



༄༅། རྒྱུ་ཁྲིམས་ལྷན་སྡེའི་ཐབས་བྱས་འཆར་གཞི།  
དཔལ་ལྷན་འབྲུག་པའི་རྒྱུ་ཁྲིམས་ལྷན་སྡེ།

# JUDICIARY STRATEGIC PLAN

---

2022-2032

---

Royal Court of Justice



༄། རྒྱལ་ཁབ་ཁྲིམས་ལྟན་སྡེ་རི་ཐབས་བྱུས་འཆར་གཞི།  
དཔལ་ལྷན་འབྲུག་པའི་རྒྱལ་ཁབ་ཁྲིམས་ལྟན་སྡེ།  
\_\_\_\_\_ 2022-2032 \_\_\_\_\_

**JUDICIARY STRATEGIC PLAN**  
\_\_\_\_\_ 2022-2032 \_\_\_\_\_

Royal Court of Justice

༡ ཨ་སྤྱི།

དཀོན་མཆོག་ཅུ་གསུམ་སྐྱབས་གནས་ཀྱི་མཚོ་ཡིས། །  
དག་ལེགས་བརྟེན་འབྱུང་དམ་པའི་མཆོག་སྟོལ་བས། །  
ས་སྐྱོང་འཇིགས་མེད་གེ་སར་མཚན་ཅན་གྱི། །  
སྐྱེ་ཆེ་ཡུན་བརྟན་མངའ་ཐང་རྒྱས་པར་ཤོག།

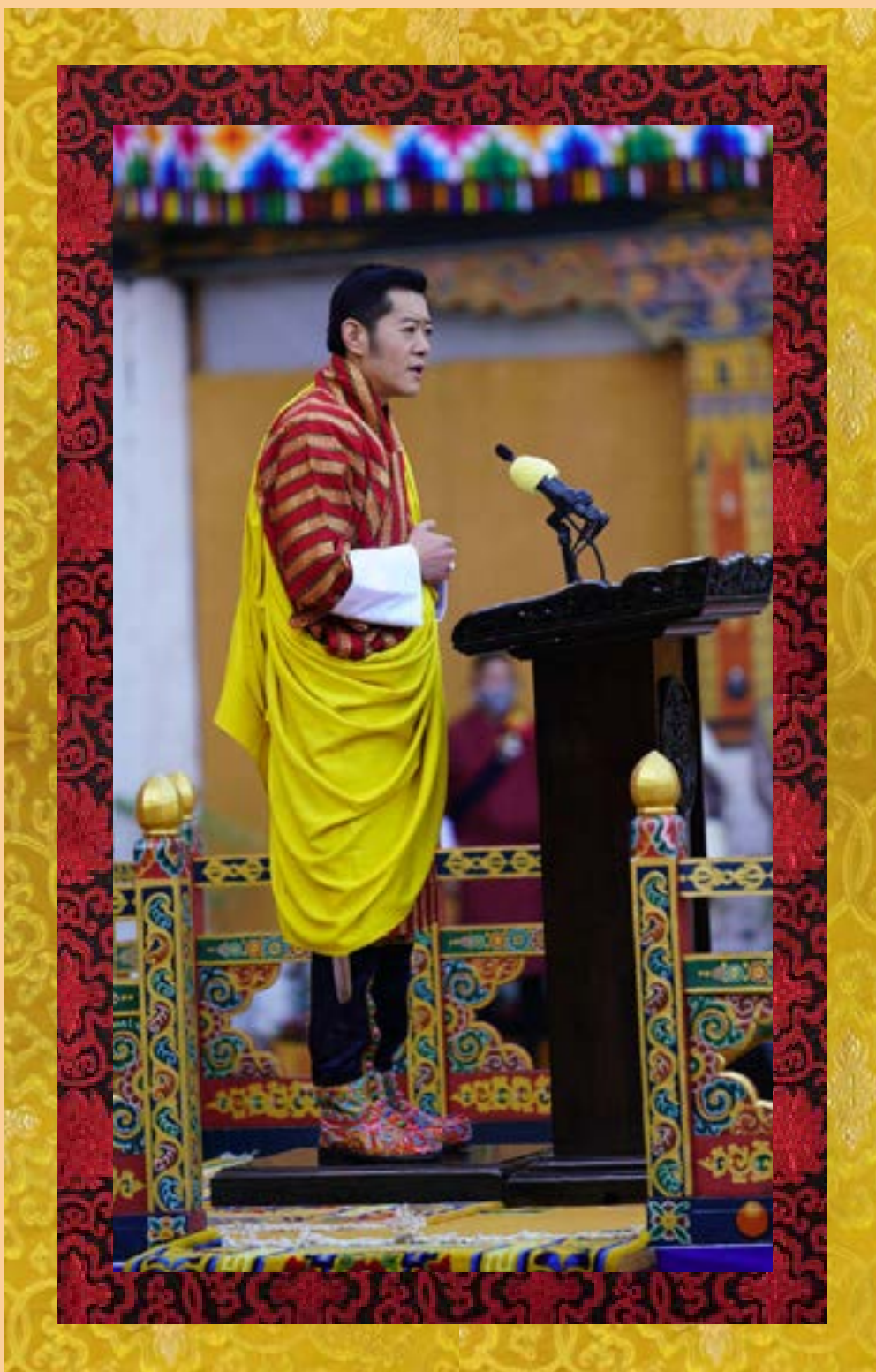
བཙམ་ལུན་ཐུགས་ཐེའི་དབང་ཐུག་ཆེན་པོ་ཡིས། །  
བྱིན་ལྷབས་བདུད་ཅིའི་ཆར་རྒྱན་ནམ་ཀུན་པ། །  
མི་དབང་ཆོས་རྒྱལ་དམ་པའི་སྐྱེ་ཆེ་བརྟེན། །  
ཆབ་སྲིད་མངའ་ཐང་དར་ཤིང་རྒྱས་པར་ཤོག།

སྤྱིགས་དུས་འགོ་མགོན་པར་ཀླ་ར་ཡིས། །  
འཆི་མེད་བདེ་ཆེན་གྲུབ་པའི་མཆོག་སྐྱིན་པས། །  
མི་དབང་ཆོས་རྒྱལ་དམ་པའི་སྐྱེ་ཆེ་བརྟེན། །  
ཆབ་སྲིད་མངའ་ཐང་དར་ཤིང་རྒྱས་པར་ཤོག།

སྐྱབས་མཆོག་ངག་དབང་ནམ་པར་རྒྱས་པར་ཡིས། །  
གསང་གསུམ་རྩི་ཐེའི་དབང་བསྐྱར་མི་བསྐྱུ་བས། །  
མི་དབང་ཆོས་རྒྱལ་དམ་པའི་སྐྱེ་ཆེ་བརྟེན། །  
ཆབ་སྲིད་མངའ་ཐང་དར་ཤིང་རྒྱས་པར་ཤོག།

ཕན་བདེའི་འབྱུང་གནས་རྒྱལ་བའི་བསྟན་པ་འཕེལ། །  
རྒྱལ་སྟོན་འབངས་འཁོར་དམ་གཙང་མཐུན་འབྲེལ་བ། །  
བདེ་སྦྱིད་ཐུན་ཆོགས་དཔལ་ཡོན་དགུང་ཏུ་འཕྱར། །  
ཐྲོངས་འདི་འཛམ་གླིང་ཀུན་ཏུ་མཛེས་འགྱུར་ཅིག།





མཆོད་བརྗོད།

སྦྱི་ཕན་བསམ་སྦྱོར་ཀླན་ནས་རབ་བླངས་ཤིང་། །  
བྲང་ཁྱིམ་ས་ལྷན་སྡེའི་ཐབས་བྱས་གཅིག་སྦྱོལ་གྱིས། །  
མཛོན་མཐོངས་ལེགས་ལམ་བཟང་དམ་པ་བསྟེན། །  
བྱ་སྒྲེའི་ཉི་བཞོན་རིམ་པ་འདིར་ནས་འཆར། །

# TABLE OF CONTENTS

## LIST OF ABBREVIATION AND ACRONYMS



ACC	Anti-Corruption Commission
ADR	Alternative Dispute Resolution
ADRC	Alternative Dispute Resolution Center
BCB	Bar Council of Bhutan
BNLI	Bhutan National Legal Institute
CAM	Court-Annexed Mediation
CCPA	Child Care and Protection Act, 2011
CCPC	Civil and Criminal Procedure Code
CIS	Case Information System
CMS	Case Management System
CSO	Civil Society Organizations
ELMS	Enterprise Legal Management System
G2C	Government to Citizen
GNH	Gross National Happiness
GNHC	Gross National Happiness Commission
GPMD	Government Performance and Management Division
ICT	Information and Communication Technologies
JSA	Judicial Services Act of Bhutan, 2007
JSW Law	Jigme Singye Wangchuck School of Law
LNA	Legal Needs Assessment
NA	National Assembly
NCWC	National Commission for Women and Children
NJC	National Judicial Commission
NKRA	National Key Results Area
MCLE	Mandatory Continuing Legal Education
MoF	Ministry of Finance
OAG	Office of the Attorney General
MoIC	Ministry of Information and Communication
PAC	Public Accounts Committee
PCB	Penal Code of Bhutan, 2004
PPD	Policy and Planning Division
RAA	Royal Audit Authority
RBP	Royal Bhutan Police
RCSC	Royal Civil Service Commission
RJSC	Royal Judicial Service Council

འབྲུག་གི་ཁྲིམས་སྤྱི་སྡོན་པོའི་ཡིག་ཚད།  
མངོན་མཐོ་ཁྲིམས་ཀྱི་འདུན་ས།



Office of the Chief Justice of Bhutan  
Supreme Court

## FOREWORD



The Constitution of the Kingdom of Bhutan mandates the Judiciary to safeguard, uphold and administer Justice fairly and independently without fear, favour, or undue delay in accordance with the Rule of Law. In the recent past, it has assumed even greater importance with the advent of democracy in the Country. It is one of the most sacrosanct guardians of the Constitution in upholding peoples' trust and fidelity. Likewise, the Constitution entrusts the Judiciary with the sacred task of interpreting and applying laws to safeguard peoples' rights promised by the laws and enforce legal duties. Hence, a strong, independent, transparent and efficient Judiciary is vital for a vibrant democratic system, which has taken firm roots with constant guidance under the great leadership of His Majesty the King.

However, the Judiciary has lacked a strategic framework that provided a clear roadmap until now. Realizing this shortfall and the challenges faced by the institution over the years, the Judiciary finally has a Strategic Plan to provide a clear, strategic framework to ensure that it responds efficiently to achieve national interests and satisfy peoples' changing legal needs with time. As an independent branch of government with significant constitutional roles, it is crucial that the Judiciary pursue long-term goals to effectively discharge its duties at hand and build legal expertise and promote professionalism, competency and accountability in a sustainable manner.

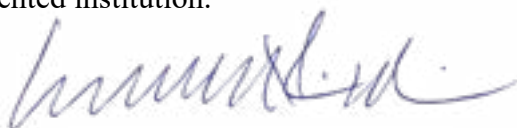
The Judiciary Strategic Plan 2022 -2032 is developed in line with the Justice Sector Strategic Plan, and aligned with the broader national objectives and recent relevant developments in the international arena. The Judiciary must work towards achieving a national goal of robust, peaceful, just, fair and harmonious society. Also, at the same time, it must be aware of the new legal



developments in the region and beyond to safeguard its national interests and protect Bhutanese people. It is a wholesome document that identifies major strategic objectives and goals that the Judiciary will strive to achieve over the next decade. The judicial functioning and decisions are critical because they directly affect and influence peoples' life, property, liberty, policies, laws and politics. Therefore, the Judiciary while interpreting laws and administering justice must exercise due diligence with highest standards of professionalism, competency and accountability. Law is a safeguard to citizens and acts as a leveller in the society by treating all citizens equal under the law. However, to realize His Majesty's noble vision of enlightened laws to protect every person, the Judiciary and agencies involved in administering justice must guarantee that laws are implemented both in spirit and letter. Justice is a mammoth end-product that requires the support and collective strength of many agencies.

Nevertheless, the Judiciary being at the helm of the justice system must play a pivotal role in strengthening access to timely justice and promoting cordiality, professionalism, accountability and transparency among the Bhutanese Justice Sector agencies to ensure Rule of Law and enhance legal certainty. All these aspects are taken into consideration in the Strategic Plan, which makes it a landmark document for the Judiciary. Another important aspect of the document is that it is developed after thorough survey and consultation with the Judiciary employees for ownership and smooth adoption.

Therefore, we hope that the Judiciary Strategic Plan will not only foster efficiency, professionalism and accountability as some of the core attributes of the Judiciary but also strengthen institutional independence and inspire public trust and confidence in the Judiciary. A clear strategic direction will provide well-planned programmes and activities, promote efficiency and make the Judiciary a goal-oriented institution.



(Chogyal Dago Rigdzin)

CHIEF JUSTICE OF BHUTAN  
Supreme Court  
Royal Court of Justice  
Thimphu : Bhutan

01

# EXECUTIVE SUMMARY



## 01 EXECUTIVE SUMMARY



The concept of *justice* as a virtue has been a cornerstone of Bhutan's legal, political, and social institutions since the founding of the nation by Zhabdrung Ngawang Namgyel. Grounded in the Buddhist principles of ten pious acts (ལྷོ་ཚུལ་དགེ་བ་བརྒྱ།) and sixteen virtuous acts (མི་ཚུལ་གཙང་མ་བརྒྱ་དྲུག།), the Bhutanese notion of justice is centered on the promotion of peace, harmony and happiness.<sup>1</sup> In the last 115 years, these traditional principles have been incorporated into the modern state, in particular with the institution of monarchy in 1907<sup>2</sup>; the introduction of democracy and the adoption of the Constitution in 2008<sup>3</sup>. They are consistent with and parallel to the internationally-recognized principles such as the *Rule of Law*, *Due Process* and *Natural justice*.

The Judiciary was one of the earliest public institutions established during the modernization phase of the country under the golden reign of His Majesty the Third Druk Gyalpo Jigme Dorji Wangchuck<sup>4</sup>. Initially, in addition to its core adjudicative function, the Judiciary played other substantial roles in the administration of justice, with judicial officials serving as investigator, prosecutor, defense counsel, mediator, and even legislator.<sup>5</sup> In fact, there is still a popular misconception that the Judiciary is solely responsible for dispensation of justice.

However, the modern Bhutanese justice system encompasses many institutional actors with different constitutional and statutory mandates in the administration of justice. For instance, the *Royal Bhutan Police* (RBP) and the *Anti-Corruption Commission* (ACC) serves as the investigating agencies; the *Office of the Attorney General* (OAG) serves as the prosecuting agency; and the Bar, regulated by the *Bar Council of Bhutan* (BCB), represents litigants in civil and criminal proceedings.

The Judiciary, nonetheless, maintains a central and important role, as the constitutional organ responsible for the adjudication of disputes; and the guardian and interpreter of the Constitution. Therefore, it is vital that the Judiciary continues to maintain its independence, improve its efficacy, and respond to the changing circumstances. Thus far, the Judiciary executed its routine traditional mandates based on experience, institutional memory and leadership of the successive Chief Justices. Apart from the draft *Judiciary Master Plan*,<sup>6</sup> it did not have plans and strategies for transformative reforms in response to the increasing sophistication of the society and expectations of the people. As the third pillar of the state, the Judiciary is looked upon as the role model;

and a source of inspiration and leadership by the other justice agencies and the government in the matters of law and justice. Accordingly, this *Strategic Plan* sets out the vision, mission and clearly-defined goals and objectives to guide the Judiciary for the next ten years and beyond.

This Plan is rooted in the vision and mission of the Judiciary, namely, the vision to create a *free, fair, just and harmonious society*;<sup>7</sup> and the mission *to safeguard, uphold and administer justice fairly and independently without fear, favor, or undue delay in accordance with the law to inspire trust and confidence, and enhance access to justice*.<sup>8</sup>

This Plan draws upon the observations of the *Royal Audit Authority (RAA)*<sup>9</sup> on the Judiciary system and practices; and the deliberation of *Joint Sitting of the Parliament*.<sup>10</sup> The RAA Report sets out seventeen recommendations for the reformation of the judicial procedures and systems to improve delivery of judicial services and enhance access to justice. This Plan is also a result of a series of consultative meetings conducted with relevant stakeholders and an online survey of judicial personnel on the strengths, weaknesses, opportunities and risks faced by the Judiciary.

