



“Law is not confined to the courts or the legislatures that draft them. Law is like the air that every person breathes at every moment. Its presence is unnoticed but its absence will be lethal. We must respect law and law must be upheld without question just as we do not question the need to breathe.”

- His Majesty the Druk Gyalpo's address to the National Judicial Conference on 21st July, 2010.



Seek Truth & Ensure Justice

“Mirror and Vajra” as office logo has religious and temporal or secular significance, historical bearing and legal relevance. The mirror symbolizes transparency, which reveals everything and reflects the actual deeds of a person irrespective of his/her representation. It is believed that Guru Rinpoche had used the Vajra to tame the devils. Analogically, Vajra symbolizes the indestructible, firmness and unwavering nature of law to tame the demonic forces and wrong doers.

The caption “**Seek Truth & Ensure Justice**” below the pictorial logo signifies that the function of the Office of the Attorney General is to seek truth in every dispute/case and ensure that justice is sought through due process of law and lawful conduct of the State. The black colour in the background of the logo symbolizes the power of the authority to act.

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The Attorney General's Review

"It takes time and effort to be trustworthy and reliable. Trust will not emerge on its own, but have to be actively cultivated and nurtured."

- His Majesty's Address to the 1st Convocation of KGUMSB, April 25, 2019

It is my privilege to present the Office of the Attorney General's (OAG) Annual Report for the Year 2018. It encapsulates another milestone in strengthening the justice sector reforms in the country in addition to its constitutional mandates of expeditious prosecution and civil litigations, providing astute legal opinion, harmonization of laws through review process, and other legal matters for the Government and its agencies.

The activities of OAG continue to dominate news headlines in the mainstream and social media on daily basis. It reflects people's confidence in our daily *modus operandi* and professionalism in fulfilling its mandate of ensuring justice to maintain the rule of law. Media plays crucial role in providing democratic platform which, in turn, promotes efficient checks and balances for which OAG ensures accountability and transparency by cooperating with media houses in sharing information of public interest while, at the same time, being cautious of the rights and interests of victims involved.

Our achievements are summarized as below:

The year in review: 2018

1. The Justice Sector Strategic Plan (2018-2023) was launched with the vision '*free, fair, just and harmonious society*' and mission '*to provide accessible, inclusive, accountable, responsive, and quality services to promote trust and confidence in the justice sector*'.

The work was initiated by the OAG in 2016 and the Plan was the output of the core team members representing five key Justice Institutions in the country, namely, the Judiciary, Anti-Corruption Commission, Royal Bhutan Police, Bhutan National Legal Institute and the Office of the Attorney General (in collaboration with the UNDP and the Austrian Development Cooperation).

The implementation of the Plan's identified activities aspires to enhance leadership and collaborative connectivity amongst the stakeholders to provide more responsive, efficient, accountable and accessible services.

2. The in-house human resource capacity has been significantly strengthened in the areas of prosecutorial services, their analytical skills, art of articulation and effective writing skills, and professional drafting of laws and other legal instruments. Various workshops and trainings, including induction courses and policy formulation for drafting new Bills, have been designed and conducted for the new recruits, working

lawyers and policy planners from different organizations. The resource persons were mostly experienced lawyers from OAG and Judiciary. Most of the training modules and materials were developed based on suitable international practice and standard. Trainings on Child Justice have been special focus of the OAG in keeping with the mandates under special laws and importance. OAG has thus attained a new professional height in organizing in-house trainings for lawyers in the field of prosecution and legislative drafting.

3. Unlike in the past, the dissemination programs were carried out with socially relevant based theme for targeted activities like ‘drugs and its adverse consequences’, ‘child justice’, ‘gender and domestic violence’, and other emerging issues of public interest. Dissemination programs were carried out in schools, remote *Gewogs*, and villages with objective to prevent crimes and to ensure compliance to the law. The impact of those exercises is demonstrated by 29 percent reduction in drug cases, including trafficking and possession of illegal drugs in 2018 and the overall case referrals was reduced by 27 percent, compared to 2017. Hence, the dissemination program merit for its continuity at a bigger scale and throughout the year.
4. The restitution (of proceeds of crime or damages) sought by the Office has exponentially increased as the current year records a total recovery of Nu. 45.77 million. In line with OAG’s vision to ‘seek truth and ensure justice’ we ensure that government or victim’s claim against the convicts in the form of monetary or property restitution are expeditiously pursued through courts. This restitution efficiency is credited to strategic change in our plea proceedings before court by requesting attachment of properties, whether movable or immovable, until the case is disposed off in finality. This has eased the enforcement of judgments by the newly established Judgment Enforcement Section at OAG.
5. The National Law Review Task Force (NLRT) Report was submitted to the Government, members of both the houses of Parliament, and other relevant agencies. The taskforce was constituted in 2015 under the Chairmanship of the Attorney General with the mandate to harmonise existing laws. The Report enumerated anomalies in the existing laws, proposal for new laws to be adopted, and the list of operative laws in the country, as of 2018, for the legislative considerations.
6. The Office adopted: (i) the Rules of Procedure for Prosecution and Litigation for the Prosecution & Litigation Division; (ii) the Rules of Procedure for Drafting and Reviewing of Bills and Delegated Legislations for the Drafting and Review Division (DRD); and (iii) the Rules of Procedure for Providing Legal Opinions for the Legal Services Division. Those rules of procedures intend to promote smooth and transparent working procedures within respective Divisions while guiding government and its agencies on the policy requirements when new laws are being proposed for drafting and rationale for their adoptions.

7. We have noted 50 percent reduction in cases involving Child in Conflict with Laws compared to 2017. Through our diversion programs, we avoid minors having to undergo formal prosecution proceedings to promote best interest of the child. The eight diversion cases that we have completed in the reporting year is the highest number thus far and more cases are undergoing diversion program. The Office is currently reviewing the Diversion Guidelines and Child Prosecution Guidelines in collaboration with UNICEF and Save- the- Children.

The year ahead: 2019-20

The office is enthusiastic of its planned activities in the year 2019-20 with the successful completion of the Third Parliamentary Election and formation of new Government in the Kingdom which invariably comes with new mandates and policies. The implementation of the Justice Sector Strategic plan (2018-2023) is one of our key priorities to interface collaborative efforts amongst stakeholders to promote efficiency in information exchanges and to reduce duplication of works through electronic sharing of common information mechanisms. The '*Strengthening Justice Services and Institutions*' was thus incorporated into 12th Five-year Plan as the "National Key Result Area 16."

It is our firm belief that we cannot fail the sublime expectations of our beloved Monarch to fulfill the common aspirations of our people. The OAG thus rededicate our commitments to serve His Majesty the King, Royal Government and People to the best of our capabilities.

Shera Lhundup
Attorney General



The Attorney General with the staffs of the OAG



VISION

to be a
premier public organisation
that
seeks truth
&
ensures justice
in pursuit of
a harmonious society
with
the rule of law
&
good governance





MISSION

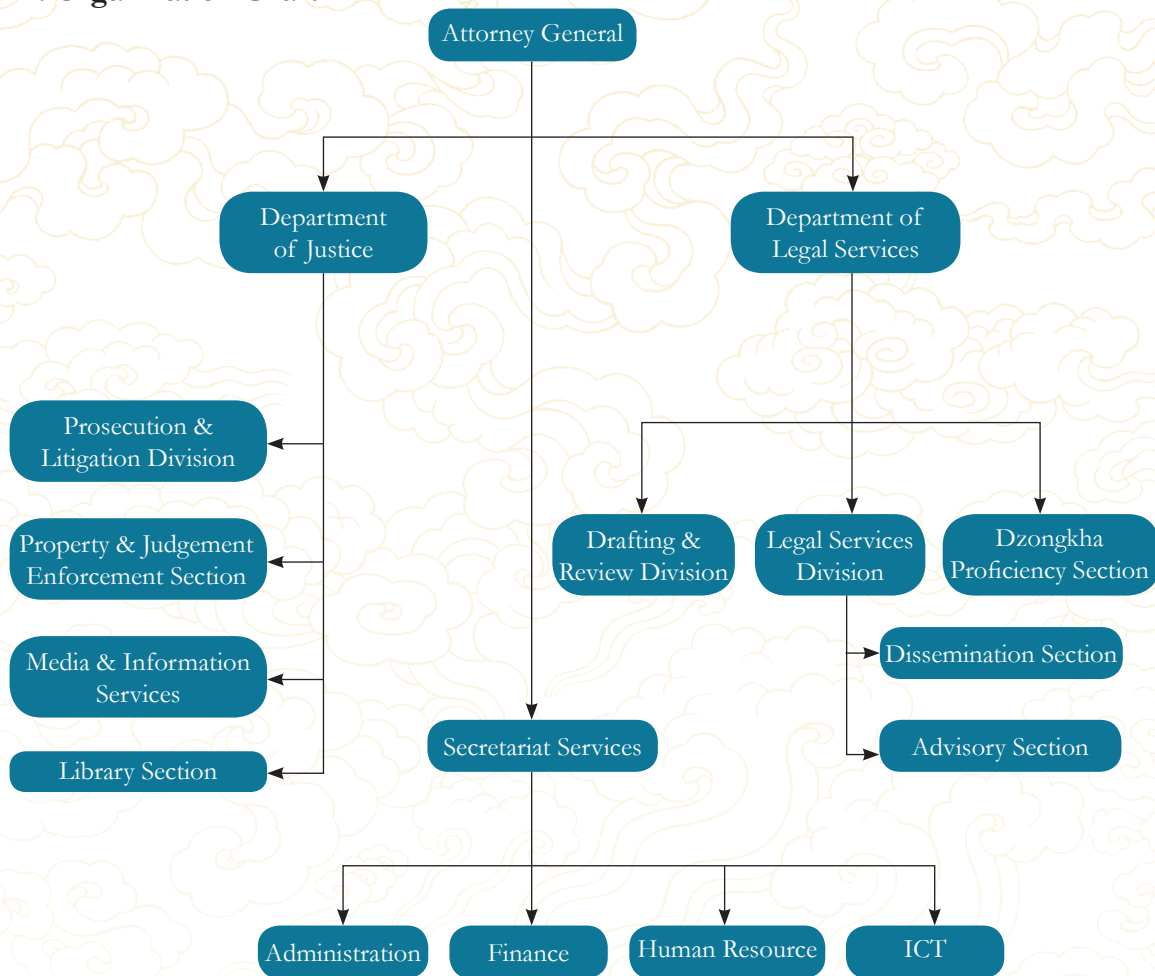
to deliver prosecution & legal services
to the State in a fair and professional manner

VALUES

efficiency
objectivity
fairness
transparency
professionalism



I. Organization Chart



1. DEPARTMENT OF JUSTICE

The Department of Justice (DoJ) consists of Prosecution and Litigation Division, Property & Judgment Enforcement Section, Media and Information Services, and Library Section. The Department was upgraded from a Division in 2016, now fully functional with its Division and Sections manned by competent lawyers carrying out their mandates of prosecution & litigation, enforcement and implementation of judgments and library management.

