with the exploration of what it means to be Tibetan in the twenty-first century. It follows those individuals who have been most influential in the making of Tibet or have at least made the big impact on Tibet's own historians and storytellers.

According to the Author, though it is sometimes difficult to say whether a famous event really happened as it has been told and retold, that is no reason to dismiss it or consign it to a footnote. These are the stories that, layer upon layer, have contributed to the cultural identities of Tibetans today, to the sense of what it is to be Tibetan. So it begins with Tibet, with its own culture and history - how it grew and flourished.

In a way, the book focuses on the rise and fall of Buddhism in Tibet. The role of Three Great Dharma Kings – Tsongtsen Gampo, Trisong Detsen and Thri Ralpachen and other Buddhist Saints such as Shantarakshita, Guru Padhmasambhava, Dipamkarashirjana, Panchen Lama, Dalai Lama, and Karmapas in spreading Buddhism in Tibetan Empire. Formation of different sects, patronage, followers, and division that resulted in inter- and intra-religious conflicts and its impact on the Tibetan Empire have been well captured.

The Book does not talk much about the trade and commerce of ancient Tibet, but it gives a clear picture about the dynamics of power and politics of Central Asia. The rise and fall of the Tibetan Empire and the Chinese Empire under different dynasties – and the new configuration of power marked by competition between Russia and Great Britain.

The Book also makes references to Bhutan several times – the most significant one being Trongsa Ponlop Ugyen Wangchuck's significant role in the successful negotiation between Tibet and British India for establishment of friendship.

Sam van Schaik brings the history of Tibet to life by telling the stories of the people involved, from the glory days of the Tibetan empire in the seventh century through to the present day. He explores the emergence of Tibetan Buddhism and the rise of the

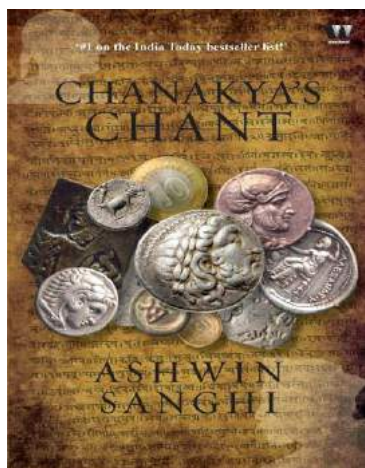
Dalai Lamas, Tibet's entanglement in the "Great Game" in the early twentieth century, its submission to Chinese Communist rule in the 1950s, and the troubled times of recent decades.

Tibet sheds light on the country's complex relationship with China and explains often-misunderstood aspects of its culture, such as reborn lamas, monasteries and hermits, *The Tibetan Book of the Dead*, and the role of the Dalai Lama. Van Schaik works through the layers of history and myth to create a compelling narrative, one that offers readers a greater understanding of this important and controversial corner of the world.

This Session of the Book Club saw attendance of Judges from the Thimphu District Court and Legal Officers from the private agencies in addition to the officials of the Institute.

The books are recommended by Her Majesty the Gyalyum Ashi Dorji Wangmo Wangchuck.

Hon. judges and members of the legal fraternity are urged to read the Books and participate in the monthly program initiated by Her Royal Highness, the Hon'ble president of the Institute.



50th Session of Judges Book Club

Mr. Sangay Chedup, Sr. Legal Officer of the Institute reviewed and presented the central theme and messages of the 448-page historical novel '*Chanaky's Chant*' written by Ashwin Sanghi in 2010. Who haven't heard of or read about Kautilya, Chanakya or Vishnu Gupta or his work 'Arthashastra'? It is a mixture of ancient

Indian history and present-day politics depicting the political strategy of the king-maker Chanakya, who is famed for writing Arthashastra - the science of wealth and statecraft. He is known to have made Chandragupta the ruler of India in 340 B.C. at the time of invasion of India by Alexander the Great through schemings, plottings and political intrigues. A Brahmin of humble roots, Chanakya was known to have been intelligent, cold, cruel, calculating, shrewd and manipulative political strategist who did not stop at anything to get what he wanted, including deployment of 'Vishkanyas' - 'poison damsels' - modern equivalent of spygirls and femme fatales used to trap or distract the enemies and opponents.

Chanakya's Chant is a thrilling novel that tells its listeners about a sharp parallel story between two individuals. One of these individuals is the very person who brought the scattered Indian subcontinent under the reign of Chandragupta Maurya- Chanakya. Chanakya is one of the wisest political strategists to have ever lived in the history of India. The second protagonist is Gangasagar Mishra, who is a rather insignificant Brahmin teacher who seems to be struggling to make ends meet but is actually a reincarnation of Chanakya himself.

The author gives you an intricately woven plot that is set in two parallel worlds but is tied together by its two protagonists, namely Chanakya and Gangasagar. Chanakya's tale, set in 340 BC, is a tale of revenge that Chanakya seeks against the king and how he brings in Chandragupta Maurya to take over the throne. The second tale, based in modern-day India, is that of Gangasagar grooming a young girl from Kanpur to eventually become the prime minister of India.

Will Chanakya's ingenious ways bring about a drastic turn in the events of the nation? This captivating book answers just that through its exploration of Chanakya's ingenious and calculated moves that have altered the course of events in the past.

The book takes the reader right into 340BC where Chanakya, a Brahmin youth vows revenge for the gruesome death of his father by the King of Magadh, Dhanananda. Chanakya grows up to become a master strategist who, through his, calculating and cunning tactics seeks his revenge and also, at the same time, manages to thwart Alexander the Great's plan to invade Bharat. But his most stunning victory is yet to come when by using all his crafty means and pitting the weak forces against each other he manages to anoint Chandragupta Maurya to the throne of Magadh and forming the first empire in India, the mighty Mauryan Empire.

In today's Bharat, almost two and a half thousand years after, we have Pandit Gangasagar Mishra living in Kanpur ,draws inspiration from the master strategist Chankaya, to get his protégée Chandini Gupta appointed to the highest office in India, that of the Prime Minister. As was with Chanakya the same is with Pandit Mishra, there is no rule that can't be broken or mended, no price too high to pay and absolutely nothing that can stop you from reaching your goal. There were four mantras that Chanakya believed in *Saam, daam, dand, bhed* (Equality, enticement, punishment and sowing dissension) and so does the modern day Chankaya aka Pandit Mishra.

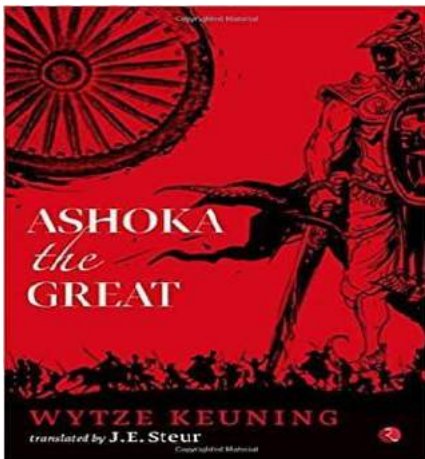
The book excellently flits between the two periods and keeps the reader hooked to read what comes next in the political drama. Will Pandit Mishra succeed in his mission to take Chandni to the top? Will he be the king maker he so desires to be?