This Strategic Plan identifies four ***strategic goals*** and several specific ***strategic objectives*** to be achieved by the end of 2032.

The first *Strategic Goal* is to ***inspire public trust and confidence*** in the Judiciary through internal reforms.

The second *Strategic Goal* is to ***enhance access to justice*** by addressing the barriers that impede access to justice.

The third *Strategic Goal* is to ***consolidate independence of the Judiciary***, through comprehensive implementation of the *Judicial Service Act of the Kingdom of Bhutan, 2007*.

The final *Strategic Goal* is to ***enhance institutional linkages and collaboration*** with the core justice-sector institutions and other relevant stakeholders.

The primary role of the Judiciary is to lead and inspire other justice agencies towards realizing the common vision for justice for the people and the country. The effective fulfillment of this role lies in identifying and overcoming both internal weaknesses and challenges, and external risks and expectations. As

Bhutan graduates to a *middle-income* country, the Judiciary should, through its effective and efficient dispute resolution services, support the government in increasing the ease of doing business to attract more investments, resulting in the increased income and prosperity of the people and the country.

This Strategic Plan sets a course for judicial reform to fulfill the aspirations of the people; achieve its sacred constitutional mandate to promote and uphold the *Rule of Law*, and to meet the ends of justice. It reiterates our pledge to realize His Majesty's noble vision of a just and harmonious society.



# 02 INTRODUCTION

---



## 2 INTRODUCTION



### 2.1 Background and Context

In response to the rapid modern socio-economic progress and political transformation in the country, the first Dzongkhag courts were established in the 1960s, followed by the establishment of the High Court in 1968. *The Constitution of the Kingdom of Bhutan* (Constitution) established the Supreme Court as the nation's apex court,<sup>11</sup> and vested judicial authority in a unitary Royal Court of Justice comprising the Supreme Court, the High Court, the Dzongkhag Courts, and the Dungkhag Courts.<sup>12</sup>

His Majesty the King said, *“The precious love of a king is his people. The primary aspiration of the people is peace and prosperity, and the law [rule of law or the justice] is the foundation of peace and prosperity.”*<sup>13</sup> Our Monarchs have always governed the people and the country with the sole vision of strengthening the security and the sovereignty of the country, ensuring justice, tranquility, unity, happiness and well-being of the people for all times to come. In the fields of law and justice, ensuring and providing expeditious justice at a minimum cost to the people was, and will always be, the highest priority of the justice system. For the Judiciary, there is no vision nobler than the creation of a free, fair, just, and harmonious society.<sup>14</sup>

In pursuing this noble vision, the Judiciary must address several existing and emerging challenges. These include significant increase in the number of personnel, as well as the proliferation of institutions with the corresponding expanse in mandates, comprising the modern Bhutanese justice sector. The progress and sophistication of the Bhutanese society is evident from the number of legislation passed by the parliament; and the increasing number, the diversity and the complexity of disputes which come to the courts seeking resolution. These laws along with their corresponding bye-laws framed by the administrative agencies create a maze of rules to be navigated by the courts, law enforcement agencies and the consumer of justice.

The Judiciary is just one actor in the legal system, albeit a significant one; and the adjudication of disputes by the courts is just one aspect of the administration of justice. There must be seamless coordination, collaboration, and communication amongst the institutions of the entire justice sector. The justice system is only as strong as its weakest

members. Therefore, the roles of the *Royal Bhutan Police* (RBP) and the *Anti-Corruption Commission* (ACC) as the investigating agencies, the *Office of the Attorney General* (OAG) as the prosecuting agency, and the *Bar Council of Bhutan* as a regulatory body to supervise private law practitioners, are as significant as the adjudicative function of the courts, in ensuring effective and efficient dispensation of justice.

In recognition of the need for a unified justice sector, the Royal Government of Bhutan for the time assigned an independent *National Key Results Area* (NKRA) – the NKRA 16 in the Twelfth Five-Year Plan (2018-2023) with an aim “*to strengthen justice services and institutions through harmonization of conflicting laws, enhanced coordination among justice sector agencies, improving efficiency of judicial services, and ensuring citizens’ awareness of law and procedures.*”<sup>15</sup> Based on the NKRA 16, the justice sector institutions adopted the first-ever *Justice Sector Strategic Plan 2018-2023*. The primary objective of the plan is to provide a strategic framework for realization of reforms and development initiatives in the justice sector that is more accessible, inclusive, accountable, and responsible.<sup>16</sup>

This Judiciary Strategic Plan 2022-2032 is built on the vision, mission, goals, and objectives that inspired the Justice Sector Strategic Plan; and is aligned with the overall national objectives and priorities as reflected in the Five-Year Plan. As the focal agency for NKRA 16, the Judiciary will lead other justice sector agencies in the overall strengthening of justice institutions and promoting the *Rule of Law*.

The Strategic Plan identifies four ***Strategic Goals*** and several ***Strategic Objectives*** to be achieved by the Judiciary at the end of 2032. These were designed and prioritized based on online surveys of judicial personnel; consultations with relevant stakeholders; specific recommendations by the *Royal Audit Authority* (RAA), the *Public Accounts Committee* (PAC) of the Parliament, and the *Joint Sitting of the Parliament* on specific issues and challenges facing the Judiciary.

The first Strategic Goal is to *inspire public trust and confidence in the Judiciary*. This will be achieved by adopting the *Judicial Personnel Ethics Rules*, establishing a *Media and Communication Unit*, developing *Rules on Declaration of Conflicts of Interest and Recusal*

*from Cases*. Other reforms such as improving case analysis, reasoning and elucidation, and justification of judicial decisions; publication of judgments; and enhancing accountability and transparency in the adjudication of disputes and judicial decision-making will also be undertaken.

The second Strategic Goal is to *enhance access to justice* by improving the *Alternative Dispute Resolution (ADR) System*, initiating legal aid service system, reforming appeal procedures, standardising judicial processes, establishment of specialised courts and benches, and making courts more user-friendly and inclusive. The Judiciary will further leverage information and communication technologies (ICT) to reduce the time and cost of litigation and improve access to information.

The third Strategic Goal is to *consolidate judicial independence* to enable the Judiciary to achieve its first and the second Strategic Goals. In order to achieve this Strategic Goal, the *National Judicial Commission (NJC)* and the *Royal Judicial Service Council (RJSC)* shall initiate dialogue to harmonize three laws that currently govern the judicial personnel, namely the *Judicial Service Act of Bhutan, 2007(JSA)*, the *Royal Civil Service Act of Bhutan, 2010*, and the *Entitlement and Service Conditions Act for the Holders, Members and Commissioners of the Constitutional Office of Bhutan, 2010*. The above two governing bodies of the Judiciary shall devise and adopt measures for the complete and effective implementation of the *Judicial Services Act* by adopting the *Rules on Recruitment, Promotion, Transfer and Human Resources Development*.

The final Strategic Goal is to *enhance institutional linkages and collaboration* with the relevant stakeholders and build constructive relationships and dialogues for resource-sharing and mutual exchanges of experiences and knowledge in furtherance of the cause of justice. Apart from smooth coordination among the core justice sector institutions, the Judiciary will collaborate with the Parliament, Jigme Singye Wangchuck School of Law (JSW Law), the Gross National Happiness Commission (GNHC), the National Commission for Women and Children (NCWC), Civil Society Organizations (CSO), media houses, and other institutions for meaningful discourses and dialogues on current and emerging issues.

Building on the steady momentum gained over the years in terms of both substantive and procedural reforms, the Judiciary expects to fulfill its sacred constitutional mandates and aspirations of the people through this Strategic Plan. It will form a basic framework and foundation for future plans, strategies and direction for the Judiciary as it continues to serve the *Tsa-Wa-Sum*.

## **2.2 Methodology**

Inspired by the consultative process through which the Constitution emerged under the visionary leadership of the father of the Constitution, The Great Fourth, His Majesty King Jigme Singye Wangchuck, this Plan reflects the views, experiences, and expectations of all stakeholders in the justice system. The Plan is a culmination of a process that commenced with a comprehensive desk review of all existing and relevant written materials. The process involved robust consultations with senior leaders of the Judiciary, followed by comprehensive online surveys for both judicial and administrative personnel.

Based on these first steps, specific themes were identified for structured interviews with other stakeholders. Each successive draft was shared with the Judicial personnel and justice sector agencies for review, comments, and feedback. Their constructive ideas, suggestions, and feedback were accordingly incorporated. While the framework of the Plan was developed by a Working Committee, the final draft was reviewed by an Advisory Panel, comprising Drangpons of the Supreme Court, High Court, Dzongkhag Courts and Bhutan National Legal Institute.



# 03

## STRATEGIC DIRECTION



### 3. STRATEGIC DIRECTION



#### Vision

*A free, fair, just, and harmonious society.*



#### Mission

*Safeguard, uphold, and administer justice fairly and independently without fear, favor, or undue delay in accordance with the rule of law to inspire trust and confidence and to enhance access to justice.*



#### Core Values

- Judicial Integrity- བ་དཔལ་ཚོགས།
- Judicial Accountability - ལས་རྒྱ་འབྲས།
- Judicial Collegiality
- Judicial Temperament- བསམ་པ་སེམས་བསྐྱེད།
- Professionalism- རྒྱ་ལྷན་ཅན།



#### Guiding Principles

- Just and Harmonious Society
- Rule of Law
- Judicial Independence and Autonomy
- Gross National Happiness
- Access to Justice
- NKRA 16 of the Twelfth Five Year Plan and other Strategic Plans

### 3.1 Core Values

Judges and judicial personnel will conduct themselves at all times in accordance with the *Judicial Code of Conduct and Ethics* of the *Judicial Service Act, 2007*; and be guided by the following core values while discharging their duties and administering justice:

#### 1. Judicial Integrity (*Tha Damtshig*) ཐ་དམ་ཚིག།

The decisions made by the judges impact the parties deeply. Therefore, the integrity of the judges and judicial decisions are crucial. *Tha Damtshig* is a composite Bhutanese value which encompasses universal human values of selflessness, integrity, objectivity, accountability, and honesty. It refers to personal integrity or moral rectitude, and an oath, which ought not to be transgressed.<sup>17</sup> It connotes our solemn duty to uphold the sovereignty and integrity of Bhutan faithfully, conscientiously discharge duties, without fear or favour to the best of our ability.<sup>18</sup>

“

*I will live a life of honesty and integrity. Courage, loyalty and strength shall be my true weapons. I shall defend with my body - even my life - the security and sovereignty of my country and people. My one and only duty - my sacred duty - is to serve the Tsawa-sum. I am a soldier of the Palden Drukpa.*

His Majesty the King, Army Raising Day, 2013

”

Upon appointment or joining the service, the entire judicial personnel,<sup>19</sup> including the Chief Justice of Bhutan and Justices,<sup>20</sup> take Oath or Affirmation of Office, and Secrecy - a pledge with body, speech and mind to be unwavering and steadfast in our service to the *Tsa-Wa-Sum*.

## 2. Judicial Accountability - (Ley Judre) ལེ་ཇུ་རྒྱུ་འབྲས།



*“We must correct those who deviate, be firm with those who do not deliver, replace those who are incompetent and terminate those who under perform and have become a liability to our system and nation.”*

- His Majesty the King, 114th National Day, 2021



*Lay Judre ‘Cause and Effect’ or ‘The Law of Karma’* is the fundamental moral precept of Buddhism. The body, speech, and mind of a judge in adjudicating disputes and deciding a matter must be guided by the fundamental principles of equality, impartiality, fairness, and independence, with the sole objective of dispensing justice and holding individuals and institutions accountable for their conduct and the consequences thereof. Courts ensure that people reap what they sow; and the judges who lack judicial temperament will be subjected to the same rule of accountability especially for their flawed or corrupt decisions.<sup>21</sup>

## 3. Judicial Collegiality

The Judiciary is a collegial body, composed of legal professionals united by the collective commitment to dispense justice. Judicial collegiality is more than a mere friendship or homogeneity of legal professionals. Collegiality is a process that helps to create the conditions for principled agreement, by allowing all points of view to be aired and considered.<sup>22</sup> The plurality of judicial decisions may enhance independence of individual judges in making independent decisions, but the exercise of the independent judicial authority must be guided by the common vision.<sup>23</sup> Judicial collegiality enables us to find common grounds in reaching uniform and consistent decisions based on merits of a case.

## 4. Judicial Temperament (*Sampa Semkyed*) བསམ་པ་སེམས་བརྩེད།<sup>24</sup>

Justice must not only be done but seem to be done by treating all parties equally.<sup>25</sup> The courts must treat people equally, fairly and respectfully at all times without discrimination on sex, age, race, status or position. Cases should be decided objectively based on the merits of facts, the

applicable laws and the evidence tendered by the parties. Judges must guard against judicial arrogance which is antithesis to the pursuit of justice. They should avoid unnecessary exertion of their authority and must serve with humility.

### 5. Professionalism (*Khe-rig-chen*) ལྷ་རིག་ཅན།

Professionalism strives for consistent efficiency and effectiveness in the delivery of services. It aims for the highest standard in the quality of services and in the conduct of officials.

## 3.2 Guiding Principles

This Strategic Plan is based on the following principles:

### 1. Just and Harmonious Society

His Majesty the Druk Gyalpo's vision, "*Creation of a society based on justice, equality, and fairness*"<sup>26</sup> is the primary source of inspiration for development of this Plan.

### 2. Rule of Law

The Constitution mandates the Judiciary to ensure equal protection<sup>27</sup> of the law and administer justice through a fair, transparent and expeditious process<sup>28</sup> in accordance with the Rule of Law.<sup>29</sup>

### 3. Judicial Independence and Autonomy

Institutional and individual independence is a pre-requisite for the administration of justice. Independence and autonomy are essential for public trust in the Judiciary and in the justice sector.<sup>30</sup>

It will develop the capacity of the Judiciary to recruit and retain adequate personnel with appropriate skills and knowledge for the effective administration of justice.

### 4. Gross National Happiness

Article 9(1) of the Constitution requires the State to "*Promote those conditions that will enable the pursuit of Gross National Happiness.*" The Judiciary, as an integral part of the State, shall perpetually pursue policies and practices which will enable promotion of the national development philosophy of *Gross National Happiness* (GNH). It will strengthen good governance and community vitality through inexpensive and expeditious dispute resolution both within and out of courts through alternative dispute resolution systems - in particular, customary community restorative justice system of *Nangkha Nangdrik*.



## 5. Access to Justice

Article 9(6) of the Constitution mandates the State to “*Provide legal aid and to ensure justice, which shall not be denied to any person by reason of economic or other disabilities.*”<sup>31</sup> The task of developing a sustainable legal aid system has been a major challenge. It is a constitutional imperative that the Judiciary facilitate the process to enable equal access to justice for all; so that people are neither denied the right to a legal counsel nor suffer miscarriage of justice due to their inability to represent themselves.

## 6. NKRA 16 of the Twelfth Five Year Plan and other Strategic Plans

This Plan is aligned with the *Twelfth Five Year Plan*, the draft *21<sup>st</sup> Century Economic Roadmap*, and the *Justice Sector Strategic Plan* to facilitate the Judiciary to deliver its commitments under the NKRA-16. It can also be a guide and reference for other agencies, in implementing their respective commitments under the Justice Sector Strategic Plan.

### 3.3 Situational Analysis of the Judiciary

#### Strengths

- Visionary leadership.
- Appointment of the Chief Justice of Bhutan and the judges by His Majesty the King.
- Clear Constitutional mandate and judicial independence.
- Insignificant attrition rate and high level of integrity and ethics among judicial personnel.
- Government to Citizen (G2C) services; and public trust in the fairness of the judicial decisions and services.
- The number of cases registered and disposed are recorded, managed and accounted with minimum delays and miscarriage of justice (CMS).
- Inexpensive and accessible judicial services.
- *Pro se* litigation with easy access to courts.
- Institutionalisation of e-litigation services, increasing digital coverage and literacy.
- ADR – Community Mediation Services and Court-Annexed Mediation institutionalised.