1.1 Prosecution and Litigation Division (PLD)

One of the principal functions of the OAG is carrying out criminal prosecution and civil litigation on behalf of the State and the Royal Government. The Prosecution and

Litigation Division seeks to promote fair, impartial and just proceedings by engaging in criminal prosecution throughout the country as per the law, inter alia, the *Constitution*, *Office of the Attorney General Act 2015*, *Royal Bhutan Police Act 2009*, *Anti-Corruption Act of Bhutan 2011*, *Jabmi Act 2003* and so forth. Similarly, OAG represents the Royal Government in civil litigation whenever the interests of Royal Government are at stake.

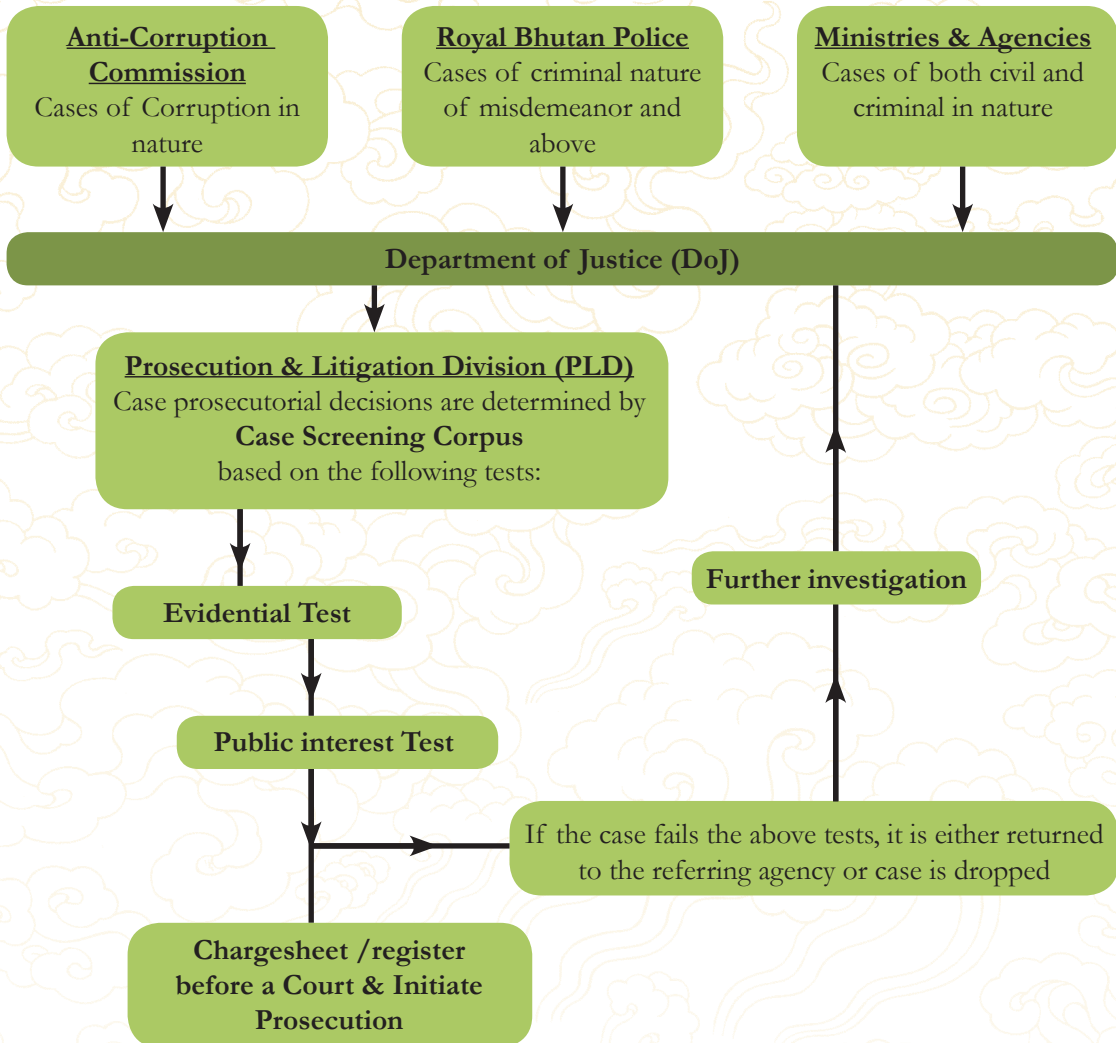


Attorneys of the Prosecution and Litigation Division.

Mr. Kinley Tenzin, Chief Attorney has been heading the Division since 2016. Mr. Ugyen Wangdi, Sr. Attorney is the Offtg. Deputy Chief Attorney. Currently, there are 41 Attorneys including 7 Para-legals carrying out prosecutorial tasks throughout the country.

This Division has the maximum number of lawyers; and the new recruits prefer joining the Division in order to begin their career with a proper legal practice in criminal prosecutions and civil litigations.

- **Cases flow process to initiate Prosecution**



- **Case referral, assignment, and charge-sheet**

Criminal cases are mandatorily referred to the OAG by the Royal Bhutan Police (RBP) and the Anti-Corruption Commission (ACC) – the state machineries that investigate criminal offences, in addition, cases of criminal nature are also referred by other government organizations on *ad hoc* basis. On receiving the cases by the OAG, the Head of the PLD under the DoJ assigns the case to individual prosecutor or prosecutors jointly, depending on the complexity of the case, for prosecution. The prosecutors are required to adhere to internal practices and the Prosecution Guideline to determine the charges and the decision to prosecute. The review process is expedited in criminal cases as suspects are normally under police custody and charges are filed with courts of competent jurisdiction if the facts,

issues and evidence meet the evidentiary and public interest consideration test wherein the offence can be proven beyond any reasonable doubt. Otherwise the case is returned to the referring agency with instructions to furnish further information and evidence that are crucial in determining an offence or probable charges. The OAG may chose to drop the case if the evidence is not proper or credible and the pursuit of the case adversely affects public interest.

A Government organization may refer cases of civil nature to the OAG through Cabinet Secretariat. Although OAG is the legal representative of the State and the Government in both civil and criminal matters, the existing practice is that OAG assigns cases, especially civil matters, to respective ministries or agencies where professional legal officers are available. The concerned lawyer will be assigned with Power of Attorney by the OAG to pursue the case with courts, and the case representation will be carried out under supervision of the OAG. In absence of such appropriate lawyer, even civil cases are represented by the OAG.

- **Case screening Corpus (CSC)**

CSC is a body composed of the Attorney General, Dy. Attorney General, Division Chiefs, Dy. Chief of Divisions, Attorney from Media Cell and Attorneys from the PLD. The body is primarily formed to screen and decide upon cases having complex legal issues. The CSC meets on regular basis to decide cases impartially with higher degree of scrutiny and analysis. Individual prosecutor presenting the case before the CSC is required to circulate a case brief in advance, and specifies the time and venue for CSC deliberation. Concern prosecutor shall maintain a detailed record of cases reviewed by the Corpus for future reference and consistency.



Mr. Kinley Gyaltsben (Attorney) presenting a case to CSC

- **Office of the Attorney General's Internal Prosecutorial Procedure**

The Office of the Attorney General's Internal Prosecutorial Procedure is framed to guide all the Staffs of the Office of the Attorney General and others acting on behalf of the Attorney General. The Procedure is issued under Section 101 of the *Office of the Attorney General Act, 2015*.

The Office of the Attorney General in particular a Prosecutor acting on behalf of the Office endeavors to promote fair, impartial and just proceedings while prosecuting and it is the duty of the office to protect the public interest, act with objectivity, take proper account of the position of the defendant and the victim, and pay attention to all relevant circumstances, irrespective of whether they are to the advantage or disadvantage of the defendant.

The procedure is framed to guide the staffs of the Office in rendering professional prosecutorial service starting from the receipt of cases at front desk, assignment of cases, screening of cases and till judgements are finally enforced.

- **Office of the Attorney General's Internship program**

In order to impart appropriate internship program to the interns, the Office is in the process of framing the Office of the Attorney General's internship program. It is framed with the objective to provide relevant skills and experience in the field of legal practice to law students and graduates. This will guide the Office and interns on the internship program in carrying out the short and long term internship program smoothly.