Though, at times, while reading the modern day events unfold, I felt that some incidents were highly exaggerated and could have been toned down a bit. And some of the decisions that Pandit Mishra takes come across unconvincingly.

Yet the book continues to keep the reader engaged and enthused enough to read through to the very end. A well paced political thriller that will keep you riveted. It should be in your must read list this month.

The takeaway lesson is that, let alone India, the world has hardly changed in terms of greed, hatred, corruption, sexual deviance, political divisiveness and Chanakya-like characters.

This session of the Club was graced by the presence of Justice Kinley Dorji, Judge Kesang Choden, Judge Passang Wangmo and other judicial officials in addition to the participants from the Institute. This is one of the series of books recommended by Her Majesty Gyalyum Azhi Dorji Wangmo Wangchuck.



51st Session of Judges Book Club

Mr. Jangchuk Norbu, Sr. Legal Officer of the Institute reviewed and presented the book on *Ashoka the Great* by Wytze Keuning and translated into English by Elizabeth Steur. A product of 10-year research work (1937-1947), the trilogy is a historical biography of the Mauryan empire and its three powerful emperors, especially Ashoka.

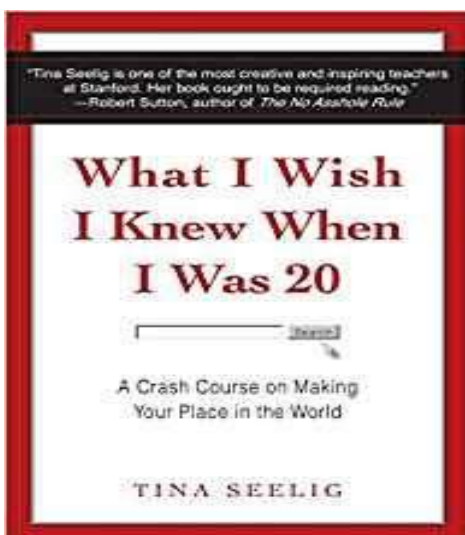
Ashoka The Great chronicles the life of Emperor Ashoka. It is a fictional biography and more accurately can be called historical fiction. The original Dutch version was a trilogy, published separately in three volumes. The trilogy was written between 1937-1947 by a Dutch scholar Wytze Keuning in Groningen in the Netherlands. These three volumes Ashoka: The Wild Prince, Book I, Ashoka: The Wise Ruler,

Book II and Ashoka: The World's Great Teacher, Book III are now brought together and presented in this single volume Ashoka The Great.

The book is an exhilarating, spiritually edifying and deeply moving story of one of India's greatest emperors. It recreates the life and times of the Mauryas with an authenticity that is remarkable.

The book presents a plausible vision of the past balanced by a captivating story. It is said that a great book if it is to endure cannot do without profound ideas. Keuning perfectly fuses facts and thoughts, Mauryan customs and mores, life and reflection on the meaning of life as seen through the vision of Ashoka's gurus and the history of personal influences upon Ashoka that marked his rule and legacy. This and more makes it a rare and distinguished book.

The main take away from the book is the connection to and contribution of emperor Ashoka to the spread of Buddhism few hundred years after the death of the Buddha. The book is among the series recommended by Her Majesty Gyalum Ashi Dorji Wangmo Wangchuck. This session of the Book Club was graced by the presence of High Court Justice Pema Wangchuk and Justice Kinley Dorji in addition to the officials of the Institute.



52nd Session of Judges Book Club:

The book was reviewed and presented by Ms. Dechen Lhamo, Sr. Legal Officer on the book *"What I Wish I Knew When i was 20: A Crash Course on Making your Place in the World"* by Dr.Tina Seelig. The 212-page book

by the Executive Director of Stanford's School of Engineering Ventures Program is not only a guide for the young career-seekers, but for people who are facing major changes and transitions in life leaving the comfort zones of academic institutions and facing the professional world.

This book talks about the major life transitions such as leaving the protected environment of school or starting a new career can be daunting. It is scary to face a wall of choices, knowing that no one is going to tell us whether or not we are making the right decision. There is no clearly delineated path or recipe for success. Even figuring out how and where to start can be a challenge. That is, until now.

As executive director of the Stanford Technology Ventures Program, Tina Seelig guides her students as they make the difficult transition from the academic environment to the professional world, providing tangible skills and insights that will last a lifetime. Seelig is an entrepreneur, neuroscientist, and popular teacher, and in *What I Wish I Knew When I Was 20* she shares with us what she offers her students—provocative stories, inspiring advice, and a big dose of humility and humor.

These pages are filled with fascinating examples, from the classroom to the boardroom, of individuals defying expectations, challenging assumptions, and achieving amazing success. Seelig throws out the old rules and provides a new model for reaching our highest potential. We discover how to have a healthy disregard for the impossible, how to recover from failure, and how most problems are remarkable opportunities in disguise.

What I Wish I Knew When I Was 20 is a much-needed book for everyone looking to make their mark in the competitive world. This session of the Book Club witnessed attendance of High Court Justice Pema Wangchuk, Justice Kinley Dorji, Judge

Rinchen Penjor, Judge Passang Wangmo and Judge Kesang Choden. Lecturer Sonam Tshering of JSW Law and PGDNL trainee Kinley Choki also participated in the program, in addition to the officials of the Institute.

53rd Session of the Judges Book Club

The Book on focus was "*Morality and Moral Controversies: Readings in Moral, Social and Political Philosophy*" by John Arthur. The Book was reviewed and presented by Sonam Tshering, Lecturer, Jigme Singye School of Law.

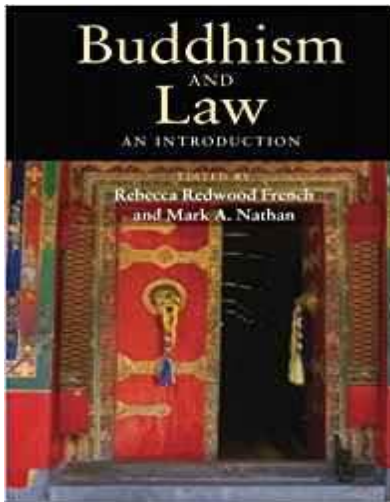
This comprehensive anthology includes classic and contemporary readings in moral theory--a wide array of essays that address today's most philosophically interesting and controversial ethical and political issues. Includes an ethical theory overview; shows relevance of traditional and contemporary writers. Features articles on self-interest and morality, rule utilitarianism and the conflict between duty and sentiment; Features readings on life and death, terrorism, internment in time of war, distribution of scarce medical resources and the survival lottery; Features essays on democracy, capitalism and its ethos, multiculturalism, identity and reparations. Extensive coverage of violence, terrorism, and war, as well as relativism and grounds of morality. For those involved in social or political ethical decision making.

