

# Annual Activity Report 2019



**Bhutan National Legal Institute**  
**Motithang, Thimphu, Bhutan**

## *Vision*

We endeavor to become a center of excellence in judicial education for a free, fair and just civil society.

## *Mission*

Promote legal literacy, deliver professional services, enhance judicial independence; and inspire public trust and confidence in the justice system.

## *Core Values*

**Excellence** – We insist on high standard and quality of services and trainings we deliver.

**Collegiality** – We work as a team and align our efforts for achievement of our goals and mandates.

**Integrity** – We maintain integrity and professionalism in our works and services.

**Knowledge** – We continuously learn and grow in the process of teaching and training others.

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## Foreword

Bhutan has witnessed rapid development characterized by strong democratic culture, speedy economic development with strong foundations of rule of law. We have strengthened the groundings of justice, rule of law, and enhanced access to justice. Our firm belief in strong rule of law is augmented by the onset of judicial education in Bhutan, particularly aimed at enhancing judicial services to our people. Justice is comparable to medication for an ailment- that requires learned hands of our judges that medicates a dispute through a judicial remedy. Invariably, with advancing demands and expectations of our people, “*delivery*” and “*quality*” of justice has become a growing challenge. With every pace of technological development, it often outpaces established letters of law and legal doctrines.

Globalization and the social media has increased the demand for the effective delivery of public services and invariably influenced changes in the administration of justice. The increasing complexity and sophistication of human affairs continue to lead to growth in legislation, administrative regulations and onslaught of litigation. Increasing awareness among the population has made our citizens more conscious of their rights, which is translated into greater and rising expectations; and mostly freely expressible.

Across the world, justice systems demonstrate a reaction to rapid change, by constantly finding ways and means to evolve justice services, and the modus of the services through innovative means to bringing the *Justice System* closer to people. In the light of the rapidly changing and increasingly complex nature of today’s socio-economic, political and legal regime, the judiciary and the *Royal Courts of Justice* need to constantly evolve, to suit the changing times to ensure that justice is not only done, but seems to be done.

Keeping with demands of modern lifestyle, and socio-legal developments in the country, judicial training and development has become an indispensable arm for knowledge gain and professional enrichment. Visioning long-term goals of the judiciary and the capacitation of its personnel, the *Judicial Service Act of Bhutan*, 2007 outlined the legal responsibility to establish a center of judicial education in the country. *The Bhutan National Legal Institute* was formally established in 21 February 2011. The Institute not only serves to impart judicial education, but also revamp traditional legal mores; and bringing in best judicial educational standards in the country. This is aimed at creating a generations of legal practitioners and persons of high calibre who 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 legal discourse and research; and education of the public on laws.



For the last nine years, the Institute has conducted series of programs to enhance the access to justice, professionalise the judicial personnel and uphold the rule of law. The Institute is to revived and institutionalised the age-old practice of dispute resolution systems in the communities (*Nangkha Nangdrig*). Her Royal Highness, Ashi Sonam Dechan Wangchuck, the Hon. President of the Institute envisioned that justice must be taken closer to the community by decentralising the dispute resolution system. Beginning 2012, 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 academia working in different areas- who have tirelessly contributed in enriching the *Journal*.

Reminiscing 2019, it was a very eventful year with new sense of realization, optimism and possibilities. It gave us a new sense of hope, inspiration and aspiration to work tirelessly to bring justice services to the thresholds of our communities and the people. Aside relevant legal issues, we strive to imbibe non-judicial skills and attributes to make justice not only legally relevant, but also holistic by capturing humanism.

As always 2019 was a busy year for the Institute. We are happy with the continuing growth of our Institute and are looking forward enthusiastically to the year ahead. We are hopeful that our services to the judiciary and relevant stakeholders help to expedite justice and bring justice closer to the people.



## I. Continuing Legal Education and Professional Development

### 1. *Workshop on Standards and Best Practices in Commercial Litigations*

Bhutan is undergoing tremendous economic development. Economic development is marked by transaction of goods and services. Private sector development is taking an important step in economic development. In recent years, Bhutan has seen rapid growth in international and national business transactions. With ease in modern business transactions, one predictable result is the growth of commercial contracts, including cross-border legal disputes. Commercial litigation requires the courts to resolve commercial disputes quickly, fairly, and economically.

Bhutan imports commodities from forty-two countries, and exports to twenty-eight countries including China. These transactions require a chain of economic actions. As it mostly involves matters of financial nature, contracts, agreements and different business transactions.

As we move to the path of economic development, business transactions, and commercial intercourse with different actors invariably defines the course of our interactions. The pursuit for personal economic growth is propelled by business with different actors, including banks, commercial counterparts from different jurisdictions. This interplay requires judicial interventions, at most stages, including payment of loans. Today there is an increase in private money lending schemes.

The Judiciary of the Kingdom of Bhutan, under the dynamic leadership of the Chief Justice of Bhutan initiated specialization of the Benches. Commercial Bench was one of them. The Benches were established to expedite the proceedings and render uniform judgments. The Commercial Bench deals with cases that are associated with commercial and monetary matters. Since then, the courts have been consistently receiving different cases. To ensure that such cases are dealt professionally, timely and expeditiously, the Bhutan National Legal Institute intends to initiate **Workshop on Commercial Litigation – Standards and Best Practices** liaising with M/s White & Case, Singapore.

The Workshop was aimed at building or strengthening the capacity of the judicial personnel and their respective institutions in the domain of commercial litigation. The workshop will enhance expertise and skill of the judicial personnel to deal with anticipated commercial litigations, especially that of the officials from the Commercial Bench.





*Hon. Chief Justice of Bhutan with the Participants*



*Director General with the Resource Persons and Staff*

## 2. *Judicial Induction and Orientation Program*

The establishment of independent and effective justice system is an important component of administration of justice: Good Governance, which is one of the pillars of Gross National Happiness. The efficient and independent judiciary facilitates access to justice without delay and ensure determinations of cases as per the rule of law, and ensure utmost transparency to the litigants. The centrality of such justice system is demonstrated by well informed and able judges capable of dealing with cases professionally, without fear and favour, and guided by its allegiance to code of conduct and integrity and more importantly the wisdom and principles espoused in the Constitution.

In light of the socio-economic development of the country, Judges are faced with complex and technical issues and challenges in achieving the right decision or most appropriate decision. Thus, the evolutionary human thinking and its intricate encounters in the last many years or so, and the mis-interpretations, has continuously developed increasing pressure onto the judges seeking final and binding determination; thus the role of judges in the present climate are increasingly difficult.

It is therefore evident that judges, particularly, appellant courts or High Court & Supreme Court in our system require: to ensure professional conduct of its roles and responsibilities; to share knowledge and experience, particularly of the collegium system; conduct of advance research and analysis; well versed of the procedural law and practices; leadership; etc.

In view of above, the BNLI has conducted five days orientation program to the newly elevated Drangpon Rabjams and Registrars from 4 to 8 March, 2019. The BNLI as the training arm of judiciary has, in the past, conducted orientation programs to the newly recruited Registrars and Drangpon Rabjams since 2012

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.

The Orientation Program was attended by three new elevated Drangpon Rabjams and Registrars at the Supreme Court Conference Hall from 4 to 8 March 2019.