- Independent training institution/Judicial Academy for the continuing legal education of the judicial officials.
  - Qualified judicial personnel with specialisation in the diverse areas of laws.
  - A separate statute consolidates the independence of the Judiciary (Judicial Service Act, 2007).
  - Court language is Dzongkha, thereby promoting the national language and strengthening the sovereignty of the country.
- Independent court buildings which provide a conducive working environment to the judicial officials and the consumers of justice which enables dispensation of justice without fear or favor.

### Weaknesses

- Lack of financial and human resource autonomy.
- Lack of public relations and effective communication forums.
- Undue delays in the disposal of the cases.
- Inadequate internal rules and regulations for transparency in recruitment, promotion, training and transfers.
- Incomplete implementation of the Judicial Service Act.
- Lack of collegiality amongst judicial personnel and lack of patronage and cooperation from state agencies in control of state funds.
- Absence of judicial policies, plans, vision, mission, goals and targets to be achieved on time.
- Lack of transparency in judicial proceedings and decision-making.
- Lack of skilled human resources for effective data and information management.
- Court structures are not conducive and inclusive for all people including people with disabilities and genders.
- Technical nature of the court language *Dzongkha* aggravating opacity and obtrusiveness of decisions and preventing access to prior court decisions.
- Lack of accountability and susceptibility of judicial officials to corruption.

### Opportunities

- His Majesty The King's Kasho on Civil Service Reform.
- The draft 21<sup>st</sup> Century Economic Roadmap.
- Recommendations of the Royal Audit Authority and Parliament.
- National Integrity Assessment.

- Progressive Constitution with comprehensive principles of state policy.
- Legal Needs Assessment and Justice sector coordination system under
- Justice Sector Strategic Plan.
- Law graduates of JSW School of Law.
- Institutionalised Community Mediation System - *Nangkha Nangdrik and Court-Annexed Mediation System*.
- New and emerging Bar Council.
- Emerging new technologies.
- E-archiving – access to precedents online.

## Risks

- Increasing number of laws with conflicting provisions as a result of rapid economic development and proliferation of new agencies, projects and ventures.
- Increasing caseload with increasing complexities and technicalities without corresponding increase in annual budget and human resource, thereby overburdening and causing a strain on the existing resources.
- Rising unemployment and increasing conflicts and crimes leading to increase in cases related to domestic violence, divorces, drugs, alcohol and depression.
- Unrestricted access to social media and unbridled freedom to malign the Judiciary, judges and judicial personnel anonymously and gullibility of the society.
- Lack of legal literacy and awareness on judicial procedures, attributing unfettered discretion on the judges to determine the outcome of the cases irrespective of merit of the cases.
- Lack of social capital and security threats against judges and lack of social security and retirement benefits.
- Limited fund to equip the judicial personnel with the required tools and office equipment to efficiently process cases and prepare judgments.
- Weak legal representation, and lack of legal aid and the increasing mercenary zeal of the Bar to prevail at all costs.
- Dwindling trust of justice sector agencies in the leadership of the Judiciary and inadequate justice sector coordination to prevent redundancy, duplication and pilferage of the scarce resources.

# 04 STRATEGIC GOALS



## 4. STRATEGIC GOALS



Specific strategic objectives have been identified under each of these strategic goals for convenient planning. However, each of the objectives may contribute towards multiple Strategic Goals.



### 4.1 Strategic Goal 01: Inspire Public Trust and Confidence



*“The Judiciary must continue to enhance trust and confidence in the justice system. The Judicial officials must maintain judicial integrity based on the code of conduct and be united. If one or two are incapable and fail to maintain integrity, it will amount to failure as an entire institution. The judicial officials must be united, take responsibility, accountability, and serve with humility.”*

- His Majesty the King, Address to the Nation, 11 November 2015.





#### **4.1.1 Background**

The first Strategic Goal is to inspire public trust and confidence in the Judiciary as envisioned in Article 21 (1) of the Constitution and the mission statement of this Plan. Public trust and confidence is a prerequisite for upholding the Rule of Law, and for ensuring free, fair, and timely dispensation of justice by the independent and impartial courts. It is to a certain extent influenced by external factors. However, internal factors such as ethical standards, performance and conduct of the judges, transparency and accountability, procedural fairness and impartiality, the reasoning of the judgments, and the ultimate outcome of a case are the factors that shape the public image of the Judiciary.

Public trust and confidence is the strength of any public institution, which the Judiciary has strived to build and enhance over the years.<sup>32</sup> However, the reports<sup>33</sup> and consultation meetings with the justice sector agencies have revealed the existence of trading in influence, and lack of transparency as one of the major shortcomings in the dispensation of justice by the courts. Corruption in any form must not be tolerated, and perceived-corruption is even more dangerous for justice institutions because it affects the level of public trust and confidence in the Judiciary, and the Rule of Law.<sup>34</sup>

#### **4.1.2 Issue Description**

The Constitution mandates the Judiciary to administer justice fairly and independently without fear, favor, or undue delay in accordance with the Rule of Law.<sup>35</sup> However, the deficiency of public trust and confidence has been identified as a key challenge.<sup>36</sup> Consultations with the justice sector agencies revealed that there is a lack of uniform and common understanding, application, and interpretation of laws. This is evident from the different decisions from different levels of courts, even in apparently identical cases. This is perceived by the public as arbitrary and contrary to the Rule of Law.

The public's perception of the Judiciary is exacerbated by a limited understanding of the judicial process, the complexity of the factual and legal issues presented by many cases, and the increasing public access to mass media. Judges are often constrained in their ability to mitigate public perception due to the unique nature of judicial responsibilities. However, strategies must be adopted to leverage technology and media

to ensure complete, accurate, and timely dissemination of information to the general public concerning the functioning of the Judiciary and the administration of justice.

#### 4.1.3 Strategic Objectives

The following strategic objectives seek to achieve the above strategic goal to inspire and promote public trust and confidence in the Judiciary.

- a) **Strategic Objective 01:** *Adopt Rules on Judicial Personnel Integrity and Ethics*
- b) **Strategic Objective 02:** *Adopt Rules on Declaring Conflict of Interest in Cases*
- c) **Strategic Objective 03:** *Institute Media and Communication Unit*
- d) **Strategic Objective 04:** *Improve Analysis and Reasoning in Court Decisions*
- e) **Strategic Objective 05:** *Enhance Uniformity and Consistency in Application of Laws*

##### a) **Strategic Objective 01: *Adopt Rules on Judicial Personnel Ethics***

The conduct of judicial personnel are guided by a set of Judicial Code of Conduct,<sup>37</sup> the violation of which attracts disciplinary action<sup>38</sup> as per the Judicial Service Act. However, it applies only to Drangpons of the Dzongkhag and the Dungkhag courts, and to Drangpon Rabjams. Currently, the Drangpons of the Supreme Court and the High Court are governed by impeachment provisions under the relevant laws; and the Court Registrars and Bench Clerks are governed by the *Royal Civil Service Act of Bhutan, 2010*, and the *Bhutan Civil Service Rules and Regulations*.

A separate set of rules with clearly defined scope, complaint mechanisms, composition of disciplinary committees,<sup>39</sup> procedures for initiation and conduct of investigation, and the disciplinary action proceedings shall be adopted by the RJSC. These rules will hold judicial personnel accountable for any unethical conduct, and ensure that the highest standard of conduct and integrity is maintained. At the same time, it will ensure protection for the judges against unfounded public

criticisms, allegations and complaints. The legitimacy of the process and the outcomes of the disciplinary proceedings will promote public trust and confidence.

The Bhutan National Legal Institute (BNLI) shall sensitize judicial personnel on judicial ethics, integrity, and the code of conduct. The Institute shall include modules on the Judicial Personnel Ethics Rules and professional responsibility in its orientation and induction programs for the newly recruited judicial personnel.

**b) Strategic Objective 02: *Adopt Rules on Declaration of Conflict of Interest and Recusal from Cases***

Where there is conflict of interests in a case, a Drangpon shall declare so and recuse from the judicial proceedings as per the *Civil and Criminal Procedure Code (CCPC)*<sup>40</sup> and the *Judicial Service Act*.<sup>41</sup> Currently, the rules do not clearly specify the circumstances under which a Drangpon must declare a conflict of interest.<sup>42</sup>

Therefore, the *RJSC* shall adopt *Rules on Declaration of Conflict of Interest and Recusal from Cases* applicable to the Drangpons of the Supreme Court, High Court, Dzongkhag and Dungkhag Courts and all other judicial personnel. These rules shall require declaration of conflict of interest in cases involving a personal or pecuniary interest or any other interest that may affect the impartiality and the outcome of a case. It shall also encompass clear procedure for assignment of cases when a judge declares conflicts of interest. Currently, such cases are assigned on *ad hoc* basis,<sup>43</sup> which is procedurally erroneous, and perceived by both judges and litigants as lacking consistency, uniformity, and predictability. The rules will also prevent judges from recusing from cases merely to shirk the responsibilities of making unpopular decisions or to play it safe.

**c) Strategic Objective 03: *Institute Media and Communication Unit***

Currently, there are no means of educating the public about the Judiciary, the judicial processes, and specific matters before the courts. As a consequence, ill-informed or interested private

parties' opinion on the matter percolate to the public domain and remain unchallenged or unclarified. The problem is further compounded when the judges are not allowed or required to defend their written judgment in the public forum; and are in fact, constrained from discussing and advocating on judicial functioning and specific decisions in public. Print, broadcast, and social media outlets lack legal expertise; and the information available on social media are often biased, distorted, selective, and unreliable. The Judiciary must adapt to the rapidly-changing communication system, and provide complete, accurate, and timely information to the public.

The Secretariat of the Judiciary under the management of the Registrar General of the Supreme Court shall establish a *Media and Public Relations Unit*,<sup>44</sup> and appoint a media Spokesperson and other media focal persons with the requisite qualification and skills. The Unit shall liaise with media houses, journalists, and other justice sector agencies. The media spokesperson shall represent the Judiciary and provide proactive, complete, accurate, and timely information to the public on roles of different actors in the administration of justice, the hierarchy of courts and their respective mandates, adjudication processes, briefs on specific cases of public interest, and landmark judicial decisions. The spokesperson may also provide information on court decisions, and participate in open public discussion on media and public forums. These mechanisms will provide an informed perspective on the issues to the general public, and promote public trust and confidence in the justice system.

The Unit shall be supported by the Research and Development Section of the BNLI in providing research and other input. *Standard Operating Procedures* (SOP) on dissemination of information to the media and the general public shall also be adopted.

**d) Strategic Objective 04: *Improve the Quality of Analysis and Reasoning in Court Decisions***

The most direct and visible deliverable of any judicial system are the court decisions, in the form of written judgements. A recent survey conducted by BNLI shows that participants

perceive judgment drafting as inadequate in terms of format, substance, and reasoning.<sup>45</sup> This perception is consistent with the concerns expressed by other justice sector agencies, and the general public, which directly leads to a perception of inconsistent application of the laws. Though the application and interpretation of substantive laws may depend on an individual judge's assessment of a specific case, the process and the reasoning of disposing a case should be uniform and consistent.

The RJSC<sup>46</sup> and BNLI shall initiate reform on judgment drafting, and continue to roll out training on effective judgment writing for the Judges, Court Registrars, and Bench Clerks.<sup>47</sup> Further, the judges will primarily draft the judgments based on legal research, analysis of the issues and the interpretation of the applicable laws and judicial precedents. This will ensure the enforceability, authorship, and the accountability of the judicial decisions.

**e) Strategic Objective 05: *Enhance Uniformity and Consistency in Application of Laws***

The uniform and consistent application of law ensures reliability of the justice system, and it is a potential driver of trust. Reliability reduces the risk of uncertainty in terms of outcomes of the cases, litigation time, and the overall efficacy of the laws in a society. It also helps enhance people's trust and confidence. While perfect uniformity in application and interpretation of substantive laws is not possible, courts must share a common understanding of substantive laws, and employ uniform application of procedural laws.

The Judiciary recognizes the lack of uniformity and deficiency in decision-making and judgment drafting.<sup>48</sup> Therefore, to enable the courts to apply procedural laws uniformly and consistently, the RJSC and the BNLI, in consultation with other relevant justice sector agencies shall, among others:

1. Develop and adopt Sentencing Guidelines;
2. Identify anomalies and ambiguities in the existing laws;
3. Develop a briefing package for new and amended legislations;
4. Conduct training on discoveries for both the Bench and the Bar;

5. Conduct training on trial advocacy and conveyancing for the members of the Bar and the Prosecutors;
6. Conduct training on contract drafting and interpretation; and
7. Conduct training on the interpretation of statutes.

## 4.2 Strategic Goal 02: Enhance Access to Justice

### 4.2.1 Background

Access to justice is the first step towards appropriate legal remedy. It is the ability of the people to seek justice, a fundamental right guaranteed by the Constitution.<sup>49</sup> People, particularly the disadvantaged sections of the society, can exercise this fundamental right only if the Judiciary is independent, impartial, and accessible.

Therefore, the **Strategic Goal 02** is to enhance access to justice. Traditionally, access to justice was not an issue because the mediation system or the *Nangkha Nangdrik* was the principal method of dispute resolution, and formal litigation was merely an alternative. This practice, however, is slowly declining with the increasing number of legislation, the gradual disintegration of a close-knit society, changes in human behaviour and attitudes towards our traditional values, and the impact of globalization.

The Bhutanese legal system, primarily based on Buddhist values and principles, is unique. The procedural law strongly promotes *pro se* litigation. Consequently, judges play both inquisitorial and interventionist roles, including procedural coaching during each hearing, judicial investigation to establish disputed facts, examination of witnesses, and exercising authority to alter or add charges in criminal cases.

Providing equal access to justice, which is the hallmark of an efficient justice system, strong *Rule of Law*, and a just society, shall continue to be one of the key priorities of the Judiciary. Till date, the priority of the Judiciary has been to enhance access to justice through effective and efficient judicial services,<sup>50</sup> and it has made notable progress in enhancing access to the courts<sup>51</sup> and services of the professional judicial personnel.<sup>52</sup> However, access to justice must also include access to high-quality and timely dispensation of justice. With an increasing number of private legal practitioners, the judicial system will gradually transition to a more adversarial system, limiting the inquisitorial roles

of the judges and direct participation of the parties. This will adversely affect those people who cannot afford legal counsels to seek legal remedy. Therefore, the entire justice sector, led by the Judiciary, must coordinate to enhance access to legal aid, strengthen the ADR, ensure timely dispensation of justice, provide affordable legal services, and secure effective enforcement of judgment.

#### 4.2.2 Issue Description

The increasing frequency of formal litigation, as well as the transition from an inquisitorial to an adversarial system, may continue to impede access to justice for disadvantaged groups, in the absence of a mechanism to counter these issues. Access to legal services in recent years has increased with the establishment of the *Bar Council of Bhutan*. However, ensuring equal and affordable access to quality service is still a huge concern. The principles of state policy<sup>53</sup> and the right to legal aid<sup>54</sup> is still a distant dream for people who come in conflict and contact with law but cannot afford legal representation. Children, women, and indigent accused are the most affected by lack of state-funded legal services. A sizable portion of the Bhutanese population are still unaware of their legal rights and duties, which is a prerequisite in seeking legal remedies.

The justice sector has not effectively engaged information and technology as means of enhancing access to justice and improving the efficiency and effectiveness of overall administration of justice. The *Case Management System* (CMS) of the Judiciary should be upgraded to enhance its effectiveness in extracting data and information for research and development, which is a vital aspect of reform initiatives and decision-making. The e-litigation platform was a monumental initiative, and it has the potential for further improvement to ensure access to justice by adapting to the new reality of the unfolding crisis such as the COVID-19 pandemic.

With just one High Court located in Thimphu reviewing appeals from twenty districts, access to appellate courts for people in the eastern and southern regions is impeded by time, cost, and distance. The absence of an enforcement agency<sup>55</sup> for the effective and timely enforcement of the judgments is another barrier that impedes access to justice. The timely adjudication of cases involving complex legal issues and increasing cost of litigation is also a concern for the Judiciary and the entire justice sector.



