

# Annual Activity Report 2020



**Bhutan National Legal Institute**

**Lhadrong, 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.

# Table of Content

<b>Bhutan National Legal Institute (BNLI)</b> .....	1 - 1
<b>Message from the Director General</b> .....	4 - 5

## **Core Programmes and Events**

### **I. Judicial Professional Development Program**

<i>(1) Judicial Induction and Orientation Program</i> .....	6 -7
<i>(2) Training on Interpretation of Laws</i> .....	8 - 10
<i>(3) Training of Trainers on Pedagogical Skills and Methodologies</i> .....	11 - 13
<i>(4) Virtual Training on International Commercial Arbitration</i> .....	14 - 14

### **II. Capacity Development Programs for Other Stakeholders**

<i>(1) Workshop on ADR, Legal Aid and Pro bono Legal Services</i> .....	15 - 18
<i>(2) ADR Mediation Workshop to the PGDNL Trainees</i> .....	19 - 20
<i>(3) Moot court Hearings to the PGDNL Trainees</i> .....	20 - 22

### **III. School Law Club Capacity Development Programs**

<i>(1) Legal Education and Awareness Program (LEAP)</i> .....	23 - 27
---------------------------------------------------------------	---------

### **IX. Publication**

<i>(1) Bhutan Law Review (Volume XIII)</i> .....	28 - 30
<i>(2) Bhutan Law Review (Volume XIV)</i> .....	31 - 32
<i>(3) National Mediation Report 2020</i> .....	33 - 33

<b>V. Judges Book Club</b> .....	34 - 34
----------------------------------	---------

<b>VI. Foreign Exchange Program</b> .....	35 - 38
-------------------------------------------	---------

<b>VII. Education Excursion</b> .....	39 - 40
---------------------------------------	---------

### **VIII. Other Major Events**

<i>(1) Ninth Foundation Anniversary of the BNLI</i> .....	41 - 41
<i>(2) Establishment of Court Annexed Mediation Unit (CAMU) at Paro Dzongkhag Court</i> .....	42 - 43

<i>(3) Inaugural Ceremony of the New Office of the BNLI</i> .....	44 - 44
<i>(4) Royal Civil Service Medal Award ceremony</i> .....	45 - 45
<b>IX. Summary of Activities</b> .....	46 - 47
<b>X. Faculty who joined BNLI in 2020</b> .....	48 - 50
<b>XI. Faculty who left BNLI in 2020</b> .....	51 - 51
<b>XII. Visiting Faculty for the Royal Institute of Management</b> .....	52 - 53
<b>XIII. List of Present Staff</b> .....	53 - 54
<b>IX. Institutional Linkages</b> .....	54 - 54



*His Eminence Vairochana Rinpoche Ngawang Jigme Jigten Wangchuck, Her Majesty Queen Mother Ashi Dorji Wangmo Wangchuck, Her Royal Highness Ashi Sonam Dechan Wangchuck, the Hon'ble President, and His Serene Highness Dasho Jigje Singye Wangchuck with the justices of Supreme Court and High Court and BNLI staff*

## 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 modernize 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.

## LEADERSHIP AND GOVERNANCE

The BNLI is blessed with visionary and farsighted leadership. Her Royal Highness Princess Sonam Dechan Wangchuck is the President of the Institute. The Board of Management (BOM), in consultation with the President, oversees the plans and policies of the Institute. The BOM is composed of Chief Justice of Bhutan as the Chairperson, Registrar General of the Supreme Court, Registrar General of the High Court, and one Senior Lecturer as the Members, and Director General of the Institute as the Member Secretary. The administration and management of the Institute is vested with the Director General who shall act as per the guidelines formulated by the BOM in accordance with relevant national policies. The qualified legal professionals and other support staff assist the Director General.

The Institute consists of one Division and six Sections. While the Administration and Finance Section is 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 are under the administrative supervision of the Research, Training and Education Division (R-TED).

The BNLI Team:





## MESSAGE FROM THE DIRECTOR GENERAL

2020 marked the ninth year of the founding of the Bhutan National Legal Institute (BNLI). In 2011, the Institute was established at Motithang with a modest ceremony. Established under the Judicial Service Act of Bhutan, the Institute brought in the age of legal scholarship, legal education and judicial education in the country. The establishment of the Institute began the formal impetus to legal and judicial education in Bhutan. Legal and judicial education is an important component of national development, reinforcing in the areas of information of the laws, capacity building and legal scholarship.

The Bhutan National Legal Institute, in a span of nine years, established itself as the pioneer for legal and judicial education. It also nurtured and cultivated a fertile ground for a vibrant and blossoming culture of continual learning within the community of Judges, Judicial Officers and the legal fraternity. The Institute was responsible for ushering in an era of established and organized legal education, with systemic and formal trainings, nurturing a pool of professionals, academicians, community leaders, teachers, paralegals and other relevant stakeholders with legal expertise and knowledge of the law.

Law is an intellectual discipline with distinctive concepts and institutions. It requires the continual refinement of knowledge and ideas to ensure respect for the law and uphold the rule of law. Enforcement of laws requires critical component of knowledge, application and public awareness. Public legal education is an important tool to aide the smooth enforcement of laws. The Institute strived to contribute to the transmission of legal knowledge and legal awareness in the country. Further, the Institute normalized continuing judicial education and legal education making it a central feature of our judicial culture, and judicial professional development.

The ninth year of the Institute provides us with opportunities to reconnect with the past and look into the future, and take stock of our achievements and future endeavours. On 25 February 2011, the BNLI nine years ago, the Institute came up with only few staffs, with a very new experience on establishing an only judicial academy. For everyone, it was a new experience. Every step was a learning endeavor, and in a span of few years, the Institute gradually picked up its robust foundations, thus making it known across the country. The community mediation programme was an important element in the Institutional endeavor. It helped to achieve the important pillars of Gross National Happiness, community vitality and revitalization of the age-old culture of negotiation and mediation in the country. It enhanced access to justice and created a circle of community leaders, who are able to convince, aide and facilitate dispute resolution in the communities. It established School Law Clubs, launched the Bhutan Law Review and various other public legal education programmes aimed at continuing professional development, amongst other numerous initiatives.

