

Annual Report 2023



Bhutan National Legal Institute





“First, I want to know if you have heard about the development of a new city in Gelephu. Good, I’m pleased that the community representatives I met over the year have kept you well informed.

Today, I want to formally share plans for the new city in Gelephu to establish an economic hub for Bhutan. It is important that you fully understand why we are embarking on this national initiative.

South Asia is experiencing an unprecedented economic transformation. This is a period of growth and a period of immense opportunities for our region, which is home to around two billion people.

The land connection from Gelephu or Samdrup Jongkhar through Assam and Northeast Indian states, to Myanmar, Thailand, Cambodia Laos, Vietnam, Malaysia and Singapore, is a vibrant economic corridor linking South Asia to Southeast Asia. We are in a unique

position to reap great benefits if we seize the opportunity, make good plans, and work together diligently.

Some have suggested that we export high-value Bhutanese products, like Bumthang honey, organic fruits and mushrooms to niche markets in the Middle East, Singapore or Japan. Such efforts may help but they won't bring us sustained prosperity.

I empathize with our youth who are at a crossroads. Given limited opportunities at home, they are faced with the challenging decision to move abroad for better incomes. Even our professionals— doctors, nurses, engineers, teachers, lawyers, architects and engineers, are in a similar position. Separated from their families and friends, they make sacrifices to venture abroad for the sake of their children's future.

Our challenge is that we have barely 700,000 people in our country. Unless we find the right solution, our population may dwindle to the point when we have more shops than customers, more restaurants than diners, and more houses than tenants. Guided by our collective aspirations and concerns, a clear path unfolds before us. Our immediate goal is for Bhutan to become a developed country.

To our fellow Bhutanese living abroad, know that you are always in my thoughts. You are part of the reason why we conceived this Gelephu project. Even though you are away from home, I know your hearts are with us in Bhutan. You yearn to be home with your family and friends. If you could choose, you would be here. The Gelephu project is to enable you to return. In the meantime, please work hard and gain knowledge and skills. Your experience and exposure overseas will be invaluable for Bhutan as we build our future together.”

Excerpt of His Majesty's Address to the Nation on the 116th National Day, 2023

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FOREWORD

from the Director General



The Bhutan National Legal Institute is delighted to present its Annual Report for the year 2023 as part of its annual publications. This year has been notably successful for the Institute, and the report amalgamates information from the Annual Activity Report, Annual Mediation Report, Annual Court-Annexed Mediation Report (CAM), and Legal Aid Center Service (LAC) Report. This consolidation aims to create a comprehensive, single-document report that encapsulates various aspects of the Institute's activities under the umbrella of the Annual Report. This approach enhances the report's comprehensiveness and reduces the need for multiple, separate publications.

We anticipate that this report will offer a comprehensive overview of the Bhutan National Legal Institute's activities and our contributions to improving access to justice. Our efforts aim to create an environment that fosters knowledge and capacities for mutual settlement and community dispute negotiations, reinforcing a Gross National Happiness (GNH)-based way of life. Rooted in the values of community, legal knowledge, and awareness, this approach serves as a vital foundation for a happy and mutually beneficial coexistence.

The diverse tasks and activities undertaken not only fulfill the mandates of the Bhutan National Legal Institute but also contribute to strengthening the delivery of justice services. These services encompass legal education, mediation services, and legal aid services to communities, promoting a society based on the rule of law and an educated legal conscience. A noteworthy institutional activity in 2023 involved the skilling and re-skilling of local leaders

in mediation techniques. The financial support received from the Austrian Development Agency (ADA) under the Justice Sector Programme (2018-2023), the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), along with budgetary support from the Royal Government of Bhutan (RGoB), played a crucial role in achieving our institutional and broader justice-related goals. The success achieved can be attributed to collaborative efforts within the institution and dedicated teamwork, allowing the Bhutan National Legal Institute to fulfill its core mandates in proliferating legal and judicial education, as well as providing various academic and research services to enhance access to justice and quality judicial services.

In keeping with our institutional core values of excellence, professionalism, synergy, integrity, and knowledge, we will set the basis for our way forward and strive to achieve optimal impact within the limited resources allocated to us. We look forward to achieving much more in the coming years.



(Pema Needup)

OUR VISION

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

OUR MISSION

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

CORE VALUE

EXCELLENCE: We strive for excellence in the pursuit for our Vision, Mission, Goals and Objectives, as well as discharge of our mandates and serve the Tsa Wa Sum.

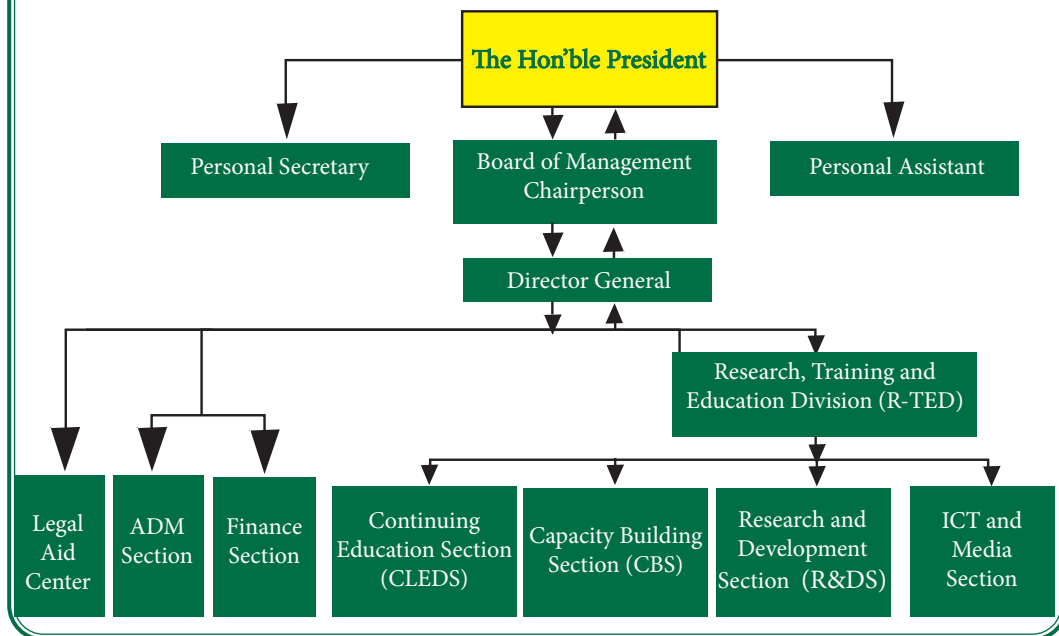
PROFESSIONALISM: Our services are informed, relevant and mindfully delivered for progressive changes and development.

INTEGRITY: Our programs are informed, precise, effective, relevant, consistent and timely.

KNOWLEDGE: We continuously learn, improve and grow in the process of helping others acquire knowledge and skill, and lead education for a free, fair and just society.

SYNERGY: We build and nurture respectful relationships among our stakeholders and collaborate and work as a team to achieve our goals and objectives.

ORGANOGRAM



To create a center for excellence in judicial education, research and training, the Institute functions as per its organizational structure as mirrored above. The President is the head of the Institute, and the Board of Management in consultation with the President oversees the plans and policies of the Institute. Administration and management of the Institute are vested with the Director General who acts as per the guidelines formulated by the Board.

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

I. The Legal Aid Center

The Bhutan National Legal Institute (BNLI) established the Legal Aid Center on October 19, 2022 following the Royal Command. The President of BNLI, Her Royal Highness Princess Sonam Dechan Wangchuck, and Chief Justice Chogyal Dago Rigdzin graced the inaugural ceremony. Along with the inauguration of the Center, the Legal Aid Inception Document and the Legal Aid Rules 2022 were launched. The Center is expected to further strengthen

the rule of law and the justice system by enabling all the people to access the courts and the legal process as enshrined in Article 9.6 of the Constitution. Legal aid is indispensable, especially for indigent persons, to have fair and full access to the justice system. The Center is expected to enhance services of law and Justice to the people.

II. Research, Training and Education Division (R-TED)

The Research, Training and Education Division is the core academic component of the Institute.

III. Continuing Legal Education Section (CLES)

The CLES provide and conduct pre-and in-service courses and training for judicial personnel. It is to enhance the capacity of the judicial personnel and to ensure that throughout their career, they keep abreast with law and jurisprudence, maintain the ethics of the profession and enhance the standards of the practice of law. The Section has two major functions - Mandatory Continuing Judicial Education (MCJE) and Specialized Training.

IV. Capacity Building Section (CBS)

This Section looks after building the capacity of the judicial personnel, legal fraternity and relevant stakeholders. The major role of the Institute, as mandated by the Act, is being carried out by this Section. The following briefly provides the mandates of this Section:

- a. Create a forum for the exchange of views and ideas on judicial or legal matters amongst the Courts;
- b. Organize and hold meetings, conferences, lectures, workshops, symposiums and seminars to improve the professional expertise, knowledge and skills of the Judicial Service Personnel;
- c. Formulate and conduct training in various aspects of the administration of justice;
- d. Conduct legal dissemination and awareness programs; and
- e. Explore the exchange of ideas, experience, and programs with other similar institutions both within and outside Bhutan.

V. Research and Development Section (R&DS)

This Section is responsible to formulate, direct, and coordinate all research and development programs. The R&DS also introduce new legal developments and processes into the overall strategy of the Institute and make recommendations for the improvement in the administration of justice. More importantly, this Section is responsible to identify and streamline training needs for judicial personnel through constant research. Following are the brief outlines of the areas of research under this Section:

- a. Review and analysis of important court judgments;
- b. Performance analysis of the courts;
- c. Comparative analysis of the judicial notification;
- d. Research on Emerging Legal Issues, Bills, and legislations passed by the Parliament;
- e. Research and publication;
- f. Research Services to the courts; and
- g. Translation of legal materials.

VI. ICT Section

The ICT Section strives toward achieving the following activities of the Institute:

- a. Provide for and organize periodical Information Communication and Technology (ICT) training; and
- b. Provide library facilities and other educational and technological materials for the Judiciary. The ICT Section is being overseen by ICT Section of the Supreme Court of Bhutan.

VII. Administration Section

Like any other Section, Administration Section is very important for the Institute to grow and develop. The Administration Section looks after the overall administrative matters of the institute and includes human resource management. The administration is responsible for providing all possible support to other sections. The division strives to provide adequate human resources in order to function in other Sections uninterruptedly. This Section ensures effective management of the general administration of the Institute, personal administration, office properties, and maintains communication or communicate with other relevant organizations in administrative matters.

VIII. Finance Section

The Finance Section is crucial to carry out the plans and activities of the Institute. As part of the institutional reformulation and clustering of the services, the Finance Section has been moved to the Supreme Court of Bhutan in 2022. The Supreme Court of Bhutan administers and provides financial services to the Bhutan National Legal Institute.

PROGRAMMES AND ACTIVITIES

TRAINING & WORKSHOPS

Mediation Training and other Capacity Development Programmes

Capacity development of the judicial personnel is a contextually prerequisite element in judicial education. With evolving laws, legal infrastructure, and the demands for advanced legal and judicial services, legal and judicial education is imperative in the modern-day administration of Justice. As part of the institutional effort to leverage judicial education, enhance skills, re-skill, and equip with the necessary expertise, and tools, and meet the challenges of Justice brought in by time, the Bhutan National Legal Institute continues to conduct relevant, timely, and ‘focus-based’ training programs on different aspects of laws, and the administration of Justice. As an integral institution of the Royal Courts of Justice and the Judiciary, the Bhutan National Legal Institute looks forward to undertaking advanced judicial and legal education programs to enhance judicial and legal services and promote the skills of the Judges and the judicial personnel. In the year 2023, the following activities were initiated as part of continuing judicial and legal education initiatives.

Sl. No.	Participant	Date & Venue	No. of Participant	Remark
1	Judicial Induction and Orientation Programme	11-12 January 2023	8 (Acting Judges and Court Registrars)	
2	Paralegals (Consultative Workshop on Mediation Process & Settlement Agreements)	3 March 2023	20	Online Workshop
3	Mangmis (Last Batch)	24-28 April 2023 at Haa	37 Mangmis (Gasa, Haa, Thimphu and Zhemgang Dzongkhags)	Mangmis who missed the training earlier also attended
4	Bench Clerks, Royal Court of Justice	8-12 May 2023 at Phuentsholing	30	Phase VII
5		17-21 May 2023 at Bumthang	30	Phase VIII
6		29 May - 2 June 2023 at Paro	26	IX (Final Phase)
7	Scholar Forum- A “Short History of Constitutional Review”	26 June 2023	Justices, Judges, Registrars and Legal Officers	Scholar Forum
8	Training on Sumtag and Ngagdroen	14-18 August 2023	10 Legal Officers of FSPs	

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9	Training on Interpretation of Statutes and Judgment Drafting	10-14 October 2023	33 (15 Registrars and 18 Bench Clerks)	Registrars and Bench Clerks
10	Thromde Thuemis	11-15 October 2023 at Phuentsholing	26 (14 Thromde Ngotshabs and 12 Thromde Tshogpas)	
11	Legal Service Providers	16-20 October 2023 at Paro	19 (Paralegals including 4 retired Judges from private law firms)	
12	Prosecutors & Clerks of Royal Bhutan Police and Royal Armed Forces Court of Justice	13-17 November 2023 at Paro	15 (10 Prosecutors from RBP & 5 Clerks from Royal Bhutan Armed Forces Court of Justice)	
13	LG Leaders	20-23 December 2023 (Phase I)	Gups, Mangmis & Tshogpas of 32 Gewogs (Monggar & Trashigang Dzongkhags)	Online Refresher Course
14	LG Leaders	27-28 December 2023 (Phase II)	Gups, Mangmis & Tshogpas of 51 Gewogs (Lhuentse, Pema Gatshel, Samdrup Jongkhar, Tashi Yangtse, Trongsa & Zhemgang Dzongkhags)	Online Refresher Course

JUDICIAL INDUCTION AND ORIENTATION PROGRAM (JIOP)



Judges and Judicial Officers play a ‘critical role’ in the administration of Justice. They represent the ‘strongest pillars of Justice’ and it is through them that Justice is pronounced, and advanced. Recognizing the importance of adequately preparing the newly appointed Judges and Court Registrars to fulfill their judicial duties effectively, the Institute designed the program to enhance judicial competence and facilitate a smooth transition to the judicial office through education and training.

Its primary focus was to develop the necessary judicial skills, knowledge, and attitudes required for efficient judging and facilitation of judicial proceedings. As part of this program, which is a capacity-building, information-sharing, and orientation program, the Institute organized a two-day Judicial Induction and Orientation Program (JIOP) for the Acting Judges and Court Registrars on 11 January 2023. This program is part of the Institute’s Continuing Judicial Education and Professional Development initiative for judicial personnel.

SCHOLAR FORUM - “A SHORT HISTORY OF CONSTITUTIONAL REVIEW”

The Bhutan National Legal Institute in collaboration with the Jigme Singye Wangchuck School of Law (JSW Law) organized a Scholarly Forum on ‘A Short History of Constitutional Review’ by Professor Tom Ginsburg on 26 June 2023.

In his lecture, Prof. Thomas Ginsburg discussed the role of Buddhism in constitutional thinking in Southeast Asia and Northeast Asia, particularly in Bhutan. He emphasized the importance of constitutional monarchy and the role of Buddhist ideas in integrating Buddhist ideas into the Constitution. Constitutional review, which involves judges setting aside the law of a legislature if it is incompatible with the constitution, has been a significant principle in global governance for the last 200 years, particularly in the last 50 years. The idea of judges having the final word on whether a law is constitutional is rooted in the Judeo-Christian tradition, which emphasizes the importance of a higher law and a lower law. He mentioned the possibility of Buddhist constraints on the actions of the Kings, but there is no evidence of such a possibility in the region where he is studying (in Thailand).

In terms of the history of judicial review, it has been influenced by religious ideas and the American Revolution. America was the only country to have it for a long time, but in 1920, Hans Kelsen, an Austrian scholar, faced the problem of multiple lawmakers in Austria. The constitution introduced the problem of higher law and lower law, as state laws had independent power. The evolution of judicial review can be traced back to American colonial history, where the idea of a written constitution emerged. The American colonies were formed under contracts with their governments, with judges retained power and expected judges to enforce the Constitution. However, the American Constitution did not explicitly state that judges have the power to set aside laws, which has led to ongoing debates over its legitimacy and scope.

Prof. Thomas Ginsburg also discussed constitutional questions faced by countries like Israel, Poland, and Hungary. A case study of COVID-19 was also discussed, in which the judiciary played an important role in ensuring that the government is doing enough to protect people from COVID-19. In conclusion, Prof. Ginsburg’s lecture highlights the importance of judicial review in global governance and the ongoing debates surrounding its legitimacy and scope. Current criticisms of judicial review include judicialization of politics (judges extending their decisions into the political sphere), judicial politicization, and democratic backsliding. Nonetheless, judicial review, when used properly, can create a balance between opposing interests and protect citizens’ rights.

TRAINING ON SUMTAG AND NGAGDROEN

Sumtag (Grammar) and Ngagdroen (Terminology) Training for Private Lawyers of the Financial Service Providers

Sumtag (Grammar) and Ngagdroen (Terminology), which partly emulates Choekey, the ancient liturgical language from the basis of Dzongkha language structure and framework. With the evolution of Dzongkha Grammar and Terminologies, in conjunction with its ancient classical linguist conventions, Grammar and Terminology serves as a quintessential part of the Dzongkha structure. Modern correspondence and writing skills in Dzongkha require adequate skills in ‘descriptive grammar’ and not normative grammar. Dzongkha phonology, terminology, and grammar are the bastions of the modern language criterion; and it becomes a tool that has to be studied ‘with time’ so that it remains relevant, and informed.

The training project is a multilateral program that will be achieved through liaising with the FITI, the BNLI, and other key stakeholders, who have adequate professional expertise in the field. In this Dzongkha Grammar Training Programme, the Bhutan National Legal Institute worked together with professionals who are experts in Dzongkha from the Royal Institute of Management (RIM) as a collaborative approach to knowledge sharing.