### 4.2.3 Strategic Objectives

The following strategic objectives are designed to address the issues concerning barriers to access to justice:

- a) **Strategic Objective 01:** *Make Legal Aid a Reality*
- b) **Strategic Objective 02:** *Initiate Procedural Reforms*
- c) **Strategic Objective 03:** *Establish Regional High Court or Mobile High Court Bench*
- d) **Strategic Objective 04:** *Establish Enforcement Directorate*
- e) **Strategic Objective 05:** *Strengthen ADR System*
- f) **Strategic Objective 06:** *Harness Technology*
- g) **Strategic Objective 07:** *Expand Legal Dissemination and Awareness Programs*
- h) **Strategic Objective 08:** *Promote Inclusive Justice System*
- i) **Strategic Objective 09:** *Incorporate Restorative Justice in Criminal Justice System*
- j) **Strategic Objective 10:** *Enhance Notary Services*
- k) **Strategic Objective 11:** *Conduct National Judicial Conference regularly*
- l) **Strategic Objective 12:** *Facilitate Investment and Economic Growth*

**a) Strategic Objective 01: *Make Legal Aid a Reality***

A small amount of budget was allocated to the Judiciary in the past to realise the constitutional and statutory mandate to provide legal aid to indigent persons. However, this budget was never systematically utilized, due to lack of effective procedure and mechanisms to determine the eligibility and allocation of the fund. A *National Symposium* was held in 2014,<sup>56</sup> wherein the stakeholders agreed on institutional arrangements, regulatory framework, needs assessment study, and the formation of a committee.

Three years after the symposium, the National Council extensively deliberated on the recommendations of the Legislative Committee of the National Assembly on provision of legal aid to indigent persons.<sup>57</sup> The National Council called upon the Government to prioritize the provision of legal aid services, and legal aid to indigent persons with specific recommendations on eligibility, need for separate legislation, public education and awareness, and budget allocation.

The issue never moved beyond the deliberation in the National Council and similar forums. The Joint Sitting of the Parliament re-deliberated and adopted the recommendations of the Public Accounts Committee on provision of legal aid. The Joint Sitting resolved to recommend the government to initiate and implement legal aid services.<sup>58</sup> Nonetheless, the Judiciary as the guardian of the Constitution has both the statutory and moral obligation to play an active role in securing the rights of the people.<sup>59</sup>

The Judiciary will assist the Government to establish or identify a nodal agency, and facilitate the adoption of a practical and sustainable framework, to ensure equal representation and make legal aid a reality.<sup>60</sup>

**b) Strategic Objective 02: *Initiate Procedural Reforms***

Procedural justice demands consistent, uniform, and equal application of procedural laws. Procedural fairness, including the conduct of the judges, and equal treatment and protection of parties by the court during judicial proceedings, is essential for public trust and confidence, and access to justice. This is because the recourse to appeal is only available against the decision of a court, and not against unfair treatment during judicial proceedings. Procedural irregularities and inconsistencies are often the result of ambiguity in the *Civil and Criminal Procedure Code (CCPC)*. Judges are empowered to fill lacunae,<sup>61</sup> and have the power to make rules to give effect to the provisions of the CCPC.<sup>62</sup> However, these powers are never invoked to clarify a lacuna or to give effect to the provision of the Code. Although the Supreme Court and the High Court issued clarifications on ambiguous procedural laws, these rulings are not well-known to either the trial courts or the public.

Similarly, pre-trial discovery is permitted under Chapter 7 of the CCPC, but this is rarely employed during trial. Effective use of discovery would enable parties to extensively prepare their case, thereby reducing the time and cost of litigation. Similarly, the opportunity to examine witnesses is rarely used by the parties, including the state prosecutors. In fact, there are no concrete rules of procedure for direct or cross-examination of witnesses.<sup>63</sup>

The RJSC will initiate procedural reforms by adopting proper rules and guidelines to supplement the CCPC and the *Evidence Act, 2005*, to ensure uniform and consistent application of procedural laws and service delivery. Priority areas include Rules on Case Assignment,<sup>64</sup> Hearing, Adjournment,<sup>65</sup> Hearing Calendar,<sup>66</sup> Bail, Bonds, Sureties,<sup>67</sup> Discovery, Summons, Uniform Case Registration, Examination of Witnesses, Alteration and Addition of Charges by the courts, Transfer, Remand and Re-assignment of Cases, and Exercise of Jurisdiction, including the possibility of subject-matter and pecuniary jurisdiction.

**c) Strategic Objective 03: *Establish Regional High Court or Mobile High Court Bench***

With the High Court permanently located in Thimphu, people in the far eastern and southern regions of the country do not have equal access to appellate court services. In June 2021, the Parliament endorsed the Public Accounts Committee's recommendation to establish a Regional High Court or a mobile High Court Bench to provide equal access to appellate services across the country.<sup>68</sup> In accordance with this recommendation, the Judiciary in consultation with the NJC shall conduct a feasibility study on the establishment of the Regional High Court or a mobile High Court Bench.

Similarly, the Judiciary will consider establishing or designating specialized benches for corruption, construction, non-performing loan, and family related cases in some courts based on their caseload.

**d) Strategic Objective 04: *Enhance Enforcement of Judgment***

A favourable judgment is meaningless, if the prevailing party is unable to enforce it. According to the CCPC, the Executive is responsible for the execution of all judgments.<sup>69</sup> However, the primary enforcement agency, the Property and Judgment Enforcement Division of the OAG is confined to enforcement of cases prosecuted or litigated by the OAG.<sup>70</sup> This leaves the responsibility of enforcing judgements with the respective courts. Usually, the courts issue orders for the enforcement only when the judgment creditors move the court. Otherwise, a default never comes to the attention of the courts. Furthermore, courts face difficulties in locating the judgment debtors, attaching properties, and providing appropriate and enforceable remedies.

This lack of an effective judgment enforcement system is a significant barrier to access to justice. Accordingly, the Judiciary shall initiate discussions with the Executive, in particular the OAG, ACC, and other agencies to establish a standard mechanism for effective enforcement of judgments, with a clear and effective delineation of responsibilities. In devising such a mechanism, the stakeholders should take into account the convenience of litigants, in terms of time and cost, to initiate enforcement through a local court, rather than an agency centrally located, for example, in Thimphu.

The effective enforcement of judgments will enhance public trust and confidence in the Judiciary. It will also have a positive impact on Foreign Direct Investment. Recognition and enforcement of domestic and foreign judicial and arbitral awards is one of the primary factors considered by the foreign investors, which is why the Parliament enacted the *Alternative Dispute Resolution Act, 2013*, and ratified the 1958 *New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards*.<sup>71</sup>

**e) Strategic Objective 05: Strengthen Alternative Dispute Resolution(ADR) System**

In 2012, BNLI launched a major initiative to train local government officials, primarily *Mangmis* and *Tshogpas* on *Nangkha Nangdrik*, an exceptionally cost-effective, highly accessible mechanism that draws on a well-established customary dispute resolution system. Although fewer than ten years have passed since it was formally rolled out, *Nangkha Nangdrik* continues to deliver formidable results. In 2019, many dzongkhags saw increasing numbers of civil cases mediated and settled through *Nangkha Nangdrik*.<sup>72</sup>

In 2019, the Judiciary and the BNLI instituted *Court-Annexed Mediation* (CAM), with a similar objective of preventing acrimony, promoting social harmony, and placing justice within the reach of ordinary people. CAM affords parties the access to mediation services even during the course of formal legal proceedings. It also gives effect to several of the Constitutional Principles of State Policy, and helps reduce caseload and eliminate docket backlogs.

This diagram depicts the strategies to resolve disputes by the legal system. The bulk of disagreements are settled through *Nangkha Nangdrik* at the community level. The mediation training will be scaled up along with awareness campaigns to promote a culture whereby *Nangkha Nangdrik* becomes the preferred forum for settling disputes. When *Nangkha Nangdrik* fails to resolve a dispute, the aggrieved parties



are encouraged to settle their grievances through CAM even after the initiation of legal proceedings.<sup>73</sup> Consistent with the vision of His Majesty the King, litigation should be a measure of last resort, reserved only for cases in which neither *Nangkha Nangdrik* nor CAM has yielded mutually acceptable results.

Based on the accomplishment of institutionalization and revitalization of community mediation and the introduction of CAM, the Judiciary and the BNLI will continue to enhance access to mediation services, and advocate mediation as a primary method of resolving disputes. The Judiciary and the BNLI will develop a code of conduct for mediators to enhance accountability, transparency, and credibility of the mediation system. Furthermore, BNLI, in consultation with the Bar Council, will implement mediation training for registered paralegals, many of whom are already providing mediation services to enhance access to affordable and high-quality mediation services in the urban areas.

**f) Strategic Objective 06: *Harness Technology***

His Majesty the King reminded the nation, “among the many countries in the world, those that prepare for change and build the foundations to take advantage of technological advancements will prosper and develop. Those that are not able to do so will invariably be left behind.”<sup>74</sup> For the Judiciary, effective use of advanced and intelligent digital applications and systems will improve efficiency, turnaround time, cost of litigation, access to courts, information and

data, transparency and accountability, and overall functioning of the courts. NKRA-16 emphasizes strengthening e-judicial services. The Judiciary has made some progress in harnessing technology for judicial services with the introduction of the Case Information System (CIS), later upgraded to CMS. The recent e-litigation initiative was also aimed to enhance access to judicial services.

However, the Judiciary has not been able to take full advantage of technological advances in its daily functioning. The RAA Report points out that there are several limitations in the current CMS. The efficacy and user-adaptability of existing systems is also uncertain. For instance, the ability of the CMS to generate a variety of primary reports is limited. Decisions of one court are not accessible to other courts, and to the public at large. The recorded information on a given case is incomplete, and such information is inconsistent across courts and cases.

To enhance access and improve efficiency, the Judiciary shall consider the possibility of integrating and linking CMS, and e-litigation platforms with the systems of all other agencies in the justice sector, such as the OAG's *Enterprise Legal Management System (ELMS)*. Having such linkage will be critical for effective coordination and collaboration in the future. For instance, allowing seamless movement of criminal cases in digital formats, from the RBP to the OAG and then to the courts will reduce the adjudication turnaround time. It will also affix accountability as the system will identify where process delays arise.

The Judiciary will develop a user feedback system for all judicial services. This will allow the Judiciary to solicit experience and satisfaction ratings. Such user feedback will be compiled, analysed, and used to propose improvements to services.

Technology can also be effectively used for research and evidence-based administration of justice. The ongoing digitalisation of service delivery will allow the Judiciary to collect large quantities of data with ease. Complete case details will exist in a digital format in the CMS, and thus lend itself to rapid analysis and research. Case trends, patterns in case outcomes, obstacles in the case processing, outliers, and anomalies in the system will become instantly visible

to decision-makers on a dashboard. This will enable decision-makers to respond to the emerging needs and challenges and, better still, anticipate and avert them. Analytical research will become much easier and faster to undertake when everything that happens in the justice system is recorded digitally. This will also support functions such as objective performance evaluation, as it will be possible to assess the performance of courts and individuals with reference to objective and quantitative data.

**g) Strategic Objective 07: *Expand the Legal Dissemination and Awareness Program***

Dissemination of accurate information on the rights and duties of individuals, judicial processes, respective roles of different actors in the administration of justice, and new legislation will enhance public awareness. The public understanding of these issues is a critical element in building public trust and confidence, and providing meaningful access to justice.

To supplement BNLI's legal dissemination and awareness programs, the Judiciary shall implement dissemination activities in the urban areas, where majority of literate and prospective litigants reside, and media outlets are located. The Institute will also continue and scale up its current literary and academic programs including television series, publication of law journals, periodic reports, newsletters and other such materials.

**h) Strategic Objective 08: *Promote Inclusive Justice System***

The Judiciary shall ensure effective implementation of the *Child Care and Protection Act, 2011(CCPA)*, the *Child Adoption Act, 2012*; and other applicable laws to promote the rights and interests of children. It shall, in coordination with the National Commission for Women and Children (NCWC), initiate and adopt measures for rehabilitation and social reintegration of children in conflict with laws, including diversion and alternative sentencing methods.

Each justice sector institution has undertaken its own initiatives, often with donor support, to develop capacity in the field of justice for children. However, there is a lack of a unified and systematic approach to such interventions. The programmes are not standardized and institutionalised, and largely tied to donor



funds. Further, most training tends to be outside the country. Thus, the Judiciary and BNLI will spearhead the development of a *Child Justice Training Manual* with uniform procedures and practices based on a joint training needs assessment. This shall be integrated into the Judiciary's overall human resource and training needs assessment. The Judiciary shall also collaborate with other relevant sectors to impart specialized training on child justice to ensure that the best interests of the children are protected during investigation, judicial proceedings, and post-disposition stages.

The RJSC shall adopt appropriate mechanisms to enable the courts in implementing alternative measures and sentencing as envisioned in the CCPA. The Judiciary shall also establish *Family and Child Bench* in other districts to enhance access to justice for children and family.

**i) Strategic Objective 09: Incorporate Restorative Justice in Criminal Justice System**

The *Legal Needs Assessment* (LNA) conducted by the JSW Law shows that there is need for separate procedural tools and mechanisms to handle minor criminal cases, such as those pertaining to children.<sup>75</sup> The *Penal Code of Bhutan, 2004 (PCB)* offers several restorative justice alternatives. Section 70 makes all offences except felonies compoundable, subject to the conditions set out in sections 71 to 73.

Similarly, section 28 permits courts to “Make an order to pay a fine (*Thrim Thue*) in lieu of imprisonment” in cases that are not felonies, where the accused is not a “recidivist and accustomed or habitual offender.”<sup>76</sup> Further, section 30 also permits the use of “community service in lieu of imprisonment.”

A review of the criminal caseload in the courts revealed that substantial cases involve misdemeanor, petty misdemeanor and violation offences. In 2018, the RBP recorded a total of 4,310 criminal incidents, out of which only 1,367 were felonies (approximately 31.7%). Which means that more than 68% of the cases could have been resolved through restorative justice, provided the alleged offenders were not recidivists or habitual offenders.<sup>77</sup> This will result in the reformation and integration of the young

offenders instead of criminalization and rejection by the society. Therefore, the Judiciary will focus on restorative justice measures except in cases where it would not be in the best interest of justice and the society. It is also imperative that the CMS maintains data on criminal cases disposed through restorative justice for review, research and reform.

The BNLI shall develop guidelines and procedures for the implementation of the restorative justice system. The formulation of the guidelines shall be accompanied by training for judicial personnel to ensure uniform, consistent and effective implementation.

Apart from the fact that restorative justice is consistent with Bhutanese values of compassion and tolerance to the delinquent members of the society, it is observed that imprisonment often puts the first-time offenders on a criminal career path. Therefore, the Judiciary shall encourage restorative justice in cases involving first-time offenders as part of an overall crime reduction strategy and re-integration and decriminalization measures.

**j) Strategic Objective 10: *Enhance Notary Services***

Notary service is one of the non-judicial public services provided by the Judiciary. Until recently only Dzongkhag courts in Thimphu and Mongar were authorized to notarize documents. However, the centralization of notary service in these two courts has drawn public criticisms due to limited access. Therefore, the recent Order of the Supreme Court directing all courts to provide notary services came as a huge relief for the public.<sup>78</sup> The access can be further improved by allowing people to avail service from any court without having to fulfill the jurisdictional requirements of CCPC.

The Joint Sitting of the Parliament recommended that the government consider delinking notary service from the Judiciary, to reduce administrative burden and enable courts to focus on its primary adjudicative role. Nevertheless, the Judiciary will continue to improve and render notary services to the public till alternative measures are adopted.

**k) Strategic Objective 11: *National Judicial Conference***

The National Judicial Conference is an annual meeting of judges and judicial administrators, where important issues concerning the functioning, management and the administration of the Judiciary are discussed and resolved. The resolutions of the past conferences have contributed to uniform understanding and application of laws and procedures; and provided a clear way forward for the Judiciary. The Conference also provides a forum where the judges and judicial leaders meet other agencies and share their concerns and priorities. It offers the judicial community an annual opportunity to welcome new members; and celebrate the successes and milestones achieved, thus contributing to a sense of collegiality and community.

The first National Judicial Conference was held in 1976.<sup>79</sup> However, for logistical and other reasons, no conference was held from 2017 to 2020. The Judiciary resumed the annual conference in November 2021, during which it resolved to adopt rules of procedure to formalize and institutionalize the conference. The rule shall, in particular, specify regular order of business, the legitimacy of its agenda, and the orderly adoption and implementation of resolutions. The rules will also include the publication or dissemination of conference resolutions.