- **Capacity Development or building**

1. Workshop on 'Art of Writing Winning Arguments: Avoiding Fallacies', at Phuntsholing from 4-6 December, 2018



Participants with Hon. Attorney General and Resource Speakers

The Attorney General's Internal Prosecutorial Procedure/Order starts from reviewing of the cases forwarded by the relevant investigating agencies. On completion of the review by the concerned prosecutor, prosecution may be initiated or dropped from the prosecution process. In either way, lawyer must demonstrate his legal reasoning and analytical skills to convince investigating agencies if a case is dropped from prosecution or to convince a presiding judge if the prosecution is initiated. As the Attorney General's Internal Prosecution process involves several drafting at different stages of proceeding to prove the case beyond reasonable doubt, legal reasoning in its arguments coupled with preparing evidence play critical role.

Considering the importance of drafting court submissions without fallacies and prosecutor's vital role during a proceeding, the Office conducted need analysis of the prosecutors and lawyers appearing before the court. The Office during the need analysis consulted all the judges of the District Courts and some judges of the Dungkhag Court. The need analysis concluded requirement of enhancing lawyers' abilities in writing reasoned and analytical submissions.

Similarly, as evidence plays chief role proving a case in criminal prosecution, developing clear understanding in categorizing evidence and prioritizing different types of evidence is found important.

Based on the reasons as specified above, the Office has conducted 3 days (4-6 December, 2018) intensive training program targeting Attorneys from the OAG and the District Legal Officers with following objectives to:

1. Enhance the reasoning and analytical skills of the prosecutors in drafting court submission to avoid fallacies.
2. Develop in-depth knowledge in categorizing different types of evidence and skills to prioritize every evidence.
3. Enhance prosecutor's knowledge on financial investigations and learning important concepts and terminologies required to review and prosecute financial related cases.

2. Training of the prosecutors of the Office of the Attorney General at Maharashtra Judicial Academy (MJA), Maharashtra, India; Funded by the Government of India (from 5-9th February 2018)



Participants from OAG at MJA with Directors and Faculties

The rationale for the Prosecutor's Training leads to the responsibilities of the OAG, the primary mandate of which is prosecution and litigation on behalf of the State. Prosecution and Litigation Division (PLD) is constituted by 70% of total attorneys working under the OAG. While executing the function of PLD, the main issue is the lack of experience of the attorneys with majority of them being young, few years of experience and no formal training in various areas concerning prosecution. Expertise in certain areas of law such as medical jurisprudence, examination and cross-examination of witnesses, prosecution of corruption offences and prosecution of human trafficking offences to name few, are lacking and almost non-existent in some areas. This weakness has been severely felt by OAG and has been emphasizing the need to upgrade knowledge and further develop the skills required of an attorney in PLD in the above mentioned areas and more.

This training program was conducted to gear towards providing the Attorneys under the PLD with an opportunity to upgrade their knowledge and hone their skills in efficiently fulfilling their duties, and broadly, ensuring that justice is served and not compromised due to any factors associated with lack of skills of an attorney which could be evaded with strategic plans including professional trainings from the part of the OAG, government and other relevant agencies. The objective of the Training was broadly, to:

1. upgrade knowledge on different areas of law concerning prosecution of criminal cases;
2. develop skills to be employed by an attorney in the court in prosecution of criminal cases;
3. develop skills on examination and cross-examination of witnesses; and
4. gain knowledge on judicial and analytical reasoning required in prosecution.

The participants were overwhelmed with the diverse and in-depth knowledge and experienced gained from the training within a week time. As part of the program, the participants visited pioneer courts in the Indian legal history the Maharashtra High Court (erstwhile Bombay High Court) and the Sessions Court which is adjacent to it.

3. Training of prosecutors on drafting Court submission and Child Justice at Phuntsboling (from 30 April to 1 May, 2018)



Mr. Jamyang Tenzin (Attorney), sharing his experience on 'drafting submissions and advocacy skills in appeal cases' at the Training

The Attorney General's internal prosecutorial process starts from reviewing of the cases by the concern prosecutor which is forwarded by the relevant investigating agencies like Anti-Corruption Commission, Royal Bhutan Police, Royal Audit Authority, Ministries and Agencies etc. Once the cases are assigned, it is the prosecutor who review the cases and initiate prosecution process. The AG's internal prosecution process involves several drafting to proof the case beyond reasonable doubt. As the drafting involves numerous rules, principles, skills and techniques, the Attorneys and lawyers are trained, refreshed and updated on the relevant subjects. The training was conducted by the senior and experienced attorneys through their experience and knowledge.

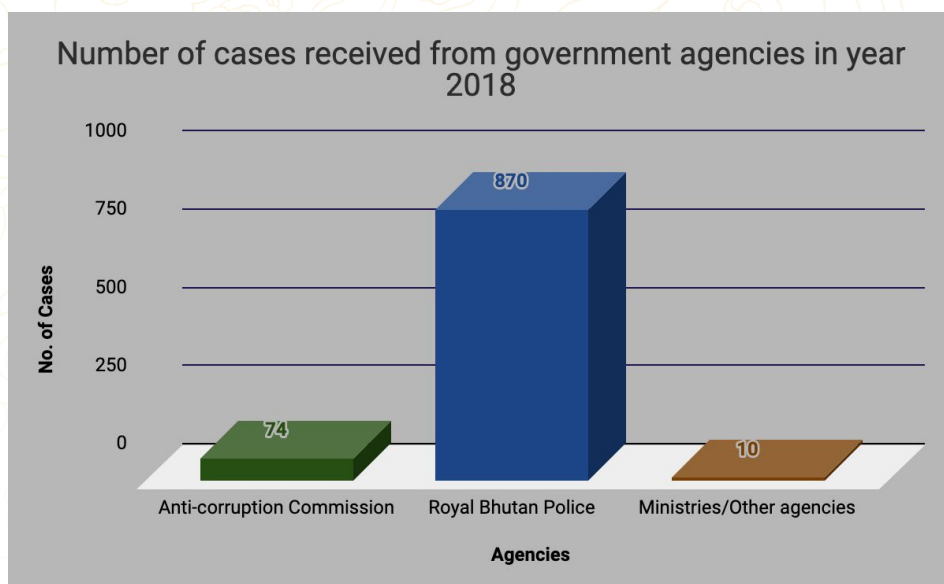
Children often come in conflict with law and in order to reform, rehabilitate and deal with them differently, there are numerous legislative and institutional reform. The Parliament enacted *Child Care and Protection Act* and the Judiciary established separate bench for a child who comes in conflict with the law. In order to cope with new reforms, the prosecutors are trained on the child friendly prosecution in order to effectively implement the legal reforms. As diversion forms important part of the child justice, the prosecutors and lawyers are trained on diversion program in delivering justice.

- **Friday forum**

Friday Forum is a lawyers' forum aimed at enhancing the attorneys' capability in presenting court submissions through discussion of issues arising out of real case scenarios and sharing of knowledge and experiences. It also serves as a platform where the DRD and LSD may put up pertinent issues faced while executing their functions related to drafting of laws and current legal issues.

It takes place every fortnight on Friday in the afternoon. During each session attorneys present about 2-3 issues for deliberation. The forum is chaired either by the Attorney General or one of the Division Chiefs in his absence. Over the year, this forum has enormously contributed in enhancing court submission skills of the attorneys. The improvements are seen in the form of court judgments and recommendation from judges and legal associates from courts.

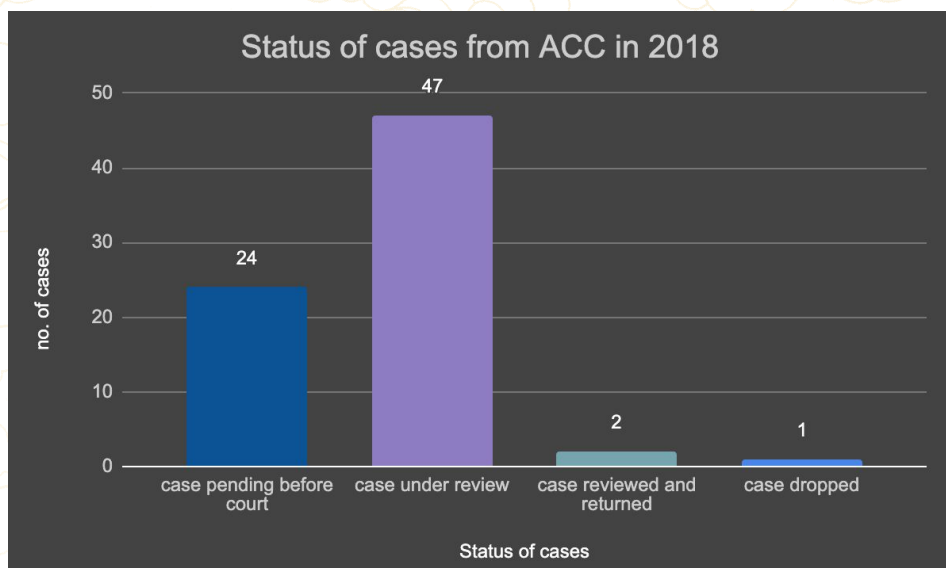
- **Highlight of cases received in 2018**



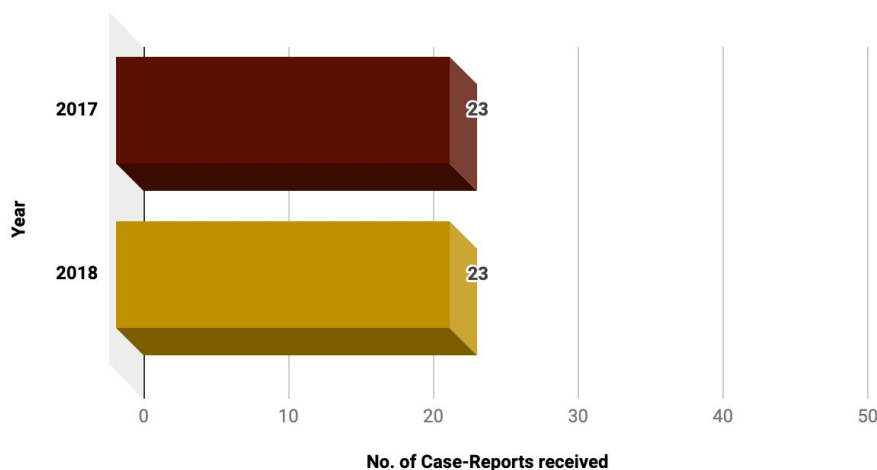
In 2018, the Office received 74 cases from ACC (through 23 case reports- each case report may comprise many cases), 870 cases from RBP and 10 cases from other agencies (through 7 case reports). A total of 954 cases were received for prosecution in a year. The office has seen a decrease of 364 cases as recorded from the previous year.