The core mission of the BNLI is to promote continuing judicial learning and research so as to enhance the competency and professionalism of our Judges. Over the years, we reinforced in our central goal and purpose, expanding the mandates of the Institute. As years pass on very fast, over the coming years, the Institute will reaffirm our commitments as legal educator and innovator in legal education, transforming the scope of legal education in the country. It should challenge our Judges to rethink the ways in which they do judicial work and encourage them to see themselves both as administrators of

*justice and as facilitators of peace, engaged in the broader enterprise of peace building and capacity building in the interests of a more just, peaceful and legally literate society.*

*Reminiscing 2020, it was not a very eventful year due to the effects of the COVID- 19 pandemic. However, it gave us a new sense of hope, inspiration and aspiration to work tirelessly through different culture and models of education, information sharing and task handling. It helped the Institute to adopt modern e-training procedures and methods marking a new era of judicial education and information dissemination.*

*Aside relevant legal issues, we strive to imbibe judicial and non-judicial skills and attributes to make justice not only legally relevant, but also holistic by capturing humanism, creativity and arts of bench craft amongst other evolving judicial skills.*

*I am happy with the continuing growth of our Institute and are looking forward enthusiastically to the year ahead. I am hopeful that our services to the judiciary and relevant stakeholders help to expedite justice and bring justice closer to the people. And let me congratulate the BNLI team for yet another memorable and remarkable year of achievements despite the ill effect of COVID-19 pandemic. As the BNLI matures and transitions from an era of formation to a period of transformation, I look forward to seeing how the next chapter of the BNLI will unfold.*

**Pema Needup**

**Director General**

**Bhutan National Legal Institute**



## CORE PROGRAMES

### I. Continuing Legal Education and Professional Development

#### 1. *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 abled 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. and

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, appellate 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 four newly appointed registrars and twenty two Bench Clerks at Hotel Osel, Thimphu from 3 to 7 February 2020.



*Her Royal Highness Ashi Sonam Dechan Wangchuck with the participants*



*Participants during their educational excursion program to the District Court of Thimphu.*

## 2. Training on Interpretation of Laws

Bhutan National Legal Institute has organized a two-day phase two training on “Interpretation of Laws” to the Bench Clerks of the Royal Courts of Justice from 20 - 21 July 2020. Her Royal Highness, the Hon. President of the Institute has always accorded due importance to the crucial roles played by the Bench Clerks in the justice system. Her Royal Highness has said, “Bench Clerks are the backbone of the Judiciary.” They are the bridges between the courts and consumers of Justice, and they actively assist the judges in managing the cases and drafting the judgments.

In order to further enhance their capacity to discharge their duties professionally, the Bhutan National Legal Institute has organized a two-day training on the Interpretation of laws. They were trained in determining the true intention or the purpose of the Legislature in enacting the particular laws; and familiarised with the various rules and principles of interpretation of laws such as the Strict, Literal or the Grammatical, Liberal, Golden, Harmonious, Mischief and various aids to interpretation of laws.

The Hon. Chief Justice of the Supreme Court of Bhutan graced the opening ceremony. Some 25 Bench Clerks from the Supreme Court, High Court, District Courts and Drungkhag Courts attended the second 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.



*His Excellency Hon. Chief Justice of the Supreme Court of Bhutan with the participants during the Opening Program*





#### 4. Training of Trainers on Pedagogical Skills and Methodologies

The Faculty of the Bhutan National Legal Institute, Judges and Registrars who are involved in teaching Post Graduate Diploma in National Law (PGDNL) course as the Adjunct lecturers have attended a three-day “Training on Pedagogical Skills and Methodologies - Unlocking Innovation in Teaching” at the Royal Institute of Management (RIM), Semtokha. The ‘Educating Forward’ training is delivered by the lecturers of Royal Institute of Management as a part of review of the PGDNL curriculum and professional delivery of the course content by the Visiting Faculty, which needs to be innovative, skills-based (Think, Do and Feel) and relevant to the constant changing needs of the time.

The training covered designing student-centric Unit Outlines, development of future and market-ready Graduate Attributes, desired Learning Outcomes, Modes of Delivery and Assessment Designs fulfilling the needs of the Generation Z, information-first, curious, ICT-savvy, active and experiential learners; where the teachers, instead of being the knowledge factories, basically play the roles of the motivators, facilitators and enablers in the purposeful and active life-long learning journey and destination.

The PGDNL course was initiated by the Judiciary in 1995 and administered by the RIM and Bhutan National Legal Institute. It’s a pre-requisite course for the legal professionals joining both the public and private sector organizations. It grounds the graduates in Bhutanese laws, legal system, literature, values; and aims at enhancing proficiency in written and spoken Dzongkha, amongst others. A total of 16 participants attended the training.