Morality and Moral Controversies provides students with the tools to understand the philosophical ideas that are shaping our world today. This comprehensive anthology includes classic and contemporary readings in moral theory and the most current applied ethics debates emphasizing international concerns. Through analyzing these readings such as Supreme Court decisions, students will grasp the scope of various philosophical discussions Supreme Court justices must have. Morality and Moral Controversies challenges readers to critically assess leading controversies in moral, social, and political philosophy.

The main take away from the book is:

- Understand philosophical ideas that are shaping our world today;
- Confront conflicts faced when given the choice of morality;
- Apply various philosophical ideas to politics, religion, economics, relationships, and medicine; and
- Discuss basic philosophical arguments.

Among the participants were High Court Justice Lungten Dubgyur, Justice Pema Wangchuk, Justice Kinley Dorji; Paro Judge Rinchen Penjor, Thimphu Judge Pasang Wangmo and officials of the Institute.



54th Session of the Judges Book Club

The Book on focus was on "*Buddhism and Law: An Introduction*" edited by Prof. Rebecca R. French and Mark A. Nathan. The Book was reviewed and presented by Justice Lungten Dubgyur, Royal Court of Justice, the High Court of Bhutan.

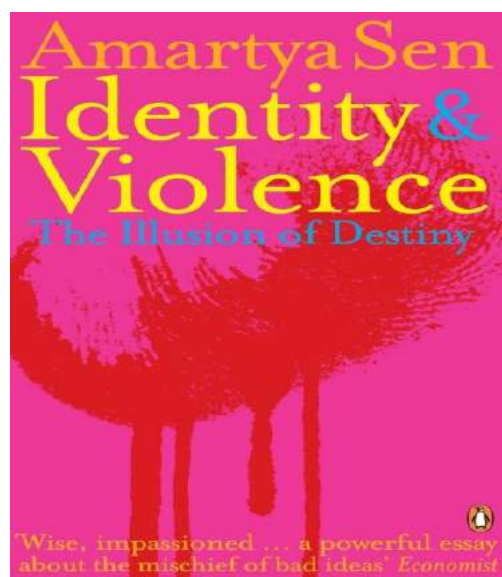
As the first comprehensive study of Buddhism and law in Asia, this interdisciplinary work challenges the concept of Buddhism as an apolitical religion without implications for law. The 404-page Book written in

2014 draws on the expertise of the foremost scholars in Buddhist studies and law to trace the legal aspects of the religion from the time of the Buddha to the present. The Book reveals a diversity of relationships between Buddhist monastic codes and secular legal systems. According to the Authors, Buddhism has a detailed legal code, that challenges the dominant modern understanding of law. They argue that Buddhist concept does not focus on cases, rules, rights, judicial procedures, decisions and sanctions. Instead, the concept of law in Buddhism is focused on adjustment of the

individuals to a set of rules which enable them to operate within the community - which affects their conduct, reduces conflicts, diminishes the need for legal rules and facilitates contemplation, mindfulness, meditation and finally the enlightenment.

The Book is an essential resource for the students and teachers in Buddhist studies, law and religion, and comparative law; and for those who have interests in understanding how Buddhism shapes the political and legal life of countries with significant Buddhist population such as Bhutan.

The Official and staff of the Institute attended the session.



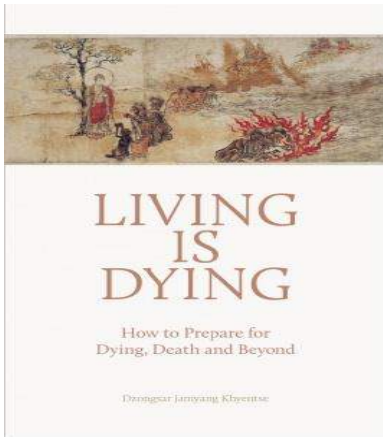
55th Session of the Judges Book Club

The

Book on focus was on *Identity & Violence: The Illusion of Destiny* by Amartya Sen. The Book was reviewed and presented by Mr. Kinzang Chedup, Sr. Legal Officer, BNLI. Amartya Sen describes how human beings assume multiple identities based on our nationality, race, religion - which then form the basis of how we see ourselves - distinct from others. While we have the freedom to

choose our own identities, he says that there are constraints that limit freedom to choose. The author argues that our 'small boxed' identities perpetrate violence and conflicts. The book also dwells on multiculturalism and plural human identities. Sen argues against 'civilizational partitioning' and single identity that fosters violence such as polarization of religion leading to a single identity. He believes that religion should be mere declaration of faith and we should adjust to plural identities through reasoned and coexist-able choice. Sen says that describing oneself as 'the other' positions ourselves with non-convergent thinking and ideas. This leads to the concept of 'West and anti-West' leading to violent reactions. He is of the view that

globalization leads to unequal distribution of wealth, which is enforced through trade barriers, that ultimately retards advancement of science and technology. According to the author, 'globalization 'should defuse confrontation of divisive identities and generate fair and reasoned outcomes.



56th Session of the Judges Book Club

The Book on focus was on *Living is Dying* by Dzongsar Jamyang Khentse Rinpoche. The Book was reviewed and presented by Mr. Sangay Chedup, Sr. Legal Officer, BNLI. *Living is Dying* is a great book written by Dzongsar Jamyang Khentse. The book catches the audience of all the readers both young and old. The book talks about healthy living including

preparations for death. *Living is dying* portrays both religious and natural cycle of existence. As we are born, he says that, being born is a precondition to die. The book enables each person to recognize death as a natural end- it helps to prepare us to face it as a reality in definite aspect of time.

The instruction given to Buddhists during the process of dying, at the moment of death and after death are the same whether a person dies peacefully in their sleep at a ripe old age or unexpectedly because the causes and conditions that lead to sudden death have matured. The information about dying, death and beyond that appears in this book is a very simple presentation of one specific and ancient tradition of Buddhist teachings. Although many other authentic Buddhist traditions offer essentially the same advice, as each has developed its own terminology and language, some details may appear to be different. Please don't misinterpret these variations as contradictions. These teachings about death and the bardos have been passed down through a long lineage of brilliant Buddhist thinkers, each of whom went to great lengths in order to examine the process in minute detail and from every

angle. Their advice may be especially useful for Buddhists or those attracted to the Buddha's teachings, but it is equally relevant for anyone who will eventually die. So even if you are not a Buddhist, if you are open-minded, curious or contemplating your own death or that of a loved one, you may well find something in these pages that will help. Everything that happens to us in life and death depends entirely on the causes and conditions that we have accumulated. Each person will therefore experience physical death and the dissolution of the body's elements quite differently. Each of our journeys through the Bardo will also be unique. So any and all descriptions of dying, death and the Bardo can only ever be generalizations. Nevertheless, when the process of dying begins, having even a rough idea about what is happening not only goes a long way towards allaying our worst fears, but it will also help us face death calmly and with equanimity. The framework of this book was created in response to a list of nearly one hundred very good questions about death that were gathered by various friends of Author.

