



Terms of Reference  
For  
Technical Assistance to Develop  
**Roadmap for 21<sup>st</sup> Century Judiciary  
2020 – 2030**

**Table of Contents**

- 1. Background..... 3**
- 1. Objective..... 3**
- 2. Scope of Work ..... 4**
- 3. Institutional Arrangement ..... 5**
- 4. Duration of Assignment..... 6**
- 5. Methodology..... 6**
- 6. Deliverables and Assignments..... 6**
- 7. Submission of Final Report ..... 7**
- 8. Required skills and Experience of the Expert..... 8**
- 9. Language ..... 8**
- 10. Payment Schedule..... 8**
- 11. Duty Station ..... 8**
- 12. Annexures..... 9**

## 1. Background

The Judiciary is one of the branches of the Government with the constitutional mandate to 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. The Judiciary must uphold and protect the freedom and rights of the citizens against the strong and marauding power of the state, the wealthy and the powerful.

The proliferation of Acts and the increasing awareness in the public has increased the case load of the Courts around the country. With such magnitude of cases, it is imperative that the Judiciary take proactive measures in meeting the challenges presented before it. The Judiciary must evolve with the changing needs of the public and be relevant.

In the current 12<sup>th</sup> FYP, the Royal Government of Bhutan is striving towards creating a just, harmonious and sustainable society. Strengthening justice services and institutions is one of the National Key Result Areas to create a just society where every citizen is treated equal and has access to justice without any impediments. It is therefore, immensely important that there is a strong Rule of Law where laws are prospective that fulfils the changing needs of the time and people.

During the 112<sup>th</sup> National Day Celebration at the Changlingmithang in Thimphu, His Majesty the King decreed that **“The government, lawmakers, civil service, and institutions must undertake the responsibility of restructuring and improving our laws, policies and procedures.”** Inspired by this profound statement of His Majesty the King, the Judiciary of Bhutan is gearing towards developing the 21<sup>st</sup> Century Judiciary Roadmap in line with the development of 21<sup>st</sup> Century Economic Roadmap by the Government. Therefore, this Roadmap for a span of ten years from 2020 to 2030 will provide direction and guidance to evolve Judiciary as a 21<sup>st</sup> Century Judiciary easily accessible and open to constructive feedbacks.

## 1. Objective

The objective of this assignment is to develop a Roadmap for the 21<sup>st</sup> Century Judiciary to provide Judiciary with a clear strategic direction for the next ten years (2020-2030), in creating a just society through dispensing justice fairly and independently to inspire trust and confidence.

## **2. Scope of Work**

The scope of work for the Local Consultant (hereinafter referred to as an Expert) shall cover (but not limited to) the detailed study of following topics while developing the 21<sup>st</sup> Century Judiciary Roadmap, 2030:

### **a) Institutional Reforms**

The institutional strengthening has always been the genesis of the judicial reform effort. In this regard, the Expert shall study and recommend on:

- The structural independence to fulfill the Constitutional mandate;
- The requirement of policies/guidelines/rules/regulations;
- The financial autonomy;
- Resource allocation to the Judiciary vis-à-vis other branches of the Government;
- Resource allocation within the judiciary; and
- The need for establishment of additional benches and specialized courts.

### **b) Administrative and HR Reforms**

The administration of the Judiciary is stationed in the Supreme Court of Bhutan under the leadership of the Registrar General. Judiciary is one of the Branches of the Government but it has no approved Departments/Divisions. In this regard, the Expert shall study and recommend on:

- The Human Resource Independence from the Royal Civil Service Commission;
- The Administration of the Judiciary vis-à-vis the need to establish Departments/Divisions with capacity building and procedural plans to be implemented;
- The requirement of additional administrative staff in the Supreme Court, High Court, Dzongkhags and Dungkhags;
- The capacity building and training requirement of the judicial personnel;
- The recruitment and succession planning;
- The need for the long-term and short-term trainings on need-based assessment;
- The staffing pattern and allocation of human resources to Courts depending upon the case load;
- The motivational strategies to keep judicial personnel motivated; and
- The requirement of SOPs for Judges, Court Registrars and Clerks.

### **c) Harnessing Technology's Potential**

The Judiciary has been stressing on the maximum use of technology to enhance information-sharing and Court operations. The use of technology will also reduce the cost of litigation and promote prompt delivery of judicial services. The Expert shall study and recommend on:

- The use of ICT which is based on procedures and levels of ICT technology that can be sustainable and fit for the purpose over the long term;
- Archival Management Systems;
- E-library System;
- Online Case Management System (CMS);
- Online Hearing Calendar - explore on screen display and mobile app;
- Making CMS viewable to public - Explore possibilities of using SMS for public information;
- E-litigation;
- Need of ICT Assistants in every Court to provide ICT services; and
- Explore other technologies to enhance the judicial services.

### **d) Judicial Service Delivery**

The Expert shall study:

- The judicial service delivery through analysis of service gap and come up with a service blue print;
- The expedition of enforcement of judgments and Court Orders; and
- The strategy on communication to keep stakeholders aware of the judicial process at all levels.