*Participants with the Madam Sonam Palden Thai, Director of the Royal Institute of Management*





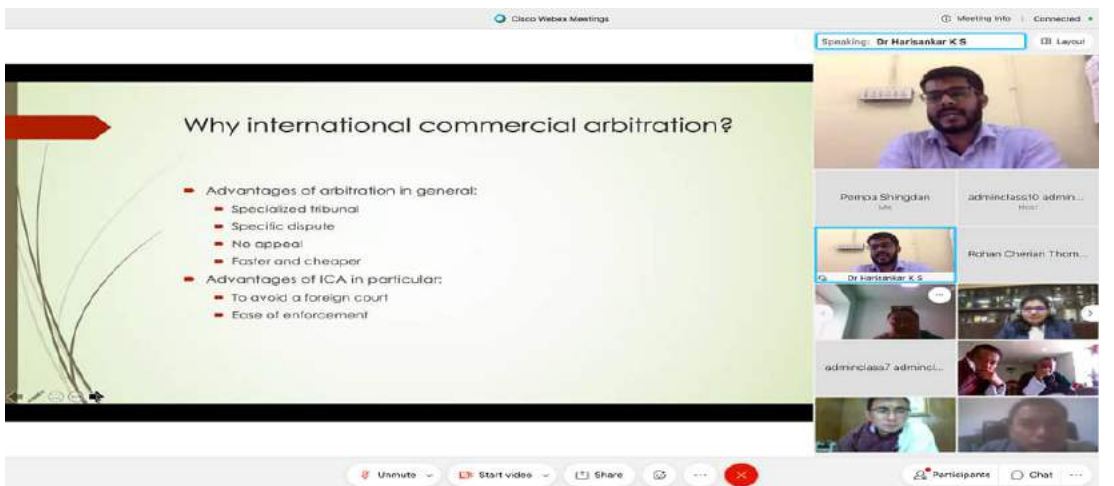
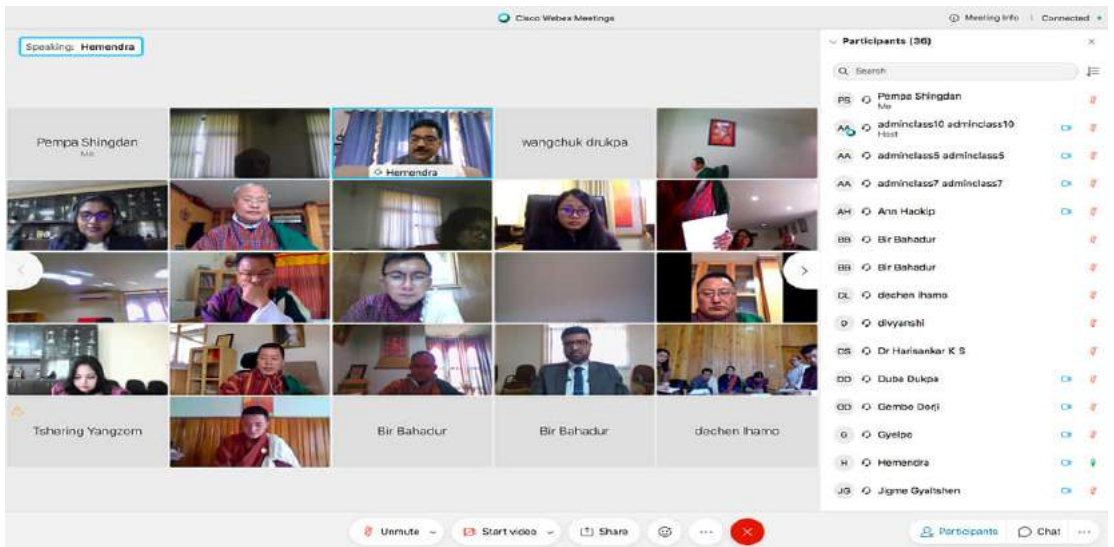
*During the group exercises*





### 5. Virtual Training on International Commercial Arbitration

The Bhutan National legal Institute signed a Memorandum of Understanding (MoU) with the National Judicial Academy, Bhopal in 2019 to advance and strengthen the cooperation between the two institutions in the field of legal and judicial education programmes. In pursuant to this Understanding, the Bhutan National Legal Institute in collaboration with the National Law University, Jodhpur and Indian Technical and Economic Cooperation (ITEC) conducted a three-day virtual training on International Commercial Arbitration to the justices, judges and other court officers from 9 – 11 December. The training was first of its kind to have organized virtually by the Institute And it is aimed at enhancing the proficiency of the participants on contemporary legal theories and practice.



## II. Capacity Development Programs

### 1. *The Workshop on ADR, Legal Aid and Pro bono Legal Services*

*Legal Aid* is an important component or arm of justice to secure liberty and freedom of the people. The *Constitution* has also imposed on all of us, a general duty to help in the enforcement of the country's laws. It states that *every person has the duty to act in the aid of law*. The institutions of judiciary and other Justice Sector Institutions should facilitate to provide a fair, transparent and expeditious justice based on the principles of *Rule of Law*, equity and fairness. Ensuring equal access to justice through a fair justice system includes the provision of support to those who do not have the means to actively enforce and protect their rights.

*Legal Aid* and *Corporate Social Responsibility* (CSR) ensure that law firms are socially responsible to itself, its stakeholders and the public. There is a growing recognition and can have positive impact. It supports the premise that ethics, values, integrity and responsibility are required in modern workplaces. Modern world requires *Corporate Social Responsibility*, leadership and organizational culture. These are exhibited through volunteering their time in the community, or providing free legal services to the people. By doing good deeds without expecting anything in return, companies can express their concern and support for specific issues and social causes.

Bhutanese legal landscape is constantly changing. We witness different judicial and legal mandates of institutions of the Judiciary. The new legal landscape of new lawyering in the country; it has set up a new entrant for *pro bono* legal services, which calls for new legal services. The thought of *pro bono* legal services requires representing an *indigent persons* or clients in the court of law, especially when people are unable to afford legal representation owing to reasons of poverty and other economic disabilities.

However, we are unable to adopt the concept of *pro bono* legal services as the laws dictates that such services should be offered to the *indigent person*. An *indigent person* is not defined in our laws nor has it got legal and other judicial parameters to ascertain it. If we adopt the parameters of what constitute an *indigent person* and *pro bono* legal services as adopted in other countries, this may not fulfil and secure *economic justice* meeting the legal and judicial landscape of Bhutan.