**l) Strategic Objective 12: *Facilitate Investment and Economic Growth***

The draft *21st Century Economic Roadmap* emphasizes the importance of judicial reform to meet Bhutan's ambitions to attract investment and foster sustainable economic growth. The Roadmap states "*Judiciary must internalize the economic dimensions and examine the impact of its judgments on employment opportunities, infrastructure expansion and the revenue of the state.*" It further explains, "*The judgment of any contractual dispute is considered imperative to economic progress as when the courts uphold contract and the property rights, which are broadly the basis for more investment confidence.*"

The World Bank Report on Doing Business 2020 ranks Bhutan 89th out of 190 countries, and 29th in enforcing contracts. The report found that it takes about 225 days to enforce a contract from

filing the lawsuit to the court's final decision.<sup>80</sup> The draft Roadmap suggests that on an average, it could take a minimum of 4 years to enforce a contract, provided a contract related case is filed to the Dungkhag Court and appealed until the Supreme Court. As noted in the draft roadmap, the economic implications of such delay is hard to miss.

As the draft Roadmap recommends, the NJC, in collaboration with the ADRC, should undertake a study to determine why ADR, with all of its advantages, is not more often engaged by commercial actors. The Commission should then spearhead necessary reforms to improve the existing arbitration system, particularly the capacity building of the arbitrators, code of conduct, transparency and accountability in making arbitral awards and recognition and enforcement of domestic and foreign arbitral awards. Doing so will make the arbitral system of Bhutan more relevant and vibrant.

### 4.3 Strategic Goal 03: Strengthen Judicial Independence and Autonomy

#### 4.3.1 Background

An independent, impartial, transparent, and accountable judicial system, supported by professionals who are competent and ethical, is a pre-condition of public trust and confidence and access to justice. *“The independence of the Judiciary necessarily inspires confidence of the people. It acts as a safeguard not merely from manipulation against the law for political purposes at the behest of the Government in power, but also against the corruption of the judicial organs of the State through the intimidation of powerful outside interests, which threaten the impartial administration of justice.”*<sup>81</sup> Therefore, the **Strategic Goal 03** is to strengthen judicial independence and autonomy. At present, the Judiciary enjoys functional and structural independence. There is little or no interference in judicial decision-making.

However, the judicial budget is controlled by the *National Assembly (NA)* and *Ministry of Finance (MoF)*. Likewise, the human resources of the Judiciary is controlled and administered by the *Royal Civil Service Commission (RCSC)*. This external control over two critical administrative components fetters complete judicial independence.

The Judiciary's annual budget is a component of the annual *Budget and Appropriation Bill*, prepared by the Ministry of Finance. It is then subject to approval by the *National Assembly*. As such, the Judiciary's expenditures are under the *de jure* control of the Ministry of Finance.

Similarly, Court Registrars, Bench Clerk and other non-judicial personnel working in the Judiciary are governed by the *Royal Civil Service Act, 2010* and the *Bhutan Civil Service Rules and Regulations*. As per the RCSC's 'parenting' framework, the Court Registrars and the Legal Officers of the BNLI are technically under the OAG. Finally, the Justices of both the Supreme Court and the High Court are governed by the *Entitlement and Service Conditions Act for the Holders, Members & Commissioners of Constitutional Offices of Bhutan, 2010*. Therefore, most employees of the Judiciary are under the *de jure* control of external agencies, and the scope of *Judicial Service Act, 2007* is limited to the Drangpons of the Dzongkhag and Dungkhag courts.

#### 4.3.2 Issue Description

The current system of budget appropriation does not permit the Judiciary to implement any activity apart from what is approved by the MoF, the GNHC, and the NA. The budget allocated to the Judiciary is specific to activities approved by the GNHC, which are mandatorily aligned with the NKRA and the national priorities of the *Five Year Plans*. These priorities may not necessarily reflect the priorities of the Judiciary and the justice sector agencies. Furthermore, funding is subject to outside administrative and political approval on an annual basis. The Judiciary's day-to-day and long-term operation is indirectly controlled by the GNHC, MoF, and political will of the government of the day.

As per the JSA, the RJSC has the full autonomy over the recruitment, promotion, transfer and other matters concerning human resource management and regulation. However, several factors conspire in denying full effect to the RJSC's authority in these areas.

*The Royal Civil Service Act, 2010*, places broad swaths of judicial personnel outside the authority of the JSA. Furthermore, the RJSC has so far failed to adopt comprehensive internal rules on human resource management and service conditions to suit the distinctive needs of the Judiciary. The absence of these rules has resulted in the lack of

transparency in the RJSC's decision to promote, transfer, and provide training opportunities.

Human resource development programs, including short-term and long-term training require a complete re-thinking. Too often, these programs are used as a financial incentive or reward, rather than as a means of enhancing human capacity or closing skills gaps. Although the BNLI is entrusted with the continuing legal education programs for the Judiciary, it lacks coordination and direction from the Judiciary, which often results in duplication and squandering of limited resources.

#### 4.3.3 Strategic Objectives:

- a) **Strategic Objective 01:** *Complete and Effective Implementation of Judicial Service Act*
- b) **Strategic Objective 02:** *Strengthen the Role of the National Judicial Commission*
- c) **Strategic Objective 03:** *Strengthen the Functioning of the Royal Judicial Service Council*
- d) **Strategic Objective 04:** *Human Resource Autonomy*
- e) **Strategic Objective 05:** *Judicial Personnel Service Conditions and Entitlement Rules*
- f) **Strategic Objective 06:** *Conduct Comprehensive Training Needs Assessment*
- g) **Strategic Objective 07:** *Financial Autonomy*

#### a) **Strategic Objective 01: Complete and Effective Implementation of JSA**<sup>82</sup>

The Judicial Service Act (JSA), which pre-dates the Constitution, was enacted in keeping with His Majesty the King's vision for enlightened laws to protect the society. JSA is designed to strengthen and promote the independence and the accountability of the Judiciary, to ensure fair trial, and to promote the *Rule of Law*.<sup>83</sup> However, most of its provisions remain ineffective due to poor implementation. Two key impediments are the lack of adequate financial and human resources, and the manifest conflicts between the JSA and the Royal Civil Service Act, 2010.

The uneven application of the JSA by the NJC and the RJSC has led to internal conflicts and a perceived lack of transparency and credibility. Complete and effective implementation of all

provisions of the JSA are required to counteract these effects, especially in the following areas:

1. Judicial Personnel Selection Examination;<sup>84</sup>
2. Effective engagement of the NJC in legal reforms;<sup>85</sup>
3. Strengthening and expanding the roles and responsibilities of the RJSC;<sup>86</sup>
4. Formulation of rules and regulations on human resource management and service conditions;<sup>87</sup> and
5. Performance review and evaluation.<sup>88</sup>

**b) Strategic Objective 02: *Strengthen the Role of National Judicial Commission***

The principal function of the NJC is to submit recommendations to His Majesty the King with regard to the appointment of the Chief Justice of Bhutan, the Drangpons of the Supreme Court, and the Chief Justice and Drangpons of the High Court. It also submits recommendation to His Majesty the King in two other areas: the establishment of courts and tribunals; and the removal of Drangpons of the High Court and the Supreme Court for proven misbehaviour which does not deserve impeachment.<sup>89</sup>

By statute, the NJC is also responsible for the appointment of the Chief Administrator of the ADRC,<sup>90</sup> framing the rules on the service conditions of ADRC employees,<sup>91</sup> and effective administration of the ARDC.<sup>92</sup> The ADRC Chief Administrator is required to submit an annual report to the Commission.

In order to accomplish these constitutional and statutory mandates, the NJC shall adopt a formal and regular mode of operation. For example, while section 16 of the JSA states, “*the Commission shall meet twice a year i.e. in June and December,*” at present it only meets as and when required. Furthermore, there are no set procedures or criteria for any of the constitutional recommendations described above. JSA only provides general selection guidelines, but there is a need for a detailed rule to avoid questions on integrity and transparency of the NJC.

With respect to its ADRC oversight role, the Commission must actively involve and provide constant guidance and leadership to enhance its efficiency and effectiveness, with the goal of



encouraging the public to choose as a principal mode of dispute resolution.

**c) Strategic Objective 03: *Strengthen the Functioning of the RJSC***

As the effective secretariat of the Judiciary, the RJSC has sweeping statutory authority to formulate policy, administer, and manage the entire Judiciary and its personnel, as well as to<sup>93</sup> review legislation and propose amendments to the Parliament.<sup>94</sup> However, RJSC has till date focused on ancillary roles, functioning more like a Human Resource Committee deciding transfers and promotions.

Given the importance of its statutory functions, RJSC's procedures and authority must be clear and respected. However, RJSC currently functions on a need-based or *ad hoc* basis and, in some cases, its decisions have been overturned by other authorities. Its members do not receive remuneration or recognition for their service, which compromises the perceived authority of RJSC, and the motivation to serve as council members.

To empower RJSC to achieve its statutory mandates, RJSC shall adopt and observe comprehensive rules of procedure, addressing in particular appointment and selection of its members, the regular conduct of meetings, and decision-making processes. The members of RJSC shall receive sitting fees in accordance with the applicable rules and regulations.<sup>95</sup>

**d) Strategic Objective 04: *Human Resource Autonomy***

Governance of the human resources of the Judiciary is presently split across three different legal regimes: Constitutional post holders (the Chief Justice of Bhutan, Drangpons of the Supreme Court, and the Chief Justice and Drangpons of the High Court) are governed by the Entitlement and Service Conditions Act for the Holders, Members and Commissioners of Constitutional Offices of Bhutan, 2010; Drangpons of the Dzongkhag and Dungkhag courts and Drangpon Rabjams are governed by JSA; and Court Registrars, Bench Clerks, BNLI employees, and administration and finance personnel are governed by the Civil Service Act of Bhutan, 2010 and the Bhutan Civil Service Rules and Regulations. Further complicating the matters, the RCSC places Court Registrars

and BNLI's Legal Officers under the OAG as the parent agency.<sup>96</sup> This multiplicity of laws has led to confusion, demotivation, and a lack of ownership, and had a detrimental effect on collegiality, teamwork, service delivery, and institutional development.

While in practice, the RCSC and the OAG do not interfere in the Judiciary's human resource management, the disconnect between law and practice undermines respect for legal processes and leads to unequal application. Since the control over its human resources is not mandated by law, the Judiciary has no rules and systems in place to effectively manage its human resources. It is in the interest of the public, the Judiciary, and judicial personnel to vest the Judiciary with full and independent *de jure* and *de facto* control over human resource matters. Therefore, RJSC shall, with expert input from the RCSC, shall develop and adopt comprehensive rules on human resources management and regulation to ensure that the Judiciary remains an entirely meritocratic institution, including but not limited to the following matters:

1. Recruitment system;
2. Appointment and Promotion of judicial personnel including the Registrars General of the Supreme Court and the High Court and Chief Drangpons;
3. Human Resource Development;
4. Performance Review and Evaluation System;
5. Organizational development and strengthening of the Administration and Management;
6. Transfer of Judicial Personnel, and;
7. Service Conditions and Entitlement.

These rules will improve transparency and provide RJSC with objective standards, to increase objectivity, legitimacy and transparency. The rules shall ensure that the career progression of judicial personnel is determined by objectively verified performance and human resource needs. Once these rules are adopted and implemented, the Judiciary shall begin discussions with the RCSC to de-link the entire judicial personnel, including the administrative and financial support staff, from the Civil Service.

**e) Strategic Objective 05: *Judicial Personnel Service Conditions and Entitlement Rules***

Section 155 of JSA empowers RJSC to “ensure that adequate salaries are paid” to judicial personnel, and sets forth the public policy interests implicated. In particular, JSA requires the RJSC to set salaries in such a way as to:

- (a) Ensure judicial independence;
- (b) Reduce dependency;
- (c) Prevent corruption;
- (d) Attract the best candidates with optimal professional qualifications;
- (e) Provide financial security; and
- (f) Motivate the Judiciary to concentrate on the administration of Justice.

In light of several fundamental changes, RJSC shall undertake to improve the conditions of service by increasing the salaries and benefits of judicial personnel, in particular, judges, during the period of this Plan. Some of the most important of those changes are as follows:

First, with the emergence of the Bar and an expansion of career opportunities (including politics and entrepreneurship) for law graduates, the Judiciary faces increased competition for the best candidates. In addition, these new opportunities raise the possibility that current judges will leave their benches for better-remunerated positions in the private sector.

Second, an ongoing explosion of specialized legislation and increasingly complex regulations require judges to spend more and more time, outside of the courtroom, studying and keeping current on legal developments. Such study is over and above the judge’s existing adjudicative responsibilities.

Third, the omnipresence of social media, coupled with increasing interest in legal and judicial affairs from the print and broadcast media and the public at large, means that judges are now subject to an unprecedented level of public and private scrutiny. The Judiciary’s plan to increase its transparency and accountability will only intensify this scrutiny.

Finally, the ambitious goals of this Plan will require a re-doubling of efforts from all judicial personnel, aside from their current responsibilities, and may require a re-thinking of the role and status of a judge in modern Bhutanese society.

For each of these reasons and others, and in order to accomplish the policy purposes section 155 of JSA and to enhance judicial independence in the public interest, RJSC shall recommend appropriate salary and benefits for judicial personnel, in particular sitting judges, at the earliest.

**f) Strategic Objective 06: *Conduct Comprehensive Training Needs Assessment***

BNLI, by statute, is the training arm of the Judiciary,<sup>97</sup> and is responsible for enhancing the professional capacity of judicial personnel through continuing legal education programs and forums for the exchange of views and ideas. Since its establishment in 2011, in addition to its statutory mandate, BNLI has conducted public legal awareness programs, introduced school legal literacy programs and School Law Clubs, revitalized and institutionalized *Nangkha Nangdrik*, institutionalized CAM, and aided the establishment and training of the first Family and Child Bench in Thimphu District Court.

While immensely useful, these programs are planned on an ad hoc basis, often resulting in duplication and squandering of limited resources. The training lacks a formal assessment and evaluation system, and the Judiciary as a whole lacks a formal Mandatory Continuing Legal Education (MCLE) requirement. Therefore, a comprehensive Training Needs Assessment shall be conducted to plan for long term capacity building to enhance the professional capacity of the in-service judicial personnel.

As proposed in the Justice Sector Strategic Plan, judicial training shall then be coordinated with the other justice sector agencies to eliminate duplication of training. The Judiciary shall encourage the appropriate justice sector agencies to take lead roles in designing and implementing training programs on themes of inter-agency concern, such as child justice, trial advocacy, pleading and

conveyancing, judicial process, and specific substantive laws.

Availability of in-country and ex-country training is often a source of organizational conflict, as staff members sometimes view training as a financial incentive or reward. To avoid this outcome, BNLI, in consultation with the RJSC, shall develop clear and comprehensive guidelines on availing both in-country and ex-country training opportunities.

**g) Strategic Objective 07: *Financial Autonomy***

The financial autonomy of the Judiciary is limited by the fact that its budget is subject to refinement and prioritization by the Ministry of Finance and Parliamentary approval. This element of unpredictability, in turn, hampers long-term and strategic planning, as the Judiciary cannot predict the budget that will be allocated in the coming fiscal years.

Over 65% of staff responded to the internal survey that the courts lack “adequate financial and material resources (budget and equipment) to function as they should.” Staff indicated that many courts lack critical resources such as laptops, scanners, and even basic office stationery. Routine maintenance of facilities has also been neglected. These costs must be factored into the annual budget, so that the courts are adequately equipped.

The Judiciary is unique among publicly funded institutions. Therefore, providing adequate financial support to the Judiciary is an investment in our nation’s stability and security. Upholding the Rule of Law and guaranteeing access to justice enables people to settle disputes peacefully and allows society to hold perpetrators of crimes and civil wrongs accountable. It creates a conducive environment for foreign investments. The Judiciary, in consultation with the Ministry of Finance, GNHC, and the Economic and Finance Committee of the Parliament shall adopt a formula for determining annual financial requirements.