*Justice Kuenlay Tshering with the Participants*



*Group Exercise*

### 3. Workshop on Criminal Laws and Litigations

The *Constitution of the Kingdom of Bhutan* has blessed the Bhutanese people with the blessings of liberty, justice, and tranquility. The people of Bhutan are blessed by the precepts of Buddhism that promotes values of non-violence, compassion and tolerance. Our laws, including its criminal jurisprudence are based on progressive criminal law principles – that is based on core values of human dignity. The concept of crime differs from different legal jurisdictions, based on existing legal environment, history, and social development. The concept of crime and the impact of it are unanimously agreed to have an adverse effect on the society and the necessity to stop it.

While the jurisprudence relating to crime and punishment is ever evolving, the *Judiciary of the Kingdom of Bhutan* is well conversant with the respective laws and policies in place, as criminology evolves over time, the areas to be explored still remains. It is universal truth that crime is a socially harmful act or omission that breaches the values protected by a state. Generally, prosecutions follow such criminal inhibitions.

With the nature of the crime, criminology has developed, and in the similar way, criminal litigation as evolved with the drafting of the *Penal Code of Bhutan, 2004*, the *Civil and Criminal Procedure Code, 2001* and the *Constitution of Bhutan, 2008*. The *Constitution* guarantees the right to life, liberty and security of person- that integrates the doctrines of *due of process of law* and the philosophies of the *Rule of Law*. These legislations provide a framework of safety including personal, institutional and legal safety networks. Criminal litigation is getting complex with the evolving nature of criminal offences. Today, both criminal prosecution and defence require the practitioner to adopt a realistic approach to their work. This approach reflects the belief that criminal prosecution should be based on the rules of criminal procedure, criminal evidence, professional conduct and legal skills.

Criminal prosecutions fill a unique role in the Bhutanese Criminal Justice System. Prosecutions are the exercise of the power of the sovereign. It seeks to ascertain truth and seek justice. To hone the skills of the Judicial Personnel and other relevant stakeholders working in the criminal justice sector, the Bhutan National Legal Institute in collaboration with the JSW Law intends to conduct a 2 - Day Workshop on *Criminal Laws and Litigations- Navigating the Bhutan Penal Code* for the Royal Court of Justice.

*The Office of the Attorney General Act of Bhutan 2006* states that it shall promote and impart justice through fair, impartial and just proceedings. It shall provide highest standard of professional legal service to the government. The Office of the Attorney General prosecutes cases, which are above petty misdemeanor while the Royal Bhutan Police prosecutes any cases below it.

They are entrusted to maintain order, peace and enforce the rule of law. They are expected to possess fortitude, resilience, honesty, selflessness and professionalism in their line of career. Criminal Justice capacity building through quality training plays an important role. In this line, the Bhutan National Legal Institute in collaboration with the JSW Law is conducting a two - day Workshop on *Criminal Laws and Litigations – Navigating the Penal Code* for the Royal Court of Justice in Thimphu. The Workshop is resourced by Professor Stanley Meng Heong Yeo, Professorial Fellow, Faculty of Law, *National University of Singapore*. He received LLD from University of Sydney, Australia and was also awarded the *Teaching Excellence Award*, Faculty of Law, National University of Singapore in 2012. He is also author to many books on Criminal Law; including books like *Fault in Homicide* and *Unrestrained Killings and the Law*, Oxford University Press, New Delhi, 1998 among other co-authored books on criminal laws.

The primary objective of the Workshop was to discuss on *Bhutanese Criminal Laws*- and Its Effectiveness, to acquaint on the fundamental elements of criminal law and criminal offences, to build skills on adjudication and prosecution of criminal offences through *Team Discussion Exercises*, analysis of Criminal Cases by understanding Law and Practice and also understanding of everyday Criminal Offences.

With the evolving criminal jurisprudence and the changing nature of criminal offences taking place, the relevance of the workshop is both timely and pertinent. With the Judiciary of the Kingdom of Bhutan working tirelessly to achieve criminal justice, the workshop will help to improve the criminal justice system in Bhutan and give a new perspective on criminal law based on rich years of experience and practice. The workshop will help to work towards a justice system based on fairness, rule of law complemented by informed and competent professionals, who can put the knowledge to their everyday work.





*Hon. Justice Kuenlay Tshering with the Resource Persons and Participants*



*Participants during the refreshment break*



#### 4. Court-Annexed Mediation (CAM) Training

Mediation of disputes has a long history in Bhutan. The monolithic stone pillar of Nabji-Korphu Lhakhang in Trongsa stands as a towering testimony of an age-old practice of mediation and negotiation for dispute resolution. Guru Padmasambhava was one of the known mediators of the past and is praised for his successful negotiation of peace between the two rival kings; Sindhu Raja and King Nouche.

His Majesty, the First Druk Gyelpo, Gongsa Ugyen Wangchuk was a pioneer in the field of negotiation. He is renowned for mediating dispute between British India and Tibet. Succeding the tradition, the subsequent monarchs continue to promote informal dispute resolution system for ensuring social harmony and peace in the community. The introduction of Gross National Happiness by His Majesty, the Fourth Druk Gyelpo, reinforced customary practice of amicable dispute resolution in guise of Good Governance Pillar, which subsumes good laws and effective dispute resolution system including Alternative Dispute Resolution system.

Further, under the visionary leadership of the Hon'ble President of Bhutan National Legal Institute, Her Royal Highness Princess Sonam Dechan Wangchuk, the institute endeavours to institutionalize the age-old practice of mediation in the Kingdom.

Known as *Nangkha Nangdrig*, mediation is generally understood as an intervention of a third party Mediator or *Barmi* where the Mediator, assuming the role of a facilitator, tries to convince parties of the benefits of settling disputes internally, instead of seeking court intervention. The local government leaders play an active role in mediation in the communities. However, one of the aspects of institutionalization of mediation is to provide with an alternative of dispute resolution within the court, apart from adjudication, in the form of Court-Annexed Mediation in Bhutan

The *Mediation Impact Assessment Survey 2015* and *National Mediation Report 2017* showed that a total of 22846 disputes were resolved through mediation in the communities by the local leaders. *The Mediation Impact Assessment Survey of 2015* showed that a total of 20934 civil cases have been litigated between 2012 and 2015. With the changing time, the number of disputes increases, subsequently burdening the courts with heavy pendency of the cases and defeating the aspirations of the people in judiciary for prompt and speedy justice. *The Annual Judicial Report of the Kingdom of Bhutan 2017* showed that the Courts receive more number of civil cases (4897) compared to criminal cases (1403). Similarly, 2379 civil cases were pending in 2017 compared to 1622 in 2016, and 1516 in 2015.

While mediation doesn't substitute formal adjudication in the court, Court-Annexed mediation would provide an alternative dispute resolution mechanism in cases where

grievances are trivial and doesn't warrant judicial intervention. Therefore, the courts provide opportunity to resolve such petty civil cases through mediation under Chapter 23 of the *Civil and Criminal Procedure Code*. If the parties desire mediation, the judges adjourn the cases. However, It has been found that even when the parties enable mediation, they return to the courts without settlement agreements. One of the main reasons for non-settlement of disputes out of courts is credited to non-existence of mediation facilities and professional or certified mediators in the country.

The success of mediation as an effective method of dispute resolution greatly depends on the professionalism of mediators and their adherence to high ethical standards. In lieu with this vision, Bhutan National Legal Institute has conducted a six-day training (18-23 June) on Court-Annexed mediation to the 1st Batch of 30 senior Bench Clerks from the Royal Court of Justice, Thimphu, Paro, Haa, Chukha, Wangdue, Punakha, Phuntsholing and Gelephu; who are being trained as the in-house judicial mediators to enable them to mediate disputes, professionally and effectively. The training was facilitated by Justice Kinley Dorji, Judge Tharchen, Director General of Bhutan National Legal Institute, Chimi Dorji (Chief of Alternative Dispute Resolution Centre), Sangay Chhedup (Legal Officer), Dechen Lhamo (Legal Officer), Tshering Pem (Legal Officer), Kinzang Chedrup (Legal Officer), and Tshering Dago Wangmo (Legal Officer).