The training covers the essentials of grammar, terminology, and language structure. The objectives of the training are to enhance presentation skills in the Courts with appropriate Grammar, linguistics, semantics, and terminology; and to improve Dzongkha legal writing competencies by mastering skills in Dzongkha grammar, terminology, and phonology among others. The training was attended by 10 Legal Officers of five Financial Institutions.



EMPOWERING PARALEGALS: CONSULTATIVE WORKSHOP ON MEDIATION PROCESS AND SETTLEMENT AGREEMENTS



The Institute conducted a half-day Online Consultative Workshop for Paralegals on the Mediation Process and Settlement Agreement on 3 March 2023. The workshop was aimed at creating a uniform understanding of the effective mediation process and drafting of the settlement agreement as per the mediation principles and the Alternative Dispute Resolution Act of Bhutan 2013. The workshop covered a few fundamentals including principles and advantages of mediation, stages of mediation, cases that can be mediated and that cannot be mediated, and drafting of the general agreement vis-à-vis settlement agreement. Further, it also discussed issues and challenges faced by the paralegals while providing mediation services. A total of 20 paralegals attended the Workshop.

FOSTERING EMPOWERMENT: MEDIATION TRAINING FOR MANGMIS (FINAL PHASE)



In the sixth and final phase of training, a total of 38 Mangmis from Gasa, Haa, Thimphu and Zhemgang Dzongkhags including some Mangmis from Paro and Wangdue Phodrang (who missed the earlier phases) underwent training on Mediation Skills and Techniques at Haa from 24-28 April 2023. With this, the Institute has trained all the Mangmis of 205 Gewogs which began in May 2022. The training, funded by Austrian Development Agency (ADA) was aimed at equipping local leaders with the skills and techniques required for resolving disputes in their respective communities.

EMPOWERING BENCH CLERKS: COURT-ANNEXED MEDIATION TRAINING FOR ENHANCED CONFLICT RESOLUTION SKILLS



Since the inception of the Court-Annexed Mediation Unit (CAMU) in 2019, the Bench Clerks have undergone a structured training program to enhance their proficiency in Court-Annexed Mediation. This initiative not only equips them with essential mediation skills but also encourages them to actively contribute pro bono mediation services alongside their adjudication responsibilities. The training program was divided into three distinctive phases, strategically designed to ensure comprehensive coverage and competence across all Bench Clerks.

The primary goal of the training was to familiarize Bench Clerks with Alternative Dispute Resolution (ADR) concepts, placing a specific emphasis on practical skills and techniques essential to effective mediation. By incorporating a multifaceted approach, the program aims to instill a deep understanding of ADR principles while providing hands-on experience to bolster their proficiency in mediation practices.

Through these well-structured phases, Bench Clerks not only gain theoretical knowledge but also develop the practical expertise needed to excel in their dual roles as mediators and adjudicators. This comprehensive training ensures that Bench Clerks are well-prepared to navigate the complexities of mediation, fostering an environment conducive to fair and efficient resolution of disputes.



Ultimately, the integration of Court-Annexed Mediation into the responsibilities of Bench Clerks not only enhances the overall efficiency of the judicial process but also reflects a commitment to providing accessible and effective mediation services to the community.

The seventh phase of training took place in Phuentsholing from May 8-12, 2023, attracting the participation of 30 Bench Clerks representing diverse Courts. Building on this success, the eighth phase of training took place in Bumthang, where 30 Bench Clerks underwent training from 17-21 May 2023. The momentum continued into the ninth and final phase, encompassing 26 Bench Clerks from the Supreme Court, High Court, Punakha, Paro, Bumthang Dzongkhag Courts, Lhamoizingkha, and Phuentsholing Dungkhag Courts. This conclusive phase transpired in Paro, spanning from May 29 to June 2, 2023.



The successful completion of these comprehensive training initiatives for all Bench Clerks was made possible through the generous support of the Royal Civil Service Commission (RCSC) through GoI-PTA. To date, a total of 251 Bench Clerks have successfully participated in and completed training programs focused on Court-Annexed Mediation. This robust investment in professional development not only underscores the commitment to enhancing the capabilities of the Bench Clerks but also signifies the dedication to promoting effective dispute resolution mechanisms within the judicial system.

ENHANCING CONFLICT RESOLUTION SKILLS: MEDIATION TRAINING FOR THROMDE THUEMIS



After successfully concluding training for all Mangmis across 205 Gewogs, a comprehensive and intensive five-day training session focused on mediation skills and techniques was conducted for 26 Thromde Thuemis. This specialized training, which took place from September 11-15, 2023, in Phuentsholing, was attended by 14 Dzongkhag Thromde Ngotshabs and 12 Thromde Tshogpas. The program aimed to equip these leaders with the necessary skills and knowledge to effectively mediate and resolve disputes within their respective jurisdictions.

Similar to Local Government (LG) leaders in the Gewogs, Thromde Thuemis play an active role in mediating cases within their jurisdictions. Recognizing the pivotal significance of mediation within Thromdes, the training program was meticulously designed to impart Thromde Thuemis with essential skills and techniques. The strategic focus of the training was to equip these leaders with the necessary tools for effectively resolving disputes within their respective areas.

The overarching objective was to empower Thromde Thuemis, enhancing their capabilities in facilitating mediation processes within Thromdes. By doing so, the training aimed to contribute significantly to the efficiency of conflict resolution, ensuring that these leaders can play a pivotal role in fostering harmony and resolving disputes at the local administrative level.



MEDIATION TRAINING FOR PARALEGALS TO ENHANCE CONFLICT RESOLUTION SKILLS



Paralegals play a crucial role in providing legal services to the public, engaging in tasks such as mediating and negotiating disputes, drafting agreements and petitions for court submission on behalf of clients, as well as creating and executing various legally effective instruments. Among the core responsibilities of paralegals is the facilitation of mediation and negotiated settlements, which is considered the optimal approach for resolving disputes and gaining the trust of involved parties.



To enhance their capabilities in mediation, a comprehensive training program was conducted for a group of 19 paralegals, including four retired judges, from October 16 to 20, 2023, in Paro. This training initiative was made possible through the generous financial support of the Austrian Development Agency (ADA). The primary objective of the training was to equip these legal professionals with the essential skills and techniques necessary for effective mediation and conflict resolution. The commitment to advancing the expertise of paralegals underscores the importance of fostering a legal environment where disputes can be efficiently addressed through mediation, promoting a more amicable resolution for all parties involved.

MEDIATION TRAINING FOR PROSECUTORS AND CLERKS FOR ENHANCED



Ten prosecutors from the Royal Bhutan Police, along with five clerks from the Royal Bhutan Armed Forces Court of Justice, participated in a pivotal mediation skills and techniques training course held in Paro from November 13 to 17, 2023. This valuable training initiative was made possible through the generous funding provided by the Austrian Development Agency (ADA).

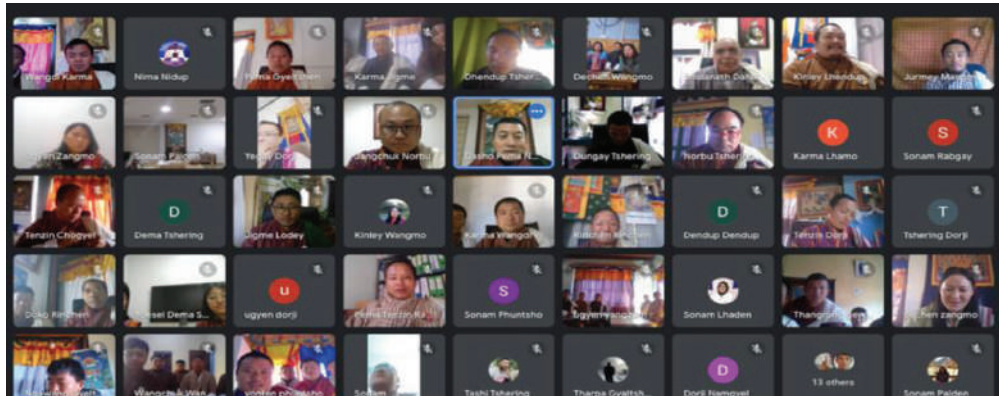


The training underscored the significance of police prosecutors in comprehending the mediation process, especially in handling domestic violence cases. While emphasizing the non-compromising stance on cases, it acknowledges specific conditions under which compromises are permitted, according to the Domestic Violence Prevention Act of Bhutan, 2013 and the Royal Bhutan Police (Amendment) Act of Bhutan, 2022. The role of police personnel may also include facilitating and advising parties involved in permissible compromises, emphasizing the importance of their deep understanding of mediation skills and techniques for effective guidance.

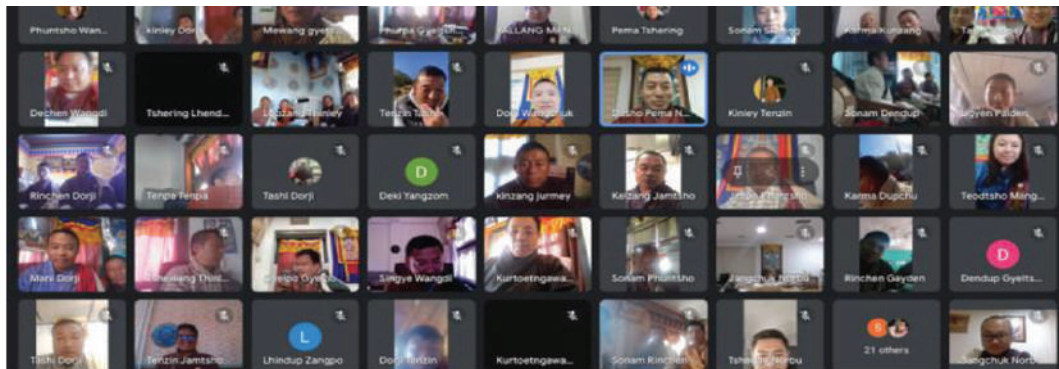


Furthermore, extending beyond the context of individual cases, this training program played a crucial role in equipping police personnel with the necessary skills to manage conflicts that might emerge among their colleagues. By imparting a profound comprehension of mediation, the training actively contributed to cultivating a more cohesive and collaborative atmosphere within the police force. Similarly, the program proved instrumental for clerks at the Armed Forces Court of Justice, enabling them to adeptly mediate in family matters and civil cases, thereby enhancing their effectiveness in resolving diverse legal disputes.

EMPOWERING LOCAL GOVERNMENT LEADERS: ONLINE MEDIATION REFRESHER COURSE



Following the completion of mediation training for Mangmis across 205 Gewogs, the Institute conducted a comprehensive impact assessment study. The findings revealed tangible benefits and a notable improvement in proficiency among community leaders in mediating disputes. The assessment report underscored the necessity for a Mediation Refresher Course to ensure that Local Government (LG) leaders consistently update their skills and remain abreast of evolving mediation techniques.



As a response to this identified need, a series of two-day online refresher courses were strategically scheduled in five different phases, commencing on December 20, 2023, and extending until January 26, 2024. This Online Refresher Course was specifically tailored for Gups, Mangmis, and Tshogpas from all 205 Gewogs, reflecting a commitment to broader participation in the initiative.

As of December 31, 2023, LG leaders from 83 Gewogs have completed the first two phases, with the remaining three phases scheduled to continue from January 2024 onward. This ongoing effort signifies a dedication to sustaining and enhancing the mediation skills of

local leaders for the greater benefit of their communities.

In a collaborative effort to enrich the overall learning experience, judges from the respective Dzongkhags actively participated in the course. This inclusive approach was designed to create a platform for the exchange of views, knowledge, and discussions on the challenges faced by Local Government (LG) leaders, especially in navigating legal issues, with a specific emphasis on mediation.

TRAINING ON INTERPRETATION OF STATUTES AND JUDGMENT DRAFTING

Crafting a judgment is an art that demands the adept application of law and logic. Courts, in delivering decisions, must articulate the rationale not only for the immediate parties involved but also for a broader audience. Given the profound impact of judgments on numerous lives, they should possess a meaningful quality that resonates with all readers. These judicial decisions function as precedents, guiding the actions of judges, lawyers, legal scholars, law students, court users, media, businesses, government entities, and the wider community.

As public documents, written judgments should transcend the understanding of legal professionals and be accessible to the general public. Ensuring clarity and comprehensibility to a broad readership enhances the transparency and effectiveness of the legal system, fostering a greater understanding of the principles and implications underlying judicial decisions.

As part of the Capacity Building and Continuing Judicial Education Program for Judicial Personnel, a five-day Integrated Training on Judgment Drafting and Interpretation of Statutes was conducted in Punakha from October 10 to 14, 2023. This phase of the training saw the participation of 18 bench clerks and 15 court registrars, essential figures in the administration of justice who provide invaluable support to judges in daily judicial proceedings, encompassing case analysis and judgment drafting.

The primary objective of the training was to empower participants with comprehensive skills and a deep understanding of the principles governing statutory interpretation and the art of crafting well-structured judgments. Recognizing the pivotal role of registrars and bench clerks, the training aimed to enhance their proficiency in deciphering legislative texts and formulating effective judicial decisions. This profound comprehension of the rules of interpreting parliamentary acts is essential for judicial officers in fulfilling their responsibilities.

The training program emerged as a valuable and enriching experience for all participants. The integration of theoretical knowledge, case studies, and practical exercises proved

instrumental in fostering the development of practical skills and a nuanced understanding of the intricacies inherent in statutory interpretation and judgment drafting. Participant feedback underscored the program's effectiveness in significantly improving their proficiency in these vital legal skills.

The positive outcomes observed in this training initiative emphasize the importance of continued efforts in refining and expanding such programs. By consistently offering comprehensive training experiences, the legal community can undoubtedly contribute to the ongoing professional development of legal practitioners, ensuring a well-equipped and adept cohort of professionals in the field.



LEGAL AID REPORT 2023



Bhutan National Legal Institute
LEGAL AID CENTER

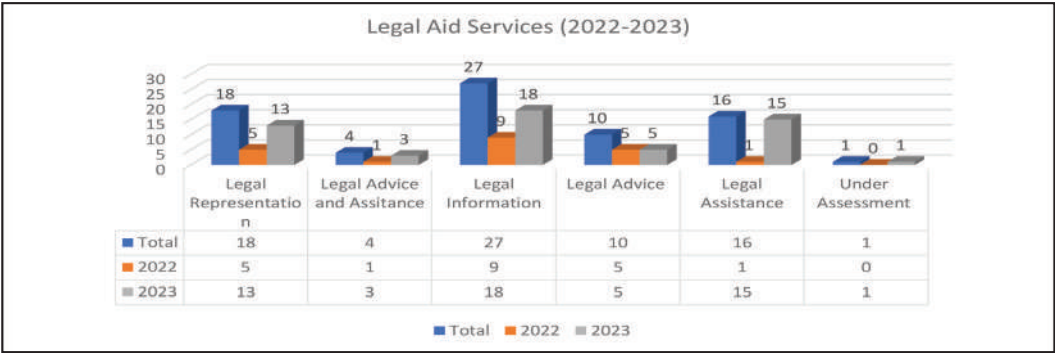
LEGAL AID SERVICES IN 2023

The Bhutan National Legal Institute established the Legal Aid Center on 19 October 19 2022. This Report outlines and presents a comprehensive overview of the multifaceted legal aid services meticulously provided by the Legal Aid Center throughout 2023. It evaluates the efficacy, impact, and vast scope of the services rendered, aimed at illuminating the unwavering commitment of the Center towards offering accessible legal aid to individuals navigating various legal complexities and in dire need of support. Throughout the year, the Center has strived to uphold and ensure access to justice by educating people on their rights and advocating the importance of legal representation regardless of their socioeconomic backgrounds or circumstances.