- *Cases received from ACC*

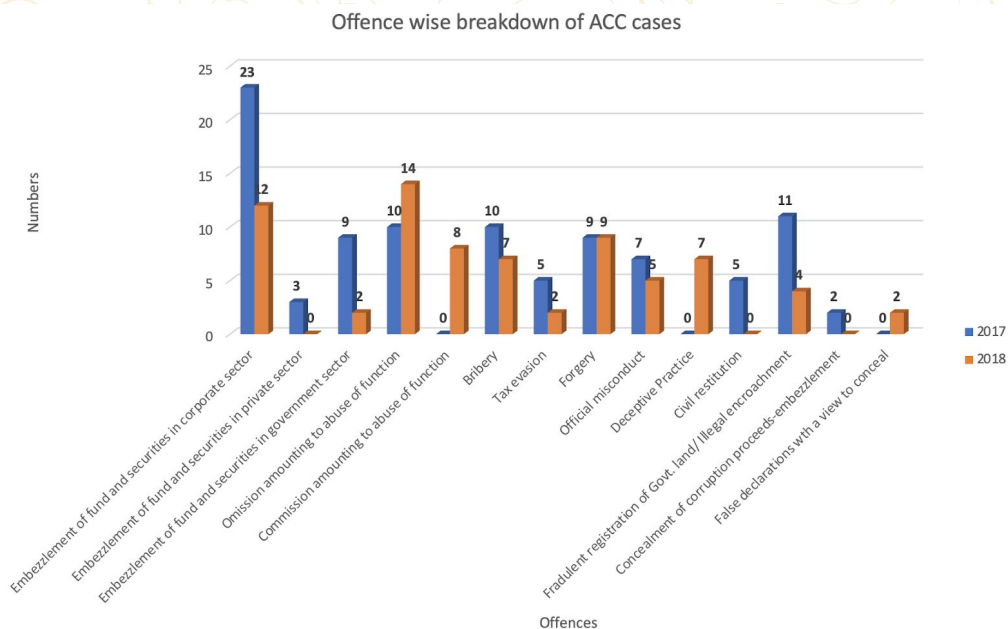
From the total of 74 cases received in 2018, 47 cases are under review process, 24 cases are at trial proceedings, 2 cases were returned to ACC for further investigation, and 1 case was dropped from prosecution. The case returned pertains to non-availability of crucial evidences or credible evidences and thus instructed the ACC to furnish such evidence or information, and the case that was dropped pertains to non-availability of key defendants/suspects as they could not be apprehended for prosecution before the court.



Case-Reports received from ACC in the last two years



The cases referral from ACC remained constant with 23 case reports for both 2017 and 2018. However, 23 case reports received in 2018 is further segregated into 74 separate cases and 23 case reports received in 2017 is segregated into 80 cases. In terms of cases, it reduced by 6 cases in 2018.



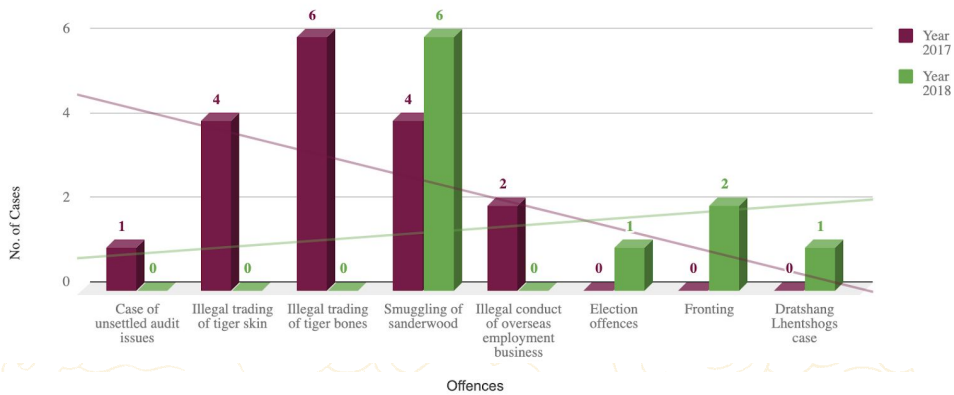
The offence of ‘Omission amounting to Abuse of Function’ constitute maximum with 14 cases followed by ‘Embezzlement of Fund and Securities in Corporate-Sector’ with 12 cases. The later remained maximum in 2017 with 23 cases received, which is almost twice than in 2018. While the lowest cases are recorded for offence of ‘Embezzlement of Fund and Securities in Government-sector’, ‘Tax Evasion’ and ‘False Declarations with a view to conceal’ with 2 cases each.

- *Cases received from Ministries/ Agencies*

There are 10 cases received from Ministries and Agencies for prosecution in 2018, an increase by three cases from previous year. 6 cases pertain to an offence for Smuggling of Sandalwood referred from Ministry of Agriculture and Forest (MoAF), 2 cases pertain to Indian nationals alleged of operating restaurant in Bhutan illegally, 1 pertains to election offence under the Election Act, and 1 case relates to Dratshang Lhengtshog. In 2017 the maximum cases pertain to Smuggling of Sandalwood.

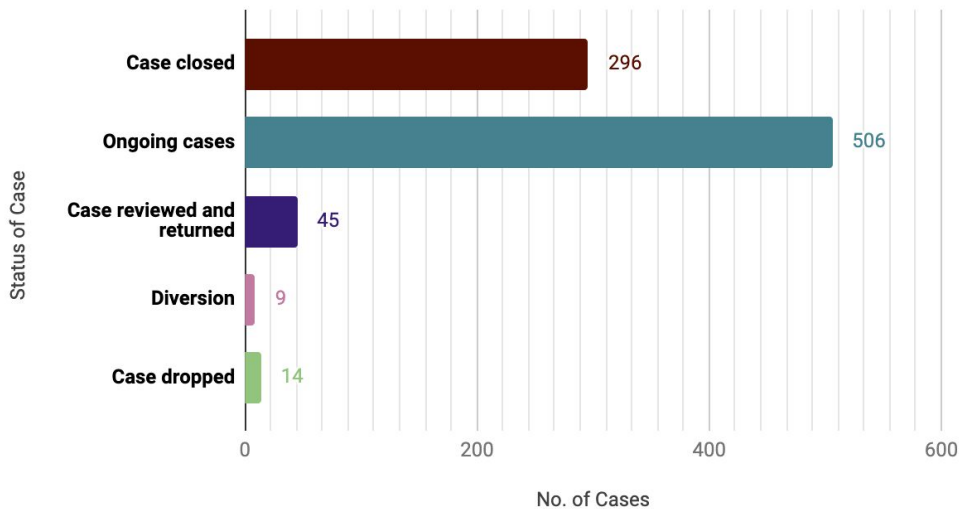
Of the total cases, 2 cases were returned to referring agencies for lack of evidence and information, and remaining 8 cases are pending trial before the Courts.

