

## **Guideline on Expeditious Adjudication Proceedings, 2022**

In exercise of the powers conferred by Article 21 of the Constitution of the Kingdom of Bhutan, 2008 and Sections 30 and 75 of the Civil and Criminal Procedure Code of Bhutan 2001 and Section 27(f) of the Judicial Service Act of Bhutan, 2007, the Judiciary hereby adopt this Guideline on Expeditious Adjudication Proceedings, 2022.

### **1. The Objectives of this Guideline are to:**

- (a) Facilitate expeditious disposal of cases;
- (b) Overcome backlog of cases;
- (c) Effectuate the right of parties to a speedy hearing/trial;
- (d) Enhance efficiency in the administration of justice; and
- (e) Ensure effective and optimal utilization of the resources.

### **2. Expeditious Pre-trial Processes**

- (a) The Judge shall ensure that the authority to detain an accused provided by Section 191.1 of the Civil and Criminal Procedure Code 2001 shall be implemented in a just and judicious manner.
- (b) The Court shall issue a remand order for a week at a time and ensure the objective investigations are conducted during the remand period.
- (c) The Registry shall ensure that cases are not kept in abeyance in the miscellaneous files without being registered in the Case Register for more than three days excluding weekends and government holidays.
- (d) The Registrar shall ensure that the case files are distributed to the Bench Clerks on the next working day from the date of registration unless vitiated by valid reasons.
- (e) The Judges shall ensure that no investigation is delayed due to violations of bail/bond conditions.
- (f) The Presiding Judge/Chief Judge/Justice shall take a lead role in advancing the expeditious and timely adjudication of the cases to meet the ends of justice.

### **3. Expeditious Judicial Processes**

- (a) The Court may ensure that the preliminary hearing is conducted within a week

from the date of registration of a case, and not kept unheard, safeguarded by the time frame of 10 and 108 days enshrined in Section 81.2 of the Civil and Criminal Procedure Code 2001 unless vitiated by valid reasons.

- (b) The Court shall not consider a motion for adjournment or stay of proceedings *sine die* and also firmly order a defaulting party to pay the cost to the attending party.
- (c) In the event of failure to report by the litigants after an adjournment or stay of proceedings, the Court shall ensure that the litigants are served with a warrant next day from the date of such non-compliance.
- (d) The Court shall actively manage the cases and assume facilitating role in complex cases, identify issues in the opening hearing, conduct pre-trial conferences if necessary, confirm a number of hearings, ascertain the duration for discovery, and fix the date and time for hearings to avoid undue delay during the adjudication.
- (e) The Court shall apply differentiated case management practice to decongest the court. The cases of easier nature including *nolo contendere* cases, summary trials, negotiated settlement, and withdrawal shall be completed within fourteen days of filing such submissions.
- (f) The Court shall strive to maintain a working period to waiting period rate of 75:25 in order to minimize the waiting period during the adjudication.

**The Waiting Period** is the sum of the number of days between registration and commencement of the hearing, period adjournment and time required for deliberations of judgment.

**The Working Period** is the number of days between registration of the case and pronouncement of judgment.

Working Period: Waiting Period = (No. of days from the date of registration to judgment): (No. of days between the date of registration to commencement of hearing + number of days adjourned + number of days required for judgment deliberations)

- (g) The Court shall enhance the dispositive measure to reduce undue delay and improve public confidence. The concerned Justices/Judges/Bench Clerk assigned with cases shall maintain a minimum input-output clearance rate of 60-75% at all times and strive for 100% on-time clearance of cases registered in the Court for more than 12 months.

$$\text{Clearance rate of a month} = (\text{No. of judgement passed in the month}) / (\text{Opening balance of the month} + \text{cases registered in the month}) * 100$$

$$\text{Clearance rate of a year} = (\text{No. of judgement passed in a year}) / (\text{Opening balance of the year} + \text{cases registered in the year}) * 100$$

- (h) The Justices/Judges/Bench clerks may explore the possibilities of using an Integrated Electronic Litigation system, with e-filing, e-conference, e-summons, and e-extraction of documents submitted by parties for further processing of cases without the need of having it manually scanned to save time and energy.
- (i) No Justices/Judges/Bench Clerk shall manipulate the dates in the hearing calendar to camouflage and reduce the actual days taken to dispose of the case. Such acts may be subjected to disciplinary actions.
- (j) The Court shall dispose of all cases within 10 days from the filing of the closing argument. However, in constitutional and corruption cases, it shall be disposed of within one month from the date of closing arguments.
- (k) The Justices/Judges shall sensitise and encourage Alternative Dispute Resolution and Court Annexed Mediation.
- (l) Irrespective of the nature of the case, no life span of a case shall exceed more than twelve months in consonance with the 18<sup>th</sup> Annual Judicial Conference Resolution 7.10(b) unless justified with valid reasons.
- (m) A regular and consistent monitoring and control exercise shall be conducted to maintain clearance rates, and working-waiting ratio through the case management system, by the Registrar General of the Supreme Court.

#### **4. Expeditious Enforcement of Judgment**

- (a) All appeals registered shall be forwarded to the appellate court within one week after the appeal period of 10 days.
- (b) All courses of action to enforce the judgment shall be undertaken within the time span provided in the judgment.

#### **5. Amendment**

Any amendment to this Guideline shall be by the order of the Chief Justice of Bhutan or by the order of the Royal Judicial Service Council Chairperson.