The main objective of the training was to enhance access to justice, promote restorative justice, preserve relationships between litigants which may become strained or destroyed by the adversarial nature of litigation, facilitate an expeditious and cost-effective resolution of dispute between the litigants and strengthen community vitality and enhance the Gross National Happiness.

Court-Annexed Mediation is a need of the time, a reform that will benefit the people and the country in the long run. With the blessings and leadership of Her Royal Highness, the Hon'ble President of the Bhutan National Legal Institute, and the Chief Justice of Bhutan, Court-Annexed Mediation is expected to bring substantial benefits to the people.

Mediation enhances access to justice and promotes prompt and speedy justice. It is cost and time effective. It brings amicable resolution of disputes that are workable and implementable. Mediation preserves parties' relationship and promotes community vitality. Therefore, this training on Court-Annexed mediation will ensure that the process of mediation annexed by the court functions successfully by extensively training the Bench Clerks and certifying the same by the concerned committee. This will ultimately safeguard the trust and faith on the judiciary.



*Hon. Chief Justice of Bhutan launching the CAM documents*



*Justice Kuenlay Tshering with the participants*



## 5. Workshop on Professional Ethics

The Constitution of Bhutan explicitly enunciates that Judiciary has the sacred duty to safeguard and uphold rule of law and render justice. It can be done through interpretation of vague laws, independent arbiter of disputes, and issuing directions to any agency in the administration of law and justice. In underscoring the ubiquitous phrase that “*not only Justice must be done, but also seen to be done*” Judiciary must through its actions, decisions and interpretation gain trust and confidence of the masses by espousing the principle of fairness, equity and justice with utmost regard to due process of law.

Although the constitution provides foundation and structure of the judiciary independently from other branches of the government, it must be understood that the spirit of constitutionalism is displayed only by the transparency and accountability of its working procedure, impact of the decisions, consistency and timely delivery of justice service on daily basis. Procedural laws such as Civil and Criminal Procedure Code and Evidence Act are some instruments to ensure efficient rendering of justice services.

The integrity and ethics of judicial personnel is yet another important behavioral element that judicial personnel must observe at all times. An impartial judge with high integrity and moral will encompass all the above-cited factors and deliver judgement without fear and favour. Judiciary (that is Supreme Court) is the guardian of the constitution and its integrity and ethics will fearlessly protect abuse of law and authority, and ensure checks and balance on the executive and legislative arm from over-stepping into others dominion.

The Judicial Code of Conduct enumerated in the *Judicial Service Act of Bhutan, 2007* is the basis for delivering vibrant justice service. Along with requisite behaviour of a judge that is to act impartially, a judge, now, must be apolitical and must not be swayed by any external influences. Similarly, the traits and competency of a judge must attune or adapt to the changing time thereby fulfilling the expectation and trust of the people in the judiciary. In keeping with such need, the Bhutan National Legal Institute (BNLI) conducted one-day **Workshop on Judicial Ethics** to the Honorable Justices, Judges and Judicial officials at Terma Linca Resort in Babesa, Thimphu on 10 July 2019.

The workshop was facilitated by Professor Pooja Parmar who is a Faculty of Law at the University of Victoria, Canada. Professor Parmar teaches courses in legal ethics and professionalism, property law, and international human rights law. She has previously taught a range of courses including Public International Law, Law & Development, International Economic Law, Human Rights & Social Justice, and Contracts. She is currently supervising graduate research on law and colonialism, Indigenous rights,

environmental & social justice, and legal history. Professor Parmar is a member of the board of directors of the Canadian Association for Legal Ethics (CALE). She is also a founding member of the Global South Asia Forum at University of Victoria.

The workshop was intended to create a forum for judges and judicial officials to discuss on the current issues of ethics and integrity. It entailed exchange of information, experiences, issues and resolute interventions to strengthen understanding and application of law and practice. The workshop also provided judges with opportunity to analyze and resolve ethical issues that may arise in the future. It intended to enhance the knowledge of the participants on the principles of judicial values and ethics and judicial integrity including equipping with mechanisms to resolve ethical and conflict of interest dilemmas at work.

With the expertise of the resource person, the Workshop was expected to achieve some of the following outcomes/objectives during the course of one day:

1. Enhanced competency of Judges and Judicial Officials;
2. Advocate Professional Ethics in their judicial function and administration of Justice;
3. Achieve public trust and confidence in the Judiciary by exhibiting high degree of ethics, integrity and professional work culture;
4. Ensure that all judicial personnel conduct with integrity; ethics and good moral conduct to allow transparency, accountability and responsibility.

A total of thirty-five participants attended the one-day Workshop.



*Justice Kinley Dorji with the resource persons and participants*

## 6. Court-Annexed Mediation (CAM) Training (2<sup>nd</sup> Batch)

Bhutan National Legal Institute has conducted a six-day training (19-24 August) on Court-Annexed mediation to the 2<sup>nd</sup> Batch of 50 senior Bench Clerks from the Supreme Court, High Court, Dzongkhag Courts and Drungkhag Courts. Her Royal Highness, Princess Sonam Dechan Wangchuck graced the opening program of the six-day training. The CAM service is a significant judicial reform in recent years emanating from Her Royal Highness Princess Azhi Sonam Dechan Wangchuck, the Hon. President of the Institute and H.E. Lyonpo Tshering Wangchuk, the Hon. Chief Justice of Bhutan, which is expected to bring transformative changes in access to justice by affording alternative forum resolve disputes through non-adversarial means within the court premises. People can now opt out of litigations in favor of win-win outcomes through the intermediaries of the in-house judicial mediation services, after the cases have reached the courts. The training was facilitated by Justice Kinley Dorji, Justice, Pema Rinzin, Judge Tharchen, Director General of Bhutan National Legal Institute, Chimi Dorji (Chief of Alternative Dispute Resolution Centre), Sangay Chhedup (Legal Officer), Dechen Lhamo (Legal Officer), Kinzang Chedrup (Legal Officer), and Tshering Dago Wangmo (Legal Officer).



*Hon. Chief Justice with the participants*



## 7. Inauguration of Court-Annexed Mediation Unit

Bhutan National Legal Institute has conducted two phases of Court-Annexed Mediation training for the Bench Clerks. The first Phase included 30 participants from six Dzongkhags and two Dungkhags. It was held in Paro from 18 – 23 June 2019. The second Phase consisted of 28 Courts and a total of 50 participants. It was held in Thimphu from 19 – 24 August. During these six-day training, the participants were articulately explained the principles of mediation, the process and engaged in mediation role-play. A great emphasis was maintained on the professional ethics and conduct of the mediators and in harnessing the qualities of negotiation and dispute resolution. The Institute successfully trained at-least one senior Bench Clerk in every Courts in Bhutan.

The inauguration of the first Court-Annexed Mediation Unit in Bhutan is a blessing for the Justice sector. It represents the first step of accomplishing the vision of the President of Bhutan National Legal Institute, Her Royal Highness, Ashi Sonam Dechan Wangchuk in revitalizing and institutionalizing mediation in the Court System. The practice of mediation authorized by the courts has been present since the first inception of the courts. The laws mandated courts to provide mediation opportunities to the parties even after the registration of the cases, at any stage of hearing, however with the establishment of the unit, the practice will be strengthened and legitimized.