#### 4.4.1 Strategic Goal 04: Institutional Linkages and Collaboration



*“Agencies pursue isolated sectoral objectives while administrative processes burden efficient service delivery. Communication and coordination have been further sidelined in the quest for autonomy by different agencies.”*

- His Majesty the Druk Gaylpo's Royal Kasho on Civil Service reform, 17 December 2020



#### 4.4.2 Background

While the principle of separation of powers<sup>98</sup> protects the three branches of the government from encroachment and interference in their respective constitutional functions, it does not prohibit cooperation and a constructive relationship among the three. Such cooperation is significant in our small society, and among the justice sector agencies, who share a common vision. The linkages and collaborations are essential to achieve His Majesty's vision of a just and harmonious society, the sacred mandate of the *Constitution*, and the aspirations of the people for a vibrant democracy, the *Rule of Law*, *GNH*, peace, and harmony. Individual institutions will, of course, set their own priorities and adopt their own approaches to achieve their respective institutional mandates, but these approaches and priorities shall be guided by the shared vision for the country and the people.

Recognizing the importance of sector-wide coordination, the GNHC, for the first time in 2018, included a NKRA for the justice sector in the *Twelfth Five Year Plan*. Shortly thereafter, the entire justice sector adopted a common strategic plan to achieve the *Five Year Plan* targets.<sup>99</sup>

The ongoing judicialization of governance will result in courts indirectly influencing the functions of the other branches of the government, in particular through interpretation of the Constitution, and exercise of powers of judicial review. This amplifies the need for the Judiciary to continuously evolve to cater to the emerging needs of the society. With the changing landscapes, the Judiciary shall lead, inspire and collaborate with other justice sector agencies, adopt mechanisms for effective public engagement, and maintain its functional independence.

#### 4.4.3 Issue Description

The Justice Sector Strategic Plan identifies a lack of leadership and coordination as a key weakness in the sector.<sup>100</sup> To address this weakness, the Justice Sector Plan established the Sectoral National Steering Committee, at the Executive level; and a Justice Sector Working Committee, at the Management level.<sup>101</sup> However, these committees have yet to commence regular operation.

The Judiciary shall take the lead role in operationalizing these committees. The National Steering Committee will provide policy and strategic guidance to the entire sector, and specialized working committees will be established from time to time to execute specific assignments on cross-cutting themes such as procedural reforms, child justice, traditional dispute resolution mechanisms, continuing legal education, and access to justice through ICTization of justice services. Through the Committee, the justice sector may collectively decide to establish a commission to comprehensively review existing laws and prepare recommendations for legal reforms and amendments.

##### **a) Strategic Objective 01: *Enhance Collaboration, Coordination and Cooperation among Justice Sector Agencies***

Collaboration, coordination and cooperation among the justice sector agencies is essential in fulfilling the vision, mission, strategic goals, and objectives of this Plan. The Judiciary is the oldest and the most significant actor in the entire justice sector, and therefore must take a lead role in promoting cross-sectoral communication and engagement.

The Judiciary shall facilitate the specific outcomes prescribed in this Plan in the following manner:

##### **1. *Continuing Legal Education***

In coordination with the Bar Council, and JSW Law, the Judiciary and BNLI shall plan, design, and implement continuing legal education, including MCLE for both the Bench and the Bar.

**2. *Establishment of a Law Commission***

Based on the recent National Law Review Task Force Report, the NJC and RJSC shall collaborate with the National Assembly, National Council, OAG, and other relevant justice sector agencies to establish a Law Commission to study and review existing laws, and propose areas for harmonization, consolidation and amendment.

**3. *Family and Child Justice***

The Judiciary and BNLI shall collaborate with the OAG, RBP, NCWC, RENEW, and relevant CSOs to enhance family and child justice, through specialized training programs and public awareness campaigns on child justice and family law.

**4. *Access to Legal Aid and Legal Representation***

The Judiciary shall collaborate with the government and the Bar Council to identify a nodal agency to implement legal aid services. It will also assist the Bar to ensure the provision of *pro bono* legal services.

**5. *Legal Dissemination and Awareness***

The Media and Communication Unit shall coordinate with media and journalists to facilitate proper reporting on cases and dissemination of accurate information relating to functioning of the Judiciary, the administration of justice, and other related issues.

**6. *ICTization of Judicial Services***

The Judiciary will collaborate with the Ministry of Information and Communication (MoIC) and Government Performance and Management Division (GPMD) to strengthen existing technology to enhance access to justice and reduce time and cost of litigation.

**7. *Common Examination***

In order to ensure standard and quality legal practice across the Judiciary, civil service, and private practice, the Judiciary shall collaborate with the Bar and RCSC to explore the feasibility of creating a single professional qualifying examination for all legal professionals.



**8. *Human Resource Management and Regulation***

The RJSC will collaborate with the RCSC to develop separate rules on management and regulation of personnel in the Judiciary and de-linking of judicial personnel from the civil service.

**9. *Financial Management***

The Judiciary will collaborate with the Ministry of Finance, GNHC, and Parliament to secure adequate funding for effective implementation of this Plan and to fulfill its constitutional mandate.

**b) *Strategic Objective 02: Establish Institutional Linkages with Foreign Institutions***

Institutional linkages is one of the effective mechanisms of institutional growth and for mutual benefit through sharing of knowledge, expertise and resources. Linkages with similar institutions abroad are crucial in the 21st century to address transborder issues such as technology, intellectual property rights, Foreign Direct Investment, and foreign contracts. The Judiciary shall enhance its existing linkages with similar institutions abroad to facilitate economic growth.

# 05 STRATEGIC PLAN OF ACTION



## 05. STRATEGIC PLAN OF ACTION 2022-2032



Strategic Direction	
<b>Vision:</b>	The Judiciary will strive to create a free, fair, just, and harmonious society through effective resolution of disputes and expeditious dispensation of justice.
<b>Mission:</b>	The Judiciary will safeguard, uphold, and administer justice fairly and independently without fear, favor, or undue delay in accordance with the rule of law to inspire trust and confidence and to enhance access to justice.
<b>Core Values:</b>	<i>ThaDamtshig, LeyJudre, Collegiality, SampaSemkyed, Professionalism</i>
<b>Strategic Objectives:</b>	<ol style="list-style-type: none"> <li>1. Inspire Public Trust and Confidence</li> <li>2. Enhance Access to Justice</li> <li>3. Strengthen Judicial Independence and Autonomy</li> <li>4. Strengthen Institutional Linkages and Collaborations</li> </ol>

Strategic Goal 01:	Indicator	Baseline (2022)	Target (2032)	Data Source
<b>Inspire Trust and Confidence</b>	Percent of people who express trust and confidence in the Judiciary	NA	70%	Judicial Service Satisfaction Survey
	Public trust on Judiciary	8.42	> 8.42	NIA (ACC)
	Ethics	8.34	> 8.34	NIA (ACC)
	Transparency	8.38	> 8.38	NIA (ACC)
	Accountability	8.56	> 8.56	NIA (ACC)

Sl. No	Strategic Objectives	Activity & Description	Baseline (2022)	Target (2032)	Data Source	Budget (Nu. in Million)	Time Frame	Lead Responsibility
1.1	Adopt Judicial Personnel Ethics Rules	Conduct Consultative Workshop on the preliminary draft and endorse	0	1	Admin Data	0.450	2022-23	PPD
1.2	Adopt Rules on Declaring Conflict of Interest and Recusal from the Cases	Conduct Consultative Workshop on the preliminary draft and endorse	0	1	Admin Data	0.450	2022-23	PPD
1.3	Institute Media and Public Relations Unit	Recruit/Designate Media and PR Officer	0	1	Admin Data	0.000	2022-23	ORG
		Draft TOR & Guidelines for Media and PR Unit	0	1	Admin Data	0.300	2022-23	PPD
		Conduct Judicial Service Satisfaction Survey	0	1	Admin Data	3.000	2023, 2027 & 2032	MPR & PPD

1.4	Improve the Quality of Research and Reasoning in Court Decisions	Conduct training on techniques of judgment drafting for trial Courts	0	350 heads	Admin Data	2.750	2023-24	BNLI
		Conduct training on Dzongkha Grammar	0	450 heads	Admin Data	3.600	2023-24	BNLI
		Conduct training on techniques of Judgment drafting for appellate Courts	0	50 heads	Admin Data	0.800	2023-24	BNLI
		Conduct training on Statutory Interpretation of laws	0	150 heads	Admin Data	1.500	2023-24	BNLI
		Conduct training/workshop on discoveries for both the Bench and the Bar	0	200 heads	Admin Data	2.500	2023-24	BNLI
		Conduct training/workshop on uniform pleading and conveyancing for the members of the Bar and prosecutors	0	180 heads	Admin Data	1.750	2023-24	BNLI
1.5	Enhance Uniformity and Consistency in Application of Laws	Develop and adopt sentencing guidelines	0	1	Admin Data	0.400	2022-23	PPD
		Compile Judgments annually by each Court	0	370 compilations from 37 Courts	Admin Data	3.800	2022-32	Judges of all Courts
		Conduct seminar on solving legal anomalies and ambiguities in laws annually	0	10 Seminars	Admin Data	4.600	2022-32	BNLI
		Develop a briefing package for new and amended legislation	0	10 Packages	Admin Data	1.000	2022-32	BNLI
		Conduct research and studies of Judgments annually	0	10papers	Admin Data	4.500	2022-32	PPD& BNLI
		TOTAL BUDGET REQUIRED TO ACHIEVE STRATEGIC GOAL 01					31.400	

Strategic Goal 02:			Indicator	Baseline (2022)	Target (2032)	Data Source
Enhance Access to Justice		to	The proportion of cases decided by courts (9216) vis-à-vis cases settled through (a) CAM and (b) NangkhaNangdrik (4543 in 2019)	CT:9216 NN: 4543	CT<9216 NN>4543	CMS data CAM data (BNLI) NangkhaNangdrik data (BNLI)
			Number of accused persons who avail themselves of legal aid	0%	<20%	Court data Bar Council data
			Percentage of cases appealed to (a) the High Court and (b) the Supreme Court	(a) 10% (b) 50%	(a) <10% (b) <50%	Judiciary Annual Report
			Fairness	8.24	<8.24	NIA (ACC)

Sl. No	Strategic Objectives	Activity & Description	Baseline (2022)	Target (2032)	Data Source	Budget (Nu. in Million)	Time Frame	Lead Responsibility
2.1	Making Legal Aid a Reality	Institute an interim Legal Aid Committee to initiate provisions of legal aid services	0	1	Admin Data	0.750	2023-24	PPD
		Assist the Bar Council in provision of systematic pro bono services	0	1	Admin Data	0.000	2023-24	PPD
		Conduct training/ workshop on legal aid	0	100 heads	Admin Data	3.750	2023-24	BNLI
2.2	Initiate Procedural Reforms	Develop rules and guidelines to supplement CCPC and Evidence Act	0	1	Admin Data	0.800	2022-23	PPD
		Develop rules on appeal	0	1	Admin Data	0.650	2022-23	PPD
		Review Judicial forms	0	50 plus forms	Admin Data	0.450	2022-23	PPD

2.3	Establish Regional High Court or Mobile High Court Bench	Conduct Feasibility study on the establishment of regional High Court (East and South)	0	1	Admin Data	0.360	2022-23	PPD
		Develop SOP/Rules on the functioning of regional High Court	0	1	Admin Data	0.450	2022-23	PPD
		Pilot functioning of regional High Court from regions	0	2	Admin Data	2.500	2022-24	High Court
		Conduct impact assessment of the functioning of the regional High Court	0	1	Survey Data	1.500	2027-28	PPD
2.4	Enhance Enforcement of Judgement	Recruit/Designate Official for enforcement of Judgments in the Registry	0	One Official in each Court	Admin Data	0.000	2022-23	Supreme Court, High Court, Dzongkhag Courts, Dungkhag Courts
		Establish a standard mechanism (SOP/ rule) for effective enforcement of judgment	0	1	Admin Data	0.760	2022-23	PPD
2.5	Strengthen Alternative Dispute Resolution (ADR) System	Accreditation of Mediators and Arbitrators	0	1	Admin Data	0.000	2022-32	BNLI
		Develop Code of Conduct for Mediators and Arbitrators	0	1	Admin Data	0.750	2022-23	BNLI
		Develop National ADR Training Manual	0	1	Admin Data	0.850	2022-23	BNLI
		Conduct training for Mediators and Arbitrators	0	10 trainings	Admin Data	4.750	2022-33	BNLI
2.6	Harnessing Technology	Integrate CMS with other justice sector systems	0	1	Admin Data	2.000	2023-24	ICT Unit
		Improve Judiciary Website	0	1	Admin Data	0.450	2023-24	ICT Unit
		Enhance CMS and e-Litigation systems	0	1	Admin Data	0.950	2023-24	ICT Unit
		Enhance Judiciary e-Archive system	0	1	Admin Data	1.500	2023-24	ICT Unit
		Develop rules and regulations on e-litigation	0	1	Admin Data	0.530	2023-24	PPD & ICT Unit

2.7	Expand the Legal Dissemination and Awareness Program	Conduct community legal dissemination programs on emerging issues	0	10 rounds	Admin Data	4.300	2023-32	BNLI
		Conduct TV programs and radio programs	0	50 times	Admin Data	0.850	2023-32	M&PR Unit
		Develop a standardized procedural briefing material for litigants	0	10 plus materials	Admin data	0.920	2023-32	M&PR Unit
		Dissemination of laws on social media	0	30 plus programs	Admin data	0.000	2023-32	M&PR Unit
		Conduct legal literacy programs in schools	0	80 plus programs	Admin Data	2.700	2023-32	Supreme Court, High Court, Dzongkhag Courts, Dungkhag Courts
		Conduct law lectures in institutions	0	40 plus lectures	Admin Data	0.700	2023-32	Supreme Court, High Court, Dzongkhag Courts, Dungkhag Courts
2.8	Enhance Child Justice System	Develop child-friendly Courtrooms and Court procedures	0	37 Courts	Admin Data	7.790	2023-32	PPD & EMD
		Develop a consolidated child justice training module for the justice sector	0	1	Admin Data	0.790	2023-32	HRD& BNLI
		Coordinate sector-wide training on Child Justice System	0	10 rounds	Admin Data	3.360	2023-32	HRD & BNLI
		Conduct training on management of cases related to differently-abled persons	0	10 rounds	Admin Data	5.000	2023-32	HRD & BNLI
		Establish creche or care center in/adjacent to all Courts	5 Courts	35 Courts	Admin Data	3.490	2023-32	PPD & EMD
		Construct Dzongkhag Courts ( <i>Thimphu</i> , and <i>Chukha</i> )	18 Courts	20 Courts	Admin Data	260.000	2024-32	PPD & EMD
		Construct Dungkhag Court ( <i>Lingzhi</i> )	14 Courts	15 Courts	Admin Data	18.000	2024-32	PPD & EMD

2.9	Incorporate Restorative Justice in Criminal Justice System	Raise awareness on the compoundable and non-compoundable offenses amongst the Justice Sector agencies and the public	0	10 rounds	Admin Data	3.610	2023-32	BNLI
		Develop guidelines on compounding the offenses	0	1	Admin Data	0.890	2022-23	PPD
		Conduct research on the GNH and restorative justice	0	2re-ports	Admin Data	3.500	2023-32	PPD &BNLI
		Develop guidelines on community sentencing	0	1	Admin Data	0.600	2022-23	PPD
2.10	Enhance Notary Services	Develop guidelines for provision of notary services by all courts	0	1	Admin Data	0.670	2022-23	PPD
		Provision of G2C services by the NPO	11 Services	11 Services	Admin Data	0.000	2022-32	NPO
2.11	National Judicial Conference	Resume and continue the conduct of National Judicial Conference	23	33	Admin Data	20.000	2022-32	ORG
		Develop rules of procedure for the conduct of National Judicial Conference	0	1	Admin Data	0.630	2023-24	PPD
2.12	Facilitate Investment and Economic Growth	Enhance the roles of Alternative Dispute Resolution Centre	0	1	Admin Data	0.000	2023-33	NJC
		Conduct training on contract laws, international treaties and conventions	0	10	Admin Data	6.000	2023-33	BNLI
		Implement recommendations of the 21st Century Economic Roadmap of the Government	0	All	Admin Data	To be incorporated afterfinalization of Roadmap	2023-33	ORG
		Conduct training on Foreign Direct Investments, international commercial arbitration and enforcement of international arbitral awards	0	10 trainings	Admin Data	6.000	2023-33	BNLI
TOTAL BUDGET REQUIRED TO ACHIEVE STRATEGIC GOAL 02						366.450		



