

**ANNUAL REPORT FOR
THE JUDICIARY OF THE KINGDOM OF BHUTAN, 2009**

The Judiciary of Bhutan has had a successful year. The performance of the Judiciary quantitatively is demonstrated by and assessed through the statistics available for the year. The notable report of increased percentage of miscellaneous matters indicates access to Justice has continuously improved. It also reflects trust of the people and easy access to the Courts. Concurrently, the qualitative justice has also been strengthened through timely, effective and efficient procedural reforms and continuing legal education.

The Judiciary is cognizant of its constitutional responsibility to administer Justice without undue delay. The workload of the Courts in 2009 was as follows:

- (a) 1,605 cases were brought forward from 2008;
- (b) 10,012 new cases were registered. The highest number was recorded in Thimphu with 1,450 cases and the second highest was recorded in Paro with 902 cases. The lowest number was in Sombeykha Dungkhag Court with 9 cases;
- (c) 9,722 cases were decided; Out of which, 7,549 cases were decided under 108 days while 1,221 cases were decided in more than 108 days but within 365 days;
- (d) 239 registered cases were appealed to High Court; and
- (e) As on 31st December 2009, 1,895 cases were pending. Out of the total pending cases, 33 cases have been pending beyond 365 days.

In 2009, of the total 298 cases with the three Benches of the High Court:

- (a) 79 cases were affirmed;
- (b) 55 cases were partially reversed, while 27 cases were fully reversed;
- (c) 31 cases were settled through mediation;
- (d) 5 default judgments were awarded;
- (e) 50 cases were withdrawn;
- (f) 3 cases were dismissed; and
- (g) 45 cases are under review.

The Review Bench of the High Court adjudicated 31 cases out of which:

- (a) 7 cases were affirmed;
- (b) 1 case was partially reversed; and
- (c) 23 cases are under review.

1 Appeal to His Majesty the Druk Gyalpo

A total number of 15 cases were appealed to His Majesty the Druk Gyalpo.

2 Comparative Statistics of 2008 and 2009

In 2009, the Courts in Bhutan registered a total number of 10,012 cases. There is an increase of 14.7% cases in 2009 as compared to 8,732 registered cases in 2008.

Matrimonial and monetary filings have increased 36.7% and 29.7% in 2009. 5,150 matrimonial matters and 2,019 monetary matters were recorded. In the last two years, matrimonial and monetary matters have dominated case filings.

The High Court rendered decisions in 253 cases.

3 Human Resource Development

Development of Human resources received tremendous impetus through the generous funding and support from the Governments of Bhutan, India, Denmark, Switzerland and Austria. The Judiciary also enjoyed continued support from UNDP, UNICEF and the National Commission for Women and Children. Training and workshops were conducted to facilitate continuing legal education. 4 batches of Bench Clerks were trained in the High Court to improve judicial services to the people and enhance professionalism. Legal Enhancement Training was conducted for the Judges and Registrars of all Courts in Bhutan in October 2009. Consequently, the updated editions of the Bench Book and 71 forms were published and released on 11 November 2009. 6 lawyers were sent for their Masters Degree and a number of lawyers undertook short term courses.

4 Public Service

The Judiciary endeavours to render effective public service to the people by providing services expeditiously, fairly and inexpensively. The establishment of Dungkhag Courts as mandated by the Constitution and the Notary Public Office in Thimphu has led to the automatic reduction of pressure on the docket, affording the Courts more time to deal with the cases under adjudication. The Notary Public Office received a total of 1877 applications of property transactions and issuance of certificates and other notary matters.

The Judiciary has always strived to preserve and promote our distinctive culture, tradition and heritage by integrating them in the court procedures. For its efforts, the Judiciary was commended by the Dzongkha Development Commission for promoting Dzongkha in 2009.

5 Judicial Infrastructure Development

With financial assistance received from the Governments of India, Denmark, Switzerland and Austria, the construction of Courts are being undertaken. Separate court buildings' catering to the specific needs of the Judiciary not only demonstrates the physical independence. Simultaneously, 12 new Dungkhag Courts have been established taking Justice closer to the people. This development is indicative of the total separation of power from the apex to the lowest judicial system of Bhutan, fulfilling the independence guaranteed under the Constitution.

Conclusion

The year 2009 ended heralding significant and momentous changes for the Judiciary of Bhutan. A Royal Commission established on 19th November 2009 to nominate a candidate for Chief Justice, has now commenced the task of establishing the first Supreme Court of Bhutan as mandated by the Constitution. The Judiciary looks forward to the establishment of the Supreme Court and the High Court with greater promises of Justice to strengthen democratic culture, tradition and values so that it would truly be the citadel of public justice and security in the land of Gross National Happiness.