Sl. No.	Program/Activity	Date & Venue	Remarks
1	Sensitization Workshop for Private Lawyers on Legal Aid Rules and Pro Bono Guidelines	27 June & 11 July 2023	50 lawyers attended the Workshop
2	Sensitization Workshop on Legal Aid and Relevant Laws for LG Leaders of Trongsa	25-26 August 2023	Attended by the Local Leaders of Trongsa
3.	Sensitization on Legal Aid to Civil Society Organizations (CSOs)	20 October 2023	Civil Society Organizations (CSOs)
	Training on Child-Friendly Legal Aid for Private Lawyers	1-4 November 2023	25 Private Practicing lawyers and staff of the Bhutan National Legal Institute and the LAC

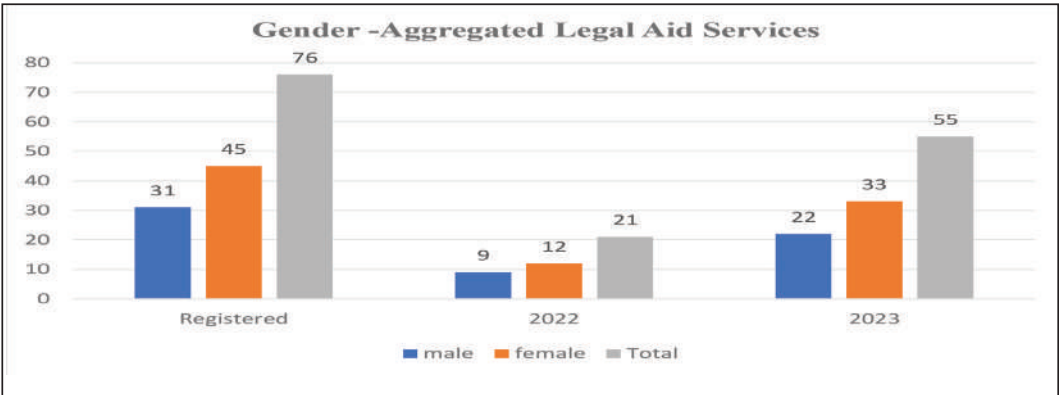
LEGAL AID BY LAC (2022-2023)

Types of Service	Total	Year-2022	Year-2023
Legal Representation	18	5	13
Legal Advice & Assistance	4	1	3
Legal Information	27	9	18
Legal Advice	10	5	5
Legal Assistance	16	1	15
Under Assessment	1		1
Total	76	21	55



Gender-Aggregated Legal Aid Service (2022-2023)

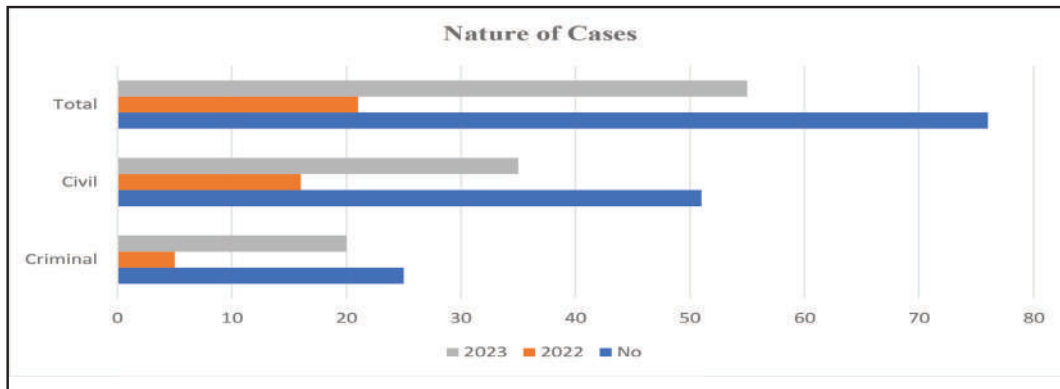
Sex	No. of Reg.	Year-2022	Year-2023
Male	31	9	22
Female	45	12	33
Total	76	21	55



Nature of Cases (2022-2023)

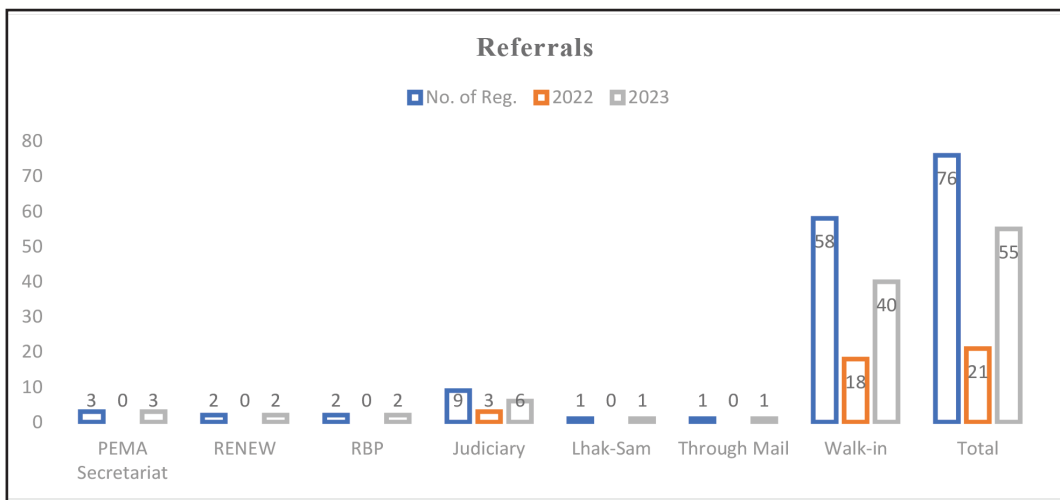
Case	No. of Reg.	Year-2022	Year-2023
Criminal	25	5	20
Civil	51	16	35
Total	76	21	55

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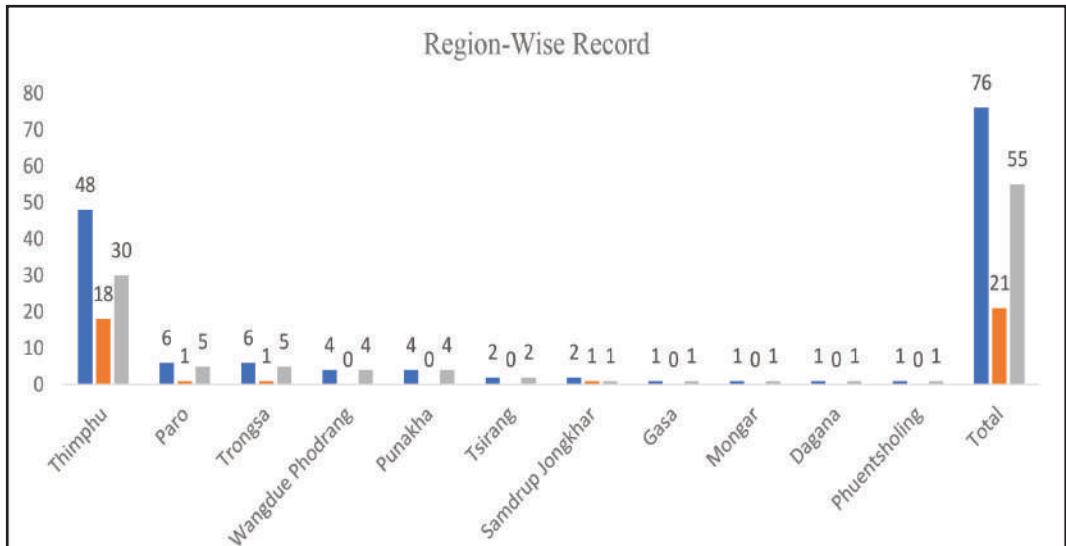
Referral/Walk-in Record (2022-2023)

Case Referred From/Walk-in	No. of Reg.	Year -2022	Y-2023
PEMA Secretariat	3	0	3
RENEW	2	0	2
RBP	2	0	2
Judiciary	9	3	6
Lhak-Sam	1	0	1
Through Mail	1	0	1
Walk-in	58	18	40
Total	76	21	55



REGION-WISE RECORDS (2022-2023)

Dzongkhag/Region	Total Registered	2022	2023
Thimphu	48	18	30
Paro	6	1	5
Trongsa	6	1	5
Wangdue Phodrang	4	0	4
Punakha	4	0	4
Tsirang	2	0	2
Samdrup Jongkhar	2	1	1
Gasa	1	0	1
Mongar	1	0	1
Dagana	1	0	1
Phuentsholing	1	0	1
Total	76	21	55



PROFILE OF THE CLIENTS

In 2023 alone, the Center recorded a total of 55 cases, marking 72 cases, including the preceding year. Within this caseload, the Center dispensed legal information to 27 clients, extended legal assistance to 19 individuals, provided legal representation to 11 cases, and offered legal advice to 13 individuals. Of the 11 legal representation cases that came to the Center, lawyers handled six cases on pro bono. In comparison, the dedicated lawyers represented the remaining five cases on a fee-based arrangement.

Throughout the year under review, the Center registered 35 civil and 20 criminal cases, delineating the diverse legal landscape it navigated within the year. The spectrum of criminal cases included instances such as Illegal Immigration, Deceptive Practices, Larceny, Theft of Services, Child Molestation, Risking the Protection of Endangered Species, Rape and Statutory Rape, Embezzlement, Display of Weapons, and Accusations of Involuntary Manslaughter. Conversely, civil cases included Monetary and Institutional Loan Disputes, drafting petitions for Bankruptcy Declarations, Divorce Proceedings, Land Inheritance Disputes, Commercial Transaction Disputes, Matrimonial Disputes, Vehicle Accident Compensation Claims, and Land Ownership Disputes. This varied caseload underscored the multifaceted legal assistance required by individuals seeking resolution and representation in diverse legal matters, reflecting the Centre's broad range of support.

Impacts

The lawyers successfully pursued all cases that received legal aid from the Center and successfully resolved them, highlighting the remarkable effectiveness of the Center in fostering resolutions and eliminating prolonged legal disputes for its clients. It enhanced the success rate of case resolutions with the intervention of legal aid, showcasing a tangible impact on the lives of those seeking assistance. The Center profoundly affected various cases, advocating for defendants and substantially altering charges, sentences, and outcomes. Through such intervention, individuals initially facing severe charges like third-degree felonies for voluntary manslaughter not only witnessed reduced charges and sentences but also saw successful acquittals in some instances. Sentences were notably decreased from as high as 13 years to significantly lighter terms such as nine years. Overall, the Legal Aid Center's proactive approach and comprehensive services in 2023 underscore its effectiveness in delivering tangible outcomes, empowering individuals, and making a significant difference within the community.

SENSITIZATION WORKSHOP FOR PRIVATE LAWYERS

A two-day sensitization workshop on Legal Aid Rules and Pro Bono Guidelines was held in Thimphu on June 27 and July 11, 2023, in Paro. The workshop aimed to enhance the understanding of private lawyers on the concept of access to justice, particularly for individuals who face financial constraints in seeking legal assistance. The workshop focused on sensitizing lawyers about the importance of providing pro bono services to bridge the gap in access to justice and make legal aid more accessible to those in need. The workshop aimed to improve understanding of access to justice for people with disability, women and survivors of gender-based violence, which is essential to be aware of while delivering justice. Another objective was to determine the need for specialized capacity building for lawyers in different fields of law to enhance their capacity as service providers for legal aid. A total of 50 lawyers attended the two batches of workshops, which were jointly organized by the Bhutan National Legal Institute, the Bar Council of Bhutan, and the UNDP office in Thimphu.





SENSITIZATION ON LEGAL AID FOR THE CIVIL SOCIETY ORGANIZATION

Sensitization of legal aid is paramount to civil society organizations as it is crucial in promoting access to justice for marginalized and vulnerable individuals. By creating awareness and understanding about legal aid services among civil society organizations, they can effectively advocate for the rights of those who face financial constraints in seeking legal assistance. Such workshops help these organizations recognize the significance of providing pro bono services and encourage them to collaborate with legal professionals to bridge the gap in access to justice. It also enables civil society organizations to support and empower individuals navigating the legal system better, ensuring their rights are protected and upheld. Overall, a better understanding of legal aid strengthens the capacity of civil society organizations to advocate for justice and equality within their communities. The Human Dignity Clinic, JSW LAW, organized the workshop with the Legal Aid Center on October 20, 2023, in Thimphu.



TRAINING ON CHILD-FRIENDLY LEGAL AID FOR PRIVATE LAWYERS

To ensure competent and successful legal aid provision to children, legal professionals must go beyond mere comprehension of laws and procedures. They must also demonstrate high motivation, dedication, skills, training, and knowledge levels. Acknowledging this necessity, the Legal Aid Center and JSW Law have partnered to organize a Child-Friendly Legal Aid training in Punakha from November 1-4, 2023. The Legal Aid Center provided child-friendly legal aid training to 25 private practising lawyers. The training offered a remarkable opportunity for collaboration and improving expertise in delivering legal assistance to children in a compassionate and child-centric manner. It also equipped defence lawyers with the essential resources to safeguard and uphold the rights and welfare of children within the legal system. Additionally, the training covered topics such as child-friendly interviewing, advocacy, and representation, aiming to comprehend the distinctive difficulties and susceptibilities children might encounter. The Center designed the training program based on the training package developed by the Faculty of JSW Law.

Similarly, the Center also organized in-house capacity-building training on child-friendly legal aid and case management for the staff of the Legal Aid Center and the legal officers of the Bhutan National Legal Institute. The UNICEF office in Thimphu supported the training.



LEGAL LITERACY AND COMMUNITY EMPOWERMENT

Sl. No.	Program	Participant	Acts Covered/No. of Participants	Date and Venue
	The Thrimzhung Lerim- Know the Law	General Public	General Public	Every Friday at 7 p.m. through BBS Radio (Tsangla)
	The Thrimzhung Lerim- Know the Law	Judicial Officials and Bench Clerks	Gyalsung Act, 2022 Civil Service Reform Act, 2022, Pay Structure Reform Act, 2022, The Property Act of Bhutan, 2022, Royal Bhutan Police (Amendment Act), 2022, Tax Act, 2022, United Nations Convention Against Transnational and Organized Crime and the Protocols, thereto.	1-2 February 2023
	SOP for Dealing with CICL	General Public	Standard Operating Procedure for Dealing with Children in Conflict with the Law (CICL)	Through the BBS Radio- Tsangla and English languages
	Legal Empowerment of the LG Leaders and Relevant Stakeholders	LG leaders	Marriage Act, Guidelines for Sothue- Child Support Allowance 2022, MIPA, 1999, Rules and Regulations for Registered Private Money Lenders, 2023, SOP for Private Money Lending, 2022 and Financial Service Act, 2011	Initiated as part of the integrated mediation Training and Refresher Course for LG Leaders

The Institute, since its establishment, has been steadfast in fulfilling its core mandate of disseminating legal knowledge across the nation. Employing a comprehensive strategy, it has extended its reach to the remotest corners, ensuring that legal awareness permeates every segment of society. By adopting a multifaceted approach, including on-site visits to far-flung areas, radio broadcasts, collaborations with the Bhutan Broadcasting Service, outreach via Kuzoo FM, and television programs, the Institute has successfully transcended geographical barriers.

At the heart of this expansive effort lies the Legal Dissemination Program, strategically designed to bridge the gap between legal complexities and public understanding. Through targeted outreach initiatives, the program serves as a beacon, illuminating the intricacies of laws and enhancing public comprehension of their rights and responsibilities. In doing so, the Institute empowers individuals with the knowledge to navigate the legal landscape effectively. Embracing the digital age, the Institute remains committed to technological

advancements, ensuring a broad and dynamic outreach. Through innovative platforms and digital mediums, it actively promotes legal awareness and education, staying at the forefront of progressive communication methods.

This unwavering dedication to cultivating a society of well-informed individuals reflects the Institute's commitment to building a community capable of navigating the complexities of the legal system with confidence and understanding. In essence, the Institute stands as a beacon of legal enlightenment, fostering a society where knowledge is power and where every citizen is equipped to actively participate in shaping a just and informed community.

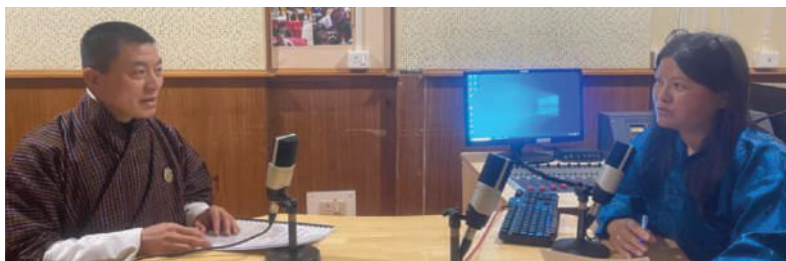
UPDATING LAWS: SENSITIZATION WORKSHOP ON RECENT AMENDMENTS AND NEW LEGISLATIONS FOR JUDICIAL OFFICERS AND BENCH CLERKS



During the Eighth Session of the Third Parliament of Bhutan, which took place from November 4 to December 9, 2022, several Acts and Amendments were enacted. Notable among these were the Gyalsung Act of the Kingdom of Bhutan, 2022, the Civil Service Reform Act of Bhutan 2022, the Pay Structure Reform Act of Bhutan 2022, the Property Act of Bhutan, 2022, the Royal Bhutan Police (Amendment) Act, 2022, the Tax Act of Bhutan 2022, and the adoption of the United Nations Convention against Transnational Organized Crime and the Protocol Thereto.

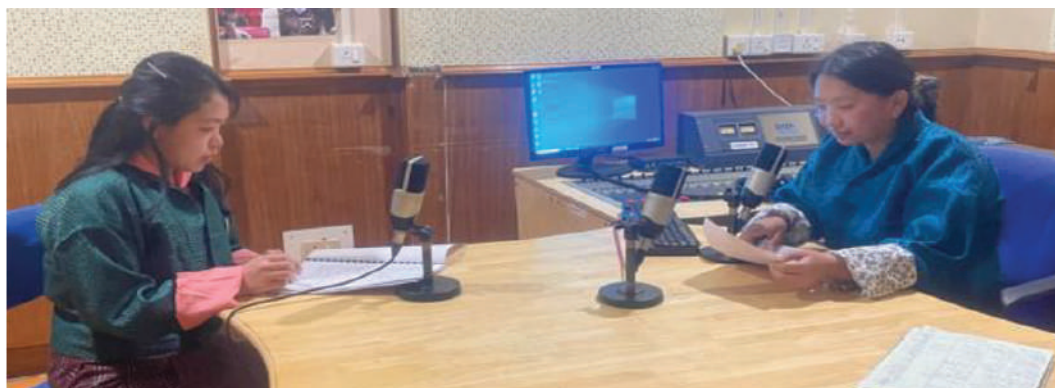
Recognizing the paramount importance of cultivating legal awareness, the Institute effectively conducted an online sensitization workshop for judicial officers and bench clerks in two phases on February 1st and 2nd, 2023. The primary objective of this initiative was to ensure that the legal fraternity remains well-informed about recent legislative changes while promoting a deeper understanding of the dynamically evolving legal landscape. This undertaking reflects the Institute's commitment to equipping legal professionals with the knowledge and insights necessary to navigate and comprehend the intricacies of contemporary legal developments.

EMPOWERING FUTURE: AN INTERVIEW WITH BBS RADIO ON THE STANDARD OPERATING PROCEDURE (SOP) FOR DEALING WITH CHILDREN IN CONFLICT WITH LAW



In an interview with BBS Radio, the Director General of the Institute, Drangpon Pema Needup, alongside legal officer Sonam Palden, delved into the nuances of the recently introduced Standard Operating Procedure (SoP) for Dealing with Children in Conflict with Law (CICL). This enlightening discussion is part of BBS's dedicated awareness program, aimed at disseminating crucial information about the rights of children and fostering a collective commitment to eliminating violence against them, particularly during their vulnerable moments.