The courts in Bhutan are almost new entrants in the judicial and legal landscape. Our jurisprudence and legal settings are adapting to new phenomenon of change dictated by international legal developments. For many years on, before the advent of modern legal system in Bhutan, we used the "*middle path*" legal approach to our disputes. The dispute resolution method of *Nangkha Nangdrig* played a reformatory role in the society both at the level of the community as well as for the development of the law. This is a time-tested dispute settlement system, where the elderly and the wise intervened in local disputes; and the concept of *Nangdrig* is indeed the "main" dispute resolution system in the country and not otherwise.

Now, courts in Bhutan has adopted and institutionalized the system of *Court-Annexed Mediation* (CAM) in the country. Today courts across the nation boasts of its own

mediators, and they assist the clients for free to settle the cases in the courts of law by mediation. Legal professionals and advocates play a seminal role in molding the development of law. They shape the jurisprudence by interpreting the law and informing the judiciary [directly or indirectly] on the practical understanding of the law, thereby guiding them to decide in favour of justice, equity and principles of the law. To embrace the spirit of unity and collective responsibility to promote justice and equity in the country, the Bhutan National Legal Institute conducted a two-day *Workshop on Alternative Dispute Resolution and Mediation Skills for Advocates: Enhancing Access to Justice through pro bono legal services* from 28 - 29 July 2020. The Workshop was organized to:

- a) Refresh knowledge of the advocates on Alternative Dispute Resolution (ADR) in general;
- b) Refresh the advocates with Theory and Practice on Mediation of disputes in particular;
- c) Provide national and international perspectives of Legal Aid, pro bono legal services and Corporate Social Responsibility;
- d) Enhance Access to Justice by motivating advocates to provide pro bono legal services;
- e) Create a forum for the exchange of views and ideas, experiences and best practices to enhance access to justice; develop constructive platform for reformative dialogue and interexchange of ideas;
- f) Remind *Professional Etiquette, Code of Conduct, Integrity and Ethics* of the Mediators.

National and international experts on the subjects as well as senior Judges and Faculty Members of the Institute facilitated the Workshop. Twenty-three participants attended the Workshop.







## 2. *ADR Mediation Workshop for the RIM, 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 on 9 October 2020. 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 45 trainees of PGDNL, Royal Institute of Management (RIM) as a part of their academic syllabus.





*PGDNL class of 2020*

### ***3. Moot Court Hearings to the PGDNL Trainees***

The Bhutan National Legal Institute conducted moot court hearings to the PGDNL trainees at the RIM from 23 – 24 November 2020. The Moot Court Oral competition is a much awaited, a rite of passage and an indispensable tool to transform law graduates into competent future-oriented and market-ready Bhutanese advocates. Over the years, Bhutan National Legal Institute in collaboration with the Royal Institute of Management has been trying to make the one-year PGDNL course an experiential, skills-based, educative and memorable experience. The 45 PGDNL graduates (class of 2020) presented their oral arguments before Justice Pema Wangchuk, Judge Kesang Choden and Judge Sangay Chedup. The simulated judicial exercise provides appellate court learning experiences to the law graduates which tests their skills in legal analysis, legal reasoning, legal research of the problem assigned, and succinct presentation of the arguments before the appellate court. 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.



*Hon. Judges for the Moot Court*



*Student presenting his oral submission*



*During the lunch break*

### III. School Law Club Capacity Development Programs

#### 1. *Legal Education and Awareness Program (LEAP) to the School Law Club Coordinators*

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 ignorance of legal literacy and advocacy is our responsibility. Therefore, through this Law Clubs, the students will acquire the basic legal knowledge, which will help them becoming better citizens. The Club Inception Document mandates the Judiciary, the Ministry of Education and the Bhutan National Legal Institute to work in partnership to ensure that the objectives of the Clubs are met.

The Club members will not only learn themselves but are also mandated to organise different legal activities to sensitise other students and people of community on law and legal protection. Despite this mandate, the Clubs do not have human resource capacity to carry out the functions effectively. One of the frequent feedbacks that we receive from the Club Coordinators is with regard to the lack of legal knowledge to organise and conduct the activities of the Club. Although the BNLI as a patron of the Club need to take a lead role in implementing the activities listed in the Inception Document, the participation of the Institute was very nominal thus far. The Institute has done very less to keep the School Law Club alive and not much has been done to inspire the school going children. Except for Peer Mediation Workshop, Lecture Series, and talk on Drugs and Substance Abuse, too little has been done to accomplish the objectives of the Club.

Despite less support and supervision from the Institute, the School Law Club is not a defunct establishment. The Club Coordinators have been putting-in considerable efforts and labours to keep the aspirations of Her Royal Highness Princess Sonam Dechan Wangchuck, the Honourable President of the BNLI. In fact, the Club Coordinators are doing their job in keeping with the mandates and obligations as spelled out in the Document. At the beginning of the academic year, the Club Coordinator prepares an action plan of the Club providing the list of activities to be carried out during the academic year. The Club Coordinator then prepares Annual Report of the Club and submits to the BNLI. Although the level of their legal knowledge and skills is understandable, the Club Coordinators have been able to function keeping with the aims and objectives of the Club. According to their Annual Report compiled by the Institute, the lack of capacity to run the Law Club was the top most challenge.

Given this challenge, the BNLI has conducted a three-day *Legal Education and Awareness Program (LEAP)* to the 31 Law Club Coordinators from 17-18 January 2020 at Hotel Lhaki, Phuntsholing. It was a general legal education and awareness program intended to build and enhance the capacity of the Law Club Coordinators to guide and manage the clubs effectively and help student members to understand law and appreciate the importance of laws in the society. It was not focused on one specific legal subject matter rather covered a wide range of legal subjects that would help enhance the capacity development of the Club Coordinators. The main reason for making it too general was because the participants are expected to understand the basic principles of the law so that they can disseminate the acquired information to the students in a simple and effective ways. The program was designed based on the activities of the Club as provided in the Inception Document.