The benefits derived from Court-Annexed Mediation shall work in two dimensions; benefits to the Courts and benefits to the parties. The institution of Court-Annexed Mediation will allow the Courts to function efficiently through efficient use of judicial resources in cases where mediation has failed or can not be mediated. It will garner Public trust and confidence in the judicial system and reduce the number of pendency of cases and cases going on appeal. It will help save the time and cost of the court. The parties shall also be benefitted in saving their time and money. The outcome of Court-Annexed Mediation will fulfill the desires and aspiration of the parties, leaving them contended and satisfied. The reputation of the parties will be safeguarded through the confidentiality process and the relationships between the conflicted parties will be persevered, ultimately leading to flourishing of the community vitality.

The inauguration of the first Court-Annexed Mediation in Unit was held in Punakha Court and the Hon. President of Bhutan National Legal Institute, Her Royal Highness, Ashi Sonam Dechan Wangchuk, graced the program on 29 October 2019.

## 8. Training on Interpretation of Laws

Bhutan National Legal Institute has organized a two-day training on “Interpretation of Laws” to the Bench Clerks of the Royal Courts of Justice from 21 - 22 November 2019. The opening program was graced by the Hon. President of the Institute, HRH, Ashi Sonam Dechan Wangchuck at Paro. The interpretation or the application of the laws enacted by the Parliament is the primary responsibility of the judiciary. Therefore, the training was aimed at imparting the legal analysis and interpretation skills to the Bench Clerks who actively assist the judges in the resolution of disputes and application of laws to the cases, which come before the courts. The training was organized with the financial assistance of the United Nations Development Program (UNDP), Bhutan. The interactive and experiential training covered the rules, principles, maxims, philosophies and best practices of interpretation and construction of laws. The interpretation skills serve as the keys to unlocking the legislative intent in enacting the particular Acts or statutes by the Parliament. It also served as the harmonising tools to solve incongruence and ambiguities amongst Acts and between legal provisions in an Act. It also aids the courts in rendering reasoned judgments as per laws; contrary to the not-so-uncommon misperception that laws are impulsively interpreted as per the whims, fancies and unfettered discretion of the courts. Some 30 Bench Clerks from the Supreme Court, High Court, District Courts and Drungkhag Courts attended the first Phase of the training. The Institute plans to roll out the training to other Bench Clerks and judges in future based on the success of the training, and availability of fund.



*Her Royal Highness with the participants during the Opening Program*



*Justice Kuenlay Tshering during the Closing Program*



## 9. Workshop on the Operational Procedures of the Court-Annexed Mediation (CAM) for the Judges

Bhutan National Legal Institute organised Workshop on the Rationale and Operational Procedures of the Court-Annexed Mediation (CAM) system today. The Workshop provided forum to clarify issues in the institutionalisation of the CAM system and establishment and operationalization of the Court-Annexed Mediation Units (CAMU) in the Courts, which was inaugurated by Hon. President of the Institute on 28 October 2019 at the Royal Court of Justice, Punakha. The CAM system affords alternative forum for the litigants to obtain mutually satisfying ('win-win') outcomes with the assistance of judicial mediators within the court system. More than fifty judges and judicial officials attended it.



*Justice Kuenlay Tshering with the participants during the Closing Program*

## II. Capacity Development Programs

### 1. Mediation Trainings for the Local Government Leaders

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.

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.

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. This year a total of Two Hundred Thirty Six (236) Local Leaders (Mangmis

and Tshogpas) of Zhemgang, Tsirang, Samdrup Jongkhar, Pema Gatshel, Trashigang, Trashiyangtse, Lhuentse and Mongar was trained in the ADR.

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 was 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 Zhemgang and Tsirang               | 67                  | 7-9 February | Professional Development Centre, RAA, Tsirang |
| 2       | Chiwog Tshogpas and Mangmis of Pema Gatshel and Samdrup Jongkhar  | 49                  | 18-20 March  | S/Jongkhar Primary School                     |
| 3       | Chiwog Tshogpas and Mangmis of Trashigang                         | 66                  | 22-24 March  | Hotel Doethjung                               |
| 4       | Chiwog Tshogpas and Mangmis of Trashiyangtse, Lhuentse and Mongar | 54                  | 27-29 May    | Dzongkhag Tshogdu Hall, Mongar                |



*Tsirang Dzongda with the participants*





*Samdrup Jongkhar Dzongda with the participants*



*Lunch break*





*Leadership & Team Work*



*Trashigang Dzongda with the participants*



*Lunch break*





*Mediation Role Plays*



*Mongar Drangpon with the participants*

## 2. *National Stock Taking Consultative Workshop on Justice for Children*

Bhutan National Legal Institute in collaboration with UNICEF Bhutan organized the consultation workshop to strengthen cooperation among key stakeholders involved in administering justice for children. Her Royal Highness Ashi Sonam Dechan Wangchuck graced the opening of the National Stock-taking Consultation on Justice for Children.

The need for specialized procedures for children who come in contact with the law that give primary consideration to children's protection and are consistent with the Convention on the Rights of the Child and other national, regional and international standards, guidelines and rules, are of utmost importance. Strengthening all components of the child protection system, including the justice mechanisms, to operate in the best interest of children is a key priority for UNICEF.

Over 30 participants from the judiciary, The Office of the Attorney General, National Commission for Women and Children, Bhutan and Civil Society Organizations working on justice for children participated in the meeting.



*Her Royal Highness with the participants during the Opening Program of the Workshop*





*Mr. Settasak Aka Nimart, Child Protection Specialist, Nepal*



*Group Exercise*

### **3. Guest Lectures by the Judges to the Law Clubs**

The Bhutan National Legal Institute, realizing the importance of young voter education initiated Guest Lectures by the judges for the School Law Clubs in order to sensitize and inform the Law Club Members on Law. This year's theme was "Right to Franchise and Participative Democracy". As provided in the Constitution of Bhutan, voting is a fundamental right of every citizen. Every franchise determines the type of leader that Bhutan elects, which significantly affects the discourse on development of Bhutan. Their right to vote also cements their rights as citizens of Bhutan- and helps them to realize the potential of every voter. As a democratic nation, voting is a basic process that determines the functioning of governmental machineries- by allowing the people to choose their own government. Government machinery is instituted to ensure affair system of governance in the country. A government of today remains accountable to the people, and a right of franchise determines the change in governance through collective responsibility and accountability. Voting is an indirect way to express the opinion of the citizens. The emphasis of Guest lecture included importance of Election to make Bhutan democratically strong, how a Single Voter can make a difference in the political history of Bhutan and why democracy should value the franchise of the Youth. The overarching aim of organizing the Guest Lecture was to educate the students on election processes and practically the right to responsible voting, help them to understand the value of their votes, its significance and sanctity by allowing mature, competent and ethical ballot decisions. As they turn eighteen, their right to vote should give them an excitement as it allows them to exercise their vote for the first time in their life and also aimed at voter literacy, enhance youth voter turnout, and appreciate the value of their vote.