The SoP, in alignment with the Child Care and Protection Act of Bhutan, 2011, was initially drafted in 2018, with the current version being finalized in 2022. Notably, the updated SoP incorporates a dedicated chapter addressing children in contact with the law. The primary objective of the SoP was to standardize procedures for handling cases involving children in conflict or contact with the law. The interview comprehensively covered various aspects of the SoP, emphasizing the need for meticulous care when dealing with children in such situations. Conducted in both English and Tshangla languages, the interview aimed to create awareness about the importance of safeguarding the rights of children in the legal system.



LEGAL EMPOWERMENT: EQUIPPING LG LEADERS AND RELEVANT STAKEHOLDERS WITH LEGAL AWARENESS



The legal awareness session was integrated into the five-day Mediation Training and Refresher Course for LG leaders and other stakeholders, ensuring their ongoing awareness of relevant laws. This comprehensive session focused on key legislations, including the Marriage Act, Guideline for Sothue - Child Support Allowance 2022, Movable and Immovable Property Act of the Kingdom of Bhutan 1999, Rules and Regulations for Registered Private Money Lenders 2023, Standard Operating Procedure for Private Money Lending 2022, and the Financial Service Act of Bhutan 2011, among others. The objective was to provide a thorough understanding of these legal frameworks, enabling participants to navigate and apply them effectively in their roles.

The sessions were designed to address any legal uncertainties, serving as a platform for LG leaders and relevant stakeholders to seek clarification on various legal matters. This inclusive approach not only facilitated a robust understanding of the laws among the participants but also empowered them to effectively disseminate this knowledge within their communities. The program's broader impact extended beyond the immediate participants, benefiting the general public by fostering greater awareness and understanding of relevant laws for the overall well-being of the community.

THE THRIMZHUNG LEYRIM - KNOW THE LAW PROGRAMME



Section 91(g) of the Judicial Service Act, 2007 grants the Institute the authority to actively engage in legal dissemination and awareness programs, demonstrating a strong commitment to informing the public about the laws. Since 2013, the Institute has been actively conducting legal dissemination programs for relevant stakeholders and the general public. Covering a range of legislations, the dissemination program in 2023 focused on key acts such as the Domestic Violence Prevention Act of Bhutan 2013, Legal Aid Services, the Civil Service Reform Act of Bhutan 2022, the Tobacco Control Act of Bhutan 2010, and the Water Act of Bhutan 2011.

This ongoing program, broadcast in the Tshangla language every Friday at 7:00 PM through radio, reflects the Institute's unwavering commitment to realizing its noble objective of bringing justice to every doorstep, particularly in rural communities. The Institute remains dedicated to empowering individuals with legal education and knowledge through the continuation of its dissemination program.

SCHOOL LAW CLUB

In 2012, the Bhutan National Legal Institute (BNLI), under the visionary leadership of Her Royal Highness Princess Sonam Dechan Wangchuck, initiated a pilot project. The project aimed to establish School Law Clubs in twenty-four schools, marking the inception of a comprehensive legal literacy program. The primary objective was to foster a deeper understanding of the nation's laws and cultivate a strong sense of legal responsibility among students.

Since its inception, the initiative has flourished, and there are 48 active law clubs across Bhutan. The establishment and growth of School Law Clubs form an integral part of a broader strategy to enhance legal literacy and awareness among the youth, playing a pivotal role in facilitating access to justice. Through these clubs, students not only gain insights into their rights but also develop an awareness of legal protections afforded by various legislations. The emphasis extends to the inherent rights of every child, creating a foundation for law-abiding and responsible citizenship. The success of the School Law Clubs underscores their vital role in shaping informed and legally conscious younger generations in Bhutan.

Membership in the law clubs is open to all students who are interested and meet the criteria set by the school, thereby promoting a dynamic and inclusive learning environment. Throughout the academic year 2023, the School Law Clubs flourished, cultivating a more profound comprehension of legal concepts and engaging students in diverse activities aimed at enriching their understanding of the law.

Law clubs serve as crucial platforms for disseminating legal information and education, making valuable contributions to individuals, schools, and society at large. Feedback obtained from school law clubs highlights a beneficial impact, particularly in mitigating disciplinary issues such as bullying and harassment. Peer relationships have significantly improved, with conflicts successfully resolved through the peer mediation process.

Club activities take place once a week during the designated club period. Throughout the academic year 2023, School Law Clubs nationwide orchestrated a variety of events and activities that actively involved their members, resulting in a notable increase in club membership. Various activities, with a particular focus on issues related to children and emerging concerns, have been conducted during the club period as outlined below:

GUEST LECTURE SERIES

The Guest Lecture series, an annual event organized by law schools, has evolved into a comprehensive school program involving all students. This initiative has consistently demonstrated a positive impact on students, offering them invaluable insights. Throughout the academic year 2023, law clubs took the initiative to organize lectures featuring Drangpons or Superintendents of Police from their respective jurisdictions. The selected theme for these lectures was “drugs and substance abuse among youths.”

Bhutan grapples with a significant issue concerning drug and substance abuse among its youth population. This issue was highlighted by His Majesty the Fifth Druk Gyalpo during the Royal Address on the 115th National Day in 2022. In 2021, the Royal Bhutan Police (RBP) documented 293 cases related to drugs nationwide. As of June 2022, RBP has recorded a total of 169 drug-related cases. According to Royal Bhutan Police officials, one of the contributing factors is the lack of awareness among youths about the consequences of such substance use.

Recognizing that the youth are the future leaders of the country, it becomes crucial to prevent them from engaging in detrimental activities like substance abuse. The initial step in this preventive effort can occur within the school setting, involving the sensitization of students to such issues through the Guest Lecture Series.



ORIENTATION ON SCHOOL DISCIPLINE POLICY

All schools have their discipline policy, and such policies are aimed at maintaining a conducive and safe learning environment. The orientation of the school discipline policy serves as a crucial measure in ensuring that students, staff, and parents are aware of and aligned with the principles and expectations that contribute to a positive educational setting. The primary purpose of the school discipline policy is to create an environment where students can thrive academically, emotionally, and socially. Through effective communication and engagement, the school community becomes better equipped to uphold the principles and expectations outlined in the policy, fostering the holistic development of each student.

PEER MEDIATION: BUILDING CONFLICT RESOLUTION SKILLS AMONG STUDENTS

Peer mediation is a powerful tool within school law clubs, promoting conflict resolution skills and creating a positive school environment. Peer mediation is a voluntary and confidential process where students trained as mediators assist their peers in resolving conflicts. It empowers students to play an active role in finding amicable solutions to disputes, contributing to a harmonious school atmosphere. Hence, classes on peer mediation to the club members are carried out to integrate it into the activities of law clubs. Through this, students are equipped with valuable skills that extend beyond legal knowledge to interpersonal communication and dispute resolution.

FAMILIARIZATION ON BHUTANESE LAWS: NURTURING LEGAL LITERACY AND CIVIC UNDERSTANDING

Familiarization with the laws of Bhutan to law club members is an integral component of cultivating legal literacy and civic awareness among its citizens. Students are familiar with the fundamentals of law such as the fundamental rights and duties, the meaning and purpose of law, the different classifications of laws, democratic principles, the rule of law, and good touch and bad touch. It is done to enhance the understanding of the fundamental legal principles and concepts. It would foster a sense of civic responsibility and active participation in legal processes. Such programs will also promote awareness of laws as a tool for conflict resolution, thereby contributing to community harmony.

COURT VISITS: EXPLORING JUDICIAL SPACES



One of the activities carried out by the law clubs is a court visit to understand the workings of the courts and the court procedures. It is an enriching educational experience for the students to understand the workings of the judicial system of the country. Club members visit the nearest courts to have a deeper understanding of the court procedures in place. Students were also briefed on the courtroom etiquettes and they were also allowed to attend court hearings, both civil and criminal cases. Through this, students get a firsthand observation of the court proceedings and promote legal literacy.



VISIT TO RENEW CENTER

Several school law clubs proactively organized visits to the closest RENEW Center, where members received informative sessions from the Center Manager regarding youth-related matters. During the visit, students had the chance to address their queries on these issues, enhancing their comprehension and awareness of youth-related concerns.

CLASS ON CONSTITUTION OF BHUTAN

The Director General of the Bhutan National Legal Institute, recognizing the importance of constitutional knowledge, took the proactive step of organizing a dedicated class on the Constitution of the Kingdom of Bhutan for the members of the Zilukha Middle Secondary School law club. The principal objective behind this initiative was to furnish our students with a more profound comprehension of Bhutan's constitution. As Bhutanese citizens, it is our collective

responsibility to be well-informed about our Constitution, which also stands as a cherished gift from our beloved King.



CHALLENGES

To comprehend the significance and role of law clubs in schools, a survey form was distributed to law club coordinators to solicit their feedback. The coordinators highlighted several challenges as follows:

Appointment with a guest lecture

The Law Clubs in schools have invited Drangpons and relevant authorities to deliver talks on legal subjects, offering club members an opportunity to pose questions and seek clarification. Moreover, students have embarked on visits to courts, to understand court procedures and acquire practical insights into case presentations. However, the coordinators of these law clubs have identified a challenge in coordinating schedules with the busy timelines of Drangpons and other officials, making it difficult to align their availability with the planned club activities.

Time constraint

Certain schools identified for the Bhutan Baccalaureate program have been fully immersed in training sessions for teachers. Consequently, these schools were unable to conduct club activities in the year 2023. Despite this temporary hiatus, these schools intend to resume and sustain their club activities in the upcoming years.

Capacity building of Club Coordinators

As evident from the feedback received through the Google form, law club coordinators acknowledge the necessity for legal expertise to effectively execute various club activities. Many of these coordinators have expressed a lack of formal training in their feedback, presenting a

challenge in comprehending legal aspects. Since the inception of law clubs in 2012, multiple training sessions have been organized for coordinators, with the most recent one taking place in 2020, drawing the participation of over 30 coordinators.

However, the establishment of new law clubs in different schools and the departure of previously trained coordinators have introduced challenges for the incoming coordinators in running the clubs. Despite resource constraints and limited supervision, coordinators are earnestly working to uphold the vision of Her Royal Highness Princess Sonam Dechan Wangchuck. Reports submitted by coordinators to the Institute, along with feedback collected through Google Forms, consistently underscores the primary challenge: the insufficient capacity building of the coordinators.

Lack of resources

Coordinators for law club activities encounter a recurring challenge, as these activities often involve inviting officials from various institutions, requiring the provision of refreshments. Compounding matters, school administrations lack a dedicated budget for the club, placing additional strain on coordinators in executing successful action plans. Another notable challenge, as highlighted by coordinators, pertains to the absence of a manual or course package guiding the operations of the club.

In addition, a lack of capacity building for law club coordinators has impeded their ability to gain a clear understanding of how to effectively manage and run the clubs. This multifaceted challenge underscores the need for comprehensive support, both in terms of resources and structured guidance, to enhance the overall effectiveness of law club initiatives within schools.

LIST OF SCHOOL LAW CLUBS AND COORDINATORS, 2023

Sl. No.	Name of School	Coordinator	Dzongkhag
1	Bajo Higher Secondary School	Kinley Wangchuk	W?hodrang
2	Bayling Higher Secondary School	Sanagay Phuntsho	T/Yangtse
3	Bjishong Middle Secondary School	Shishir Rai	Gasa
4	Chukha CS	Gaza	Chukha
5	Dagana Central School	Tenzin Gembo	Dagana
6	Damphu Central School	Pema Wangdi	Tsirang
7	Jakar HSS	Dorji Yangzom	Jakar
8	Khangkhu MSS	Tshering Pem and Chimi Pem	Paro
9	Lhuentse HSS	Samdrup Tshereing Choden	Lhuentse
10	Mongar HSS	Pema Yangzom	Mongar
11	Motithang HSS	Phub Dorji / Sangay Penjor	Thimphu
12	Pemagatshel MSS	Dechen Dema/Rinchen Wangmo	P/gatshel

13	Punakha Central School	Ugyen Namgyel/Sangay Lhamo	Punakha
14	Rangjung HSS	Namdrak Zangpo	Trashigang
15	Rinchen HSS	Passang	Thimphu
16	Samdrupjongkhar MSS	Nado Rinchen	S/Jongkhar
17	Samtse HSS	Tshewang Tenzin and Tendi Zangmo	Samtse
18	Sarpang HSS	Ugyen Wangchuk	Sarpang
19	Trongsa Sherubling HSS	Tshering Dendup	Trongsa
20	Trashigang MSS	Sherab Gyeltshen	Trashigang
21	Ugyen Academy	Dechen Dorji	Punakha
22	Gongzim Ugyen Dorji CS	Rinzin Dorji	Haa
23	Yangchenphug HSS	Pema	Thimphu
24	Zhemgang HSS	Yangzom	Zhemgang
25	Minjey MSS	Tashi Chogyel	Lhuntse
26	Jibjokha LSS	Phub Dorji	Punakha
27	Minjiwoong Central School	Kelzang Ghalley	Jomotsangkha, S/ Jongkhar
28	Druk School	Passang	Thimphu
29	Kelki HSS	Sangay Chezom	Thimphu
30	Dashiding HSS	Nado	Punakha
31	Shaba Higher Secondary School	Tshering Dem	Paro
32	Dungtse Central School	Sangay Tshering	Trashigang
33	Pemathang Lower Secondary School	Yeshey Nidup	S/Jongkhar
34	Katsho Lower Secondary School	Mrs. Tshering Lhaden	Haa
35	Ramjar Middle Secondary School	Mr. Karma Tshering	Trashiyangtse
36	Yurung Central School	Mr. kezung yeshi	Pema Gatshel
37	Yelchen Central School	Mr. Phurba Dorji	Pema Gatshel
38	Ura Central School		Bumthang
39	Thrimshing Central School	Mr. Tashi Phuntsho	Trashigang
40	Martshala Central School	Mr. Sonam Phuntsho	S/Jongkhar
41	Gongthung Middle Secondary School	Mr. Cheten Dorji	Trashigang
42	Tangmachu Central School	Wangchuk Dem	Lhuentse

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43	Yoezerling Higher Secondary School	Mr. Singay Dorji	Paro
44.	Nganglam Central School	Mr. Yenten Thinley	Pemagatshel
45.	Jigme Sherubling Central School	Mr. Kinley Wangchuk	Trashigang
46.	Gelephu MSS	Mr. Ugyen Kelzang and Yeshi Dorji	Sarpang
47.	Zilukha Middle Secondary School	Ms. Khandu Zam	Thimphu
48.	Phuentsholing Rigsar Higher Secondary School	Ms. Tshering Lhadon Mr. Kinley	Chukha
49.	Nangkhon School	Tshewang Ngedup	

JUDGES' BOOK CLUB

Reading individually is a skill; reading together is an art. Book Club fosters discussions and allows members to learn different perspectives from each other. Recognizing this, the Judges' Book Club was inaugurated in 2012 under the auspices of Her Royal Highness Princess Sonam Dechan Wangchuck. The primary objective of this initiative is twofold: first, to instill a culture of reading within the legal fraternity, and second, to furnish a dynamic platform for intellectual discourse among its members.

At its core, the Book Club serves as a crucible for fostering discussions that transcend the boundaries of legal discourse. By engaging with diverse literary works, judges, judicial officials, and legal professionals come together to exchange perspectives, broadening their intellectual horizons. The initiative plays a crucial role in keeping the legal community abreast of contemporary ideas and developments, ensuring that its members remain intellectually agile in a rapidly evolving legal landscape.

Moreover, the Judges' Book Club serves as a conduit for members to explore literature beyond their customary genres. This deliberative diversification of reading material enriches individual literary tastes and injects a refreshing variety into the discussions. In doing so, the club not only promotes a love for reading but also cultivates a community that thrives on the synergy of collective intellectual exploration.

In essence, the Judges' Book Club is not merely a reading group; it is a testament to the transformative power of shared literary experiences. By intertwining the realms of law and literature, the club transcends its role as a mere facilitator of reading habits to become a vibrant forum where the art of reading together evolves into an enriching intellectual tapestry.

Membership of the Book Club is open and welcomes individuals who share a common enthusiasm for reading. The current roster of active members comprises a diverse array of legal professionals, including Justices of the Supreme Court and High Court, Judges of the District and Dungkhaig Courts, Registrars, Bench Clerks, and other legal professionals. This amalgamation of legal minds ensures a rich tapestry of perspectives and insights during the club's discussions. Within the framework of this report, each book is thoughtfully presented with a brief background not only on the literary work itself but also on the author. This dual approach aims to provide a comprehensive understanding of the books and its creator, enriching the reading experience for the members. By delving into the context of the author's life and body of work, the report seeks to illuminate the influences and inspirations that have shaped the narrative.

Equally significant is the introduction of the presenter, who plays a pivotal role in guiding the discussion. A concise account of the presenter's background is included to highlight their expertise and unique perspective. This additional layer of information ensures that the presentation of the book is not just a recitation of facts but a nuanced exploration guided by someone well-versed in both the legal and literary realms.

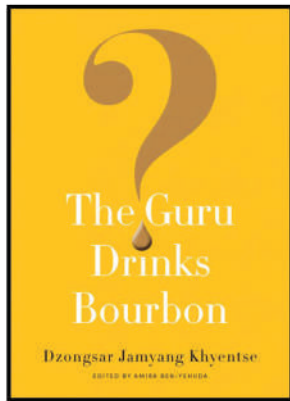
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In essence, the report endeavours to cast a holistic picture of each book, its author, and the presenter. This multifaceted approach reflects the Book Club's commitment to fostering a rich intellectual environment where the exploration of literature goes beyond the surface, delving into the intricacies of both the written work and the individuals involved in its discussion.