7. Foreign Exchange Program

Delegation from Queensland University of Technology (QUT), Australia

Legal education is becoming an important part of school education program in Bhutan. With the expanding educational requirements in the country, legal education has, with the inception of the School Law Clubs, spread to education institutions across the country. This has promoted legal literacy among our youth and has advanced law as an important part of school education. The School Law Clubs were established in 2012. Since then, the establishments of School Law have amplified the need in other schools. The School Law Clubs- was an emanation of her Royal Highness Ashi Sonam Dechan Wangchuck. It was started in 21 February 2012 in

Punakha High School with twenty-one Schools initiating the School Law Clubs. Over the time of six years, School Law Clubs has been expanding to different schools across the country. This indicates the momentum of legal education in Bhutanese schools, which is gaining rapidly to fuel for a peaceful growth of society by investing wisely in our youth through good values of education and a deep sense of responsibility. To promote legal education in schools through workshops and training, and develop workable paradigm, the Bhutan National Legal Institute and the Queensland University of Technology (QUT) has forged partnership to collaborate and work together on areas of school legal education. In 2017, the QUT has helped the School Law Club students of Thimphu through a workshop- sensitizing them on different aspects of law, and law-making processes in the country. The workshop among other important thing saw discussion on the importance of being a respectful citizenry- that respects and abides by the rule of law. In the similar way, in 2018, the QUT under the financial assistance of the New Colombo Plan assisted the School Law Clubs in schools of Thimphu by initiating a Participatory Method of Training Delivery. The Workshop was attended by 25 (twenty-five) students from five schools in Thimphu.



(The Hon'ble Chief Justice of the High Court with the delegation and participants during the Opening Program)

Summary Programs & Activities Conducted by Bhutan National Legal Institute from January to November 2018

Sl.No.	Activity	Date	Participants	Remarks
1.	Workshop on Legislative Drafting	10-12 January 2018	Legal Officers	Legal Officers from different departments and Registrars from Judiciary
2.	Farewell	19 January 2018	BNLI	Dorji Gyeltshen, Sr. Accountant, Ugyen Zam,

				Accountant, Karma Denkar, Asst. ICT Officer
3.	Workshop on Election Dispute Settlement System	22-23 January 2018	Judges and Registrars	
4.	Sumtag Refresher Course	24-02 February 2018	Judges and Registrars	Conducted at Conference Hall, Supreme Court of Bhutan
5.	Judges Book Club	26 January 2018	Judges and BNLI Officials	<i>Judge in a Democracy-</i> Aharon Barak Presented by Justice Kinley Dorji, High Court(HC)
6.	Foreign Exchange Program	6-9 February 2018	School Law Clubs of Thimphu	Facilitated by Delegation from QUT
7.	Judicial Orientation and Induction Program	7-9 February 2018	Newly Appointed Drangpon Rabjams and Registrars	Conducted at Supreme Court of Bhutan
8.	Publication of Bhutan Law Review- Volume IX	21 February	BNLI	Birth Anniversary of His Majesty the Fifth King
9.	Judges Book Club	28 February 2018	Judges and BNLI Officials	<i>Wheel of Law-</i> Justice Lungten

				Dubgyur Presented by Justice Lungten Dubgyur, HC
10.	Guest Lecture to the School Law Clubs	21.3.2018	School Law Club Members of Kelki HSS	Speaker- Hon'ble DG, BNLI
		22.3.2018	School Law Club Members of Khangkhu HSS	Speaker- Hon'ble DG, BNLI
		23.3.2018	School Law Club Members of Shaba HSS	Speaker- Hon'ble DG, BNLI
11.	Launch of Book(Judiciary of Kingdom of Bhutan:Selwi Melong- Profile of Judges)	30 March 2018	BNLI Officials	Launched by HRH at Tantra Hall, BNLI
12.	Judges Book Club	30 March 2018	Judges, Legal Officers and BNLI Officials	<i>Rich Dad, Poor Dad</i> - Robert T. Kiyasaki Presented by Karma Yeshey, Company Registrar, MoEA
13.	Farewell	4 April 2018	BNLI	Dhan Raj Ghalley, Driver, BNLI
14.	Launch of Bhutan National Legal Institute's Logo	5 April 2018	BNLI	Launched by Her Royal Highness
15.	Guest Lecture to School	6 April 2018	School Law Club	Speaker- Hon'ble

	Law Clubs		Members of Ugyen Academy	DG, BNLI
		6 April 2018	School Law Club Members of Punakha HSS	Speaker- Hon'ble DG, BNLI
		13 April 2018	School Law Club Members of Bajo HSS	Speaker- Hon'ble DG, BNLI
16.	Judges Book Club	27 April 2018	Judges and BNLI Officials	<i>Creative Visualization-</i> Shakti Gawain Presented by DG, BNLI
17.	Tarayana Fare	4-6 May 2018	BNLI	All proceeds to Tarayana Foundation
18.	Workshop on Mediation Procedures and Skills	8-9 May 2018	Paralegal Service Providers (Jabmi)	Facilitated by BNLI Official and Judge, Royal Court of Justice
19.	Judges Book Club	25 May	Judges and BNLI Officials	Tibet-A History- Sam van Schaik Presented by Rabjam Tenzin, BNLI
20.	Annual Law Lecture Series 2018-Legacy of the Monarchy	6 June 2018	Royal Thimphu College	Speaker- Chief Justice of Bhutan, Lyonpo Tshering Wangchuk
21.	Judicial Retreat	8-9 June 2018	Hon'ble Justices of Supreme Court	Organized at Phobjikha,

			and High Court	Wangdue Phodrang
22.	Legal Essay Writing Competition to the School Law Clubs	8 June 2018	Participated by School Law Clubs in Thimphu	Organized at Supreme Court of Bhutan
23.	Court - Annexed Mediation	11-17 June 2018	BNLI and Royal Court of Justice Officials	Attended the training in Thailand
24.	Workshop on Current Trends and Best Practices in Management of Environmental Disputes	24-25 June 2018	Judiciary	Facilitators- Kirsty Jane Campbell & Michelle Keen, White & Case
25.	Training on Ethics & Integrity	25-29 June 2018	Rabjam Tenzin, BNLI	Anti-Corruption Commission
26.	Judges Book Club	27 June 2018	Judges and BNLI Officials	<i>Chanakya's Chant</i> - Ashwin Sanghi Presenter- Sangay Chedup Sr. Legal Officer, BNLI
27.	Annual Law Lecture Series 2018-Legacy of the Monarchy	29 June 2018	Gedu College of Business Studies	Speaker- Chief Justice of Bhutan, Lyonpo Tshering Wangchuk
28.	Judges Book Club	30 July	Judges and BNLI Officials	<i>Ashoka the Great</i> by Wytze Keuning, presented by Jangchuk Norbu, Sr. Legal Officer,