Cases received from Ministries/Agencies Year 2018

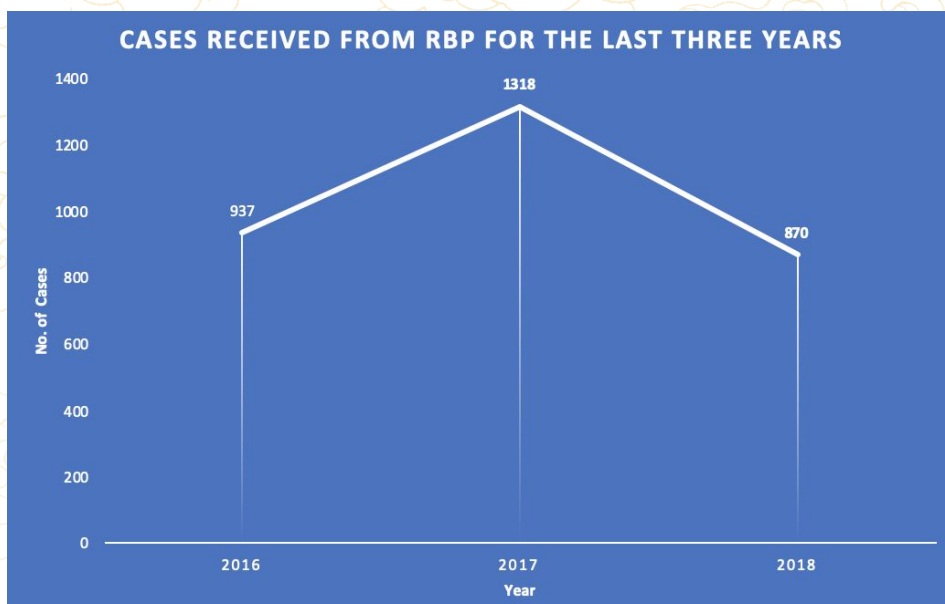


- *Police Cases/ RBP cases involving offences under the Penal Code*

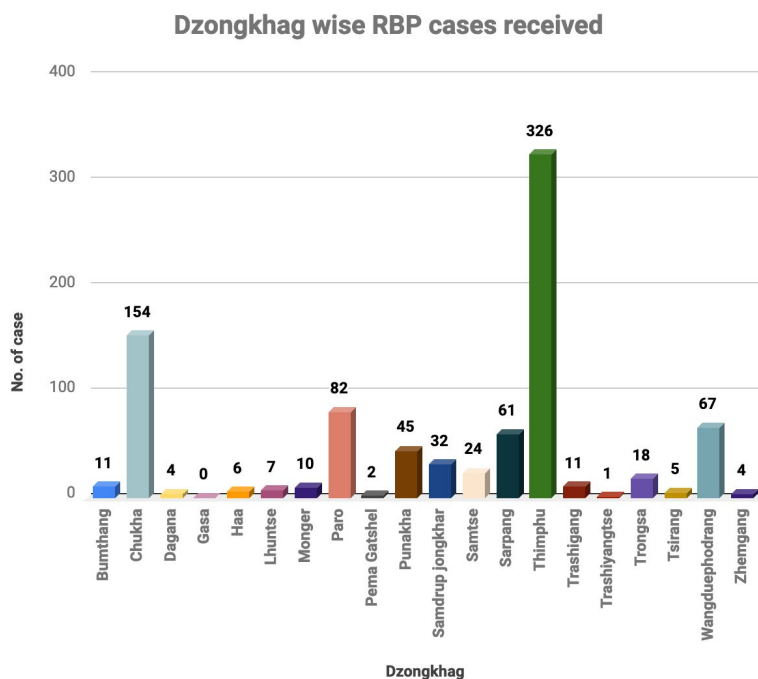
Status of Police Cases



Of the total cases referred by the RBP (870 cases), 296 cases have been tried before the court with judgment rendered, 45 cases were returned for lack of evidence, 9 cases were referred for diversion/alternative measures, 14 cases were dropped, and the majority of the cases (506 cases) are under trial.

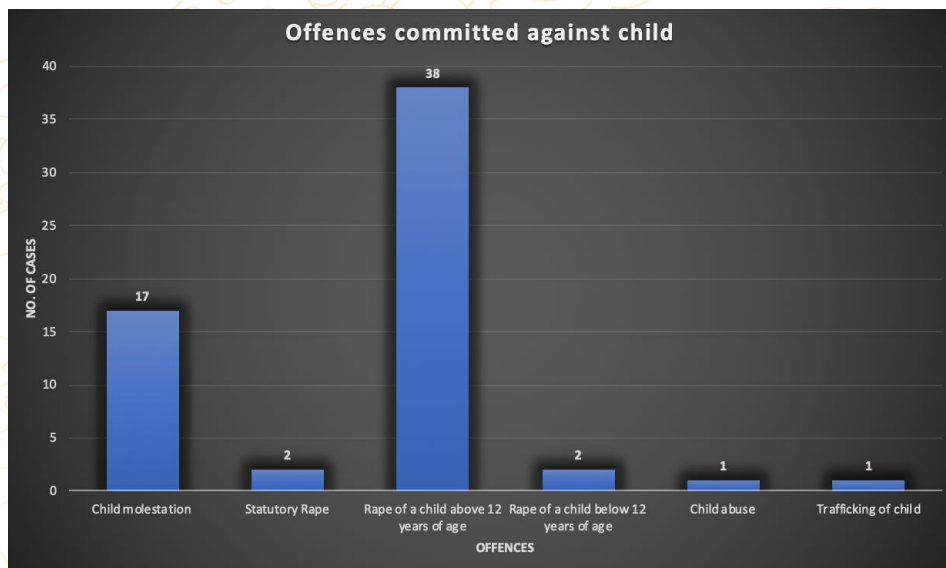


The RBP cases received in 2018 is lowest in the last three years. The highest is seen in 2017 with 1318 cases.



Almost all cases received from RBP were from various Dzongkhags. All the RBP cases were related to offences prescribed under the Penal Code of Bhutan. Highest number of cases were received from Thimphu with 326 cases followed by Chukha and then Paro with 154 and 82 cases respectively. While the lowest number of cases was from Trashiyangtse with just 1 case, Gasa has not reported a single case.

• *Offence committed against Children*

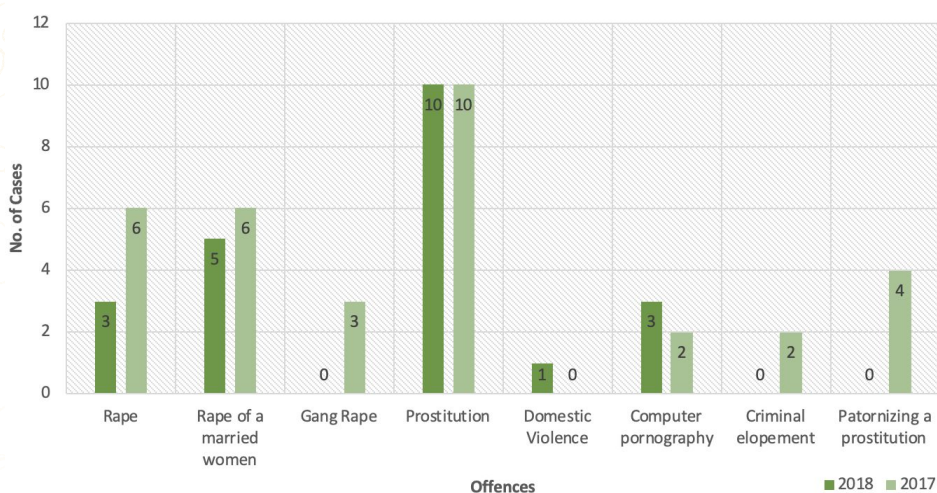


There were total of 61 cases committed against children. All cases committed against children were sexual offences, including 38 cases of Rape of a Child above 12 years of age, 17 cases of child molestation, 2 cases of Statutory Rape, and 1 case of Child abuse and Trafficking of Child.

• *Offences committed against Women*

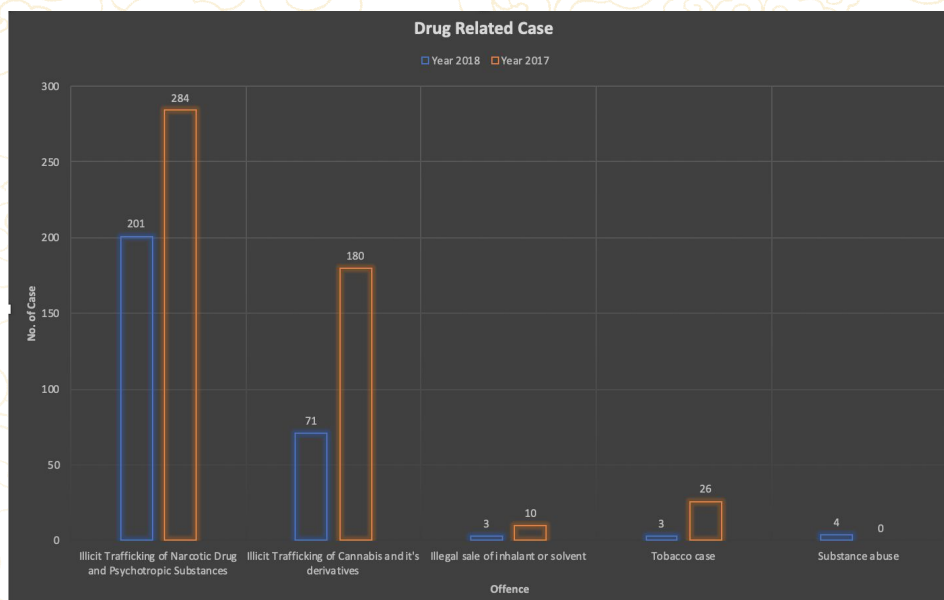
A total of 22 cases against women were recorded. All cases were sexual offences, including 10 cases of Prostitution, 5 cases of Rape of a married Person, 3 cases of Rape and Computer Pornography, and 1 case of Domestic Violence.

Offences committed against women in the last two years



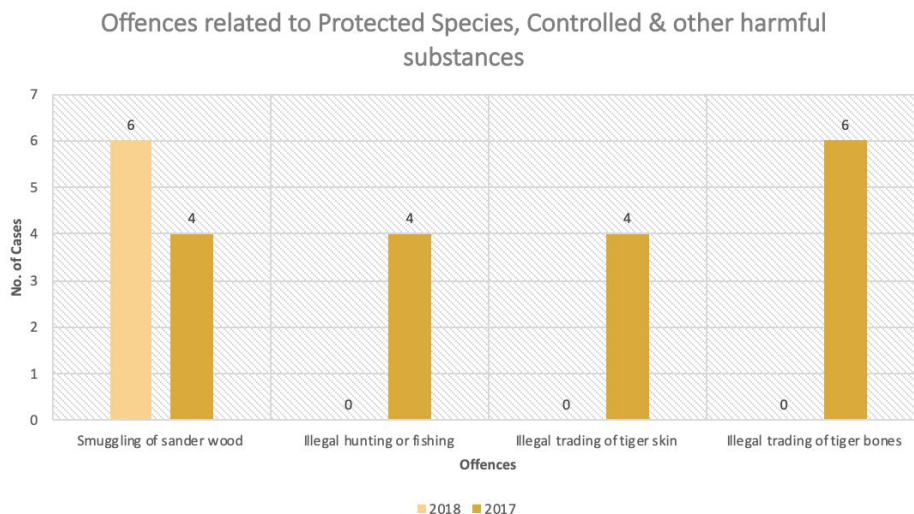
33 cases involving women victims were reported in the previous year and thus drop by 10 cases in 2018. These data however do not show overall picture as prosecution of cases below misdemeanor are being prosecuted by the RBP and most of the Domestic Violence cases fall into the category of RBP case prosecution.