### **4. Workshop on Informing the Youth on Law**

Bhutan National Legal Institute organised Workshop on Informing the Youths on Law to the 50 Law Club Members of five Thimphu Schools – Yangchenphu Higher Secondary School, Motithang Highe Secondary School, Rinchen Higher Secondary School, Druk School and Kelki Higher Secondary School on 11 October 2019 at Osel Hotel in Thimphu. The Workshop was aimed at creating awareness on laws and imparting basic legal knowledge to the law club members to enable them to appreciate the importance of laws in the society. It was also aimed at developing the interests of the students in the legal profession. The School Law Club program was initiated by the Hon. President of the Institute, Her Royal Highness Ashi Sonam Dechan Wangchuck in 2012. There are over 40 School Law Clubs in the country till date.



## *Glimses of the Workshop*



## 5. Mediation Workshop for the PGDNL Trainees

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.

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 aimed 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.

The workshop was attended by the 34 trainees of PGDNL, Royal Institute of Management (RIM) as a part of their academic syllabus.





*Mediation Role Plays*



*Dasho Sonam Rinchen with the participants*



## 6. Training on Mediation for the Thimphu Thromde Thuemis

The Bhutan National Legal Institute upon the request of Thimphu Thromde facilitated training on Conflict Resolution and Mediation of Disputes to the Thimphu Thromde Thuemis from 19-21 December 2019 at Phuentsholing. 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 aimed 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 practice in their work place.



*Director General of the Institute with the participants*



*Mediation Role Plays*

## 7. Retreat for the Development of Training Module on Trafficking in Persons

The United Nations Office of Drugs and Crime (UNODC) in Collaboration with Department of Law and Order (DLO) has organized five-day retreat in Gelephu from 23-27 December 2019. The Bhutan National Legal Institute as the important stakeholder participated in the retreat. The retreat was aimed to develop training module on Trafficking in Person for the judges, as creating awareness amongst the judges was felt important. The training module would comprise of four essential components – introduction to trafficking in persons (TiP), national and international legislation, and current practices and challenges would be deliberated in the five-day retreat. Once the training module is developed it would be rolled out as a two-day training programme to all the judges across the country.



### III. Legal Dissemination Program

#### 1. Publication of *Bhutan Law Review* Volume XI

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 11<sup>th</sup> Volume of *Bhutan Law Review* coinciding with the 39<sup>th</sup> 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.



## 2. Publication of *Bhutan Law Review* Volume XII

To commemorate the 64th Birth Anniversary of His Majesty the Fourth Druk Gyalpo Jigme Singye Wangchuck, the Bhutan National Legal Institute launched the 12 Volume of the *Bhutan Law Review*. The Institute took the moment to offer sincere prayers and felicitations for His Majesty's long life and pledge our commitment to improve access to justice and enhance public trust and confidence in the judiciary through the dissemination of laws, promotion of legal scholarship and empowerment of the people with legal and judicial education; in keeping with His wish for an effective justice service to the people.

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.



*Launching of Bhutan Law Review Vol.12*

#### IV. 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, 62 Books have been reviewed, presented and discussed, out of which five Book Sessions have been held from January – December 2019.

The following twelve books were discussed in 2019.

| Sl. No. | Month/Date   | Book   | Author   | Presenter             |
|---------|--------------|--|--|-----------------------|
| 1       | January 25   | <i>Governing with Judges</i>   | Alec Stone Sweet                               | Drangpon Tenzin       |
| 2       | February 25  | <i>Contracts in the Real World</i>   | Lawrence A. Cunningham                         | Sonam Tshering        |
| 3       | March 29     | <i>Ignited Minds</i>   | APJ Abdul Kalam                                | Kinzang Chedup        |
| 4       | April 27     | <i>21 Lessons for the 21<sup>st</sup> Century</i>  | Yuval Noah Harari                              | Kinley Choki          |
| 5       | May 31       | <i>Fun@Work Formula- Revolutionize how you work</i>  | Joel Comm                                      | Tshering Pem          |
| 6       | June 28      | <i>The Handmaid's Tale</i>   | Margaret Atwood                                | Tshering Dago Wangmo  |
| 7       | July 26      | <i>Animal Farm</i>   | George Orwell                                  | Kinzang Chedup        |
| 8       | August 30    | <i>Primal Leadership-Learning to Lead with Emotional Intelligence</i>  | Daniel Goleman, Richard Boyatzis & Annie Mckee | Kinley Choki          |
| 9       | September 27 | <i>Search Inside Yourself The Unexpected Path to achieving Success, Happiness (and World Peace)</i>                | Chade-Meng Tan                                 | Justice Kinley Dorji  |
| 10      | October 30   | <i>The Things You Can See Only When You Slow Down</i>  | Haemin Sunim                                   | Sangay Chedup         |
| 11      | November 29  | <i>Getting to Yes-Negotiating Agreement Without Giving In</i>  | Roger Fisher and William Ury                   | Drangpon Tharchean    |
| 12      | December 27  | <i>Surrounded by Idiots-The Four Types of Human Behavior (or How to Understand Those Who Cannot Be Understood)</i> | Thomas Erikson                                 | Justice Pema Wangchuk |

## V. Foreign Students Visit

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. This year Bhutan National Legal Institute has organized a 4-day Workshop to the School Law Clubs of Punakha and Wangdue on Legal Education and Awareness with the help of the 17 Australian law students and 3 academic advisors from 11-14 February 2019. The delegation conducted Workshop on Law and Legal Education at Ugyen Academy.



*QUT students and the Faculty at the Institute*





*Her Royal Highness with the QUT students and the Faculty*



*QUT students and the Faculty with the Law Club members*

## VI. *Academic Visits*

A total of 100 students from Norbuling Rigter College led by Sr. Lecturer & Counsellor Jan Vankrunkelsven visited Bhutan National Legal Institute and Supreme Court of Bhutan on 17 May, 23 and 29 October 2019, as a part of study tour and academic visit. Norbuling Rigter College is up-graded from Kuen-Gaa Higher Secondary School which was established in 2004 by Kuen-Gaa Group of Companies. It was the first private school in Paro and one of the pioneers in Bhutan to offer education at Secondary level. The students were briefed on the operation of the courts, resolution of disputes and the importance of the roles judiciary play in the dispensation of justice and delivery of judicial services to the people. They were also briefed on the mandates of the Institute as the training arm of the judiciary engaged in the promotion of continuing judicial education and professional development of the judges and judicial personnel. The group also visited the Supreme Court and observed the setting and structure of the courtrooms and judicial work environment.