Strategic Goal 03:	Indicator	Baseline (2022)	Target (2032)	Data Source
<b>Strengthen Judicial Independence and Autonomy</b>	Percentage of public who feel most people in the Judiciary are involved in corruption	6.5%	>6.5%	BTI
	Ethical Leadership Index	8.45	>8.45	NIA (ACC)
	Integrity	8.72	>8.72	NIA (ACC)

Sl. No	Strategic Objectives	Activity & Description	Baseline (2022)	Target (2032)	Data Source	Budget (Nu. in Million)	Time Frame	Lead Responsibility
3.1	Complete and Effective Implementation of JSA	Draft Judicial Service rules on examination	0	1	Admin Data	0.200	2023-24	HRD & PPD
		Draft Judicial Service rules on recruitment and appointment	0	1	Admin Data	0.200	2023-24	HRD & PPD
		Draft Judicial Service rules on transfer	0	1	Admin Data	0.200	2023-24	HRD & PPD
		Draft Judicial Service rules on promotion	0	1	Admin Data	0.200	2023-24	HRD & PPD
		Draft Judicial Service rules on performance and evaluation	0	1	Admin Data	0.200	2023-24	HRD & PPD
3.2	Strengthen the Role of National Judicial Commission	Develop rules of procedure for the functioning of the National Judicial Commission	0	1	Admin Data	0.670	2023-24	PPD
		Provide guidance to the ADRC on the implementation of the ADRC Act	0	1	Admin Data	0.000	2023-24	NJC
		Develop SOP for the recommendation of appointment of the Supreme Court and High Court Justices	0	1	Admin Data	0.770	2023-24	NJC
3.3	Strengthen the Functioning of the Royal Judicial Service Council	Develop rules of procedure for the Royal Judicial Service Council	0	1	Admin Data	0.720	2023-24	PPD

3.4	Human Resource Autonomy	Delink Judicial Service Personnel from Civil Service	0	1	Admin Data	0.000	2023-24	ORG
		Improve Judiciary Employee Information System (JEIS)	0	1	Admin Data	1.200	2023-24	HRD & ICT Unit
		Develop job description for Judicial Personnel	0	1	Admin Data	0.300	2023-24	HRD
		Develop Human Resource	0	10 trainings	Admin Data	2.800	2023-33	HRD
3.5	Judicial Personal Service Conditions and Entitlements Rules	Construct Judicial Enclave for Chief Justice of Bhutan, Justices of Supreme Court, Chief Justice of High Court, Justices of High Court and Registrar Generals of Supreme Court and High Court	0	16	Admin Data	150.000	2023-33	PPD & EMD
		Construct <i>Drangpons</i> ’ residences			Admin Data	90.000	2023-32	PPD & EMD
		Construct Staff Quarters	5	20	Admin Data	80.000	2023-32	PPD & EMD
		Review perks, allowances and benefits of Judges and Judicial Personnel	0	1	Admin Data	150.000	2023-24	JSC
3.6	Conduct comprehensive Training Needs Assessment	Conduct Comprehensive Training Needs Assessment for cross-cutting issues	0	2	Admin Data	1.000	2023-24	HRD & BNLI
		Institute Mandatory Continuing Legal Education for the Bar and the Bench	0	1	Admin Data	0.000	2023-24	OCJB
		Conduct specialized training on contract, child justice and other emerging legal issues	0	10 trainings	Admin Data	8.000	2023-33	BNLI

3.7	Financial Autonomy	Review current fi- nance modality and budget for judicial services	0	1	Admin Data	1.000	2023- 24	JSC & PPD
		Submit recom- mendations to the Government for adequate allocation of budget	0	1	Admin Data	0.000	2023- 24	JSC
		Ensure provision of adequate fund for the effective implementation of the Judiciary Strategic Plan	0	1	Admin Data	0.000	2023- 24	JSC
TOTAL BUDGET REQUIRED TO ACHIEVE STRATEGIC GOAL 03						487.460		

Strategic Goal 04:	Indicator	Baseline (2022)	Target (2032)	Data Source
<b>Strengthen Institutional Linkages and Collaboration</b>	Number of MOUs signed for institutional linkages	1 (Constitutional Court of Thailand)	5	Administrative Data
	Implementation of Justice Sector Strategic Plan	0%	80%	Project Management Unit

Sl. No	Strategic Objectives	Activity & Description	Baseline (2022)	Target (2032)	Data Source	Budget (Nu. in Million)	Time Frame	Lead Responsibility
4.1	Enhance Collaboration, Coordination and Cooperation among Justice Sectors	Lead the implementation of the NKRA-16	0	1	Admin Data	5.000	2023-33	PPD
		Establish Law Reform Commission	0	1	Admin Data	1.000	2023-24	OCJB
		Execute MOU on Common Examination for legal professionals	0	1	Admin Data	1.000	2023-24	JSC
4.2	Establish Institutional Linkages with Foreign Institutions	Establish Institutional Linkages with Foreign Institutions	0	5	Admin Data	15.000	2023-33	PPD
<b>TOTAL BUDGET REQUIRED TO ACHIEVE STRATEGIC GOAL 04</b>						<b>22.000</b>		

# 06 IMPLEMENTATION ARRANGEMENTS



## 6. IMPLEMENTATION ARRANGEMENTS



*“While our laws and policies are sound in principles and provisions, when it comes to actual implementation, enforcement and monitoring, we are lagging behind.”*

- His Majesty the Druk Gyalpo



This Plan is just the beginning of change and reform. Successful implementation of this plan will determine the efficiency and the effectiveness of the judicial institutions. Everyone must contribute and play a role in achieving the strategic goals and objectives. Inspiring leadership, effective coordination, great teamwork, and the right attitude will determine the success of this plan. The following implementation mechanism shall ensure the complete implementation of this plan.

### 6.1 Implementation responsibility

In accordance with JSA, RJSC shall be fully responsible for implementing the plan. The RJSC shall be supported by the Office of the Registrar General of the Supreme Court through the Policy and Planning Division (PPD). RJSC may assign specific activities to the relevant departments, divisions, and sections in accordance with the plan of action, with clear directives.

For effective and efficient implementation of the plan, RJSC may decentralize some of its implementation responsibilities to appropriate judicial authorities at the Dzongkhag and Dungkhag levels, as per section 45 of JSA.<sup>102</sup> For this purpose, RJSC may establish committees or working groups, with representatives from all levels of courts, from time to time to execute specific activities. The Council shall liaise with other justice sector agencies and other public institutions to facilitate effective implementation. If required, RJSC may establish a time-bound Steering Committee to specifically execute activities as per the strategic plan of action.

### 6.2 Reporting arrangements

The PPD shall serve as the secretariat for the implementation of the Strategic Plan. The Division shall compile progress reports on implementation of activities under this plan, and submit periodic reports to RJSC. The Office of the Registrar General of the Supreme Court, shall then prepare a comprehensive report to the Office of the Chief Justice of Bhutan for publication in the Judiciary’s annual report.

# 07

## MONITORING AND EVALUATION



## 7. MONITORING AND EVALUATION



### 7.1. Monitoring

Monitoring embodies the regular tracking of inputs, activities, key results, strategic goals and strategic objectives. The Office of the Chief Justice of Bhutan and RJSC shall regularly monitor the implementation progress through reports submitted by PPD on the status of the strategic plan of action, and annual reports of the Judiciary. In addition, the Office of the Chief Justice of Bhutan and RJSC may ask for ad hoc reports and updates as deemed necessary.

Monitoring will also be facilitated by service delivery surveys, key informant interviews, focused group discussions, and facilitated brainstorming by staff and officials. The internal audit unit will assist in the monitoring and evaluation of the strategic plan.

On an annual basis, PPD will organise an annual review of this Strategic Plan in which progress against each result area will be reviewed with stakeholders. This review will generate recommendations for corrective action to ensure timely implementation.

The review will also make recommendations for revisions to the plan of action. This plan spans a decade, and unexpected complications will inevitably occur along the way. In such instances, some flexibility to review the plan of action and make changes may be required to adapt to the changing circumstances. However, any change affected shall be guided by the vision, mission, or strategic goals and objectives of this Plan.

### 7.2 Evaluation

A mid-term evaluation will be conducted in July 2026 to take stock of the effectiveness of the plan and implementation of activities, identify shortfalls and devise necessary interventions and a way forward to ensure complete achievement of the goals and objectives of the plan by 2032. This will, in the same way as the annual reviews, offer the opportunity to adjust and strengthen necessary capacities to implement activities or results that have fallen behind. During the first six months of 2032, an external evaluation shall be completed to harness the lessons learned and inform the new planning cycle.

The evaluation process will determine:

- a. The significance of the strategic directions of this plan;
- b. The relevance of the strategic goals and and specific objectives;
- c. The efficacy of design and implementation;
- d. The efficiency of resource use in implementation, and;
- e. The sustainability of the results achieved.

The end-term evaluation will be conducted by mid-2032, and its recommendations shall form the basis of the design for the next strategic plan.



# 08 CONCLUSION



## CONCLUSION



“

*“Rule of Law brings about discipline in people and order in society. If there is order in society, there will be peace and trust amongst the people. If there is trust and peace amongst people, the nation will achieve untold prosperity.”*

His Majesty the King, Address to the Nation, 11  
November 2015

”

An effective and efficient justice system is a pre-requisite for a free, fair, just, and harmonious society. While the Judiciary has fulfilled its mandates, it faces challenges brought on by the rapid socio-economic development. Guided by this plan, the Judiciary and its leadership shall for the next ten years endeavor to achieve its sacred Constitutional mandate, live up to the trust and confidence of His Majesty the King, and fulfill the aspirations of the people.

Ten years from now, the Judiciary will be composed of highly motivated and experienced professionals who provide reliable, fair, and efficient services while inspiring the entire justice sector to further strengthen and improve the justice system. In conduct, processes, and decisions, the Judiciary will always be guided by the core values of *Tha Damtsig, Lay Judre, Sampa Semkyed*, collegiality, and professionalism. These institutional virtues shall forever be ingrained in the justice system that will promote and enhance fairness, transparency, accountability and humility in the service of the King, Country, and the People.

The Judiciary believes that public understanding and participation is an essential element of justice: without which, we cannot hope to preserve and promote public trust and confidence in the Judiciary and justice system or strengthen the Rule of Law. The Judiciary bears the primary responsibility of achieving public understanding and participation through public education, awareness, and heightened ethics and integrity, and above all, by setting and maintaining the highest standards of integrity, transparency and accountability in all its functioning.

Although the Judiciary is the principal actor in the justice sector, it cannot achieve all of its goals and objectives alone. A shared vision will guide the justice sector to forge seamless coordination and collaboration, and make the justice sector a whole that is truly greater than the sum of its parts. The entire sector will continue to make substantial contributions to the realization of our national goals i.e., securing the security and sovereignty of the country, upholding the Rule of Law and the Constitution, protecting rights, freedom and liberty of the people, and promoting peace, happiness, and harmony for all times.

The finalization and adoption of this Plan marks the beginning of a new chapter for the Judiciary, but it is only the beginning. A formidable task lies ahead. With the blessing of the magnanimous leadership and the wisdom of His Majesty the King, and the combined merit of our people, and the dedication of the entire justice sector, the Judiciary will grow from strength to strength, to ensure a free, fair, just, and harmonious society for all times to come. *Otas quia nihillit omnitas ide consequis re sam qui omnihil luptas volupta tibuscimet volent facerch illuptat rem volum dolenditatus nimet ut mil id quia voluptas*

## ENDNOTES



- 1 See, Introduction to the Bhutanese Legal System, Royal Court of Justice, High Court. Zhabdrung Ngawang Namgyal promulgated the first set of Bhutanese laws; and the codification of these laws was completed in 1652. These laws are based on the fundamental teachings of Buddhism pertaining to both ecclesiastical and temporal matters. These laws ensured conformity of conduct of the people with the “ten pious acts” known as Lhachoe Gyewa Chu, and the “sixteen virtuous acts of social piety” known as the Michoe Tsangma Chudrug.
- 2 See, Dasho (Dr.) Sonam Kinga, “Polity, Kingship and Democracy - A biography of the Bhutanese State.” As enshrined in the historic accord (Gyenja), His Majesty Ugyen Wangchuk was unanimously appointed as the first king of Bhutan to lay a secure future for the Bhutanese people and the country.
- 3 See, the preamble to the Constitution, where we solemnly pledge ourselves to strengthen the sovereignty of Bhutan; to secure the blessings of liberty; to ensure justice and tranquility; and to enhance the unity, happiness and well-being of the people for all time.

- 4 The first district court was established in 1961 in Paro, coinciding with the first Five Year Plan (1960 – 1965), followed by the establishment of the High Court in 1968 in Thimphu.
- 5 The Office of Legal Affairs was established only in 1999, which was later renamed as Office of the Attorney General in 2006.
- 6 See, The Draft Judiciary Master Plan 2006-2020, Supreme Court of Bhutan. It was drafted in 2006 but it was not formally adopted or implemented.
- 7 See, The Justice sector Strategic Plan 2018-2023. The creation of “a free, fair, just and harmonious society” has been identified as the ultimate objective or the guiding vision of the Justice Sector, which comprises law enforcement, Judiciary and law college.
- 8 See, Article 21 (1) of the Constitution.
- 9 See, The Report on Review of Judiciary System and Practices, 2012-2016. The review was conducted by the Royal Audit Authority for the first time in 2017.
- 10 The Joint Sitting of the Fifth Session of the Parliament on 22 June 2021 deliberated on three issues: Appeal System, the Notary Services and the Appointment of Judges. The Parliament resolved to consider three other issues – the Legal Aid, establishment of Regional High Court, and the amendment of Judicial Service Act of Kingdom of Bhutan 2007.
- 11 See, Article 21 (7) of the Constitution.
- 12 See, Article 21 (2) of the Constitution. Article 21(2) also envisages “and such other courts and tribunals that may be established from time to time by His Majesty the Druk Gyalpo on the recommendation of the National Judicial Commission.”
- 13 རྒྱལ་ཁབ་ཀྱི་འཕུལ་སྐྱོད་ལྷན་ཁག་གི་འཕུལ་སྐྱོད་ལྷན་ཁག་གི་ཚུ་བ་ཁྲིམས་། His Majesty the Druk Gyalpo’s address to the judges during the 20th Annual Judicial Conference, 2010.
- 14 “Judiciary is a primary basis for protecting the sovereignty and security of our nation and to achieve the goal of Gross National Happiness (GNH) to enhance the unity, happiness and well being of our people for all time.” - His Majesty the Druk Gyalpo’s Address to the Judges, 19th National Judicial Conference, 11th June 2010.
- 15 See, Twelfth Five Year Plan 2018-2023, Volume I: Main Document, Gross National Happiness Commission, Royal Government of Bhutan (2019), p:96.
- 16 See, Foreword to the Justice Sector Strategic Plan 2018-2023 by the Chief Justice of Bhutan, Justice (retired) Tshering Wangchuck.
- 17 See, Tha Damtshig: Integrity, Dr. Karma Phuntso, Kuensel, June 5, 2016. Available at <https://kuenselonline.com/tha-damtshig-integrity/>
- 18 See, the Third Schedule of the Constitution.
- 19 See, Section 79 of the Judicial Service Act, 2007, which states that, a candidate selected for appointment to the judicial service shall take an oath of allegiance and secrecy before joining service in the form and manner prescribed by the council.
- 20 See, Article 31 (6) of the Constitution, which states that the holders of constitutional offices shall take an oath or affirmation of office, as provided under the Third Schedule of this Constitution, before assuming office. See, also Section 69 of the Judicial Service Act, 2007, which states that the Chief Justice of Bhutan, Drangpons of the Supreme Court, Chief justice and Dragons of the High Court shall take an oath or affirmation of office, as provided in the Schedule of the Constitution.