- *Drug and Tobacco related cases*



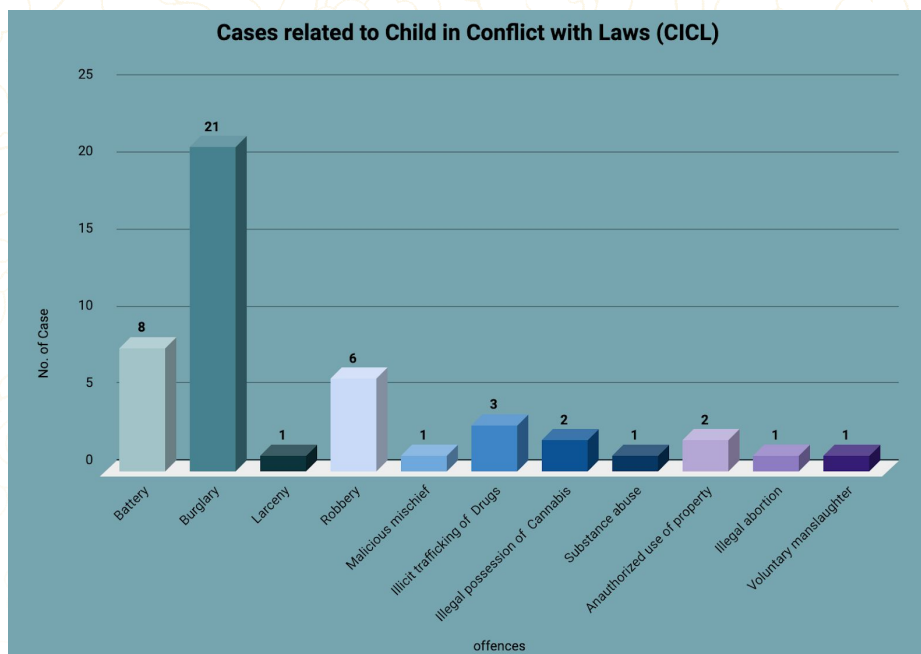
The office recorded 201 cases of Illicit Trafficking and Possession of Narcotic Drug and Psychotropic Substance, which was a drop by 83 cases as against 2017. Similarly, cases against Illicit Trafficking and Possession of Cannabis and its derivatives was recorded at 71, which was less than half recorded in the previous year. Only three cases of Illegal Sale of Inhalant and Solvent were recorded in 2018. Similarly, 3 cases related to Tobacco and 4 cases of Substance Abuse were recorded in 2018. The cases related to drugs and tobacco have reduced substantially which indicates efficient implementation and rigorous enforcement of drug law.

• *Cases related to Wildlife Crime*



In 2018 only 6 cases related to Smuggling of Sander Wood in the category of Wild Life crime were recorded, whereas in 2017, 18 cases were recorded involving offences of Smuggling of Sander Wood, Illegal Fishing, Illegal Trading of Tiger Skin, and Illegal Trading of Tiger Bones.

• *Child in Conflict with Laws (CICL)*



A total of 47 cases related to CICL were referred to the office. While this does not reflect the total number of CICL cases, since offences involving petty misdemeanor and violations are prosecuted by RBP as per the *Police Act*. CICL case referrals has decreased substantially.

- *Diversion and alternative measures*

With the commencement of Diversion Guidelines, 2016 encompassing procedures and standard, the office strives to divert cases of CICL through alternative measures and sentencing unless the cases are of more serious nature risking public safety. Unlike the past trend, channeling the CICL cases for diversion have become much easier and accepted, since the implementing agencies and the public have been aware of the best interest of the child and the laws. Secondly, we have a designated court bench specifically for women and children addressing family and domestic related issues for expeditious resolution.

A total of 8 cases were diverted in 2018 and few others are still undergoing diversion process. The diversion cases were hitherto recorded to be highest. The follow ups of diversion cases are monitored by the Probation Officers and Gender Focal Persons in consultation with prosecutors of the OAG.

Challenges associated with Diversion includes difficulty in coordinating the sessions in executing diversion agreement as multi-stakeholders are involved; restitution is difficult to resolve as most of them including their parents and guardians have no means to pay damages to victims; and difficulty in determination of programs at the time of devising appropriate programs for CICL.

1.2. Property and Judgment Enforcement Section (PJES)

The PJES enforces judgment and looks after execution of the orders in the judgement. Judgment enforcement must be carried out expeditiously and includes attending court hearings for compensation claims and restitution. In most cases, judgement enforcement entails auctioning of seized or attached properties.

Of the total 51 RBP cases and 18 ACC cases spillover from 2017, 20 RBP cases and 5 ACC cases were enforced, while the rest of the cases remained under enforcement. The office has recovered a total of Nu. 45.77 million of which Nu. 29.6 million related to ACC cases, while the rest included cases from the police and other government agencies.

1.3. Media and Information Services

This unit acts as Attorney General's Secretariat and facilitates communication with the Attorney General. It is the mandate of the Unit to efficiently inform the Media and Press on any information on cases and other services by the OAG.

1.4. Library Section

The Library Section is responsible for management of the library including proposal for up-gradation of law books and printing of Statutes when required. Since the OAG functions as the legal depository of the country, it is incumbent for the office to publish Statutes upon it being enacted by Parliament through print or online medium. The online information can be accessed at www.oag.gov.bt.

2. DEPARTMENT OF LEGAL SERVICES

The Department of Legal Services is responsible for advising the Government on any legal matters, and drafting and reviewing existing laws for the government. In other countries, it is the mandate of the Ministry of Law. The Department of Legal Services is bi-furcated into two divisions in keeping with the functions: Drafting & Review Division (DRD) and Legal Service Division (LSD).

2.1. Drafting and Review Division (DRD)

The core mandate of the DRD is to ensure quality and efficient services in: drafting and reviewing of bills (including amendment bills), delegated legislations (rules and regulations) and guidelines; reviewing of international conventions; and reviewing of existing laws. The DRD carries out the stated mandates if directed by the government through a cabinet directive accompanied by ‘Clear and Detailed Policy Guideline’ with regard to the legal instrument to be drafted or reviewed. In executing the mandate, the DRD may conduct consultation meetings if desired by the government reflecting a consultative approach. Further, the DRD may review the existing laws and propose amendments to the government through various approaches: on the initiative of the Attorney General or constituting committees, whenever required. The DRD also assumes the mandate to act as the repository of laws in the country.

In executing the drafting and reviewing function, the guiding parameters for the DRD are to conduct thorough research on the subject matter of the legal instruments to comprehend the subject matter, and verify that the legal instrument is consistent with the existing laws including the format and language. The concerned ministries, and government agencies designates a Drafting Instructor to facilitate the DRD in drafting or reviewing the legal instrument. Role of the Drafting Instructor is crucial in rendering clarification on the policy guideline and assistance in any other task associated with the drafting or reviewing.



Lawyers from DRD

Currently, there are 5 senior Attorneys under DRD: headed by the Chief Attorney Sonam Tashi who is also serving as the Acting Deputy Attorney General, a Deputy Chief Namgay Dorji, and 3 Senior Attorneys.

Highlights of achievement of DRD in 2018:

- *Adoption of Rules of Procedure for Drafting and Reviewing Bills and Delegated Legislations*

The process for drafting the Rules of Procedure for Drafting and Reviewing of Bills and Delegated Legislation (ROP) started in 2017, and the same was finalized and adopted by the Attorney General in February 2018. The DRD is delighted with this achievement as it serves as a stepping stone in ensuring that new laws being proposed by the ministries or government agencies has strong policy rationale. This would also render the Parliamentarians a clear understanding on the need of proposed laws, thereby enabling them to adopt only compellingly required laws and screen out those that are not justifiable based on the policy rationale provided. Further this ROP also streamlines the process for drafting and reviewing of bills and delegated legislations, and provides clarity on the approaches of collaboration between the OAG, ministries and relevant government agencies. Such coordinated approach between stated agencies would ensure not only drafting relevant laws but also effective enforcement after its adoption.

- *Submission of National Law Review Taskforce Report to the Government*



The National Law Review Taskforce members and secretariat supports during a meeting

The National Law Review Task Force (NLRT) constituted through an Executive Order in 2015 with the Attorney General as the Chairperson continued with its mandate in 2018 primarily towards finalizing the report. In that regard, the DRD as the Secretariat organized series of in-house meetings of the NLRT and assisted in finalizing the report. The report was eventually finalized in June 2018 after considerable scrutiny, and meticulous editorial work on the draft report. The report has been submitted to the government, members of both houses of Parliament, and other relevant agencies. The report comprises of anomalies in the existing laws, proposal for new laws to be adopted considering the current context, other matters that may be addressed under the existing laws, and the list of operative laws in the country as of 2018. The output displayed by the NLRT through the report has been a huge accomplishment as the government and Parliamentarians can readily act on it to resolve the issues specified therein. It has been an honor for the DRD to have served as the Secretariat of the NLRT.

- *Training on Legislative Drafting*



Participants from various agencies

The DRD organized a *Training on Legislative Drafting* on May 21-22, 2018 in Thimphu to share knowledge, and develop skills of drafters involved in drafting bills and delegated legislations, and policy developers involved in developing policy rationale for any proposed law including delegated legislations in ministries, government agencies and constitutional offices. The trainees were mostly legal officers and officers from the Policy and Planning Division. The first objective of the Training was to create awareness about the importance of framing reliable policy guidelines before embarking on drafting a law. The second objective was to build the skills of trainees in the technical aspects of drafting. The third objective was to share knowledge on key rules to be adhered to in translating from English to Dzongkha language. Lastly, the Training also included a session on importance of IT services in drafting laws. The Training included practical exercises to simultaneously test and develop drafting skills of the trainees. The DRD hopes to conduct such Trainings at regular intervals to build capacity and develop expertise in drafting in the country.