## VII. Summary of Programs and Activities

| Sl. No. | Activity  | Date                 | Participant                          | Remark  |
|---------|---|----------------------|--------------------------------------|---|
| 1.      | 57 <sup>th</sup> Session of Judges Book Club                            | 26 January           | Judges and Officials                 | Drangpon Tenzin                                   |
| 2.      | Workshop on Commercial Litigations                                      | 12-13 February       | Judges and Registrars                | Melody Chan and Adam Wallin, White & Case         |
| 3.      | 58 <sup>th</sup> Session of Judges Book Club                            | 25 February          | Judges and Officials                 | Sonam Tshering, JSWL                              |
| 4.      | Judicial Induction and Orientation Program(JIOP)                        | 4-8 March            | Drangpon Rabjams & Registrars        | Conference Hall, Supreme Court                    |
| 5.      | 59 <sup>th</sup> Session of Judges Book Club                            | 29 March             | Judges and Officials                 | Kinzang Chedup                                    |
| 6.      | Legacy of the Monarchy Lecture  | 24 April             | Paro College of Education            | Chief Justice of Bhutan, Lyonpo Tshering Wangchuk |
| 7.      | Legacy of the Monarchy Lecture  | 26 April             | College of Natural Resources, Lobesa | Chief Justice of Bhutan, Lyonpo Tshering Wangchuk |
| 8.      | 60 <sup>th</sup> Session of Judges Book Club                            | 27 April             | Judges and Officials                 | Kinley Choki                                      |
| 9.      | Tarayana Fare   | 4 – 8 May            | Officials and Staff                  | 5 Days in Thimphu                                 |
| 10.     | Workshop on Criminal Laws and Litigations                               | 20-21 May            | Bench Clerks                         | Prof. Stanley Yeo, NUS and Ms. Dema Lham, JSWL    |
| 11.     | 61 <sup>st</sup> Session of Judges Book Club                            | 31 <sup>st</sup> May | Judges and Officials                 | Tshering Pem                                      |
| 12.     | Court-Annexed Mediation Training(Phase I)                               | 18-23 June           | Bench Clerks                         | Tenzinling Resort                                 |
| 13.     | 62 <sup>nd</sup> Session of Judges Book Club                            | 28 June              | Judges and Officials                 | Tshering Dago Wangmo                              |
| 14.     | Workshop on Judicial Ethics   | 10 July              | Judicial Personnel                   | Prof. Pooja Parmar, UVIC, Canada                  |
| 15.     | 63 <sup>rd</sup> Session of Judges Book Club                            | 26 July              | Judges and Officials                 | Kinzang Chedup                                    |
| 16.     | National Stock-taking and Consultative Workshop on Justice for Children | 30-31 July           | Stakeholders                         | Terma Linca Resort, Thimphu                       |



|     |  |                |  |  |
|-----|--|----------------|--|--|
| 17. | Court-Annexed Mediation Training (Phase II)  | 19-24 August   | Bench Clerks                                 | Conference Hall, Supreme Court                               |
| 18. | 64 <sup>th</sup> Session of Judges Book Club   | 30 August      | Judges and Officials                         | The book is reviewed by Ms. Kinley Choki, Legal Officer, ACC |
| 19. | 65 <sup>th</sup> Session of Judges Book Club   | 27 September   | Judges and Officials                         | Justice Kinley Dorji   |
| 20. | Workshop on Informing the Youths on Law  | 11 October     | Law Club Members and Coordinators of Thimphu | Osel Hotel, Thimphu  |
| 21. | Inauguration of Court-Annexed Mediation  | 28 October     | Judges and Officials                         | Inaugurated by Her Royal Highness the Hon. President         |
| 22. | 66 <sup>th</sup> Judges Book Club  | 30 October     | Judges and Officials                         | Sangay Chedup  |
| 23. | Training on Trafficking in Person  | 6-8 November   | Judges and Law enforcement Officials         | Hotel Migmar, Thimphu.                                       |
| 24. | Launch of <i>Bhutan Law Review</i> Vol. XII  | 11 November    | Institute Officials                          | Launched by Lam Sungkhop, Supreme Court                      |
| 25. | Training on Interpretation of Laws (ToIL-I)  | 21-22 November | Bench Clerks                                 | Graced by HRH at Udumwara Resort, Paro, Bhutan.              |
| 26. | 67 <sup>th</sup> Judges Book Club  | 29 November    | Judges and Officials                         | Drangpon Tharchean   |
| 27. | Workshop on the Operational Procedures of the Court-Annexed Mediation (CAM) to the Judges                      | 10 December    | Judges                                       | Terma Linca Resort, Thimphu                                  |
| 28. | Training on Conflict Resolution and Mediation of Disputes (Nangkha Nangdrig) for the Thimphu Thromde Officials | 19-21 December | Thimphu Thromde Officials                    | Hotel Ga Me Ga, Phuntsholing                                 |
| 29. | Retreat on Trafficking in Person   | 23-27 December | Judges                                       | Gelephu  |
| 30. | 68 <sup>th</sup> Judges Book Club  | 27             | Judges and Officials                         | Justice Pema Wangchuk  |

## VIII. Other Major Activities

### 1. *Tarayana Fare*

The Tarayana Fair is an annual event organised by Tarayana Foundation. The Institute 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.

The 16<sup>th</sup> Annual Tarayana Fair was organised from 3-7 May 2019. During the five-day Fair, the Institute generated total sale proceeds of **Nu. 78,160** (Seventy Eight Thousand One Hundred and Sixty) only, which was deposited with the Foundation Secretariat.



## 2. *Legacy of the Monarchy Lectures*

### i. *Legacy of the Monarchy Lecture at the Paro College of Education*

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 60<sup>th</sup> Birth Anniversary for His dedicated and selfless services to the Country and the People.

Similarly, this year's (2019) 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.

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



*Hon. Chief Justice of Bhutan with the Faculty and trainees of the College*

## ii. Legacy of the Monarchy Lecture at College of Natural Resources, Lobesa

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 Constitution 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.



*Hon. Chief Justice of Bhutan with the Faculty and trainees of the College*

### 3. Publication of National Mediation Report 2019

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.

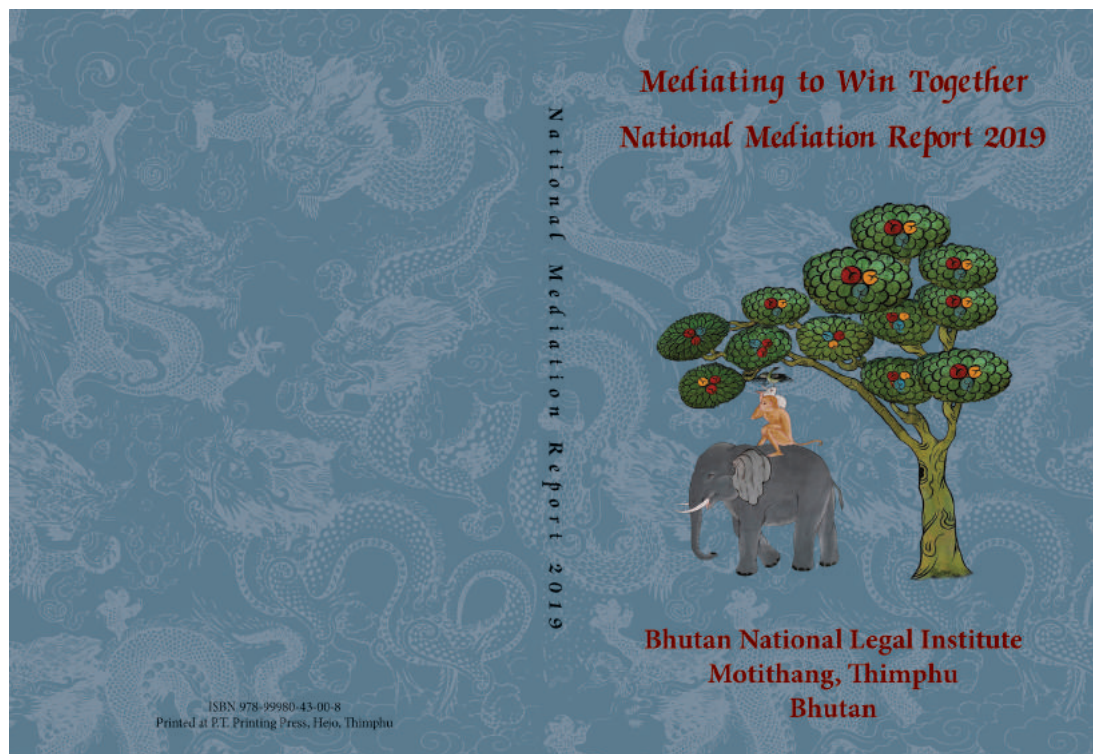
Above all, without the divisive effect of the court litigations; and segregation of the people into 'winners and losers' the parties could indulge in the comfort of 'win-win' results honoring the solutions tailored to suit their needs and interests. For all the reforms and access to the courts, it is 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 2025 Gups, Mangmis and Tshogpas have been trained on mediation skills and techniques from 2012 - 2019. 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. In 2017, the *National Mediation Report* was published which covered the disputes mediated from July 2015 - December 2017. From 2018, the National Mediation Report was published annually. The present report - *National Mediation Report, 2019* is an update on the dispute mediated by the LG leaders in 2019. The report assessed the types and number of disputes mediated in the community. The report also analysed 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.