- 21 Israeli jurist Aharon Barak observed that “when we sit at trial, we stand on trial. In deciding the law, we must act according to our purest conscience. (H.C. 5100/94, Pub. Comm. against Torture in Israel v. Government of Israel, 53(4) P.D. p.817 (845). The Bhutanese equivalent of this value of accountability and fairness is echoed by the popular standard couplet appended at the end of the criminal case judgment which states that “one must face the consequences of one’s actions; if one indulges in bad actions (crimes); bad consequences (punishment) will follow; and vice versa; i.e. the wholesomeness of the consequences depends on one’s own actions” (རང་གི་ལས་བྱས་རང་ལ་སློན་ཅིན། བཟང་རན་རང་ལ་རྒྱ་ལས་ཤིས་པར་གྱི།)
- 22 The Effects of Collegiality on Judicial Decision Making, Harry T. Edwards, University of Pennsylvania, Vol. 151, No. 5, 2003, p:1645.
- 23 105 of the JSA - a Drangpon shall not be swayed by partisan interest, public clamour or fear of criticism.
- 24 In Buddhism, three types of motives or Semkyed are identified. In the king’s motive, one’s interests are fulfilled before that of others. In Shepherd’s motive, the interests of other beings are fulfilled before fulfilling our own. In the Boatman’s motive, the interest of others as well as that of our own are fulfilled at the same time.
- 25 This corresponds to one of the four immeasurable values of Buddhism – equanimity (Tang-NyomTangs sNyom); the other three being, love (Jampa), joy(Gawa) and compassion (Ning Je).
- 26 See, Resolutions of National Judicial Conference in 2010.
- 27 Article 7(15) of the constitution - All persons are equal before the law and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status.
- 28 Article 9(5) of the constitution - The State shall endeavour to provide justice through a fair, transparent and expeditious process.
- 29 Article 21(1) of the constitution - The Judiciary shall safeguard, uphold, and administer Justice fairly and independently without fear, favour, or undue delay in accordance with the Rule of Law to inspire trust and confidence and to enhance access to Justice.
- 30 See, Article 21 of the Constitution.
- 31 See, Article 9 (6) of the Constitution.
- 32 Draft Judiciary Master Plan 2006 - 2020 at p: 1. Declaration (a) of the 20th National Judicial Conference 2012 - Comply with the Code of Conduct and maintain the dignity of the august office and improve public confidence. The theme of the 22nd National Judicial Conference “Inspiring Public Trust and Confidence”. This theme was chosen as a reminder to the Judicial Officials, so as to continuously enhance and strengthen the Judiciary in consonance with the Royal Command of His Majesty the King - “With democracy, increasing international exchanges and a fast changing economy, our Judiciary must strive to evolve and address the needs of changing times. The Judiciary must be proactive and identify problems and initiate timely remedies without waiting. This is the only way for the Judiciary to earn the respect, faith and trust of the people.”
- 33 National Integrity Assessment Report 2019, the Survey Report from the Judicial Personnel, Judicial Integrity Scan Report 2015 at p-48, and National Corruption Barometer Report, 2020 at p-9.
- 34 See, the World Bank Report on “Worldwide Governance Indicators Report” - based on the data collected from 1996 - 2013 indicated that Bhutan is not performing well in terms of implementation of Rule of law. <http://www.bbs.bt/news/?p=50169>
- 35 See, Article 21 (1) of the Constitution.

- 36 See the Annual Report 2020 of the Judiciary - 'A perceived lack of trust and confidence in the courts and justice sector with a social stigma existing if people need to go to court. This is related to limited awareness of laws and the role of an independent Judiciary.'
- 37 Section 100-125 provides a complete list of judicial code of conduct.
- 38 Section 130-151 provides for judicial disciplinary actions.
- 39 Section 134 of Judicial Service Act - the Council may delegate all or any of the powers and functions relating to investigation to an appropriate and competent judicial authority or committee. Section 135 requires the constitution of a committee consisting of not less than five members to initiate investigation.
- 40 Section 73 - A case shall not be assigned to a Drangpon who may have or be reasonably construed to have conflict of interests in the matter at hand.
- 41 See, Section 111 of the Judicial Service Act, which states that a Drangpon shall disqualify himself from participating in any proceedings in which he is unable to decide the matter impartially or in which he has conflict of interest. Provided that disqualification of a Drangpon shall not be required if no other court can deal with the case or, because of urgent circumstances, failure to act could lead to a serious miscarriage of justice.
- 42 See, Royal Audit Authority Report No. 1.4 identified lack of system to declare conflict of interest by Drangpons and Bench Clerks. The draft Ethic rules deliberated in 22nd National Judicial Conference, 2017 is still in draft form.
- 43 In JPLP tax evasion case, the District judge was deputed to hear the case in Dungkhag Court, though the Dungkhag judges did not declare conflict of interest. Similarly, in the Wamrong battery case, a Dungkhag Drangpon was deputed to hear the case, and in the Zhemgang Thrizin Embezzlement case, the case was appealed directly to the High Court after the judge declared conflict of interest.
- 44 See, The Royal Audit Authority Report No. 1.3 observed non-implementation of the decision to establish a press and media section, and recommended for effective implementation of the unit.
- 45 The three day training was organized by the BNLI for 25 Bench Clerks from the western region courts from 17-19 June 2020 followed by a consultation meeting with Dzongkhag and Dungkhag Drangpons on 29 June 2021.
- 46 See, Section 32 of Judicial Service Act, which states that the Council shall review laws from time to time and submit to Parliament to ensure that they are in keeping with the changing situation and propose amendments and modifications thereto as and when necessary.
- 47 The Judiciary conducted training on judgment writing based on the FIRAC (Facts, Issues, Reasons, Analysis and Conclusion) model. However, this model could not be successfully blended with the current format that resulted in variable approach.
- 48 See, the Annual Report of the Judiciary 2020, p: 40. The report further emphasized that these have the potential to impact on the quality of decision-making and to create uncertainty in the system as a whole.
- 49 See, Article 15 of the Constitution - All persons are equal before the law and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status
- 50 The theme of the Judiciary for the 10th Five-Year-Plan was increased access to timely justice (10th FYP 2008-201, Volume 2: Program Profile, Gross National Happiness, Royal Government of Bhutan, pp:269-270. The Theme 11th FYP was Effective and Efficient Judicial Services, and the theme for 12th FYP is to enhance judicial accessibility through improved services and management systems. Twelfth Five Year Plan, 2018-2023, Volume II: Central Plans, p: 269.

- 51 The courts were housed in the Dzongkhag Administration in the traditional Dzongs with limited space which considerably affected the efficient and timely service delivery. Phuentsholing Dungkhag Court was the first modern court building.
- 52 First batch who went to India to pursue formal legal education in 1996.
- 53 See, Art. 9 (6) of the Constitution, which states that the State shall endeavour to provide legal aid to secure justice, which shall not be denied to any person by reason of economic or other disabilities.
- 54 See, Section 34 of the Civil and Criminal Procedure Code 2001, according to which, only an indigent accused shall have legal aid provided for one's defence where the interest of justice so requires. Further, Section 9 (g) of the Jabmi Act, 2003 mandates the Jabmi Tshogdhey to organize legal aid to an indigent person (Pro Bono) in the prescribed manner.
- 55 Section 2.1 of the Civil and Criminal Procedure Code, 2001 imposes a duty on the Executive to provide for the execution of judgment of all the courts.
- 56 See, Report on Legal Aid Symposium, 27-28 October 2014, Terma Linca.
- 57 See, the Proceedings and Resolutions (Translated) of the Twentieth Session of the National Council of Bhutan, p:122 - 128.
- 58 Joint Sitting of the Parliament, fifth session of the Third Parliament - 22nd June 2021.
- 59 See, Article 11 of the Constitution, which states that the Supreme Court shall be the guardian of this Constitution and the final authority on its interpretation.
- 60 "In a small country like Bhutan, we're interested in the question of sustainability. Whatever model (Legal Aid) we design, we must keep in mind the hopes and aspirations of our people, and then build upon these desires in a sustainable and achievable manner" HRH Princess Sonam Dechan Wangchuck, the President of the BNLI, JSAW Law and the Bar Council of Bhutan - Inaugural address at the Legal Aid Symposium, Terma Linca, 2014.
- 61 See, Section 28.1 of the Civil and Criminal Procedure Code 2001, which states that every Judge shall decide a case in accordance with the provisions of Law. Where any section is ambiguous or there exists lacuna, the decision of the majority Judges of the Supreme Court/High Court shall prevail.
- 62 See, Section 30 of CCPC 2001, which states that the Supreme Court and the High Court may make rules for the purpose of giving effect to the provision of this Code. The rules made under this Section may:(a) be with regard to the use of forms or registers, etc. to be used in the Courts; (b) be with regard to the amount of compensation or damages to be assessed by the Courts; (c) with regard to any other matter which is to be or may be prescribed; and (d) not be inconsistent with the provisions or the intentions of this Code or any other law in force in Bhutan.
- 63 RAA Finding No. 2.6.
- 64 RAA Finding No. 2.2.
- 65 RAA Finding No. 2.4.
- 66 RAA Finding No. 2.3.
- 67 RAA Finding No. 2.7.
- 68 The Joint Sitting of the Parliament on 21.06.2021 adopted this recommendation.
- 69 See, Section 2.1 of CCPC 2001.

- 70 “The Judgment Enforcement Division executes and enforces final judgments following referral of judgments from the prosecution and litigation division. The Division is mandated to enforce judgments which may entail referral of minor substance abusers to rehabilitation or reintegration centers, restitution of funds to judgment creditors or the State, realizing restitution and compensation to victims through an auction of seized properties.” OGA role, Mandates and Parenting Framework, 2020, Office of the Attorney General, p:20.
- 71 On 26 September 2014, Bhutan and Guyana deposited instruments of accession to the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (commonly known as the New York Convention), becoming the 151st and 152nd States party to the Convention. <https://hsfnnotes.com/arbitration/2014/10/02/bhutan-and-guyana-become-the-151st-and-152nd-states-party-to-the-new-york-convention/>
- 72 From July 2015 to December 2017 - 4492 cases were resolved through Nangkha Nangdrik (National Mediation Report, BNLI - 2018 <http://bnli.bt/wp-content/uploads/2019/06/MR-2018-final-for-Print-17-08-2018-2.pdf>). A total of 4543 cases were resolved through mediation (combined statistics of Community Mediation and Court-Annexed Mediation) in 2019 (National Mediation Report, BNLI - 2019). Similarly, a total of 4561 cases were resolved through Nangkha Nangdrik (Combined statistics of both Community Mediation and the Court-Annexed Mediation) in 2020 (National Mediation Report, BNLI - 2020)
- 73 “The most important aspect in service of mediation is professionalism and adherence to ethical standards by the mediators. This will ensure greater trust from the public in the Judiciary. When we introduce such significant reform in the Judiciary, people should be made aware of such reforms, people should know the benefits of such a service. Else they will not have any trust in such service, or they will not be content with the service. We should come up with innovative ideas to avoid such challenges.” - HRH Ashi Sonam Dechan Wangchuck, President of the Bhutan National Legal Institute, JSW School of Law, and the Bar Council of Bhutan. (Address at the inauguration of CAM in Punakha District court, October 28, 2019 )
- 74 His Majesty the Druk Gyalpo's Address, The 14th Convocation of the Royal University of Bhutan, May 24, 2019.
- 75 See, Legal Needs Assessment: Final Report, JSW Law Publishing Series (2020), LNA) p: 54.
- 76 The 2021 Amendment of the Penal code of Bhutan further authorizes the courts to give the benefit of paying Thrim Thue in lieu of imprisonment in cases of inchoate offense which does not attract imprisonment above three years. (Section 28 - a court may make an order to pay fine in lieu of imprisonment, if the offense is not a felony and in the cases of: (c) an accomplice to a person who aids and abets, conspires, attempts and solicits, commission of a felony, if the term of imprisonment thereof is three years and above).
- 77 See, the Statistical Yearbook, 2018, Royal Bhutan Police, Planning and Research Division, Tables 1.7 – 1.15 pp. 5 – 13.
- 78 SC(CJB-9) 2021/829 dated 10 June 2021.
- 79 The first Judicial Conference mostly deliberated on issues concerning the application and interpretation of laws. This trend followed by all subsequent conference agenda and resolutions.



- 80 Doing Business 2020: Comparing Business Regulation in 190 Economies, World Bank Group, available at <https://www.doingbusiness.org/content/dam/doingBusiness/country/b/bhutan/BTN.pdf>
- 81 See, The Constitution of Bhutan - Principles and Philosophies, Lyonpo Sonam Tobgye, p:336.
- 82 See, RAA in finding 1.1, p:4 observed deficiencies in implementation of the JSA. Position structure, options to appoint Drangpon Rabjams, entry level qualification of judicial support personnel, transfers of judicial personnel, and functions of the RJSC are some of the specific deficiencies observed. Similarly, the Joint Sitting of the Parliament (21.06.2021) adopted the recommendation of the Public Accounts Committee to recommend the Judiciary to propose for amendment of the Act as per section 230 for its effective implementation.
- 83 See, Preamble of the JSA.
- 84 See, Chapter 4, Section 49 of the JSA.
- 85 See, Chapter 2 of the JSA.
- 86 See, Chapter 3 of the JSA.
- 87 See, Section 27-30 of the JSA.
- 88 See, Chapter 17 of the JSA.
- 89 See, Article 21 (15) of the Constitution.
- 90 See, Article 21 (16) of the Constitution empowers Parliament to establish impartial and independent Administrative Tribunals as well as Alternative Dispute Resolutions centers. The Alternative Dispute Resolution Act, 2013 places the authority to appoint (Section 6) and remove (Section 11) the Chief Administrator of the ADR Center with the National Judicial Commission.
- 91 See, Section 13 of the ADR Act, 2013.
- 92 See, Section 180 of the ADR Act, 2013 - The center in consultation with the Commission may. From time to time. Frame rules for the effective administration of the alternative dispute resolution or as it deems necessary to carry out and give effect to this act. Section 180 of the Act.
- 93 See, Chapter 3 of the JSA.
- 94 See, Section 32 of the JSA.
- 95 See, Section 18 of the JSA.
- 96 OAG excluded judicial personnel working for the Judiciary including the BNLI from its parenting framework - OAG Roles, Mandates and Parenting Framework, 2020.
- 97 See, Chapter 8 - section 85 to 94 of the JSA.
- 98 See, Article 1(13) of the Constitution.
- 99 Justice Sector Plan 2018-2023 was adopted by the Royal Court of Justice, the Office of the Attorney General, the Royal Bhutan Police, the Bhutan National Legal Institute, and the Anti-Corruption Commission.
- 100 Justice Sector Plan 2018-2023 - The GNHC has identified the Royal Court of Justice as the 'focal point' for NKRA 16. Consequently, it is anticipated that the Judiciary will lead the establishment and operationalisation of the justice sector coordination mechanism with the active support of the National Core Team.
- 101 See, the Justice Section Plan 2018-2023, p:27.
- 102 See, Section 45 of JSA, which states that, to provide for effective, efficient and independent discharge of judicial duties in the administration of Justice, the powers, functions and responsibilities of the Council shall be decentralized to appropriate judicial authorities at Dzongkhag and Dungkhag levels.

# སྒྲིབ་ཆོག།

ཚེས་སྲིད་ལུགས་གཉིས་གསེར་གྱི་ཡུ་བའི་ཅེར། །

ཆབ་སྲིད་མི་ཐུབ་བསྟན་པའི་རྒྱལ་མཆོན་སླེད། །

ཇི་སྲིད་བསྐྱལ་པའི་ཡུན་གྱི་གནས་མཐའ་རིང་། །

དེ་སྲིད་ངང་ཁྲིམས་དཔལ་ལ་སྒྱུད་པར་ཤོག།

The background of the entire page is a solid gold color. Overlaid on this is a repeating pattern of circular medallions and dragons. Each medallion contains a detailed, stylized dragon in a circular pose, surrounded by intricate cloud or floral motifs. Between these medallions, there are smaller, more dynamic dragon figures, possibly representing the dragon in a different pose or a different type of dragon. The pattern is dense and covers the entire surface.

**©2021**  
Royal Court of Justice

No part of this book may be reproduced  
or stored without prior consent in writing  
from the publisher.

**Publisher**  
Royal Court of Justice