The Book Club consistently promotes discussions on diverse themes and genres. In 2023, the Judges' Book Club discussed nine books presented by Judges, Registrars and Legal Officers, as follows:

Sl. No.	Date	Session	Book	Author	Presenter
1	February 3, 2023	86th	The Guru Drinks Bourbon	Dzongsar Jamyang Khyentse	Drangpon Singye Wangdi, Trashiyangtse
2	March 3, 2023	87th	Just Mercy: A Story of Justice and Redemption	Bryan Stevenson	Drangpon Pasang Wangmo, High Court
3	April 13, 2023	88th	Know my Name	Chanel Miller	Drangpon Pelden Wangmo, Family and Child Bench, Thimphu
4	May 11, 2023	89th	Black Box Thinking	Matthew Syed	Kinley Yangzom, Registrar, Civil Bench, Thimphu
5	June 15, 2023	90th	A Time to Kill	John Grisham	Kuenzang Deki Wangmo, Registrar, Family and Child Bench, Thimphu
6	July 28, 2023	91st	Rights for Robots: Artificial Intelligence, Animal and Environmental Law	Dr. Joshua C Gellers	Kinzang Chedup, Deputy Chief Legal Officer, BNLI
7	September 1, 2023	92nd	Discipline and Punish: The birth of the prison	Michel Foucault	Drangpon Gyelpo, Pema Gatshel Dzongkhag Court
8	October 27, 2023	93rd	Globalization and its Discontents	Joseph E. Stiglitz	Drangpon Tharchaen, Commercial Bench II
9	December 1, 2023	94th	The Sun Does Shine: How I Found Life and Freedom on Death Row	Anthony Ray Hinton with Lara Love Hardin	Sonam Palden, Legal Officer, Bhutan National Legal Institute

86th SESSION: THE GURU DRINKS BOURBON WRITTEN BY DZONGSAR
JAMYANG KHYENTSE (FEBRUARY 3, 2023)



About the Author

Dzongsar Jamyang Khyentse Rinpoche, born in 1961, was identified as the reincarnation of Dzongsar Jamyang Khyentse Chokyi Ladro at the age of five. A Buddhist lama, scholar, filmmaker, and writer, Rinpoche is recognized for his contemporary and progressive teaching style in teaching the dharma. He has authored several bestselling books on Buddhism and Buddhist ideals, including ‘Poison is Medicine: Clarifying the Vajrayana.’

Profile of the Presenter

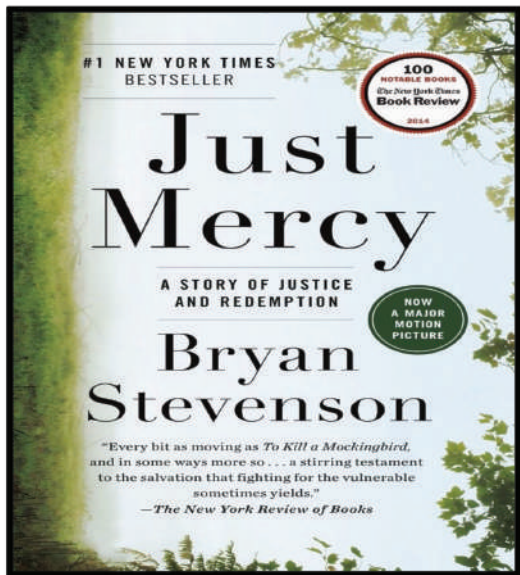
The book was presented by Drangpon Singye Wangdi of the Tashi Yangtse Dzongkhag Court. Drangpon Singye Wangdi completed his B.A. LL.B. from the Osmania University in Hyderabad, India. He received his LL.M. from the International Legal Studies at the University of Vienna in Austria. He served as the Registrar of the Royal Court of Justice, Paro and the Supreme Court. He also served as the Judge of Phuentsholing Dungkhag Court.

Synopsis of the Book

The Guru Drinks Bourbon discusses the essentials of the practice of Vajrayana and addresses some of the misunderstood concepts in the Vajrayana that surround the relationship between a Guru and its followers. It discusses the concept of ‘yana’ the path of practice and lays down a model path to effective religious practice including choosing the ‘root teacher’ [the Guru], analyzing the Guru, following the Guru, and training our mental models to channel the effective path of practice.

The book provides a path of religious discourse, which essentially helps to secure the relationship between the Guru and the follower. The book expounds on the effective religious practice doctrine that helps to consolidate the various religious codes, doctrines, and beliefs so that it provides an unorthodox vision of Lamaism and lamasery.

87th SESSION: JUST MERCY: A STORY OF JUSTICE AND REDEMPTION WRITTEN BY BYRAN STEVENSON (MARCH 3, 2023)



About the Author

Bryan Stevenson is the founder and Executive Director of the Equal Justice Initiative (EJI), a human rights organization in Montgomery, Alabama, United States. Mr. Stevenson won multiple cases at the United States Supreme Court, including a 2019 ruling protecting condemned prisoners who suffer from dementia and a landmark 2012 ruling that banned mandatory life-imprisonment-without-parole sentences for all children 17 or younger.

Profile of the Presenter

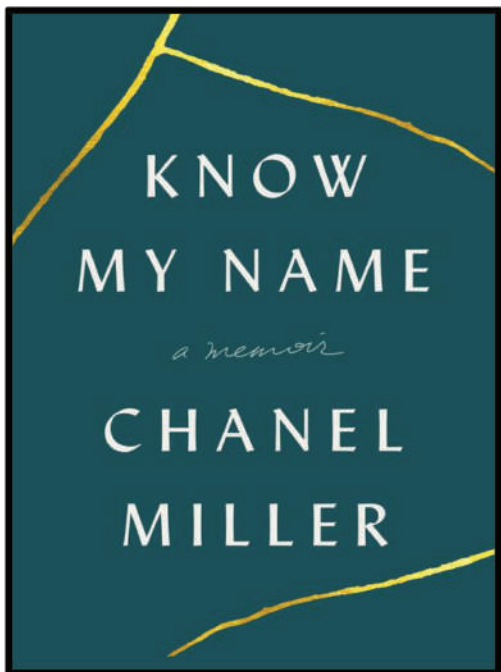
The book was presented by Justice Pasang Wangmo of the High Court of Bhutan. Justice Pasang Wangmo completed her LL.B from the Punjab University, Chandigarh, India. She received her LL.M. from the University of Canberra in Australia. Before being appointed to the High Court, she served as the Drangpon of Wangdue Phodrang Dzongkhag Court and the Family and Child Bench at Thimphu Dzongkhag Court.

Synopsis of the Book

Bryan Stevenson's book "Just Mercy" is an engaging first-person account of his decades-long commitment to resolving the systemic injustices in the American criminal justice system. Its central story revolves around Walter McMillian, an innocent Black man who was wrongfully accused of Ronda Morrison's murder and given the death penalty. The layers of racial bias, fabricated testimony, and evidence suppression that resulted in Walter's unjust imprisonment are painstakingly shown by Stevenson. The chapters that alternate between Walter's narrative and Stevenson's analysis of systemic racial inequality offer a compelling look at the shortcomings of the American legal system, especially as they relate to the unequal treatment of persons of colour and the poor.

Stevenson's story broadens to include a variety of vulnerable groups that are imprisoned by the criminal justice system and becomes more expansive as he widens the scope of the Equal Justice Initiative (EJI). Stevenson explores with passion instances involving mentally ill inmates, people with disabilities, underprivileged women receiving severe penalties for stillbirths, and young criminals serving life sentences without the possibility of release. By telling these tales, Stevenson reveals the cruel treatment these people receive and makes a strong case for the immediate need for change.

The central theme of the book is Stevenson's unshakable dedication to justice, which is best shown by his tenacious efforts to have Walter exonerated following thirty years on death row. The story follows Stevenson and Walter's friendship as it develops, going into depth about Walter's social reintegration and last battle with dementia. "Just Mercy" interweaves these human tales with larger social implications, such as Supreme Court rulings contesting unconstitutional actions, public awareness campaigns by EJI, and projects facilitating the reintegration of people who have served time in prison. Stevenson's open analysis of his hardships and darkest hours reveals a deep realization that he is only able to advocate for mercy and compassion because of his brokenness. Readers are left with a story of resiliency, compassion, and the unwavering quest for a just and compassionate legal system as the book comes to a close with Stevenson's revitalized commitment to the continuous struggle for justice.

88th SESSION: KNOW MY NAME, CHANEL MILLER (APRIL 13, 2023)

About the Author

Chanel Miller was born on June 12, 1992. She is an American writer and artist based in San Francisco, California and New York City. She was anonymously known as “Emily Doe” after being sexually assaulted on the campus of Stanford University in 2015 by Brock Allen Turner. In September 2019, she relinquished her anonymity and released her memoir *Know my Name*

Profile of the Presenter

Drangpon Pelden Wangmo of the Family and Child Bench of Thimphu District Court reviewed and presented the book. Drangpon Pelden Wangmo completed her B.A LL.B (Hons.) from the Pune University, Maharashtra, India. She has a Master’s Degree in Democratic Governance and Rule of Law from the Ohio Northern University in the United States. She served as the Registrar of the High Court, Head of the Notary Division, and as the Registrar General of the High Court. She also served as the Judge of Thimphu (Bench IV), Paro and Sarpang Dzongkhag Courts.

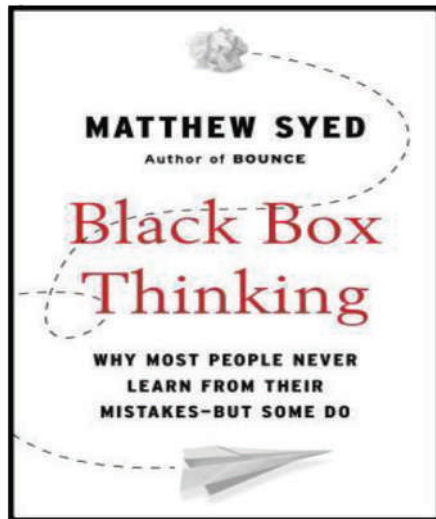
Synopsis of the Book

Know my Name is the winner of the National Book Critics Circle Award for Autobiographies and tells the story of a young rape victim who was sexually assaulted while unconscious on Stanford campus in 2015. Even though it was a strong case with eyewitnesses and other evidence, Brock

Turner, who sexually assaulted Miller on the Stanford campus was convicted of three counts of felony sexual assault and sentenced to just six months in county jail. He ultimately served only three months in prison.

She was referred to as Emily Doe in the court documents. However, through the book *Know My Name*, Chanel Miler reclaims her identity and tells her story of how she was sexually assaulted and the trauma attached to it. Miller's story illuminates a culture that has deeply rooted double standards and bias toward victims of sexual assault and their perpetrators. The book also describes how the criminal justice system has more sympathy for the perpetrator than the victim and how it failed to protect the most vulnerable. *Know my Name* tries to transform how we think about sexual assault, challenging our beliefs about what is acceptable and speaking truth to the tumultuous reality of healing.

89th SESSION: BLACK BOX THINKING, MATTHEW SYED (MAY 11, 2023)



About the Author

Matthew Syed is a British multi-award-winning author and journalist for the Times and Sunday Times, as well as a highly acclaimed speaker in the field of high performance. He is a regular contributor to television and radio and, in his previous career, was the England table tennis number one for almost a decade. He has also authored other award-winning books like *Rebel Ideas*, *Bounce*, *The Greatest* and also several children's books.

Profile of the Presenter

Ms Kinley Yangzom, Court Registrar of Civil Bench, Thimphu District Court, reviewed and presented the book “Black Box Thinking” written by Matthew Syed. Kinley Yangzom completed B.A. LL.B from Kalinga Institute of Industrial Technology, Odisha, India.

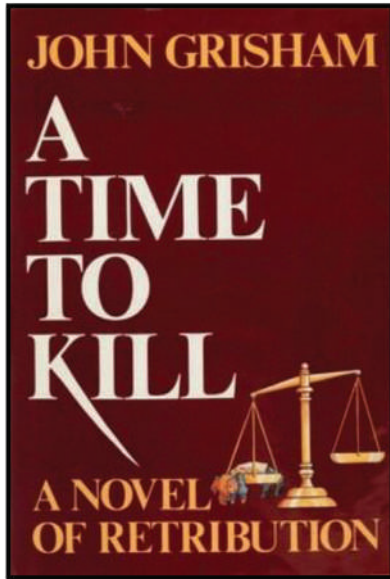
Synopsis of the Book

Black Box Thinking was triggered by a growing realisation that the common theme linking successful people, organisations, and systems is a healthy and empowering attitude to failure which is true when it comes to international figures such as David Beckham and James Dyson, and of industries such as that of the Aviation industry and organizations such as Google. It talks about how these figures, organizations and industries have a healthy attitude towards failure that makes them successful. Black box thinking is a mindset that values learning from our failures and mistakes. It also focuses on being explicit and open about our failures, analyzing them and bringing forth necessary changes to prevent similar mistakes in the future.

The book argues that many industries such as healthcare and finance have a deeply rooted culture that stigmatizes and penalizes those who commit mistakes that hinder them from reporting and sharing information that can prevent these industries from bringing forth the necessary reforms to prevent repetition of such errors and accidents in the future. Contrarily, the aviation industry is regarded as one of the best and the most successful in reducing mistakes and accidents through a culture of transparency, learning from errors, and continued efforts made to improve safety systems. This is mostly made possible by the black boxes installed in aircraft to record flight data and cockpit conversations which are vital information that can be used to learn from accidents and improve safety in the future.

On a deeper level, black-box thinking can also be applied on an individual level, by learning to embrace failure as an opportunity to learn and grow rather than feeling ashamed and afraid of committing them. According to the author, black-box thinking is ultimately, a powerful tool to improve performance, achieve success and also for bringing forth innovation and resilience.

90th SESSION: A TIME TO KILL, JOHN GRISHAM (JUNE 15, 2023)



About the Author

John Grisham is an American author who has written numerous best-selling legal thrillers. He studied law at the University of Mississippi. Grisham worked as a lawyer and politician before turning to writing full-time, and his experience in the legal field is evident in his novels. In addition to his writing, Grisham is also a philanthropist and has been involved in various charitable causes throughout his career. He is also an advocate for literacy and education and has donated millions of dollars to various organizations that promote these causes.

Profile of the Presenter

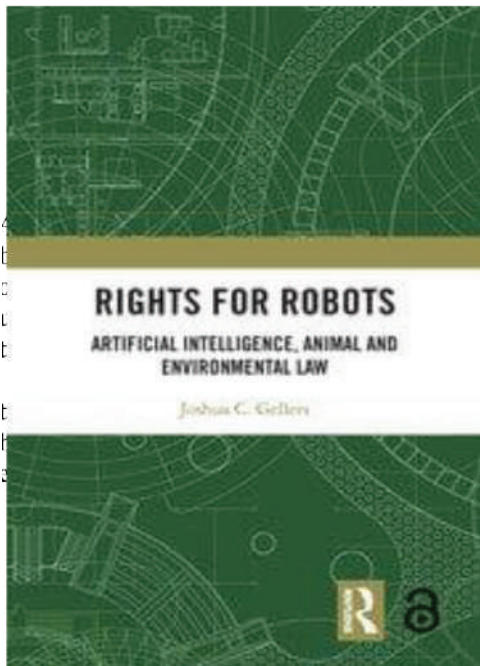
Ms Kuenzang Deki Wangmo, Court Registrar of Family and Child Bench, Thimphu District Court, reviewed and presented the book “A Time To Kill” written by John Grisham. Kuenzang completed B.A. LL.B. from Kalinga Institute of Industrial Technology, Odisha, India.

Synopsis of the Book

The lives of the people living in the little Mississippian town of Clanton in the early 1980s are forever changed when Tonya Hailey, then 10 years old, is viciously raped by two men, Bill Ray Cobb and Willard. Motivated by grief and rage, Tonya’s father Carl Lee Hailey takes matters into his own hands and shoots the offenders during a court appearance. The town is thrown into a whirlwind of racial tensions and legal unrest as a result of this vigilante crime. Young and driven, Jake Brigrance puts his life and career in danger to defend Carl Lee despite financial limitations and an unstable environment.

The narrative explores the pervasive racial divide in the South as Jake makes his way through a turbulent trial that is characterized by violence, threats from the Klan, and sacrifices from himself. For Jake, the trial turns into a trial that puts to the test not just his legal acumen but also his fortitude in the face of difficulty. Racial tensions that lingered in the wake of the Civil War and the Civil Rights era are revealed as the story takes place against a backdrop of Klan activity, the burning of Jake's home, and an attempt on his life. An all-white jury ultimately finds Carl Lee not guilty, sparking a compelling investigation into morality, justice, and the long-lasting effects of racial prejudice in the American South.

91st SESSION: 'RIGHTS FOR ROBOTS: ARTIFICIAL INTELLIGENCE, ANIMAL AND ENVIRONMENTAL LAW', DR. JOSHUA C GELLERS (JULY 28, 2023)



Author

Dr Joshua C Gellers is an Associate Professor and Director of the MA in International Affairs program in the Department of Political Science and Public Administration at the University of North Florida. He is a Research Fellow of the Earth System Governance Project. Josh's research focuses on environmental justice, rights and technology. He has published over two dozen articles.

Profile of the Presenter

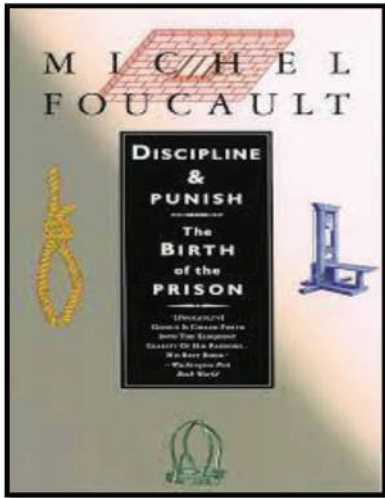
Mr. Kinzang Chedup reviewed and presented the book ‘Rights for Robots: Artificial Intelligence, Animal and Environmental Law’, written by Dr Joshua C Gellers. Mr. Kinzang is a Deputy Chief Legal Officer at the Bhutan National Legal Institute. He joined the Institute in 2010.