Overall, 4543 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 4543 cases in the study period.





#### 4. Publication of CAM Strategic Plan 2019-2023

The age-old informal and amicable custom of community dispute resolution system, known as *Nangkha Nangdrig* has been revived and strengthened over the last few years under the initiative of Her Royal Highness, Ashi Sonam Dechan Wangchuck, Honourable President of the Bhutan National Legal Institute (BNLI). This informal dispute resolution system has supplemented the Royal Court of Justice in enhancing access to justice. In order to further prevent acrimony between the parties and keep justice within the reach of the common people, the Judiciary under the visionary leadership of Her Royal Highness, and guidance of Hon. Chief Justice of Bhutan, BNLI is poised to institute the Court-Annexed Mediation (CAM) services in the country. This will enable people to opt out from the litigations even after the cases are registered in the courts, at any stage of adjudication, in favour of mediation within or out of courts.

The Institute has established Strategic Plan (2019-2023), which outlines the strategies for institution of an in-house judicial mediation of disputes, where parties on their own can opt out of litigations or the presiding judges may refer the suitable cases to the Court-Annexed Mediation Unit.

The Strategic Plan sets out vision, mission and principles; and plans of activities for the next five years. It also identifies the key strategic issues, which affect, the ability to deliver the services.

**Vision**

**Court-Annexed Mediation**

Our Vision is to provide High Quality Professional Mediation Services to the Litigants and promote Consensus and Access to Justice.

**Mission**

1. Set and Achieve High Mediation Standards  
The Court-Annexed Mediation Unit in collaboration with the Management shall create standards for mediation services nationwide. The Unit shall maintain qualified mediators through accreditation programs, and by enhancing the practice of mediation to improve consensus and access to justice.
2. Promote Understanding on Court-Annexed Mediation  
The Mediation Unit shall work closely with the similar national and international institutions to promote the usage and adoption of Court-Annexed Mediation in the country.
3. Disseminate Skills for Litigants, Counsel and Mediators  
The Mediation Unit shall in collaboration with the BNLI, provide skills and trainings for Litigants, Counsel and Mediators to promote alternative forums for conflict resolution. This will empower the parties and their counsels with the opportunities to tailor their own solutions within win-win outcomes.
4. Promote Community Vitality  
The Mediation Unit shall ensure that the parties produce amicable resolution of disputes without defacing the relationship of the parties. Ultimately, it promotes community vitality thus achieving the goal of Gross National Happiness (GNH).
5. Promote and Enhance Access to Justice  
In its endeavour to promote and enhance Access to Justice, the Mediation Unit shall encourage the parties to avail the services of Out-of-Court and Court-Annexed Mediation. Therefore, the Mediation Unit shall ensure that Mediation services are readily available, and the services are effective, efficient and user-friendly.

**Core Values**

- Court-Annexed Mediation Unit holds a set of values that provide the foundation of its relationship with all constituents. Our seven core values are summed up as **MEDIATE**.
- **Morale**: The Mediation Unit provides world-class dispute resolution services with high professionalism that upholds the high morale of the general public.
- **Education**: The Mediation Unit educates the general public through amicable resolution of disputes and the benefits it brings to the society.
- **Diligence**: The Mediation Unit shows determination and perseverance through hard work and dedication, and provides settlements that are mutually acceptable and satisfying to the parties.
- **Integrity**: The Mediation Unit provides an environment for respectful, understanding alternative perspectives, and building positive resolutions.
- **Accessibility**: The Mediation Unit ensures accessibility and user friendliness to every litigant both in terms of cost and legal procedures.
- **Time**: The Mediation Unit provides mediation services at the earliest point of conflict without delay.
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**Court-Annexed Mediation**





**Strategic Plan**

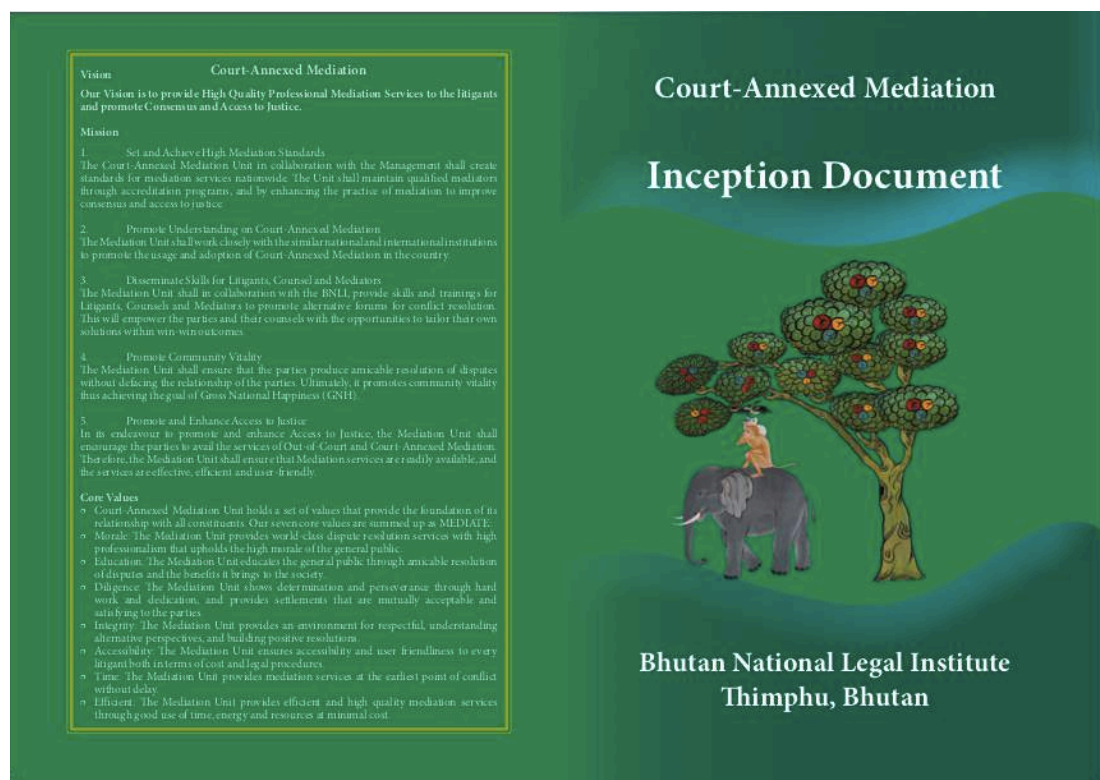
**2019 - 2023**




**Bhutan National Legal Institute**  
**Thimphu, Bhutan**

## 5. Publication of CAM Inception Document

The Inception document aims to describe the establishment of Court-Annexed Mediation in the Royal Court of Justice, the Judiciary of the Kingdom of Bhutan. It broadly sets out the tasks required to support the operation of the Court-Annexed Mediation, It will form the basis for the management of the program. On the broader level, this document aims to lay down the scope, objectives, task, roles and responsibilities, costs and deliverables relating to the institution of the Court-Annexed Mediation in the Royal Court of Justice, the Judiciary of Bhutan.