				BNLI
29.	Publication of Bhutan Law Review -Volume X	30 August 2018	BNLI	featuring Articles on 10 years of adoption of the Constitution of the Kingdom of Bhutan
30.	Judges Book Club	31 August 2018	Judges and BNLI Officials	<i>What I Wish I Knew When i was 20: A Crash Course on Making your Place in the World</i> by Dr.Tina Seelig. Presented by Dechen Lhamo, Sr. Legal Officer, BNLI
31.	Workshop on Mediation Skills and Procedures to the PGDNL Graduates	26-28 September 2018	PGDNL Trainees	Officials from BNLI
32.	Judges Book Club	30 September 2018	Judges and BNLI Officials	<i>"Morality and Moral Controversies: Readings in Moral, Social and Political Philosophy"</i> by

				John Arthur. Presented by Sonam Tshering, Lecturer, Jigme Singye School of Law.
33.	Guest Lecture to the School Law Clubs on the theme 'Fundamental Principles of the Constitution.	7 October 2018	38 School Law Clubs	Respective District Judges
34.	Judges Book Club	30 October 2018	BNLI Officials	<i>"Buddhism and Law: An Introduction"</i> edited by Prof. Rebecca R. French and Mark A.Nathan. Presented by Justice Lungten Dubgyur,
35.	Training on Contract Law to the PGDNL Graduates	6-9 November 2018	PGDNL Trainees	Experts from the MOEA, Judiciary, JSW Law and BNLI
36.	Moot Court Hearings to the PGDNL Graduates	28- 29 November 2018	PGDNL Trainees	Hon'ble DG, BNLI, Rabjam Tenzin, BNLI and Dechen Lhamo, Sr. Legal Officer,

				BNLI
37.	Judges Book Club	30 November 2018	BNLI Officials	<i>Identity & Violence: The Illusion of Destiny</i> by Amartya Sen. Presented by Mr. Kinzang Chedup, Sr. Legal Officer, BNLI.
38.	Mediation Training Program for Local Government Leaders		Mangmis and Tshogpas of Punakha, Gasa and Wangduephodrang Dzongkhags.	Facilitated by BNLI Officials and Respective Drangpon Pema Needup, Punakha District Court and Dasho Gembo Dorji, Wangduephodrang District Court.

8. Other Major Events

1. Launch of Book (Judiciary of Kingdom of Bhutan: Selwi Melong- Profile of the Judges)

On 30 March 2018 the Bhutan National Legal Institute launched a Book (Judiciary of Kingdom of Bhutan: Selwi Melong-Profile of Judges) profiling a brief biographical details and career history of the judges of

the whole country. The book contains information on where the judges are from, the schools, colleges and universities they attended. Most importantly, the book may be useful as it contains information on what areas of laws they have specialised in, courses attended, services rendered, honours and medals they have received in the course their long services to the Tsa-Wa-Sum.



(Launching of the Book, The Judiciary of the Kingdom of Bhutan: Selwi Melong- Profile of the Judges)

III. Launch of Bhutan National Legal Institute's Logo

The Bhutan National Legal Institute designed an official logo under the guidance and directives of HRH. The logo will promote and enhance the institutional identity, accountability and independence in its operation,

linkages, mobilization of resources, etc. It was launched by HRH on Thursday 5 April 2018 corresponding to the 20th Day of Second Month of the Male Dog Year.



(HRH the Hon'ble President Launching the BNLI's Official logo at BNLI Conference)

IV. Tarayana Fare

The Tarayana Fair is an annual event organised by Tarayana Foundation. The BNLI participates in the event annually to contribute physical labours as well as to make financial contribution through sale proceeds. The money thus contributed, though small, will be utilised solely for

supporting disadvantaged people of the rural communities. The Institute considers the event as crucial to help the poor and the needy people. It is great opportunity for the Institute to contribute in the socio-economic building of the nation.

2018 was the 15th Annual Tarayana Fair, which was observed from 04-06 April 2018. During the three-day Fair, the Institute generated total sale proceeds of Nu. 40,066(Forty Thousand Sixty-Six) only.

V. Farewell to BNLI Officials

Bhutan National Institute has bid farewell to its four officials (Mr. Dorji Gyeltshen, Sr. Accounts Officer, Mrs. Ugyen Zam, Accountant, Mrs. Karma Denkar, ICT Officer, Mrs. Pem Choden, PA to Hon'ble Director General and Mr. Dhan Raj Ghalley, Driver) with dinner and symbolic presents. The Institute acknowledged their services and contribution to the institute and reminded them to work with the same dedication and commitment since they are going to serve the same Tsa-Wa-Sum irrespective of where they serve.





(Farewell to BNLI officials at BNLI Conference)

V. ANNUAL NATIONAL LAW LECTURE SERIES 2018- LEGACY OF THE MONARCHY

Overview

One of the biggest assets of Bhutan - a small resource-strapped Kingdom nestled in the rugged terrain of the Himalayas is its leadership – the Monarchy. With their peerless leadership, foresight and the sacrifices, Bhutan has been transformed into a modern country brushing its shoulders with the comity of nations. It is poised to soon graduate from the Least Developed Country to a Middle-Income Country. In an unprecedented move, His Majesty the Fourth Druk Gyalpo gifted a written Constitution introducing parliamentary democracy in the Kingdom.

His Majesty the Fourth King systematically introduced democratic values and systems soon after he took over the reins of the Kingdom. He systematically prepared people for the changes, which lay ahead. He gifted to the world an alternative development paradigm, the “Gross National Happiness” (GNH). To Him, GNH is more important for His people than the GDP.

Therefore, His Majesty the Fourth Druk Gyalpo has carved out a special place in the History of modern Bhutan as well as the world. However, public memory is short. We tend to become complacent basking in the past glory and sacrifices of our Kings. As we get imbibed in the fast-paced life and changes swirling around us, we risk taking things for granted. Thus, it is important that we kept ourselves reminded of our humble roots. We must at all cost never live off the hard work and sacrifices of the last generation.

The Bhutan National Legal Institute – the training arm of the judiciary has been concerned as to how we can keep our people informed of the changes and development initiated of our Monarchs – in particular His Majesty the Great Fourth Druk Gyalpo, His Majesty King Jigme Singye Wangchuck. Form this may only be the way in through which we repay the heavy debt of gratitude we owe Him; or for that matter, how do we transmit this message to our youths and future citizens.

Taking a step in this direction, the Institute initiated a Lecture Series in the Colleges of the Royal University of Bhutan (RUB), mainly cantered around the broad theme of *‘Legacies of our Monarchs.’*

While, being reminded of the legacies of the monarch, the program was also intended to provide an opportunity for the students of our tertiary institutes - the future leaders of the country to interact with, and listen to the words and thoughts of the Hon’ble Chief Justice of Bhutan, the Attorney General of Bhutan, Justices of the Constitutional Courts of the Judiciary of Kingdom of Bhutan, and other legal scholars and luminaries of the country. It is also indented to disseminate information on legal forms and developments initiated under the visionary leadership of our monarchs.