Synopsis of the Book

The 2023 publication “Rights for Robots” by Dr. Joshua C. Gellers takes readers on a comprehensive examination of the changing interface of ethics, law, and technology. The book explores the intricate worlds of artificially intelligent technology (AI), robots, rights for animals, and environmental law. It is based on real-world research done in Japan. At its core, the book raises interesting questions about whether or not robots should have rights, which subverts popular wisdom. Dr. Gellers steers a stimulating discussion with examples from the actual world, such as Hanson Robotics’ development of humanoid robots. The author analyzes legal scholars’ positions, shedding light on debates over rights acquisition and the legal standing of robots in a society where automation and artificial intelligence are becoming more and more integrated. The author invites consideration of the essential differences between humans and robots as AI and robotics develop. Ideas such as awareness and memory are examined, launching a discussion about the deep consequences of the development of robots and the simultaneous reassessment of human identity. The book examines several legal theories about robot rights, closely examining theories based on property and theories based on relationships. Dr. Gellers notes that thorough and inclusive discussions on the topic are hampered by cultural biases, self-reflexiveness, and inconsistent research.

The author expands the subject to include animal rights and the Rights of Nature (RoN) in addition to robotics. Dr. Gellers uses comparative viewpoints to refute the conventional wisdom that regards animals as nothing more than machines and promotes a holistic strategy that bridges the artificial gap that separates people from the rest of nature. The book’s last section explores the complex idea of consciousness and uses “panpsychism” to argue that all agents, including robots, might be conscious. To solve the particular problems presented by robots, Dr. Gellers urges jurisprudential reform while debating the moral consequences of giving AI consciousness. In conclusion, the author advocates for proactive strategies and a conceptual broadening of legal constructs to meet the evolving socio-technological landscape. He emphasizes the importance of societal responsiveness, urging a thorough assessment of institutional and democratic risks associated with the integration of robotics into Rights for Robots” is a compelling journey through the intricacies of our relationship with technology, challenging preconceived notions and paving the way for a nuanced understanding of the ethical and legal dimensions surrounding AI, robotics, and our responsibilities in shaping this brave new world.

92nd SESSION: DISCIPLINE AND PUNISH: THE BIRTH OF THE PRISON, MICHEL FOUCAULT (SEPTEMBER 1, 2023)



About the Author

Michel Foucault was a French historian and a philosopher. He has had a strong influence not only in philosophy but also in a wide range of humanistic and social scientific disciplines. He was also a political activist involved in a wide range of protests and campaigns: against the war in Algeria, against racism and for prison reform.

Profile of the Presenter

Drangpon Gyelpo of Pemagatshel Dzongkhag Court reviewed and presented the book. He studied B.A LL.B (Hons.) at the NALSAR University of Law, Hyderabad, Andhra Pradesh, India. He has LL.M. in International Law from the University of St. Gallen, Switzerland. Dashed served as the Acting Judge of Bench II, Royal Court of Justice, Wangdue Phodrang and Judge at the Nganglam Sub-Division Court. Currently, he serves as the Judge of Pema Gatshel Dzongkhag Court.

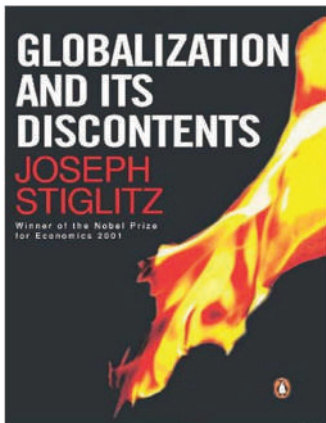
Synopsis of the Book

The book “Discipline and Punish: The Birth of the Prison,” written by Michel Foucault, offers a thorough analysis of the transformational trajectory of the Western criminal justice system, specifically its development in the area of punishment. Foucault places this historical turning point in the larger framework of societal transformations, highlighting the complex interplay between the transition from centralized to democratic government and developments in the philosophy of criminal justice. The first section of the book provides a thorough analysis of the pre-18th century, which was marked by cruel customs that involved severe physical punishments

such as torture, mutilation, and executions. These drastic penalties demonstrated the sovereign's ultimate power and acted as a deterrent. But as the 18th century got underway, French reformists began to question this system—not because they cared about the wellbeing of offenders, but rather because they saw it as a calculated move to strengthen societal control. Occasionally, the display of harsh penalties backfired, igniting public sympathy for those who were tortured and sparking riots.

The ensuing transformation in punishment toward a more humanistic and universal approach is traced by Foucault. The goal of this shift was to emphasize the rehabilitation of the criminal mentality while lessening the physical severity of sanctions. The construction of correctional facilities and the worldwide growth of prisons as new offender management tools represent the culmination of this evolution. The book describes in great detail how the world moved from the death penalty to imprisonment and explains the socio-political factors that drove these changes. Beyond a simple historical narrative, Foucault's study provides significant insights into the intricate relationships between power, control, and the shifting of social norms in the context of criminal justice. "Discipline and Punish" asks readers to consider the reasons behind the development of punishment, illuminating the connections between social control, power dynamics, and philosophical principles that have influenced the structure of the contemporary prison system. The writings of Foucault remain foundational, igniting debates on the nature of justice and the institutions that uphold it.

93rd SESSION: GLOBALIZATION AND ITS DISCONTENTS, JOSEPH E. STIGLITZ (OCTOBER 27, 2023)



About the Author

Joseph E. Stiglitz is a renowned economist and Nobel Prize winner. He was also the chairman of the Council of Economic Advisers and Chief Economist at the World Bank. He currently teaches at Columbo University and is Chief Economist at the Roosevelt Institute.

Profile of the Presenter

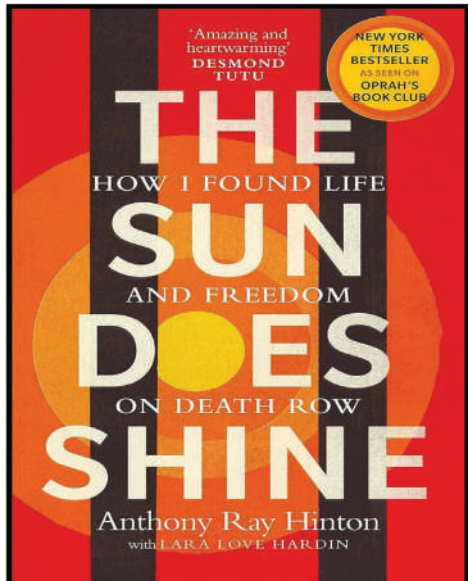
Drangpon Tharchean, Former Judge of Wangdue Phodrang District Court reviewed and presented the book ‘Globalization and Its Discontents’ written by Joseph E. Stiglitz. Dasho Tharchean completed LL.B. from the Government Law College, Mumbai in India, and LL.M. from the Osgoode Hall Law School, York University, Toronto in Canada. Dasho served as the Judge of Pema Gatshel, Gasa and Wangdue Phodrang Dzongkhag Courts. Currently, he is a Judge at the Commercial Bench II of Thimphu District Court.

Synopsis of the Book

In “Globalization and Its Discontents,” Joseph E. Stiglitz takes a critical look at major international financial organizations, mainly the World Bank, the U.S. Treasury, and the International Monetary Fund (IMF), rather than at globalization per se. Stiglitz uses harsh conditions and coercive approaches to emphasize what he believes to be wrongdoing during trade, finance, and other agreement discussions in his work. According to the book, these institutions, which were first set up to maintain global economic stability, took actions that hampered the advancement of numerous countries. Stiglitz charges them with stealing from developing nations’ natural and human resources to maintain their underdevelopment. As the story progresses, criticism of the unforeseen repercussions of these organizations’ actions—which suggest a departure from their initial missions—occurs. Rather than taking a rigid stance in favour or against globalization, Stiglitz offers a balanced analysis that takes into account both its advantages and disadvantages. He concedes that commerce internationally has helped many nations experience rapid growth, but he maintains that globalization has not succeeded in resolving the problems it was intended to solve.

The book serves as a forum for a thoughtful debate, presenting reasons for and against globalization. Stiglitz’s work becomes more important because he offers an insider’s perspective based on his time spent working for the World Bank and in Washington. The book is distinguished by factual disclosures that cast doubt on widely held beliefs about these cornerstones of the free market. The tone of the book is established by Stiglitz’s foreword, which reads, “I have written this book because, while I was at the World Bank, I saw firsthand the devastating effect that globalization can have on developing countries, and especially the poor within those countries.” As a result, the book becomes more than just an institutional critique; it also presents a firsthand narrative of the practical effects of globalization, which is why it is so important to the conversation about economic policies and how they affect developing nations.

94th SESSION: THE SUN DOES SHINE: HOW I FOUND LIFE AND FREEDOM ON DEATH ROW, ANTHONY RAY HINTON WITH LARA LOVE HARDIN (DECEMBER 1, 2023)



About the Author

Anthony Ray Hinton is an American activist and author. He was one of the longest-serving death row prisoners in Alabama history and among the longest-serving condemned prisoners to be freed after several decades. He currently serves as an Equal Justice Initiative community educator and advocates for the abolition of the death penalty.

Profile of the Presenter

Ms Sonam Palden reviewed and presented the book “The Sun Does Shine: How I Found Life and Freedom on Death Row” written by Anthony Ray Hinton with Lara Love Hardin. Sonam is a legal officer at the Bhutan National Legal Institute. She joined the Institute in 2022

Synopsis of the Book

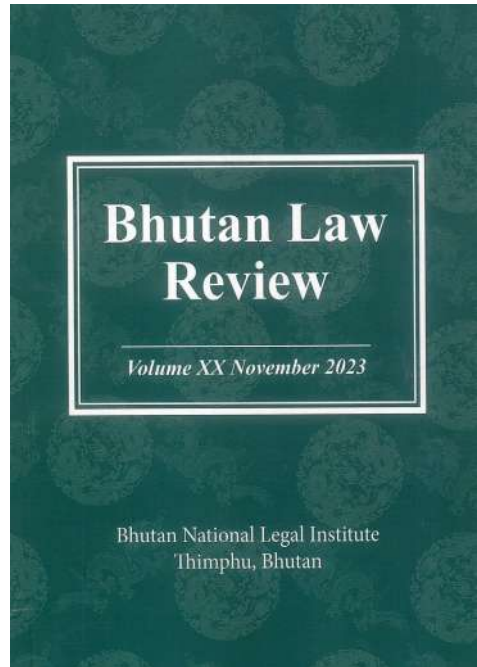
Co-written with Lara Love Hardin, Anthony Ray Hinton’s gripping 2018 memoir “The Sun Does Shine” recounts his nearly three decades spent on Alabama’s death row for a crime he did not commit. Despite his conviction that the legal system is ineffective, Hinton, a young Black guy, is found guilty of capital murder. Self-assured in his innocence, he embarks on a tortuous legal journey, constantly let down by inadequately funded attorneys. During his involvement with the court system, Hinton loses confidence and optimism despite alibis and a successful polygraph exam.

Hinton discovers an unanticipated sense of belonging and family among the other death row inmates, one of whom is a member of the Klan. His cleverness, charisma, inventiveness, and the book club he starts all help him to persevere. The story follows Hinton as he struggles with hope, looks forward to the future, and deals with loss—including the death of his mother and the execution of other prisoners. Bryan Stevenson, whom Hinton refers to as “God’s Best Lawyer,” takes up his case at a pivotal moment. Hinton’s faith is put to the test and ultimately rewarded after thirty years as he is eventually released from prison, despite continued legal challenges.

RESEARCH AND PUBLICATIONS

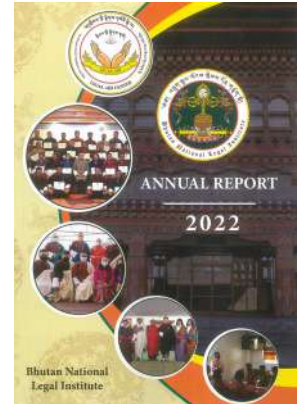
THE BHUTAN LAW REVIEW VOL. 19 AND 20

Considering the important role of legal literature and academic impetus in the interest of Justice and informed rule of law, the Bhutan National Legal Institute publishes the Bhutan Law Review. The Bhutan Law Review is published bi-annually to mark the occasion of the Royal Birth Anniversary of His Majesty the Fourth Druk Gyalpo and His Majesty the King. The Bhutan Law Review provides an opportunity to pursue academic legal writing to fulfill the purpose of enriching legal academia and strengthening the rule of law. This is also to enhance good legal research and writing which are essential to the practice of law. As part of the annual publication, volumes 19 and 20 of the Bhutan Law Review on 21 February 2023 and 11 November 2023. This is to mark legal academics and celebrate noble occasions of the Royal Birth Anniversary of His Majesty the Kings.



ANNUAL REPORTS

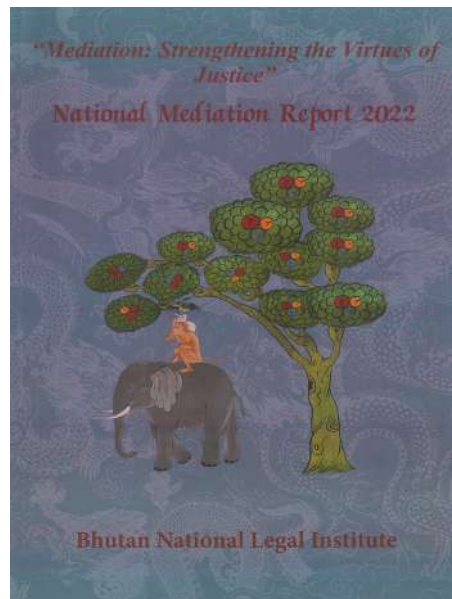
The Institute's Annual Activity Report 2023 was published. It contained the major activities undertaken by the Institute including training, workshops, seminars conducted for judicial personnel and other relevant stakeholders, and research & publications made in 2022. It also highlighted some of the major initiatives of the Institute during the calendar year.



NATIONAL MEDIATION REPORT

The National Mediation Report, an annual publication is an attempt to study the impact of the nationwide mediation of disputes in preserving social harmony and strengthening community vitality. This also serves to assess the efficacy of the training as well as the efficiency of the LG leaders in the mediation of disputes in the communities.

The Institute has published its Annual Report 2022 in January 2023 with the financial assistance of the Royal Government of Bhutan. Since the mediation of disputes provides much-needed alternative relief to the people of lesser means to access justice inexpensively and expeditiously, the primary objective of the compilation of the Annual Mediation Report is to educate, inform and guide people to use mediation, save resources and preserve relationship - and promote peace and happiness in the country.

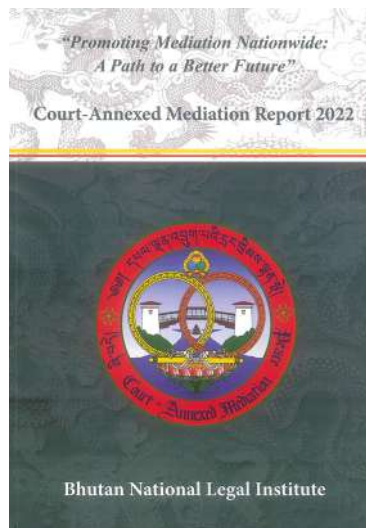


Further, the Report was launched with the hope that it will help deepen the understanding of the benefits of mediation and revive and strengthen the age-old customary system. By weaning some cases off the litigation system, it is hoped that the judiciary is spared scarce judicial time and resources in adjudicating trivial, frivolous, and minor civil cases. Ultimately, it is expected to help preserve the relationship and social harmony in the communities.

COURT-ANNEXED MEDIATION REPORT

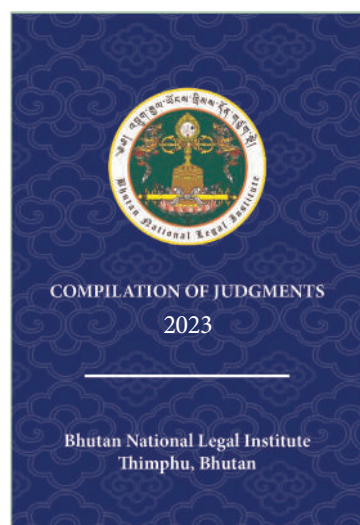
The Court-Annexed Mediation Unit in every Court was established on 28 October 2019. The CAM or the judicial mediation services is a significant judicial reform in recent years aimed at keeping justice as inexpensive and expeditious as possible, in addition to strengthening the community vitality, preserving the relationship between the people and promoting Gross National Happiness. In the Court-Annexed Mediation System, the judge refers appropriate civil cases to the CAMUs for judicial mediation; alternatively, the parties also request the judges to adjourn the cases and refer their cases to in-house judicial mediation service after the registration of the cases; any time, before the judgments are rendered.

The objective of the report is to assess the nationwide impact of CAM training and to determine the cases resolved through mediation in the CAMU, by subject matter in respective courts. The Institute also hopes to gauge the challenges and constraints faced during the mediation process and explore the scope of further improving and promoting the CAM system in the Courts. The compilation of a report such as this is also to educate, inform and guide people to avail of CAM services, save resources and preserve relationship-and to promote peace and happiness in society.



JUDGMENT COMPILATION AND CASE STUDY

As required by the institutional mandate, the Institute also compiled some judgments passed by the Courts for research and future references. Also, as a research arm of the judiciary, the Institute carried out some research works and emphasized on case studies.



OTHER EVENTS

Dedicated Royal Service Award 2023



Her Royal Highness Ashi Sonam Dechan Wangchuck awarded a Bronze Medal (10 years in service) to four officials from the Institute for their dedicated services. The Institute felicitated and conveyed appreciation to Ms. Tshering Pem, Dy. Chief Legal Officer, Mr. Jangchuk Norbu, Deputy Chief Legal Officer, Ms. Tashi Lhamo, Administrative Assistant, Ms. Ngawang Chozom, Personal Assistant for their 10 years of service. The Civil Service Award Certificates of the previous year was awarded to Ms. Tshering Lhamo and Ms. Thukten Lhamo for their commitment and dedicated service to the Tsa-Wa-Sum.

“Enhancing Mediation As a Service
of Justice”
Court-Annexed Mediation
Report 2023



Bhutan National Legal Institute

GLOSSARY

Drangpon:	Judge or Justice of a Royal Court of Justice.
Dungkhag:	Sub-District.
Dzongkhag:	District.
Gewog:	County.
Gup:	An elected Head of a Gewog.
Mangmi:	An elected representative of the Gewog, who is also a Deputy Gup.
Ngotshab:	An elected representative.
Thromde:	Municipality
Tshogpa:	An elected representative or a committee member.
Thuemi:	An elected representative or a committee member.