- *Highlights of laws drafted or reviewed, and other activities conducted*

2018 was a year largely dominated by the process of ending the term of the then government, and the election of the new government and members of the National Council due to which many important activities of the government particularly drafting or reviewing of new laws were temporarily deferred as this necessitated policy stand of the government. Consequently, the DRD had no bills referred for drafting or reviewing. The DRD reviewed two delegated legislations on healthcare services and Bhutan Health Trust Fund.

Besides, the DRD assisted the Legal Service Division in conducting Legal Awareness programme. The Attorney General accompanied by two other attorneys from DRD and LSD conducted awareness programme in Lhuntse on drugs related laws in the country. Similarly, the DRD also assisted the PLD in prosecution of select ACC cases.

- *Future outlook*

Although the DRD had limited activities in the year 2018 due to the transition of the government, those that the DRD undertook have been significant. The ROP has not only streamlined the drafting and reviewing process in OAG but will also establish institutional memory. Concurrently, the NLRT report has encapsulated the pressing legal anomalies on which the Parliamentarians are keen to act upon. Further, the Training on Legislative Drafting has created considerable awareness, upgraded knowledge and honed the skills of the government lawyers and policy developers, in legislative drafting and framing of policy. The DRD looks forward to working with the new government in progressing the legislative drafting system in the country. The DRD with the five-year plan already in place has a clear vision of what to accomplish. Briefly, creating drafting tools and software still remains one of the main focus, in addition to developing expertise and competency, of drafters.

2.2. Legal Services Division (LSD)

The duties of the Legal Service Division (LSD) are broadly divided into two categories, which entail:

1. providing legal opinion on matters of law and such other issues of legal nature as referred to it by the Government; and
2. providing legal education to lawyers and dissemination of laws to the general public to create awareness of legal development.

The above functions are entrusted to two sections, namely: the advisory section and the dissemination section. The advisory section essentially deals with two legal aspects: Domestic law and International law. The subject matter ranges from international conventions and treaties to constitutional, criminal and civil matters that include taxation, delimitation, election, extradition, government contracts, etc.



Lawyers from LSD

Mr. Tshewang Penjor, Chief Attorney is the head of LSD since 2016. Currently there are 7 Attorneys with the division including 3 males and 4 female. A deputy Attorney has gone for extra-ordinary leave, and a senior Attorney has recently left for pursuing masters studies in International Law through AusAid Scholarship.

- **Highlights of issues reviewed by LSD**

The legal opinions rendered in the year 2018 has remained relatively same with sixty-one legal opinions rendered to the government as compared to sixty legal opinions in 2017. The subject matter of legal opinion varies from International Treaties, Conventions, interpretation of legal provisions of the laws both in public international law as well as domestic laws.

List of Legal Opinions rendered for the year 2018

Sl. No	Referring Agency	Subject Matter	Year
1	Department of Geology and Mines (MoEA).	Legal Opinion on Operation of Darakaypakha Quartzite Mine.	January
2	Khesar Gyalpo University of Medical Science of Bhutan.	Legal Opinion on MoU between Khesar Gyalpo University of Medical Science of Bhutan and The Office of Global Health Education of the Weill Cornell Medical College of Cornell University, New York, U.S.A.	
3	Ministry of Agriculture and Forests (MoAF)	Legal Opinion on MoU between National Centre for Animal Health, Department of Livestock, Ministry of Agriculture and Forest, Bhutan and University of Calgary, Alberta, Canada.	
4	Ministry of Home and Cultural Affairs (MoHCA)	Legal Opinion on BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drugs Trafficking (BIMSTEC Convention)	
5	Gross National Happiness Commission (GNHC)	Legal Opinion on draft letter agreement between Royal Institute for Tourism and Hospitality and NHTV Breda University of Applied Sciences, Netherland.	
6	Mangdechhu Hydroelectric Project Authority (MHPA).	Legal Opinion on Encashment of Performance Bank Guarantee pertaining to Contract Agreement of M/s GIL (now registered as M/s Gammon Engineers & Contractors Pvt. Ltd.)	February
7	Bhutan Electricity Authority (BEA)	Legal Opinion on interpretation of provisions of <i>Electricity Act of Bhutan 2001</i> .	
8	Gross National Happiness Commission (GNHC)	Legal Opinion on Agreement between the Royal Government of Bhutan (RGoB) and HELVETAS Swiss Intercooperation.	
9	Department of Intellectual Property (MoEA)	Legal Opinion on ‘Service Level Agreement (SLA)’ with WIPO for establishment of the Technology and Innovation Support Centers (TISC)	March
10	Cabinet Secretariat	Legal Opinion on sub-contracting of double lanning highways of Simtokha-Dochula (Package I) and Bjeezam-Trongsang (Package VI)	

11	Gross National Happiness Commission (GNHC)	Legal Opinion on the draft Memorandum of Understanding between Royal Institute for Tourism and Hospitality and NHTV Breda University of Applied Sciences, Netherland.	March
12	Ministry of Agriculture and Forest (MoAF)	Legal Opinion on Memorandum of Understanding between Ministry of Agriculture and Forest (MoAF) and Korea Research Institute of Bioscience and Biotechnology (KRIBB)	
13	Ministry of Information & Communications (MoIC)	Legal Opinion on draft Air Service Agreements (ASA) between Royal Government of Bhutan and The Government of the State of Kuwait and between Royal Government of Bhutan and The Government of the Republic of Korea	
14	Gross National Happiness Commission (GNHC)	Legal Opinion on the draft Grant Agreement between the Royal Government of Bhutan and the Green Climate Fund.	
15	Ministry of Economic Affairs (MoEA)	Legal Opinion on Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific.	
16	Royal Education Council (REC)	Legal Opinion on lease agreement between Royal Education Council (REC) and a private house owner.	
17	Mangdechhu Hydroelectric Project Authority (MHPA)	Legal Opinion on Admissibility of Encashment of Partial Performance Bank Guarantee (in relation to Mangdechhu Hydroelectric Project.	
18	Ministry of Information and Communications (MoIC)	Legal Opinion on the BIMSTEC Framework Agreement on Transit, Transshipment and Movement of Vehicular Traffic.	April
19	Ministry of Information & Communications (MoIC)	Legal Opinion on joining membership to International Association of Public Transport (UITP)	
20	Ministry of Economic Affairs (MoEA)	Legal Opinion on whether Royal Government of Bhutan can authorize Bhutan Automation and Engineering Limited (BAEL) as a Foreign Direct Investment (FDI) company under exception (clause 12) of FDI Policy.	
21	Ministry of Home and Cultural Affairs (MoHCA)	Legal Opinion on Extension of UNODC project on “Enhance Government and Civil Society Responses to counter Trafficking in Persons (TIP) in Bhutan.	

22	Department of Law and Order (MoHCA)	CPI template on TIP	April
23	Ministry of Foreign Affairs (MoFA)	Immigration whereabouts of five Bhutanese nationals involved in April 2016 Bangkok Canal case for the purpose of extradition from Royal Thai Police	
24	Ministry of Finance (MoF)	Legal Opinion on Financing Agreement for the First Programmatic Strengthening Fiscal Management and Private Sector Employment Opportunities, Development Policy Credit between Kingdom of Bhutan and International Development Association (IDA) with SDR 20,600,000 (equivalent to US \$ 30 million)	May
25	Ministry of Foreign Affairs (MoFA)	Legal Opinion on Draft Model Law on Cross-Border Recognition and Enforcement of Insolvency-related judgments.	
26	Royal University of Bhutan (RUB)	Legal Opinion on Memorandum of Understanding (MoU) between RUB (Bhutan) and Asian Institute of Technology (Thailand) on Joint Academic Programs, Short Term and Capacity Building, Joint Supervision and Community Development Studies.	
27	Ministry of Information & Communications (MoIC)	Legal Opinion on Draft Memorandum of Understanding (MoU) between the Air Accident Investigation Unit (AAIU), MoIC (Kingdom of Bhutan) and Aircraft Accident Investigation Bureau (AAIB), Ministry of Civil Aviation (Republic of India) on cooperation relating to Aircraft Accident and Incident Investigation.	
28	Gross National Happiness Commission (GNHC)	Legal Opinion on the draft Privileges and Immunities Agreement between the Royal Government of Bhutan and the Green Climate Fund (GCF).	June
29	Ministry of Finance (MoF)	Legal Opinion on BCSR 2018 with regard to the Pay Revision Notification 2014.	
30	Department of Macroeconomic Affairs (MoF)	Legal Opinion on Letters of Rogatory (LRs) on the CBI Lottery Case	
31	Bhutan Standards Bureau (BSD)	Legal Opinion on Agreement between Standards Bureau (BSD) and Institute of Electrical and Electronics Engineers (IEEE)	

32	Department of Macroeconomic Affairs (MoF)	Legal Opinion on Financing Agreement (between ADB and RGoB) and Project Agreements (between ADB and CDCL) on Phuentsholing township development project.	July
33	Ministry of Labour and Human Resources (MoLHR)	Legal Opinion on Memorandum of Understanding (MoU) between MoLHR (Bhutan) and Tokyo Institute of Japanese (TIJ) and Peace Growba Co. Ltd. (PG) on “Learn and Earn Program”.	
34	Royal Education Council (REC)	Legal Opinion on claim of security deposit of occupancy of Pvt. Building by Royal Education Council (REC)	
35	Anti-Corruption Commission (ACC)	Legal Opinion on Memorandum of Understanding (MoU) between ACC, Bhutan and Central Bureau of Investigation (CBI), India.	
36	Anti-Corruption Commission (ACC)	Legal Opinion on Memorandum of Understanding (MoU) between Anti-Corruption Commission (ACC), Bhutan and Central Bureau of Investigation (CBI), India on strengthening and promoting cooperation to prevent and combat corruption.	
37	National Pension & Provident Fund (NPPF)	Legal Opinion on maximum pension benefit	
38	Department of Macroeconomic Affairs (MoF)	Legal Opinion on Loan Agreement for Loan No. 3674-BHU (COL) on Secondary Towns Urban Development Project.	
39	Department of Macroeconomic Affairs (MoF)	Revised Legal Opinion on Financing Agreements (between ADB and RGoB), Project Agreements (between ADB, DHI and CDCL) and Subsidiary Financing Agreements (between RGoB and DHI) on Phuentsholing township development project.	
40	State Trading Corporation of Bhutan (STCBL)	Validation on the applicability of Laws related to Petroleum Product.	
41	Cabinet Secretariat	Legal Opinion on prosecuting the fugitive Pema Tenzin for his alleged offences committed in Santa Cruz, California, USA.	
42	Cabinet Secretariat	Legal Opinion the proposed draft Agreement between RGoB and GoI regarding Sankosh Hydroelectric Project.	
43	National Assembly Secretariat	Regarding gratuity payment to the MPs who served as Cabinet Ministers	August

