

ANNUAL REPORT FOR THE JUDICIARY OF THE KINGDOM OF BHUTAN, 2010

Introduction

The Judiciary of Bhutan is pleased to issue the Annual Report for its performance in 2010. The report indicates that the Courts are operating well and the Drangpons are discharging their duties conscientiously.

1. Statistics

The workload of the Courts in 2010 was as follows:

- (a) 1,935 cases were brought forward from 2009 out of which 33 cases were appealed to Larger Bench of the High Court;
- (b) 27 cases were forwarded from the Office of the Gyalpoi Zimpon after the adoption of the Constitution;
- (c) 12,245 new cases were registered. The highest number was recorded in Thimphu with 1,832 cases and the second highest was recorded in Paro with 1004 cases;
- (d) 12,518 cases were decided; Out of which, 9,643 cases were decided within 108 days while 1,836 cases were decided in more than 108 days but within 365 days;
- (e) 223 cases were appealed to the High Court; and 6 cases from the Larger Bench of the High Court were appealed to the Supreme Court;
- (f) Out of 1,689 pending cases, 140 cases have been pending beyond 365 days. The Haa Court has done well to decide 205 cases without any pending case.

2. Comparative Statistics of 2009 and 2010

- (a) There was an increase of 17% registered cases in 2010.
- (b) The Courts rendered 12,518 decisions, an increase of 21%.
- (c) There were 7,771 matrimonial and 1,842 monetary matters. Matrimonial filings have increased by 34.06% whilst monetary filings have decreased by 5.4% in 2010.

3. Appeal Reforms

The appeal procedural reform was very effective. Consequently, there were only 19 cases on appeal to the Larger Bench of the High Court.

4. Visit by Eminent Jurists

With the adoption of the Constitution and the establishment of a Democratic Constitutional Monarchy, the Judiciary of Bhutan has organized series of lectures on Constitutionalism and democracy. Several distinguished personalities included the former Chief Justice of India, Mr. J.S. Verma, President of the Danish Supreme Court, Mr. Torben Melchior, Richard E. Lang Professor of Law and Dean of Stanford Law University Larry Kramer, Professor Gerhard Casper (Ex-President Emeritus, Stanford Law University), Retired Justice Michael Donald Kirby (the High Court of Australia),

Associate Professor Dr. Benjamin Wade Saul, (Faculty of Law, University of Sydney, Australia) and Professor Mark V. Tushnet, (William Nelson Cromwell Professor of Law, Harvard Law School, USA).

5. Visit to other Jurisdictions

The Justices of the Supreme Court visited India, USA, Austria and Switzerland in 2010. The visits manifested expanding friendship and deepened the ties between institutions.

6. Establishment of the Supreme Court and the High Court

The Supreme Court of Bhutan was established on 21st February 2010 with the appointment of the Chief Justice of Bhutan and three associate Justices. This facilitated the establishment of the National Judicial Commission to make recommendation of candidates for appointment as Justices of the High Court, which was established on 12th May 2010.

7. Infrastructure Development

In the year 2010, construction of independent courts have been successfully completed at Gelephu, Nanglam, Lhamoi Zingkha, Samdrup Chholing and Jomo Tshangkha with the generous financial assistance provided by the governments of Denmark and India. Ground breaking ceremonies have been conducted for construction of courts at Thrimshing, Trongsa and Bumthang with funding from India and the Swiss and Austrian Development Agencies.

Conclusion

The performance of Courts in 2010 has been reasonably satisfactory. The Judiciary is cognizant of its constitutional responsibility to administer Justice without undue delay. The judicial administration continues to promote judicial integrity to ensure compliance with the code of ethics by the judicial officials, create awareness, enhance confidence of the people in the legal system and judicial process by ensuring it is stable and predictable, independent and faithful to the rule of law, provide for equal and unimpeded access to justice and the legal process, promote alternative dispute resolution, ensure timely and effective reforms, provide for continuing legal education and trainings. The Judiciary will fulfill the constitutional mandate and abide by the command of His Majesty that *“Law is the root of peace and prosperity. Thus, no other goal should be nobler than the creation of just society based on justice, equality and fairness”*.

Tuesday, January 04, 2011