### *Glimpses from the three- day Workshop*





S







Capacity



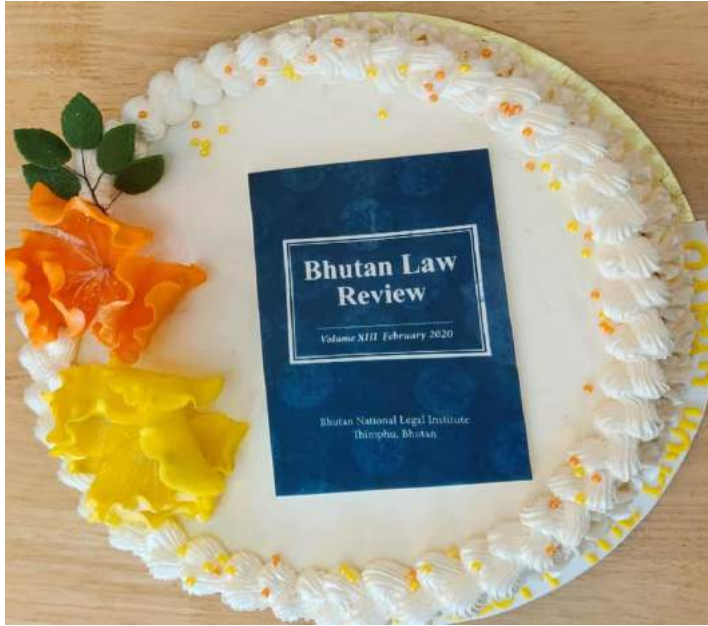
## IV. Publication

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

Commemorating the 40<sup>th</sup> Birth Anniversary of His Majesty the King, the Bhutan National Legal Institute launched the XIII Volume of the *Bhutan Law Review* and served lunch to the patients of the Jigme Dorji Wangchuck National Referral Hospital (JDWNRH). 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.



*During the launching of BLR Vol. XIII at the Institute*



*Bhutan Law Review Vol.XIII*



*Glimpses of BNLI Staff Serving Lunch to the Patients of the JDWNRH Thimphu on 21 February 2020.*



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

His Majesty the King desires a knowledge and information-based, smart and intelligent society. Her Royal Highness, Ashi Sonam Dechan Wangchuck established the country's first Legal Research and Training Institute in 2011; and initiated the publication of country's first law journal - "Bhutan Law Review" in 2012. It's a biannual publication which is launched on the Royal birth anniversaries of His Majesty the King and His Majesty the Fourth Druk Gyalpo, as a token of tributes for Their Majesties' selfless deeds in making Bhutan a free, fair and just society founded on the rule of law. The journal serves as the platform for the legal academics to engage in the discourses on the contemporary legal issues.

The Bhutan National Legal Institute launched the 14th volume of the Journal on 11 November 2020, on the auspicious and joyous occasion of the Royal Birth Anniversary of His Majesty, the Great Fourth.

### *Few Glimpses from the Launching of Bhutan Law Review Volume XIV*





### 3. Publication of *National Mediation Report 2020*

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 stakeholders, 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, 2020* is an update on the dispute mediated by the LG leaders in 2020. 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, the LG leaders in their communities mediated **4118** disputes. 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 **4118** cases in the study period.

## V. 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, 68 Books have been reviewed, presented and discussed.

This year due to Covid19 Pandemic only following four books were discussed.

Sl. No.	Month/ Date	Book	Author	Presenter
1.	January 31	<i>The Headless Chicken and the Sparks: A Journey of Learning and Growing on the Run</i>	Rebecca Fatima, Angelina Gurunathan, Andreena Reeza Alwi and Alvin Ung	Hon. Drangpon Sangay Chedup, Gasa District Court
2.	February 29	<i>Counting Offenses</i>	Jeffrey M. Chemerinsky	Hon. Former Justice Tshering Namgyel, High Court
3.	July 31	<i>The Art of War</i>	Sun Tzu	Hon. Justice Lobzang Rinzin Yargay, High Court
4.	September 30	<i>Delog: Journey to Realms Beyond Death</i>	Delog Dawa Drolma	Mr. Kinzang Chedup, Sr. Legal Officer, BNLI

## VI. 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 and in 2019 the 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 at Ugyen Academy. This year the program was attended by 20 students from Shaba Higher Secondary School and Khangkhu Middle secondary School at Hotel Holiday Home, Paro from 11 – 13 February. The workshop was facilitated by 20 QUT students and three academic professors.





*QUT students and the Faculty with Her Royal Highness, the Hon. President of the Institute*

*Few Glimpses from the Workshop*





## VII. Educational Excursion

The 23rd Batch of Post Graduate Diploma in National Law (PGDNL) trainees (Class of 2020) visited the Institute on an educational excursion to the judiciary. Justice Kuenlay Tshering, who teaches Constitutional law at the RIM as the Visiting Faculty, led the delegation. Earlier in the day, the delegation visited the High Court and the Supreme Court, where they were exposed to judicial procedures and appellate norms of adjudication and trials. The program is aimed at making the course more experiential and immersive by familiarising the trainees with the court works and judicial profession.

The one-year diploma in national law is a crucial precursor to initiating the law graduates into their careers in public, corporate and private sectors. The trainees learn, unlearn and relearn to interpret or apply law and jurisprudence in the local context of people, culture and policies.

