

ANNUAL REPORT OF THE JUDICIARY OF BHUTAN, 1993

It is my great pleasure to release the Annual Report of the Judiciary of Bhutan for 1993. The total number of the cases registered is 3614. The total number of the cases decided is 2587. The total number of the pending cases is 964.

The year 1993 was the year of consolidating the system. The Thrimpons have performed creditably well to clear the backlog cases and respond to system. The quality of justice rendered by them was not compromised in their attempt to clear the pending cases and is evident from the overall decrease in the number of appeals against the judgements.

On account of stream-lining the judicial processes, litigants now have to face much fewer summons and adjournments in hearings. They know their allocated time and the average hearing time has been dramatically reduced during this year.

Comparative Statistics

There has been a marginal increase of cases being registered. Compared to the statistics of Court cases computed up to 1992, the following categories of cases have shown an increase:

- (a) Matrimonial disputes have increases from 8% to 10.24%.
- (b) Motor vehicle cases have increased from 5% to 8.23%.
- (c) Bribery cases now constitute 1.97% of the cases.
- (d) Chorten theft cases and Kusung Thugten theft cases constitute 1.12% and 0.39%, respectively.
- (e) Assault cases have increased from 4% to 6.96%.
- (f) Theft cases have increased from 8% to 15.89%.

The following categories of cases have shown a decrease over the same period:

- (a) Land disputes have decreased from 26% to 11.13%.
- (b) Monetary and loan cases have decreased from 28% to 25.55%.

Appeals

The number of appeals from the lower courts to the appellate courts have decreased. There were only 62 appeals in 1993. Thus, the Thrimpons of the Dzongkhag Thrimkhhangs and Dungkhags have done well to satisfy the litigants. However, the appeals depend on three factors which are proximity to the High Court and connection with the senior officers in Thimphu.

Pending Cases

The Judiciary of Bhutan tried its best to reduce the backlog of cases as most of the backlog cases are pertaining to recovery of loans. The reasons for the backlog were that parties to the cases were absent, refused to attend the Courts or the courts could not locate them.

Workshop

The High Court conducted four workshops for 137 persons.

Inspection Report

The results of the Inspections were very encouraging. The Judiciary has a uniform system in terms of adjudication and office management.

Revenue

The Judiciary of Bhutan has been very responsive to the increase in collecting Revenue.

Human Resource Shortage

The Judiciary has human resource shortage. Many Judicial staff have superannuated and resigned but we have received very few replacement. Consequently, the existing staffs are under tremendous strain.

Future

The Judiciary of Bhutan is well aware of its responsibilities and always acted as the responsible citizens by responding positively to various demands to help and assist for nobler causes and would continue to do so with a view to improving the access and quality of justice.

- (a) The Registration system is improved as an action shall be taken within ten working days.
- (b) The Thrimkhang shall hold a preliminary hearing within 21 days of registering the case.
- (c) Any trial except any person tried for murder, antique theft or under the National security Act or proceeding may be decided and judgement rendered within 121 days in the whole from the day of registration of the case in the Thrimkhang but it shall not exceed 360 days from the date of registering the case.
- (d) The Judgments will be improved by reviving many traditional Address & Title. It will be more concise and readable.
- (e) The Judiciary of Bhutan will try to make the Courts friendly through our actions and be courteous in our speech and be just in our intentions thereby, continuing the national character of a Bhutanese.
- (f) The judicial system of Bhutan responded to the needs of the society and to the changes in the world outside. It will continue to strive to achieve better efficiency without sacrificing quality and modernization without losing tradition.
- (g) The age old foundations of this hallowed tradition must be further strengthened and our Judiciary must keep abreast with the demands of a fast-growing nation because the ultimate truth is that the pursuit of justice must always be a tireless endeavour and never a final achievement.

I shall fail in my duty if I do not remember the members of the staff, Thrimrabs and the Thrimpons, who deserve special thanks for their devotion to duty, hard work and team spirit in dispensing justice in Bhutan.

(SONAM TOBGYE)
CHIEF JUSTICE

February 19, 1994.