Vision

High-Quality Professional Mediation Services to the litigants and promote Consensus and Access to Justice.

Mission

1. To 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. To 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. To Disseminate Skills to the Litigants, Counsel and Mediators - The Mediation Unit shall in collaboration with the Institute, provide skills and trainings to the litigants, counsels 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 with in-win outcomes.
4. To Promote Community Vitality - The Mediation Unit shall ensure that the parties produce amicable resolution of disputes without damaging the relationship of the parties. Ultimately, it promotes community vitality thus achieving the goal of Gross National Happiness (GNH).
5. To 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.

Efficient: The Mediation Unit provides efficient and high-quality mediation services through good use of time, energy and resources at a minimal cost.

INTRODUCTION

The concept of “Nangkha Nangdrig” as a mutual internal settlement has become a cornerstone of an effective, remedial as well as community-helping Justice service that is based on the wisest and noble visions of Her Royal Highness Ashi Sonam Dechan Wangchuck. One of the key components of Justice, in today’s legal landscape is the availability of Justice service that remedies the emotions of the people in an effective and accessible way. As part of enhancing Justice service through a channel of mediation, as envisioned to enhance access to Justice, provide Justice as remedy to the emotional constraints of the people, and enable the Justice of mediation within the system of the Courts, the Honorable President of the Institute, HRH Princess Sonam Dechan Wangchuck and Lyonpo Tshering Wangchuk, the former Chief Justice of Bhutan inaugurated the Court-Annexed Mediation Unit in Punakha on 28 October 2019, and subsequently, CAMU was introduced in all courts across the country. The event symbolized the official opening of the CAMU and the institutionalization of the Court-Annexed Mediation System in all courts.

In the Court-Annexed Mediation System, judges refer appropriate civil cases to the CAMU for judicial mediation; alternatively, the parties also request the judges to adjourn the cases and refer their cases to in-house judicial mediation service after the registration of the cases; any time, before the judgments are rendered. After the referral has been made, and if the parties choose to continue with mediation, a Bench Clerk who is a trained judicial mediator shall commence the mediation processes, adopting the principles and stages of mediation. If the mediation is successful, the courts endorse the settlement agreements and render judgments thereon, and enforce accordingly. If the mediation is unsuccessful, it is reverted to the court for adjudication as per the law. One of the basic principles of mediation is confidentiality and it is also one of the many reasons people choose to settle disputes through mediation. It is the responsibility of the parties and the mediator to maintain the confidentiality of the mediation process and all the related information.

The Annual Court-Annexed Mediation Report 2023 documents the nature and the extent of the cases resolved through the services of the Court Annexed Mediation Units (CAMUs). They have significantly enhanced and ‘simplified access to Justice’ and ‘enabled the Courts to ‘mutually settle between the parties through the process of judicial negotiations’ facilitated through the CAMUs. This has significantly helped to reduce ‘the burden of the courts’ by settling a total of 1916 cases across the country.

This number, if we divide, it on a proportionate basis across the courts in the country, has helped to settle about 53 cases in each court through the services of mediation. This number can be significant if we analyze the perspective of judicial caseloads, and the ‘ability of the courts to bridge Justice through the service of mediations’ that has improved community vitality perspectives and reduced judicial caseloads.



(HRH Princess Sonam Dechan Wangchuck, the Hon. President of BNLI during the inaugural ceremony of the Court-Annexed Mediation Unit at Punakha, 28 Oct 2019)



(Court-Annexed Mediation Unit of the Royal Court of Justice, Punakha)

OBJECTIVE

The objective behind publishing an annual report is to study the number of cases each CAMU mediates and the nature of cases in which people choose to settle through mediation. It shall also help the Institute to assess and analyze the impact of CAM training provided to the bench clerks. The Institute also hopes to gauge the challenges and constraints faced during the mediation process and explore the scope of further improving and promoting the CAM system in the Courts. The compilation of a report such as this is also to educate, inform and guide people to avail of CAM services, save resources and preserve relationships and promote peace and happiness in society.

METHODOLOGY

A quantitative method was adopted in the compilation of this report. A form designed by the Institute was circulated to all the CAMUs to collect the figures. Whenever necessary, questions have been asked through phone calls. The information and data were mostly collected via email, although few opted to send through other means of social media forums. The full tabulations of the results of the report are analyzed.

NATURE OF CASES

To understand the type of cases the CAMUs in the courts across the country mediate, a categorization by the nature of cases has been made as follows:

- a. Matrimonial: This category shall comprise of but is not limited to, all disputes covered under the Marriage Act of Bhutan 1980 and its related amendments, like divorce, child compensation, payment of Gao, Logjel, separation cost, a child born out of wedlock,
- b. Monetary: Disputes relating to money lending, both by financial institutions and private lenders, shall be included in this category.
- c. Contractual: All commercial disputes, arising out of non-compliance to the terms of a contract (express or implied, and written or oral) shall comprise contractual disputes. It shall include but is not limited to sale and purchase, hire, payment of wages, any contracts other than money lending among others.
- d. Land: It shall comprise disputes arising from conflicting claims to rights in land by two or more parties, focused on a particular piece of land, like demarcation and use of land.

- e. Inheritance: This generally comprises disputes among family members about their right to inheritance of the properties of their parents and such related disputes.
- f. Defamation: This includes the civil defamation cases, either libel or slander.

Miscellaneous: Other disputes that are not included in the categories mentioned above shall be contained in this category, like disputes relating to timber, irrigation water, and damage of crops by cattle, amongst others.

NATURE OF CASE MEDIATED, 2023

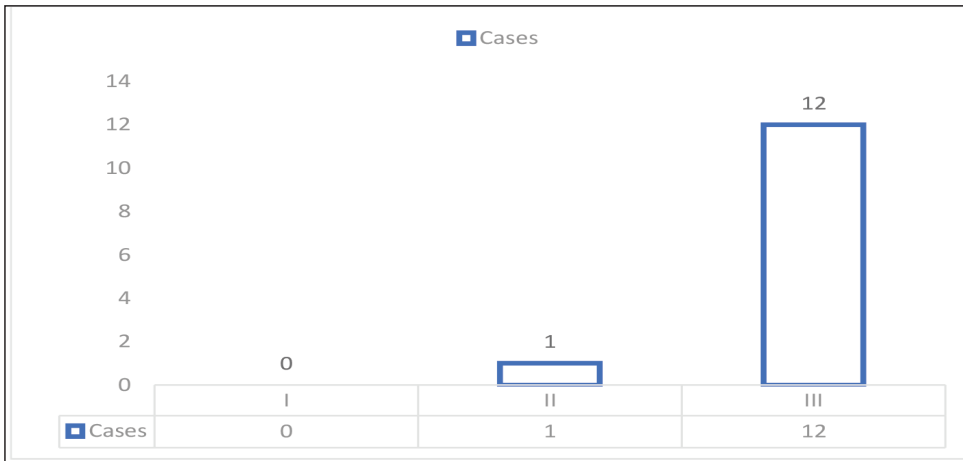
Sl. No.	Types of disputes	No. of Cases
1	Matrimonial	1223
2	Monetary	396
3	Commercial (Bank Loan)	36
4	Commercial (sales & purchases)	41
5	Inheritance	26
6	Land	64
7	Wages	21
8	Child-Related (alimony & out of wedlock)	42
9	Contractual	18
10	Miscellaneous	59
Total		1926

CASES SETTLED BY THE SUPREME COURT, 2023

Sl. No..	Name of the Royal Courts of Justice	No. of Disputes Mediated
1.	Supreme Court	2

CASES SETTLED BY THE HIGH COURT, 2023

Sl. No.	Bench	No. of Disputes
1	Bench I	0
2	Bench II	1
3	Bench III	12
Total		13

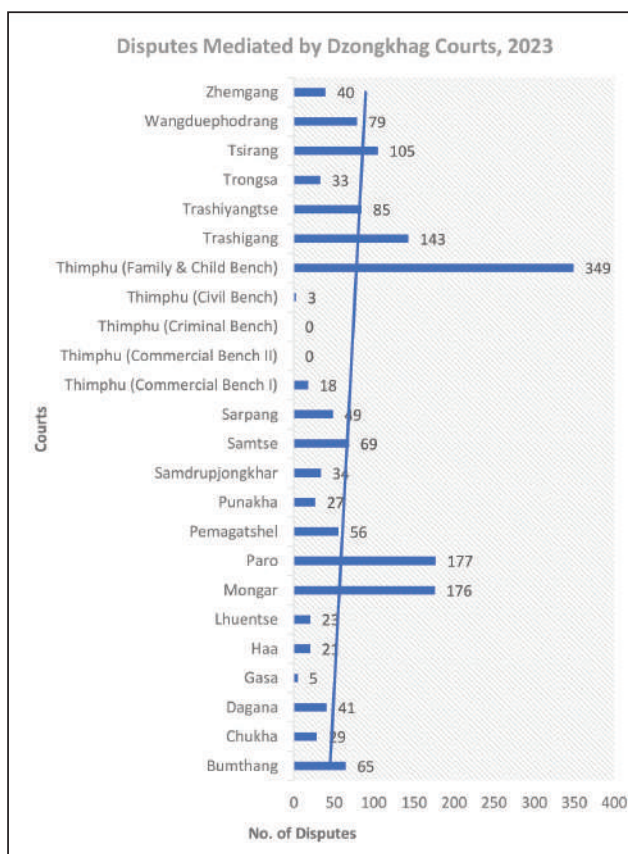


CASES SETTLED BY DZONGKHAG COURTS, 2023

Sl. No	Name of the Royal Court of Justice	No. of Disputes Mediated
1	Bumthang	65
2	Chukha	29
3	Dagana	41
4	Gasa	5
5	Haa	21
6	Lhuentse	23
7	Mongar	176
8	Paro	177
9	Pemagatshel	56
10	Punakha	27
11	Samdrup Jongkhar	34
12	Samtse	69
13	Sarpang	49
14	Thimphu (Commercial Bench I)	18
15	Thimphu (Commercial Bench II)	0
16	Thimphu (Criminal Bench)	0

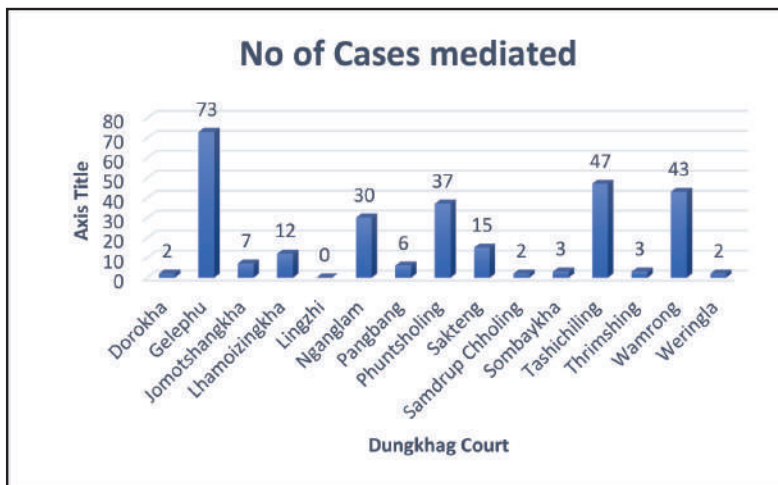
ANNUAL REPORT 2023

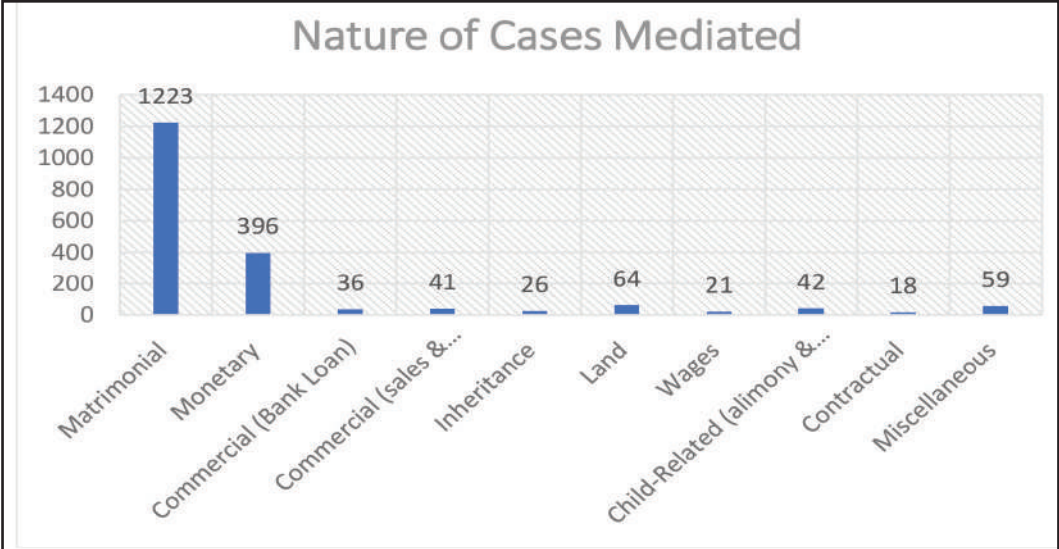
17	Thimphu (Civil Bench)	3
18	Thimphu (Family & Child Bench)	349
19	Trashigang	143
20	Trashiyangtse	85
21	Trongsa	33
22	Tsirang	105
23	Wangduephodrang	79
24	Zhemgang	40
Total		1629



CASES SETTLED BY DUNGKHAG COURTS, 2023

Sl. No.	Royal Courts of Justice	No. of Disputes Mediated
1	Dorokha	2
2	Gelephu	73
3	Jomotshangkha	7
4	Lhamoizingkha	12
5	Lingzhi	0
6	Nganglam	30
7	Pangbang	6
8	Phuntsholing	37
9	Sakteng	15
10	Samdrup Chholing	2
11	Sombaykha	3
12	Tashichiling	47
13	Thrimshing	3
14	Wamrong	43
15	Weringla	2
Total		282





OVERALL FINDINGS

The analysis of the number and the nature of the cases reveals that ‘matrimonial disputes’ form a significant proportion of the disputes resolved through the CAMU services, followed by monetary and financial-related disputes. ‘Land issues’ and land disputes also form a part of a part of the dispute, which is followed by commercial disputes arising out of sales and purchases. The High Court of Bhutan has also resolved a significant number of cases through the CAMU which totals to 13 cases. This represents the effectiveness, as well as the intermediary role of ‘judicial mediation services’ as one component of Justice service, that fulfills the aspirations of Justice and the rule of law.

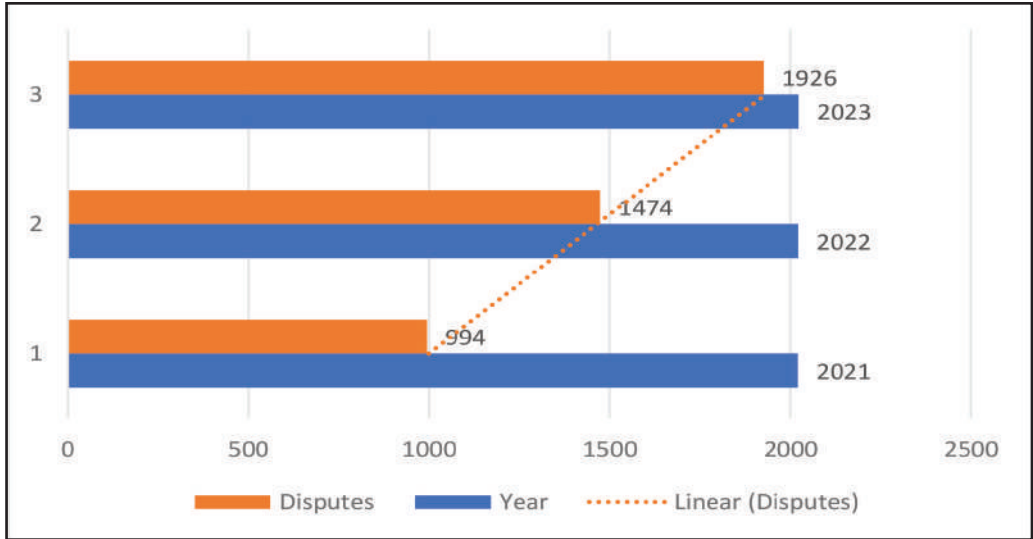
One of the significant findings of the CAMU Report shows that the Family and the Child Bench, Thimphu has resolved the highest number of matrimonial disputes through the services of the CAMU, followed by the Royal Court of Justice, Paro and Monggar. At the Dungkhags, the Royal Court of Justice, Gelephu has settled the highest number of disputes through the CAMU, followed by the Royal Court of Justice, Trashicholing. In total, the High Court of Bhutan resolved 15 disputes through the CAMU; and the Dzongkhag Courts resolved 1629 cases, with Dungkhag Courts negotiating and resolving 282 disputes, respectively. The Supreme Court resolved two cases. The Institute takes this opportunity to extend our appreciation to all the Judges, the judicial personnel, and the judicial mediators for negotiating the interest of Justice and fulfilling the interest of the parties through legal and judicial remedies, that best suit them and their interests.

IMPACTS OF THE JUDICIAL MEDIATION SERVICES

Mediation is becoming a ‘significant as well as a mainstream Justice service’ stitching families and communities together, and enabling a Justice service that is accessible, relevant, and timely. It has helped the courts across the country to use ‘non-judicial’ interventions to enhance the services of Justice; and engage restorative judicial thinking. Comparatively, the studies from the past years show that the use of judicial mediation services has steadily climbed over the years, with a progressive incline in the number of services, every year. In 2021, courts resolved 994 cases through the services of the CAMU; and in 2022, it has increased to 1474 cases. In 2023, the number of disputes resolved through the CAMUs has proportionately increased to 1926 cases. This signifies that the diversification of judicial services and the institution of the CAMU can stand as a strong intermediary of Justice and the judicial processes, thereby reducing the time of the litigants as well as the Courts. This also shows the role of out-of-court negotiations and ‘interest-based judicial approaches’ as cardinal elements of Justice. Further, this also shows the penetration of legal education and awareness and the benefits of the ‘alternative dispute resolution’ methods provided by the Royal Courts of Justices, thus negotiating a newer lens of Justice and judicial services.