## **3. Institutional Arrangement**

The Officials from the Policy and Planning Division (PPD), Research and Reform Division (RRD) and the Project Manager of the Supreme Court will be the lead Counterpart from Judiciary to work with the Expert. The Officials will shoulder the following responsibilities:

1. Coordinate with the Justice Sector PMU (GNHC) to hire the Expert;
2. Arrange Consultations and Interviews as per the list provided under the Deliverables and Assignment;
3. Co-facilitate Visioning and Validation workshops with arrangement of venues, confirmation of dates and participants;

4. Ensure proper representation of Courts and Justice Sector Agencies during consultation and workshops;
5. Work with the Expert for the entire duration by providing relevant documents and necessary information to help him/her come up with the draft;
6. Apprise higher authority from time to time on the progress of work with submission of drafts;
7. Facilitate the development of roadmap/strategic plan that is owned, driven and approved by the Judiciary; and
8. Launch the 21<sup>st</sup> Century Judiciary Roadmap and accordingly share copies with the Dzongkhag and Dungkhag officials for record.

**4. Duration of Assignment**

Total Duration of the assignment is 28 days. The contract begins from the day of signing and concludes with the submission of final report.

**5. Methodology**

The methodology to develop the 21<sup>st</sup> Century Judiciary Roadmap shall include (but not limited to) the following:

1. Consultation or interview with stakeholders;
2. Desk review to study Justice Sector Strategic Plan, Vision 2020, 12<sup>th</sup> FYP, Judicial Service Act, Audit and World Bank Reports, Judiciary Annual Reports and so on; and
3. Workshop to vision and validate the Roadmap.

**6. Deliverables and Assignments**

The Expert with an aim to understand better the Judiciary of Bhutan shall meet/interview/consult with the following stakeholders. Food, lodge and travel for the same must be arranged by the Expert on his own. However, the Judiciary will facilitate in getting appointments with officials as per the travel itinerary.

Events	No of Days
<p><b>Call on with:</b></p> <ol style="list-style-type: none"> <li>1. <i>The Hon. Chief Justice of Bhutan</i></li> <li>2. <i>Justices of the Supreme Court</i></li> <li>3. <i>Attorney General, and</i></li> <li>4. <i>Chairman of the Legislative Committee</i></li> <li>5. <i>Registrar General of the Supreme Court</i></li> </ol>	<p>2 days</p>

<b>Call on with High Court</b> 1. <i>Chief Justice</i> 2. <i>Justices of High Court</i> 3. <i>Registrar General of High Court</i> 4. <i>Commissioners of the Royal Civil Service Commission</i>	1 day
<b>Consultation Visits</b> Visit Representative Courts 1. <i>Wangdue Phodrang</i> 2. <i>Trongsa</i> 3. <i>Bumthang</i> 4. <i>Mongar</i> 5. <i>Trashigang</i> 6. <i>Pemagatshel</i> 7. <i>Nganglam</i> 8. <i>Phuntsholing</i> 9. <i>Chukha</i> 10. <i>Thimphu</i>  <i>Note: Meet and discuss with Judges, Lawyers, Bench Clerks, Litigants and other stakeholders</i>	13 days
Develop first draft of 21 <sup>st</sup> Century Judiciary Roadmap	5 days
Conduct Visioning Workshop with Judiciary and Stakeholders from Justice Sector Programme, RCSC, DNB (DSA, Lunch and tea for participants will be borne by the Judiciary)	2 days
Develop 2 <sup>nd</sup> Draft with inputs from the visioning workshop	4 days
Conduct Validation workshop (DSA, Lunch and tea for participants will be borne by the Judiciary)	1 day
<b>TOTAL DAYS</b>	<b>28 days</b>

## 7. Submission of Final Report

The Expert shall submit the Final Report within ten days from the validation workshop. Subsequently, the report will be submitted to the National Judicial Council for endorsement and Launching.

## **8. Required skills and Experience of the Expert**

### **Educational Qualification**

The Expert should have completed Master's Degree in Public Policy, Administration, Management, Law, or other relevant social sciences.

### **Experience**

The Expert should have a minimum experience of seven years in the following areas:

- a. Access to Justice and Administration of Justice;
- b. Judicial Administration;
- c. Leading Strategic Management and Planning exercises;
- d. Understanding Public Administration, Policy and Governance processes;
- e. Research and report writing skills;
- f. Preparing and Implementing trainings and programs; and
- g. Prior experience of drafting strategic plans.

The Expert should attach necessary documents for evidence of experience.

## **9. Language**

The Expert should be fluent in both spoken and written English and Dzongkha.

## **10. Payment Schedule**

1. On signing of the Contract Agreement, the Expert shall be paid 30% of the tender cost;
2. On submission of the final draft, the Expert shall be paid 70% of the tender cost.

## **11. Duty Station**

The duty station of the Expert will be the Policy and Planning Division of the Supreme Court of Bhutan.



## **12. Annexures**

### **Annexure - I**

#### **Participants for the Visioning Workshop (2 days)**

1. 16 from Judiciary (One Justice from Supreme Court, One Justice from High Court, Two Registrar Generals, 3 Dzongkhag Judges, 3 Dungkhag Judges, 3 Court Registrars, 3 Bench Clerks)
2. One from OAG
3. One from ACC
4. One from RBP
5. One from NCWC
6. One from BNLI
7. One from ADRC
8. One from Bar Council
9. One from GNHC
10. One from JSW

**TOTAL participants: 25 excluding Organizers**

### **Annexure - II:**

#### **Participants for Validation Workshop (One Day)**

1. 19 from Judiciary (Chief Justice of Bhutan, Justices of Supreme Court, Justices of High Court, Registrar General of Supreme Court and High Court, One Judge from Dzongkhags, One Judge from Dungkhags, 3 Court Registrars)
2. One from OAG
3. One from ACC
4. One from RBP
5. One from NCWC
6. One from BNLI
7. One from ADRC
8. One from Bar Council
9. One from GNHC
10. One from JSW

**Total Participants: 28 excluding Organizers**