*CAM Inception Document*



## 6. Publication of Mediators Accreditation Standards (MAS)

The Judiciary promotes quality, consistency and accountability of accredited Court-Annexed Mediators. The success of mediation as an effective method of dispute resolution greatly depends on the professionalism of mediators and their adherence to high ethical standards. To fulfil this purpose, the Bhutan National Legal Institute in collaboration with the Royal Court of Justice, Supreme Court of Bhutan has developed the standards for the Accreditation of the Mediators.

**Court-Annexed Mediation**

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**Court-Annexed Mediation**

**Mediators Accreditation Standards (MAS)**

**Bhutan National Legal Institute**  
Thimphu, Bhutan

### Mediators Accreditation Standards MAS

## 7. Publication of Rules of Procedure for CAM

The Hon. President of the Bhutan National Legal Institute and the Chief Justice of the Supreme Court of Bhutan directed the Institute to frame Rules of Procedures and Forms for the referral of the civil cases by the courts as well as opting of the court-annexed mediation services by the parties. Therefore, The Institute has framed the following Rules of Procedures and Forms to regulate and guide the operation of the Court-Annexed Mediation Units and management of disputes, which come before the Units.

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**Court-Annexed Mediation**

**Rules of Procedures  
&  
Forms**

**Bhutan National Legal Institute  
Thimphu, Bhutan**

### *Rules of Procedures & Forms*

## 8. Design and Institutionalization of CAM Logo

The Bhutan National Legal Institute has designed Court-Annexed Mediation Logo. It is designed for the Court-Annexed Mediation, depicting the theme, purpose and principles of the Alternative Dispute Resolution in general and the Mediation in particular.



## IX. Visiting Faculty of the Post-Graduate Diploma in National Law at Royal Institute of Management, Class of 2019 (22<sup>nd</sup> 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 taught *Constitutional Laws* to the Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2019).

### 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 taught *Laws of Evidence and Moveable and Immoveable*



*Property* to the Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2019).

3. **Justice Lungten Dubgyur, Royal Court of Bhutan, High Court of Bhutan**

He is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He taught *Company Law* to the Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2019).

4. **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 taught *Laws of Civil and Criminal Procedures* to the Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2019).

5. **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 taught *Legal Research* to the Post-Graduate Diploma in National Laws trainees. (PGDNL Class of 2019)

6. **Justice Pema Wangchuk, Royal Court of Justice, High Court of Bhutan**

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

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

He is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He taught *Laws of Moot Court and Law of Contract* to Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2019)

8. **Dechen Lhamo, Sr. Legal Officer, Bhutan National Legal Institute**

She is a Visiting Faculty at the Royal Institute of Management, Simtokha, Thimphu. She taught Law of Contract to Post-Graduate Diploma in National Laws trainees (PGDNL Class of 2019)

## X. List of Present Officials

In 2018, the Institute has 28 employees in total and out of that 6 of employees were transferred to other Government agencies. Today, the Institute has 22 staff, 50% of which are female.

The Institute consists of one Division and six Sections. While the Administration and Finance Section works under the direct supervision of the Director General, the Continuing Legal Education Section (CLES), Capacity Building Section (CBS), Research and Development Section (R&DS), and Information Communication and Technology (ICT) and Media Section works under the administrative supervision of the Research, Training and Education Division (R-TED).

| Sl. No. | Official                         | Designation              |
|---------|----------------------------------|--------------------------|
| 1.      | HRH, Ashi Sonam Dechan Wangchuck | Hon. President           |
| 2.      | Lobzang Rinzin Yargay            | Director General         |
| 3.      | Sangay Chedup                    | Sr. Legal Officer        |
| 4.      | Kinzang Chedup                   | Sr. Legal Officer        |
| 5.      | Jangchuk Norbu                   | Sr. Legal Officer        |
| 6.      | Tshering Pem                     | Sr. Legal Officer        |
| 7.      | Dechen Lhamo                     | Sr. Legal Officer        |
| 8.      | Tshering Dago Wangmo             | Legal Officer            |
| 9.      | Sonam                            | Sr. ICT Officer          |
| 10.     | Pema Zangmo                      | Administrative Officer   |
| 11.     | Narayan Kumar Kamar Chhetri      | Accountant               |
| 12.     | Phuntsho Zangmo                  | Accountant               |
| 13.     | Tenzin                           | Legal Assistant          |
| 14.     | Tshering Lhamo                   | Store Assistant          |
| 15.     | Tashi Lhamo                      | Administrative Assistant |
| 16.     | Ugyen Tshomo                     | Personal Assistant       |
| 17.     | Ugyen Tshomo                     | Dispatcher               |
| 18.     | Jamtsho                          | Driver                   |
| 19.     | Dorji Rinchen                    | Driver                   |
| 20.     | Ashman Gurung                    | Security Guard           |
| 21.     | Thukten Lhamo                    | Gardener                 |
| 22.     | Tshelthrim Zam                   | Sweeper                  |

## XI. Institutional Linkages

Institutional linkages are an important bloodline for the institution that learns to adapt and adopt the international best practices in judicial education. Keeping in the view that best judicial education comes, not only by learning ourselves, but also learning from others. Additionally, the Institute is necessitated to explore the exchange of ideas, experience, and programs with other similar institutions both within and outside Bhutan. In the line of fulfilling this, the Institute has thus far created the following institutional linkages and institutional relations with similar institutions and academies outside Bhutan. They are:

1. London Judicial College, London, the U.K.
2. Judicial Training Institute (JTI), Bangkok, Thailand
3. National Judicial Academy, Bhopal, India
4. Delhi Judicial Academy (DJA), New Delhi, India
5. Singapore Judicial College (SJC), Singapore
6. Queensland University of Technology (QUT), Brisbane, Australia
7. National Judicial Academy (NJA), Nepal



*The delegation with the officials of the Criminal Court of Justice, Thailand.*



## Conclusion

The Bhutan National Legal Institute has begun to play an important role in shaping legal education and awareness of laws in the country. As the primary training institution for the judiciary in particular and the public in general on our laws and the legal system, it has carried out seminal roles to strengthen the capacity of the judicial personnel. As the judicial education and training Institute, it gives in-service training and provides timely and appropriate training to judicial personnel with an objective of strengthening capacity of the judicial branch of the government. Under the wise leadership and stewardship of the Hon. President, Her Royal Highness Princess Sonam Dechan Wangchuck, the Institute has been working with utmost commitment to ensure capacity development in the judiciary and create informed citizenry through *Legal Dissemination Programs*. We aspire to create an informed society based on rule of law and advance information on laws, and build foundations for a legal education that is robust, result-oriented and build a pool of resources that can respond to modern legal challenges and fulfil the aspirations of our Kings in building a society based on the rule of law.

Further, the Institute nurtures Bhutanese lawyers, judges, and other legal professionals who are positive to the organic values and principles of our traditional legal practices but at the same time, responsive and aware of the standards and implications of their actions in the modern setting. In this venture, the Bhutan National Legal Institute has been bestowed with new opportunities and enthusiasm to pursue further improvement of our standards of legal education and awareness of basic rights and responsibilities of the general citizenry of Bhutan. We aspire to promote the highest standards of professional competence and practice of the Judiciary and complement it with a legally educated society in fostering a modern, improved, and sound version of our own unique Bhutanese legal system.