ANNUAL REPORT 2023

Year	2021	2022	2023
Disputes	994	1474	1926



ADJUDICATION OF CIVIL CASES BY THE COURTS

The 2023 Annual Report of the Royal Courts of Justice, the Judiciary of Bhutan highlights that 7549 cases were registered in the Courts across the country. Of the total, 1926 disputes were resolved through the services of the CAMUs across the country. Figuratively, it can be summated that 25.55% of the total civil cases registered with the Courts were resolved through the CAMUs. This demonstrates the effectiveness as well as the 'alternative means of Justice' that alleviates the burden of the Courts and the formal Justice System.

Additionally, local leaders across 205 Gewogs, Thromde Ngotshabs and Tshogpas, and paralegals successfully negotiated and mediated 4,332 disputes out of the Courts. This further reduced the caseloads of the Courts; and reaffirmed the positive role of mediation services in reducing the number of civil cases in the courts across the country.

Non-empirically, the impacts of mediation services go beyond the 'reduction of the cases,' and bring significant time and resource-saving for the litigants as well as the Courts. Mediation and non-formal negotiation have found a deeper meaning in fostering community ties and forging a 'community living based on values of harmony, nearness, and a thriving society.' It has enhanced the sense of contentment, and fairness; and established itself as an essential complementary tool that supports the formal Justice System.

It is crucial to recognize that while mediation and alternative dispute resolution systems are invaluable in their arena, they cannot entirely replace the formal adversarial system of administration of Justice. However, they serve as vital tools to mitigate the inundation of the courts with trivial, frivolous, protracted, and cantankerous civil disputes. By providing a swifter and more amicable resolution to such cases, mediation contributes to the overall efficiency of the justice system.

The Court Annexed Mediation Units nationwide have demonstrated their effectiveness by mediating an impressive 1,926 cases in 2023. The breakdown includes 13 cases mediated by the High Court, 1,629 by the Dzongkhag Courts, and 282 by the Dungkhag Courts. Notably, the Family and Child Bench at Thimphu Dzongkhag Court mediated the highest number of disputes (349), followed by Paro Dzongkhag Court (177) and Monggar Dzongkhag Court (176), respectively.

As we reflect on the remarkable achievements of 2023, it is clear that the integration of mediation services has significantly contributed to a more equitable, efficient, and content civil society.

CONCLUSION

Mediation remains a substantial method of dispute resolution in Bhutan, and it has grown significantly over the decades. Mediation shall be embraced as an integral part of every legal system. It creates a more efficient and harmonious dispute settlement process and makes moving the matter from the court to the mediator quicker and more efficient. Moreover, comparing the total number of cases mediated in 2021 and 2022, there is a considerable increase in the total number of cases mediated in 2023. It indicates that more people are choosing mediation to settle disputes, which shows people's awareness of mediation as a valuable and suitable means of dispute resolution. Moreover, the Bhutan National Legal Institute has successfully trained all Bench Clerks in the Judiciary as judicial mediators to enhance the expeditious settlement of the disputes that seeks the services of the CAMUs.

This initiative has effectively brought Justice closer to the people's doorsteps by empowering Bench Clerks with essential mediation skills and techniques. This strategic move acknowledges the pivotal role that bench clerks play in the judicial process and leverages their capabilities to enhance access to justice.

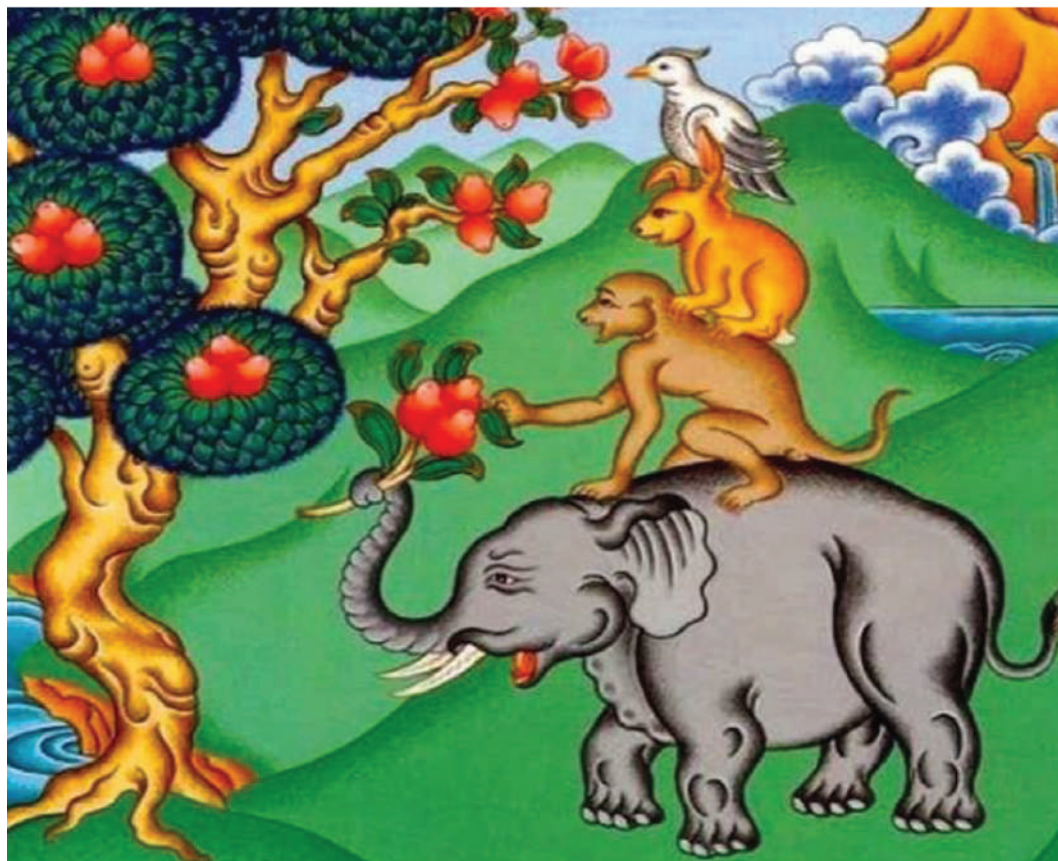
By imparting mediation skills to bench clerks, the judiciary has expanded its pool of trained professionals and decentralized the mediation process. Bench Clerks, equipped with these skills, are now better equipped to assist parties in resolving disputes early, thereby preventing the unnecessary escalation of conflicts to formal court proceedings.

**“Mediation:
The New Wisdom for Justice”
National Mediation Report 2023**



Bhutan National Legal Institute

THUENPA PUENZHI, THE 'FOUR HARMONIOUS FRIENDS'



The concept of 'mutual coexistence' and the art of 'negotiating through a channel of dialogue' is entrenched in Bhutanese and Buddhist cosmology. The best of negotiating based on the 'mutuality of benefits' is synonymized through the concept of 'Khenpa Dumdrig.' These aspects of mediation are amply symbolized by the painting or the picture of the Thuempa Puenzhi, the 'Four Harmonious Friends' - the elephant, the monkey, the rabbit, and the bird. The picture shows the concepts of equity, and Justice based on the strengths of the animal that best epitomizes the method and wisdom in getting the 'fruit' - that in brief represents the aspirations.

While at a glance, the image symbolizes peace, harmony and unity in our homes, offices and society, the deeper significance is that it epitomizes respect, interdependence, friendship, cooperation, collaboration, generosity, compromise and accommodation despite our hierarchy, background, power, strength and size - as depicted by the four different types, sizes and colours of animals.

As a small nation and a legal system that best respects the values of mutual coexistence, mediation and the legal effort to facilitate mutual coexistence, stands as an important pillar of Justice and as a means of achieving the common goals of GNH. It supports the perpetual quest of Bhutanese people to live in friendship, cooperation and independence under the guidance of our enlightened Monarchs - like the co-existence of the four different animals in the Buddhist fable, there will never be discord, separation, tragedy and calamities in the country.

Like the amicable resolution of the dispute over the ownership of the tree between the 'four friends,' we hope that our people will resolve their disputes and differences amicably and use it as a means of strategizing peace and harmony and promoting a living based on values of nearness, and community vitality that supports the essential fabric of the Bhutanese society. We hope that the mere sight of the portrait of the 'four harmonious friends' on the cover page of this Report will calm our minds and pacify the conflicts.

The Institute's Mediation Training is based on the "Thuelam Model". It combines many aspects of the traditional Bhutanese approach to peaceful dispute resolution, along with current international best practices in mediation skills and techniques, which makes it a leading edge in this dynamic field.

INTRODUCTION

Bhutan has a long history of resolving disputes through the art of negotiations and mediation. The concept of Nangkha Nagdrig which connotes 'internal settlement' or 'mediation' has played a significant role in instituting the concepts of Justice and the rule of law. The concept of Dedrig reminds about the institutionalization of happiness as a means of living. Conceptually, Dhum Drig has its origin in religious text and has been promulgated in the Thrimzhung Chhenmo, 1959 thus establishing it through a formal process and letter of the law. It is referred to as Bardum in the Alternative Dispute Resolution Act of Bhutan, 2013. It is generally understood as an intervention from a third-party neutral (Nang Drigpa or Barmi) who assumes the role of a mediator and tries to make the parties understand the benefits of settling disputes internally, without going to the courts.

The law on mediation in the Thrimzhung Chhenmo 1959 was later replaced by provisions in the Civil and Criminal Procedure Code, 2001. In principle, all civil disputes can be resolved through mediation. However, despite a plethora of laws advocating mediation of disputes, gauging from the large number of cases that reach courts, including those that can be mediated, the age-old practice of informal and amicable settlements of disputes has declined, mainly due to a lack of trained mediators and the institutions patronizing the system. With the capacity development programs of the Local Government Leaders on various aspects of mediation and mediation techniques, have extensively helped the people at the communities to resolve disputes and facilitate access to Justice. This noble initiative has already supplemented the Judiciary in the resolution of disputes by strengthening the ADR system and eliminating minor disputes; mitigating the divisive effects of litigations and preserving the age-old culture of interdependence and mutual coexistence.

OBJECTIVES

As a nation that is guided by the principles and precepts of GNH, the creation of a sustainable and viable dispute resolution method that helps the communities is a must. The reinforcement of processes to negotiate, compromise, and adjust by creating a 'working platform' has enhanced in strengthening, reinforcing, and vitalizing the main elements of community and social coexistence- that echoes the best 'living traits of Bhutan' is both necessary.

Mediation has provided a 'needed alternative' that paves a way to enable access to Justice inexpensively and settle the disputes expeditiously. The primary objective of the National Mediation Reports is to assess, educate and inform to use mediation as a means of dispute resolution. The Report endeavours to provide a systematic mechanism to carry on a periodic assessment so that we can assuage the effectiveness as well as the hindrances of mediation through empirically established data. These data enable us to corroborate for future interventions and reforms to re-institute mediation as the most viable service of Justice: so that Justice is served inexpensively.

METHODOLOGY

As part of engaging an institution of calculative assessment to obtain necessary information, and data on the exact number of cases mediated, a formal data collation procedure was instituted. Dispute Mediation Forms was sent to all the 205 Gewogs, and other relevant stakeholders including the Thromde Tshogpas, and Thromde Ngotsabs. The data collected were compiled to study and evaluate the number and types of cases, establishing a national dispute trend. The Report is the cumulative assessment of the number and types of disputes mediated by the LG Leaders in 205 Gewogs and Thromde Thuemis, Thromde Ngotsabs, and paralegals, who provide legal services.

MEDIATION REPORT

The disputes are classified into the following categories:

1. Matrimonial
2. Land
3. Inheritance
4. Monetary
5. Irrigation and drinking water
6. Footpath and access road
7. Crop damage by cattle and others
8. Child maintenance and
9. Miscellaneous matter.

KEY FINDINGS

Sl. No.	Particular	No. of Disputes Settled between Jan – Dec 2023	Remarks
1	Court Annexed-Mediation Units	1926	Bench Clerks
2	205 Gewog Offices	3945	LG leaders
3	Thromde Ngotsabs and Tshogpas	58	Municipal leaders
4	Paralegals	329	Paralegals
Aggregate Disputes Resolved		6,256	

FINDINGS FROM 205 GEWOGS AND THROMDE[S]

in 2023, a total of 3945 disputes were negotiated and settled by local functionaries in the Gewogs. The report underscores noteworthy achievements in dispute resolution, showcasing the successful mediation of 6,248 disputes by a collaborative effort involving 205 Gewogs (counties), Thromde Thuemis, Paralegals, and Court-Annexed Mediation Units throughout 2023.

Remarkably, Local Government (LG) leaders across 205 Gewogs demonstrated commendable mediation skills, successfully resolving 3,948 disputes. Among the Dzongkhags, Paro Dzongkhag took the lead in dispute mediation, handling the highest number of cases at 456, closely followed by Wangduephodrang Dzongkhag with 360 cases and Punakha Dzongkhag with 355 cases, respectively.

In addition, the collaborative endeavours of the 16 Thromde Ngotshabs and Tshogpas within the four Thromde offices successfully resolved 58 disputes. Notably, Thromde[s] exhibits a lower frequency of conflicts, and the disputes that arise are consistently referred to the Mediation Committee within their respective Offices for negotiation and resolution. Nevertheless, persistent challenges are evident, as a few Thromde Thuemis still face difficulties maintaining accurate records of the mediated disputes. Moreover, the trained paralegals played a pivotal role in mediating 329 disputes, underscoring their significant contributions within their respective offices.

The overall impact of trained mediators, including LG leaders, private paralegals, and bench clerks, has been pivotal in providing accessible and efficient mediation services to the public. This proactive approach has prevented an overwhelming caseload in the court of law, saving both time and resources for the involved parties. The Institute takes pride in the accomplishments of its trained mediators, with around 3,076 individuals trained since 2012. The Institute remains committed to its mission, ensuring the continuous provision of mediation training for the betterment of the people and the country.

CONCLUSION

As of December 2023, the Institute's records indicate an impressive total of 52,256 disputes mediated by the local government leaders, paralegals, and Court-Annexed Mediation Units, underscoring the substantial positive impact on the legal system and societal relationships. This remarkable accomplishment further reinforces the Institute's commitment to fostering a culture of mediation and conflict resolution in Bhutan.

STAFF WHO JOINED



Mr. Dawa worked as a Bench Clerk at the Royal Court of Justice, Gelephu (1999) and at the Royal Court of Justice, Wangdue Phodrang, Punakha, and Haa. He joined the Legal Aid Center (LAC) under the Bhutan National Legal Institute in 2023.



Ms. Ugyen Zangmo worked as a Bench Clerk at the Royal Court of Justice, Gelephu (1999) and at the Royal Court of Justice, Wangdue Phodrang, Punakha, and Haa. She joined the Legal Aid Center (LAC) under the Bhutan National Legal Institute in 2023.



Ms. Ngawang Chozom served as a Personal Assistant to the Drangpon of the Royal Court of Justice, Gasa in 2013. She was transferred to the Bhutan National Legal Institute as the Personal Assistant to the Director General in 2023.



Ms. Passang Wangmo has served as a Senior Telephone Operator at the National Environment Commission Secretariat (NECS) since 1999. She was transferred to the Bhutan National Legal Institute as the Senior Dispatcher in 2022.



Ms. Sonam Yuden has been the Gardener at the Supreme Court of Bhutan since 2018 and was transferred to the Bhutan National Legal Institute in 2023.

STAFF ON STUDY LEAVE



Mr. Pempa Shingdan has been deputed to the Bhutan National Legal Institute and is on a two-year bnStudy Leave since 2023.

STAFF ON EXTRA-ORDINARY LEAVE



Mr. Jangchuk Norbu joined the Bhutan National Legal Institute as a Legal Officer in 2013. He is on a two- year Extra-Ordinary Leave (EOL) effective from January 2024.



Ms. Dechen Lhamo joined the Bhutan National Legal Institute as a Legal Officer in January 2013. She is on a two- year Extra-Ordinary Leave (EOL) effective from September 2022.

STAFF WHO LEFT/TRANSFERRED



Ms Pema Zangmo joined the Bhutan National Legal Institute as an Administrative Officer in 2012 and she resigned the office in 2023.



Mr. Tenzin joined the Bhutan National Legal Institute as a Legal Assistant in 2015 and transferred to the Royal Court of Justice, Trashiyangtse in 2023.

STAFF ON DEPUTATION



Ms. Tenzin Yangzom joined the Bhutan National Legal Institute as the Research Officer in 2021 and is currently on a four-year deputation to the Centre for Bhutan and GNH Studies (CBS), Thimphu.

STAFF WITH THE HON'BLE PRESIDENT



Her Royal Highness Princess Sonam Dechan Wangchuck



*Drangpon Pema Needup
Director General*



*Kinzang Chedup
Dy. Chief Legal Officer*



*Tshering Pem
Dy. Chief Legal Officer*



*Thinley Choden
P.S. to Her Royal Highness*



*Tenzin Yangzom
Research Officer*



*Sonam Palden
Legal Officer*



*Karma Tenzin
Court Registrar*



*Tenzin Dorji
Court Registrar*



*Tashi Lhamo
Administrative Assistant*



*Dawa
Sr. Bench Clerk*



*Ugyen Zangmo
Sr. Bench Clerk*



*Tsheten Phuntsho
Bench Clerk*



*Ngawang Chozom
Personal Assistant*



*Tshering Lhamo
Sr. Store Keeper*



*Passang Wangmo
Sr. Telephone Operator*



*Thukten Lhamo
Gardener*



*Dorji Rinchen
Driver*



*Sonam Yuden
Cleaner*