The Legacy of the Monarchy Law Lecture Series was formally inaugurated on 8 November 2014. On this day, Her Royal Highness, Ashi Sonam Dechan Wangchuck, the Hon’ble President of the National Legal Institute delivered a Lecture titled *“The Visionary Dragon King: A True Patriot of the Kingdom of Bhutan”* at Paro College of Education. At the same time, the judges simultaneously echoed the Lecture across the Kingdom in their respective Dzongkhags. The Lecture paid tribute to His Majesty the Fourth Druk Gyalpo Jigme Singye Wangchuck on his 60th Birth Anniversary for His dedicated and selfless services to the Country and the People.

Similarly, this year's (2018) Lecture program was intended to unveil the Royal Initiatives in introducing democracy in our country. Democracy was an unexpected gift from the Royal Throne of the Fourth Druk Gyalpo. People were happy and prosperous with the rapid all-round growth and development. They doubted and even 'protested' that they don't need a new system. However, for His Majesty the Fourth Druk Gyalpo, democracy was not an alien subject – it was a change in the right direction at the right time; something he cherished right from the beginning of his reign.

Therefore, the Lecture Series was an effort to reveal the great initiatives of our Monarchs in instituting the democracy in Bhutan. The Institute aimed to educate our college students on the fundamentals of the democracy and democratic values. The Lecture highlighted the vision of our Monarchs for our country and direction towards which we must all march and rally behind the successive Monarchs.

Subject Knowledge

The Lecture Series was organized with three primary objectives: I. Appreciate and understand the development, initiatives and contribution of His Majesty the Great Fourth in the field of Democracy and the Rule of Law, ii. Promote and understand the loyalty to the Throne and protect, respect and emulate them for all times to come and iii. Appreciate and understand the Royal sacrifices and role modeling in the process of nation building.



(His Excellency the Chief Justice of Bhutan with Faculty and Students of Royal Thimphu College (RTC) after the Program)

VI. Legacies of the Monarchy Lecture Series at the Gedu College of Business Studies

The Bhutan National Legal Institute conducted Legacies of the Monarchy Lecture Series at the Gedu College of Business Studies on Friday 29 June 2018. Lyonpo Tshering Wangchuk, the Chief Justice of Bhutan delivered the talk on the topic of "Democracy, Constitution and the Rule of Law in Bhutan". The talk revolved around the foundation, evolution and progressive development of the Bhutanese state and country beginning from Zhabdrung Rimpoche in the 17th century to His Majesty the Fifth Druk Gyalpo in the 21st century. The Hon. Chief Justice highlighted the legacies of the successive monarchs in the form of institution or adoption of our national symbols, values and principles which constitute our national sovereignty, independence and identity be it national dress, language, flag; or currency, stamps, army, diplomatic relations, etc. Secondly, enactment of laws, establishment of the

legal institutions such as courts and National Assembly and finally unveiling of the Consitution and institution of parliamentary democracy, ushering an era of unprecedented peace, prosperity and happiness in the country. The Legacy of the Monarchy Lecture Series was initiated by HRH Ashi Sonam Dechan Wangchuck as a joint activity of the Judiciary and the Bhutan National Legal Institute to remind us the legacies, sacrifices and contribution of the successive monarchs in general and that of His Majesty the Fourth Druk Gyalpo in particular. The Lecture was much-anticipated and well-received by the tertiary institutes under the Royal University of Bhutan. The Institute hopes to take the Lecture to other colleges in the coming financial year with funding from the RGoB.

(Pic)

VII. Legacies of the Monarchy Lecture on Constitution, Democracy and the Rule of Law to the Judicial Personnel

Bhutan National Legal Institute organized Legacies of the Monarchy Lecture on Constitution, Democracy and the Rule of Law in Bhutan to the Justices of the Supreme Court and the High Court; judges of the District Courts and Drungkhag Courts; Registrars and Judicial Officials. The Lecture was delivered by H.E.Lyonpo Tshering Wangchuk, the Chief Justice of Bhutan. The Legacies of the Monarchy Lecture was initiated in 2013 by Her Royal Highness Princess Sonam Dechen Wangchuck as an annual joint activity of the Royal Court of Justice, Judiciary and the Bhutan National Institute, the Research and Training arm of the Judiciary. It was intended to inform the participants to deepen understanding and perpetuate the legacies of the Monarchs. The Institute has also organized Lecture at the Royal Thimphu College and Gedu College of Business studies earlier this year, which were well-received both by the students and the faculties. The Judges from across the

Kingdom had converged at Thimphu to attend training on Adjudication of Environmental Disputes subsequent to the establishment of the Green Bench or the specialized Environmental Court at the Royal Court of Justice, High Court.





(His Excellency the Chief Justice of Bhutan with Supreme Court and High Court, District Judges and Registrars after the Program)

VI. Publication of National Mediation Report 2017

Mediation or the amicable or informal resolution of disputes in the communities with the intervention or involvement of neutral and trusted community leaders is an age-old customary practice in Bhutan. Albeit minor differences in practices, procedures and methods of mediation, the disputes are mediated throughout the country aiming at the same objective of inexpensive and effective resolution of simple disputes which erupt between people as they navigate daily life and eke out their livelihoods, especially in the rural areas.

Above all, without the divisive effect of the court litigations; and segregation of the people into ‘winners and losers’ the parties could indulge in the comfort of ‘win-win’

results honouring the solutions tailored to suit their needs and interests. For all the reforms and access to the courts, it is in fact still ‘better to lose in the communities than win at the courts’. Mediation of disputes is the panacea for a small country like Bhutan where people share a small space and live interdependently. Mediation has the potential to strengthen community vitality for Gross National Happiness.

In order to ensure uniformity in practices and procedures of mediation, the Institute began training community and LG leaders. Records reveal that 1663 Gups, Mangmis and Tshogpas have been trained on mediation skills and techniques from 2012 - 2017. This figure does not include other stake holders, such as civil servants, labour officers, Paralegal Service Providers and Gewog Administrative Officers who have also been imparted mediation skills.

In order to study the efficacy of the mediation training, the Institute published *Mediation Training Impact Assessment* in 2016 covering January 2012 - June 2015. The present report is an update on the dispute mediated by the LG leaders from July 2015 - December 2017. The report assesses the types and number of disputes mediated in the community. The report also analyses the effect and the impact of the mediation trainings, and the trends in the types of disputes based on the context of the Gewogs, Dzongkhags and the pace of national development.

The disputes are classified into nine categories viz., (1) matrimonial, (2) land,

(3) inheritance, (4) monetary, (5) irrigation channels and walls, (6) drinking water and irrigation, (7) footpath and access road, (8) child maintenance and (9) miscellaneous matters. The present report covers three different periods from July - December 2015, January - December 2016, and January - December 2017. However, from 2018, the Institute hopes to compile and publish the report on an annual basis.

The brief profile of the Dzongkhags, Gewogs and the local Courts provided in the report is expected to throw light on the background and context of the places which has bearing on the number and the types of the cases being mediated and litigated.