### *Glimpses from the Educational Excursion*

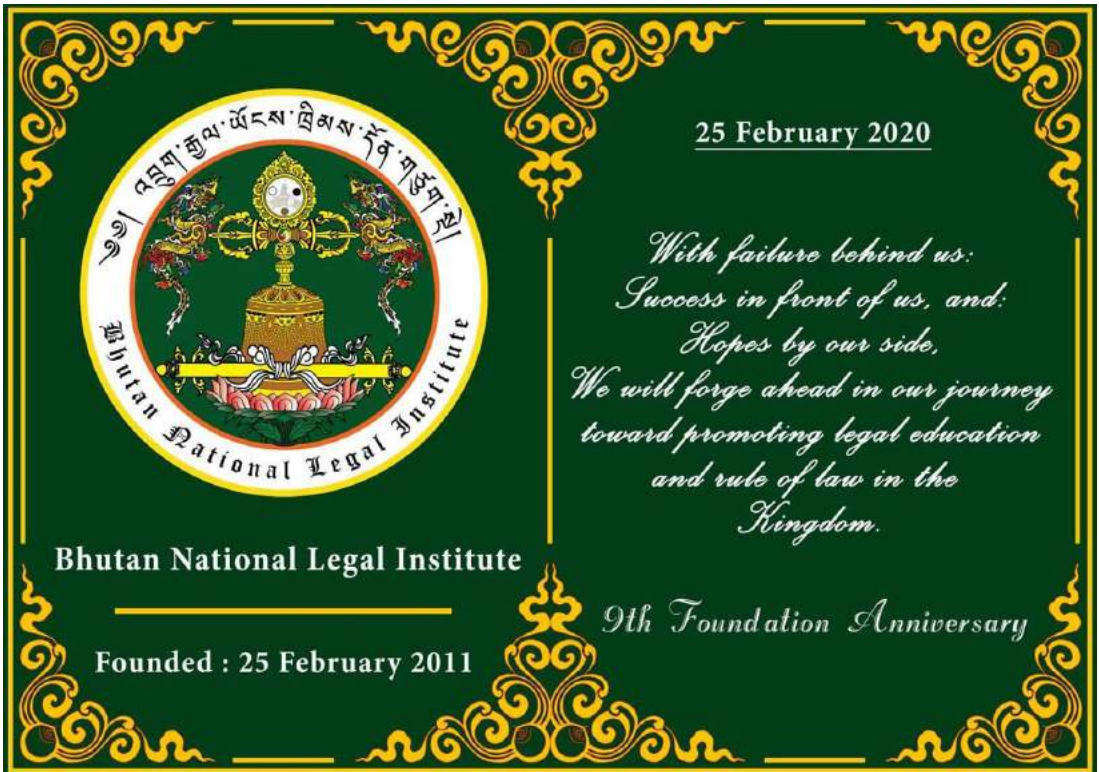




## VIII. Other Major Events

### 1. Ninth Foundation Anniversary of the Bhutan National Legal Institute

25 February 2020 marked the 9th foundation anniversary of the Bhutan National Legal Institute. On this day in 2011, the Hon. President of the Institute, Her Royal Highness Ashi Sonam Dechan Wangchuck established the Institute with a handful of staff. Since then HRH invested Her efforts in nurturing the Institute into a vibrant training, research and academic centre. Any organisation is as good as it's leaders and the people who work in it. We greatly value Her Royal Highness's exemplary and inspiring leadership; and the privilege of serving Tsa-Wa-Suum with her guidance. The achievements of an organisation are the results of the combined efforts of every individual working there. We thank all our past and present staff for their sacrifices and contribution toward growth of the Institute.