The report reveals that Paro Dzongkhag has the highest number of disputes

(895) mediated in the country, followed by Trashigang (723) and Mongar (650) respectively. However, Gasa Dzongkhag has the least number of disputes (46) mediated in the country. Regarding the types of disputes, Matrimonial-related disputes (1817) is the highest number of disputes mediated in the country followed by Land (1183) and Miscellaneous matters (1145) respectively. Child maintenance-related disputes is the lowest number of disputes (340) mediated in the country.

Overall, 7530 disputes were mediated by the LG leaders in their communities. Mediation has helped in strengthening relationships, promoting harmony and peace in our communities. Similarly, the courts have been spared of the burden of litigation and adjudication of 7,530 cases in the study period.

2. Objectives

Unity is one of the main national goals repeatedly reminded by His Majesty the King. Disputes have the potential to disrupt relationship, peace and unity. We cannot just leave the work of dispute resolutions to the courts and the judiciary alone. But what are the alternative forums available for the people? Are there institutions to supplement dispute resolution, reconciliation and peace-making in the society? Successive monarchs have sought to keep medical and justice service free of charge for the people. His Majesty the King has commanded that the people must not return as enemies, even though they may not go back as friends from the dispute resolution forums – thereby stressing on the need to

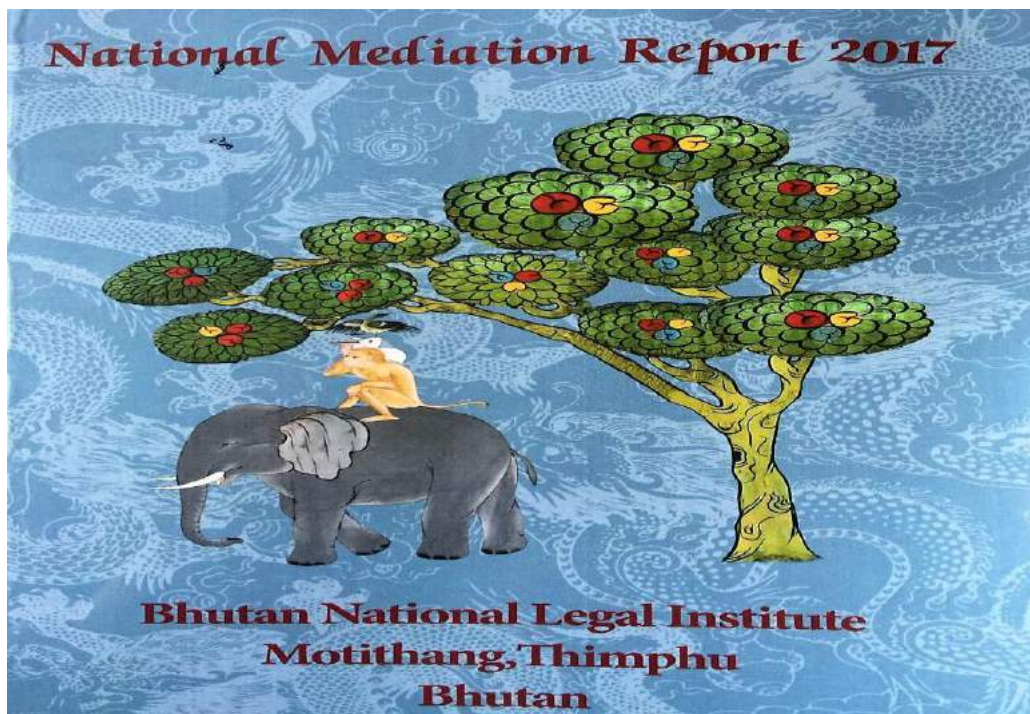
adjust, comprise, accommodate and mediate the differences and disputes arising among and between people, and live as family, friends and neighbours.

Moreover, as people-friendly as the courts may become, the increasing complexity of modern courts and legal systems, the litigations in the august forums such as courts, remain or become expensive and intimidating for the common men. Therefore, mediation of disputes can provide the much-needed alternative relief to the people of lesser means to access justice inexpensively and expeditiously. Thus,

the primary objective of the compilation of a report such as this, is to educate, inform and guide people to use mediation, save resources and preserve relationship - and promote peace and happiness in the country.

In response to the need of the hour, mediation is being revived and strengthened in the country. With the increase in the number and types of disputes which come up for mediation, the roles of mediators are expanding and becoming more challenging.

With the increasing trust reposed by the public in mediation services, the study and assessment of the importance and effectiveness of mediation becomes important. The periodic assessment of mediation of disputes provides information on the success of the mediation as well as the efficiency, skills and attitude of the mediators. This also gives empirical evidence of the types and number of cases mediated, and the interventions and reforms required as the system deepens and strengthens.



(National Mediation Report 2017)

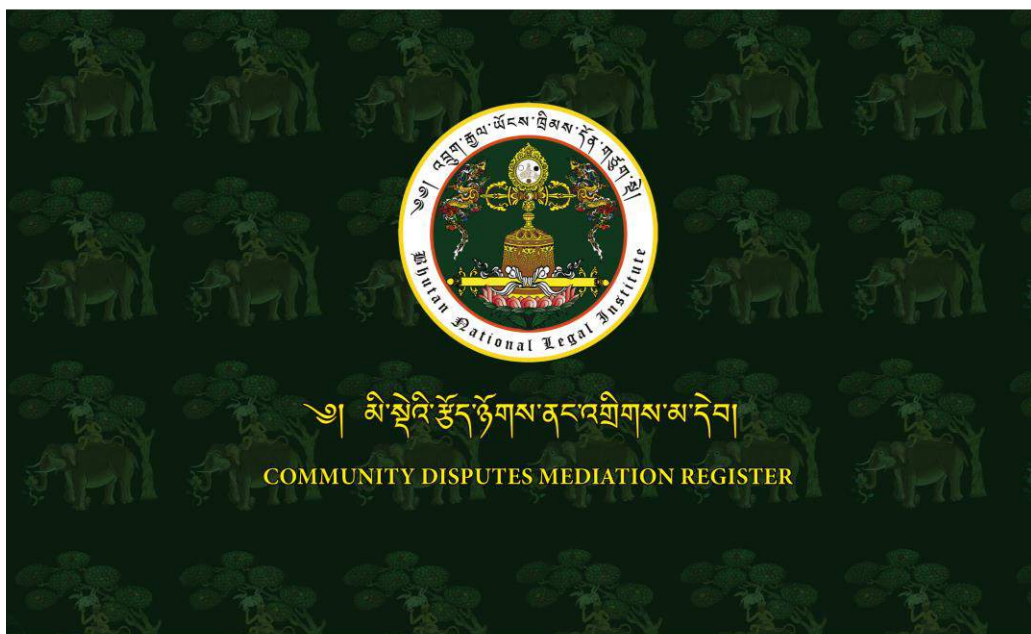
VII. Publication of Community Disputes Mediation Register

Since the inception of mediation trainings to the Local Government (LG) Leaders in 2012, no proper records on mediation were maintained by the LG Leaders. Thus, Mediation Register was published so that a proper registration is maintained by the LG Leaders. It was published also to make more convenient in collecting the reports for the publication of annual reports.