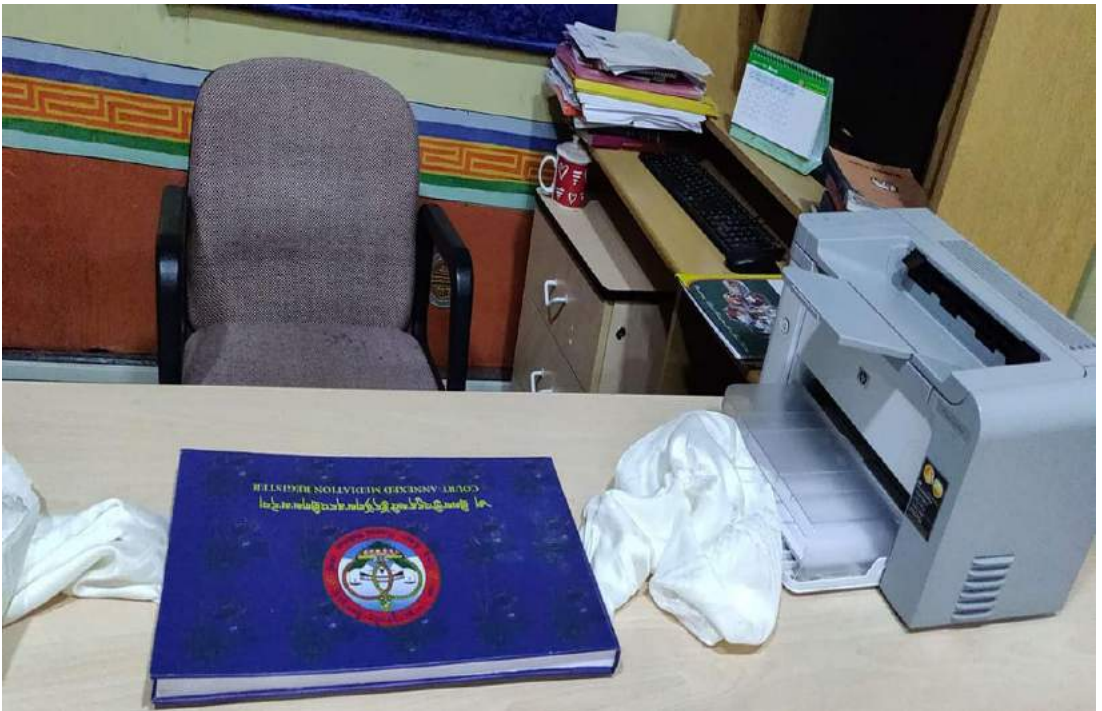


## 2. *Paro Dzongkhag Court established Court-Annexed Mediation Unit (CAMU)*

Paro Dzongkhag Court established Court-Annexed Mediation Unit (CAMU) on 5 March 2020. It is a significant milestone for Court. The Court-Annexed Mediation (CAM) system is a potent judicial reform and an additional and alternative judicial service for the people. According to the National Mediation Report 2019 the local government leaders of Paro have mediated over 700 civil cases in their community last year. This is a relief to a economically vibrant and prosperous Dzongkhag where the court is burdened with a heavy docket. More importantly, this means hundreds of people got their disputes resolved at no costs, with win-win outcomes and without straining or damaging their relationships. A major judicial reform for a GNH country in democratic transition, the nation-wide service was introduced by Her Royal Highness, Ashi Sonam Dechan Wangchuck, Hon. President of the Institute in October 2019 to afford yet another opportunity for the litigants to obtain inexpensive and expeditious judicial service with win-win results; with the potential opportunities to return to their community as spouses, friends and neighbours. Most of the courts have already established the system and the others are poised to roll out the services soon.



*During the Inauguration of Court Annexed Mediation Unit at Paro District Court*



*Court-Annexed Mediation Unit, Paro District Court*



### *3. Inaugural ceremony of the new Office of the Bhutan National Legal Institute at the Supreme Court complex*

His Eminence Vairochana Rinpoche Ngawang Jigme Jigten Wangchuck, Her Majesty Queen Mother Ashi Dorji Wangmo Wangchuck, Her Royal Highness Ashi Sonam Dechan Wangchuck, the Hon'ble President, and His Serene Highness Dasho Jigje Singye Wangchuck graced the inaugural ceremony of the new Office of the Bhutan National Legal Institute at the Supreme Court complex on 27 May 2020. It is now housed at the Library Wing of the Supreme Court Complex at Hejo, Thimphu. Justices of the Supreme Court and High Court, and officials of the Institute were present during the program.



*His Eminence Vairochana Rinpoche Ngawang Jigme Jigten Wangchuck, Her Majesty Queen Mother Ashi Dorji Wangmo Wangchuck, Her Royal Highness Ashi Sonam Dechan Wangchuck, the Hon'ble President, and His Serene Highness Dasho Jigje Singye Wangchuck during the inaugural ceremony of the new Office of the Bhutan National Legal Institute*

#### *4. Royal Civil Service Award Ceremony*

Her Royal Highness Ashi Sonam Dechan Wangchuck, the Hon. President of the Institute conferred the Royal Civil Service Award 2020 (Bronze Medal) for 10 years of dedicated service to the staff of Bhutan National Legal Institute (BNLI) and Jigme Singye Wangchuck School of Law (JSWL) on December 14, 2020. The BNLI family congratulated and conveyed appreciation to Khempo Ngawang Sherab Lhundrup, Assistant Professor (JSW Law)

Mr. Karma, Estate Manager (JSW Law), Mr. Sonam Tshering, Senior Lecturer, (JSW Law), Mr. Narayan Kumar Kamar Chhetri, Accounts Assistant IV (BNLI) and Mr. Tenzin, Sr. Bench Clerk (BNLI) for their commitment and dedicated service to the Tsa-Wa-Sum.



*Her Royal Highness Ashi Sonam Dechan Wangchuck with the Award Recipients*

## IX. A Summary of Programs and Activities

Sl. No.	Activity	Date	Participant	Remark
1.	Legal Education and Awareness Program (LEAP)	17 – 18 January	School Law Club Coordinators	Conducted in Lhaki Hotel, Phuntsholing. Facilitated by BNLI Officials
2.	69 <sup>th</sup> Session of the Judges Book Club	31 January	Judges and Lawyers	Presented by Hon. Drangpon Sangay Chedup
3.	Judicial Induction and Orientation Program (JIOP)	3 - 7 February	Registrars and Bench Clerks	Conducted in Osel Hotel, Thimphu. Facilitated by Justices, Judges and BNLI Officials
4.	Workshop on Legal Education and Awareness	11 – 13 February	School Law Club Members	Facilitated by the QUT students and three professional supervisors
5.	Publication of Bhutan Law Review Vol. XIII	21 February	BNLI Officials	Launched at BNLI Office
6.	Celebrated 9 <sup>th</sup> Foundation Anniversary of BNLI	25 February	BNLI Officials	Offered butter lamp at the Zilukha Nunnery
7.	70 <sup>th</sup> Session of the Judges Book Club	29 February	Judges and Lawyers	Presented by Hon. Justice Tshering Namgyel
8.	Publication of National Mediation Report	4 March	BNLI Officials	Launched at the BNLI by Hon. Director General
9.	Establishment of CAM Unit	5 March	Director General BNLI, Chief Judge Paro Court and other Dzongkhag Officials	Lam Neten, Paro Dzong inaugurated the CAM Unit
10.	Inaugural Ceremony of New BNLI Office	27 May	BNLI Officials	The new BNLI office is housed at the library wing of the Supreme Court
11.	Training on Interpretation of Laws	20 – 21 July	Bench Clerks	Conducted at the Conference Hall, BNLI
12.	The Workshop on ADR, Legal Aid and Pro bono Legal Services	28 – 29 July	Private Practitioners	Conducted at the Conference Hall, BNLI
13.	Educational Excursion	5 August	PGDNL Students	Visited BNLI and Supreme Court.
14.	ADR Workshop	9 October	PDGNL Trainees	Facilitated by BNLI