Having published the Report and Register, it was felt important to distribute the Publications in person so that its purposes, usages, reporting format, etc. are explained and understood by the LG Leaders in order to overcome the inconveniences caused hereafter. In view of the above, the Community Disputes Mediation Register has been distributed in all the 205 gewogs.



(Hon'ble Director General during the Launching of Community Disputes Settlement Register)

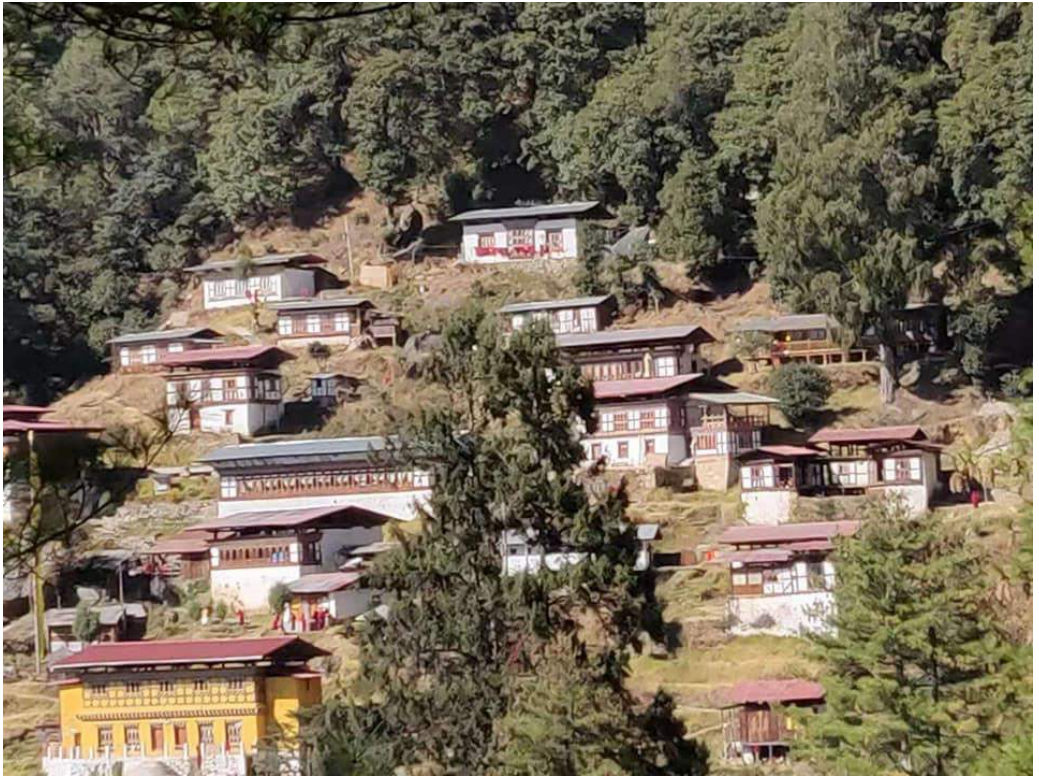


(Community Disputes Mediation Register)

Team Building Trek to Dodeydra Monastery

Team building is an important organisational endeavour. The spirit of a team reinforces participation and build cohesion. Team building exercise is a structured opportunity to mingle, and share common values of coexistence, belongingness and working together. As a team building or bonding exercise, the officials and staff organised a hike to the sacred Dodeydra Monastery.

the trip was a wonderful pilgrimage to our important seat of Buddhism. Dodeydra shedra is not only the receptacle of high Buddhist scholarship but a cradle of many Buddhist masters in our country including the Five Lopens of Zhung Dratsang. What was an icing on the cake was that the Monastery houses museum of rare and precious Buddhist artefacts, affording glimpses into the life, deeds and times of our Buddhist masters few hundred years back. Besides the fresh air and pure oxygen, the short trek along the ridge above Dechencholing Goemba, provides stunning views of Thimphu. The fantastic trail is dotted with a number of sign boards replete with Buddhist teachings and practical advice of the realized masters and divine souls. As we lit butter lamps and prostrated before the enlightenment souls and protecting deities, we felt all the more proud and grateful to our Kings and parents for earning a place in this blessed land of Palden Drukpa. As the sound of temple bells faded into the craggy cliffs around the monastery, and as the view of hermitage receded from our sights, we prayed that generations of Bhutanese continue to be blessed and inspired by this monastery. The trek was poetical, lost among the green woods, enchanted freshened air, wafting from the cool mountain breeze. While discovering more of each other, our families, worries and concerns while negotiating life in the capital, we also agreed on the need to fully devote our time and energy towards achieving the common organisational goals and objectives by working as a family and a team. We are convinced of the need to occasionally organise such activities.







VIII. Visiting Faculty of the Post-Graduate Diploma in National Law at Royal Institute of Management (RIM) Class of 2018 (21st Batch)

The Bhutan National Legal Institute, besides building the capacity of the Judiciary, legal professionals and other stakeholders, the Institute also serves as the teaching faculty for the Post-Graduate Diploma in National Law (PGDNL) at the Royal Institute of Management (RIM). This helps to ensure professional input of modern pedagogical methods of teaching to our students and build their legal careers through information and guidance. Following are the visiting faculties:

1. Lyonpo Tshering Wangchuk, Chief Justice of Bhutan

Lyonpo Tshering Wangchuk is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He teaches *Constitutional Laws* to the Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2018).

2. Justice Norbu Tshering, Royal Court of Justice, Supreme Court of Bhutan

He is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He teaches *Laws of Evidence and Moveable and Immoveable Properties* to the Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2018).

3. Justice Kinley Dorji, Royal Court of Justice, High Court of Bhutan

He is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He teaches *Laws of Civil and Criminal Procedures* to the Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2018).

4. Kesang Choden, Judge, (Criminal Bench II), Royal Court of Justice, Thimphu District Court

She is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. She teaches *Legal Research* to the Post-Graduate Diploma in National Laws trainees. (PGDNL Class of 2018)

5. Lobzang Rinzin Yargay, Director General, Bhutan National Legal Institute

He is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He teaches *Criminal Laws (Penal Code of Bhutan)* to the Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2018).

6. Drangpon Rabjam Tenzin, Bhutan National Legal Institute

He is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He teaches *Laws of Moot Court* to the Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2018).

Drangpon Rabjam is also a Visiting Faculty at Jigme Singye Wangchuck School of Law (JSW Law), Thimphu. He teaches Jurisprudence & Statutory Interpretation.

7. Sangay Chedup, Legal Officer, Bhutan National Legal Institute

He is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He teaches *Criminal Laws (Penal Code of Bhutan)* to Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2018).