15.	Publication of Bhutan Law Review Vol. XIV	11 November	BNLI Officials	Launched by Hon. Justice Tashi Chhozom
16	Training of Trainers on Pedagogical Skills and Methodologies	18 – 20 November	Justices, Judges and Lawyers	Facilitated by RIM Faculty
17.	Moot Court Hearing	23 -24 November	PGDNL Trainees	Judged by Hon. Justice, Pema Wangchuk, Hon. Judge Kesang Choden and Hon. Judge Sangay Chedup
18.	Virtual Training on International Commercial Arbitration	9 – 11 December	Justices, Judges and Court Officers	Facilitated by the National Law University, Jodhpur, India
19.	Civil Service Award	14 December	BNLI and JSWL Staff	Conferred the medal by HRH, Hon. President of the Institute

## X. Faculty who joined the Institute in 2020

The Institute welcomed three new members to the family. Drangpon Pema Needup, Punakha District Court was appointed as the Director General of the Institute on 17 November, Mr. Pempa Shingdan, Registrar of the Supreme Court of Bhutan was deputed as Legal Officer on 30 July for the period of two years and Ms. Thinley Choden was appointed as P.S. to Her Royal Highness, the Hon. President of the Institute on 3 December.



*Hon. Chief Justice of Bhutan offering khaddar to the New Director General of the BNL*



*Drangpon Pema Needup, accepting the new role as the Director General of the Bhutan National Legal Institute*





*During the joining of Pempa Shingdan , Legal Officer at the BNLI*



## XI. Faculty who left the Institute in 2020

The Bhutan National Legal Institute bid farewell to two members of the family. Director General, Drangpon Lobzang Rinzin Yargay was elevated to the High Court and Sangay Chedup, former P.S. to the Hon. President of the Institute was appointed as the Drangpon of Gasa District Court.



*Former Director General, BNLI elevated to the High Court of Bhutan*



*Former P.S. to Her Royal Highness, the Hon. President of BNLI (First from the right row)*



## XII. Visiting Faculty of the Post-Graduate Diploma in National Law at Royal Institute of Management (RIM) Class of 2019 (22<sup>st</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 Hon. Justices, Judges and Legal Officers are the visiting faculties.

**Hon. Justice Kuenlay Tshering, Supreme Court** is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He taught Constitutional Laws to the Post-Graduate Diploma in National Law trainees (PGDNL) Class of 2020.

**Hon. Justice Duba Dukpa, Chief Justice of the High Court** is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He taught Legal Drafting to the Post-Graduate Diploma in National Law trainees, (PGDNL) Class of 2020.

**Hon. Justice Lobzang Rinzin Yargay, High Court** is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He taught Criminal Laws (Penal Code of Bhutan) to the Class of 2019 and Moot Court to the Post-Graduate Diploma in National Law trainees, (PGDNL) Class of 2020.

**Hon. Drangpon Wangchuk Drukpa, Thimphu District Court** is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He taught Company Law to the Post-Graduate Diploma in National Law trainees (PGDNL) Class of 2020.

**Hon. Drangpon Sangay Chedup, Gasa District Court** is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He taught Law of Contract to the Post-Graduate Diploma in National Law trainees (PGDNL) Class of 2019 and Legal Research Writing to the Class of 2020

**Mr. Kinzang Chedup, Sr. Legal Officer, Bhutan National Legal Institute** is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He taught Criminal Laws (Penal Code of Bhutan) to Post-Graduate Diploma in National Law trainees (PGDNL) Class of 2020

**Mr. Jangchuk Norbu, Sr. Legal Officer, Bhutan National Legal Institute** is a Visiting Faculty at the Royal Institute of Management, Semtokha, Thimphu. He taught Civil and Criminal Procedure Code to Post-Graduate Diploma in National Law trainees (PGDNL Class of 2020)

**Ms. Dechen Lhamo, Sr. Legal Officer, Bhutan National Legal Institute** is a Visiting Faculty at the Royal Institute of Management, Simtokha, Thimphu. She taught Law of

Contract to Post-Graduate Diploma in National Law (PGDNL) trainees Class of 2019 and Law of Property and Evidence to the PGDNL Class of 2020.

**Ms. Tshering Dago Wangmo, Legal Officer, Bhutan National Legal Institute** is a Visiting Faculty at the Royal Institute of Management, Simtokha, Thimphu. She taught Law of Contract to Post-Graduate Diploma in National Law trainees (PGDNL) Class of 2020

### XIII. List of Present Staff

The Bhutan National Legal Institute has 23 staff at present. The Institute consists of one Division and six Sections. While the Administration and Finance Section is 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 are under the administrative supervision of the Research, Training and Education Division (R-TED).

Sl.No.	Official	Designation
1.	HRH, Ashi Sonam Dechan Wangchuck	The Hon. President
2.	Pema Needup	Director General
3.	Kinzang Chedup	Sr. Legal Officer
4.	Jangchuk Norbu	Sr. Legal Officer
5.	Dechen Lhamo	Sr. Legal Officer
6.	Tshering Pem	Sr. Legal Officer
7.	Tshering Dago Wangmo	Legal Officer
8.	Pempa Shingdan	Legal Officer
9.	Thinley Choden	P.S. to the Hon. President
10.	Tenzin Yangzom	Research Officer
11.	Sonam	Deputy. ICT Officer
12.	Pema Zangmo	Administrative Officer
13.	Narayan Kumar Kamar Chhetri	Accountant
14.	Phuntsho Zangmo	Accountant
15.	Tenzin	Legal Assistant
16.	Tshering Lhamo	Store Assistant
17.	Tashi Lhamo	Administrative Assistant
18.	Ugyen Tshomo	P.A. to the Director General
19.	Ugyen Tshomo	Dispatcher
20.	Dorji Rinchen	Driver

21.	Ashman Gurung	Security Guard
22.	Thukten Lhamo	Gardener
23.	Tshelthrim Zam	Sweeper

#### XIV. 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