44	Ministry of Labour and Human Resources (MoLHR)	Clarification on Contract Clause.	August
45	Department of Law and Order (MoHCA)	Comments, observation, and views on the draft text of the BIMSTEC Convention against Trafficking in Persons.	
46	Ministry of Information and Communications MoIC)	Legal Opinion on Air Services Agreement (ASA) and Memorandum of Understanding (MoU) referred to by the Ministry of Information and Communications.	
47	Ministry of Agriculture and Forest (MoAF)	Legal Opinion on seeking membership to Asian & Pacific Network for Testing Agricultural Machinery (ANTAM).	
48	Cabinet Secretariat (RGoB)	Legal Opinion on the instruments for Fourth BIMSTEC Submit	
49	Cabinet Secretariat (RGoB)	Recognition of Alternative and Complementary Medicine Practitioner.	September
50	Cabinet Secretariat	Legal Opinion on the 'Ministerial Declaration on Improving Access to Essential Medical Products in the South-East Asia Regions and Beyond' proposed to be signed during the 71 th session of the WHO Regional Committee for South-East Asia held on 3 rd -7 th September, 2018	
51	Gross National Happiness Commission (GNHC)	Legal Opinion on Fleming Fund Grand Agreement between the Ministry of Health (MoH) Bhutan and Mott MacDonald Limited & Fleming Fund, United Kingdom (U.K) on anti-microbial resistance (AMR) Project.	
	Cabinet Secretariat (RGoB)	Legal Opinion on the Endorsement of Declaration of Share Commitments on United Nations Peacekeeping Operations.	October
53	Ministry of Health (MoH)	Legal Opinion on Astana Declaration on Primary Health Care: From Alma-Ata towards Universal Health Coverage and the Sustainable Development Goals	
54	Ministry of Finance (MoF)	Legal Opinion on Grant Agreements between the Kingdom of Bhutan ("Recipient") and Asian Development Bank ("ADB") for Grant Number 0596-BHU and 0616-BHU	December
55	Ministry of Finance (MoF)	Legal Opinion on exemption of 5% property transfer tax	

56	Ministry of Agriculture and Forests (MoAF)	Legal Opinion on the Draft Memorandum of Understanding between Ministry of Agriculture and Forests, Royal Government of Bhutan and Korea Research Institute of BioScience and Biotechnology, Republic of Korea on Technical Cooperation.	December
57	Ministry of Work and Human Settlement (MoWHS)	Legal Opinion on “initiative of pilot project for drinking supply efficiency, control and reduction of Non-Revenue Water (RNW)	
58	Ministry of Agriculture and Forests (MoAF)	Legal Opinion on the Draft Memorandum of Understanding between Ugyen Wangchuk Institute for Conversation and Environmental Research (UWICER) and Southern African Wildlife College (SAWC) on Transforming Bhutan’s Ranger Training.	
59	Ministry of Agriculture and Forests (MoAF)	Legal Opinion on the ‘Letter of Intent’ to be entered into by and between National Biodiversity Center (NBC), Ministry of Agriculture and Forests; Bedrocan International P.O Box 2009, 9640 CA Veendam, The Netherlands; Universiteit van Amsterdam (UvA), Spui 21, P.O Box 19268, 1000 GG Amsterdam, The Netherlands; And Wegeningen Research (WR), Plant Research, The Netherlands.	
60	Bhutan Chamber of Commerce & Industry (BCCI)	Legal Opinion on the proposed Bilateral Cooperation Agreement (BCA) between BCCI and the Austrian Federal Economic Chamber (WKO)	
61	Bhutan National Legal Institute (BNLI)	Legal Opinion on Memorandum of Understanding (MoU) between BNLI and National Judicial Academy, Bhopal, Judiciary of the Republic of India.	

- *Legal Dissemination and Awareness Program 2018*

For the financial year (2017-2018) Legal Awareness Campaign, the program module was developed in keeping with the need of identified scope and targets to create awareness on drug related laws and roles and functions of the OAG. The dissemination program was conducted under the LSD’s mandate and Mr Dhan Raj Tamang (an Attorney) has coordinated the programs. There were two categories of audience identified for the year’s program:

1. **Students of higher secondary schools and trainees:** The substance and contents of program mostly focused on addressing the issues of drugs and CICL.

2. **General Public:** Substance of talks vary from general understanding of law, constitution and laws which are relevant on their day to day life such as *Marriage Act*, *Child Protection Act*, etc.

Following educational institutes and Gewogs were covered:

Sl. No.	Name of Geog/ Dzongkhag	Date	Sl. No.	Name of School	Date
1	Thedtsho Geog (Wangdue)	24 th May 2018	7	Tangmachu Central School	20 th March 2018
2	Rangthaling Geog (Tsirang)	25 th May 2018	8	Lhuntse Higher Secondary School	21 st March 2018
3	Sergithang Geog (Tsirang)	26 th May 2018	9	ELC High School (Thimphu)	10 th May 2018
4	Naja Geog (Paro)	15 th June 2018	10	Sergithang CPS (Tsirang)	26 th May 2018
5	Uesu Geog (Haa)	26 th May 2018	11	Paro College of Education (Paro)	30 th May 2018
6	Punakha (Dzongkhag)	8 th June 2018	12	Ugyen Academy	8 th June 2018

- **Highlights from the dissemination programmes:**

Despite his busy schedule, the Hon. Attorney General had kindly consented to give talks in various schools. Some of them were as far as Tangmachu Central School and Lhuntse High School, and Paro College of Education and Ugyen Academy in Punakha Dzongkhag. His inspirational talks fostered novelty and encouraged participation from the audience.

The dissemination programme included topics on system of governance, current legislations, drug law and related offences, criminal justice system, and importance of constitutional offices, roles and responsibilities, and functions of the Office of the Attorney General.

The dissemination programme was organized and scheduled in a way not to hinder regular classes, and subjects of importance were condensed within allotted timeframe.



Hon. Attorney General addresses the students and staffs of Tangmachu Central School on the topic Roles, Responsibilities and Function of Office of the Attorney General in Democratic Structure of Government



Hon. Attorney General during the talk to trainees of Paro College of Education on legal queries on 30th May 2018



Hon. Attorney General spoke to the Students of Ugyen Academy (UA) at Punakha on current legal issues and importance of Rule of Law



Mr. Tshewang Penjor, Chief Attorney, LSD, during the dissemination program conducted at Naitonal Institute of Zorig-Chusum at Kawajangsa, Thimphu on 11 June 2018



Trainees, faculties and the staffs of National Institute of Zorig-Chusum with the OAG officials after the dissemination program



Mr. Sangay, Senior Attorney with LSD presenting the Bhutanese Legal System to the employees of the Gewog administration together with people of Wangdue Phodrang

Mr. Sangay spoke on the origin of Bhutanese legal system and law, importance of customary law in Bhutan, law and morality in Bhutanese law, latest legislations, hierarchy of court system in Bhutan, and important legal principles.



Mr. Kinley Gyeltshen, Senior Attorney talked on youth, drugs and legal consequences at local leaers and people of Uesu gewog under Haa dzongkbhag on 26th June, 2018.

Mr. Kinley (who is currently a Senior Prosecutor with PLD) has helped as resource speaker, his talk includes overview of drugs law in Bhutan including among others, types of drug prevalent in Bhutan, quantification of offence and quantum of Punishment, and social consequences and predicments of such law.



Ms. Gaki Yangzom with the LSD delivered sessions on Human Rights and Gender Equality at Uesu Gewog, Haa Dzongkbhag.



Ms. Deki Zam Dorji with the LSD delivered sessions on Human Rights and Gender Equality on many occasion. The above is during her presentation to the community (Gewog) officials and students at Sergithang Primary School in Tsirang.



Mr. Jangchuk Dorji, Legal Officer of Tsigang Dzongkhag, presenting on legal framework and issues related to Marriage Act and Inheritance at Rangthaling Gewog in Tsirang. He also conducted an advocacy session on the mandates of OAG, fundamental rights and freedoms, domestic violence and Juvenile law, at the National Level Community Based Scouting (CBS) Pelrithang Middle Secondary School in Gelephu from 27-27, December 2018.



The community participants at the dissemination program conducted at Rangthaling Gewog Tsirang on 25th May, 2018.

Ms. Namgay Om from DRD was a resource speaker on the Drug laws and adverse consequences of involving in illegal trafficking, possession, consumption of prohibited drugs to the ELC High School in Thimphu, Lungtenphu.

2.3. Dzongkha Proficiency Section

The duty of this Section is to: assist attorneys in the translation of Bills and subsidiary legislations into Dzongkha; to draft court submissions both in English and Dzongkha; translation of other official documents; and help lawyers in developing proficiency in Dzongkha both written and spoken through conduct of trainings.

3. SECRETARIAT SERVICES

The Secretariat Services of the OAG consists of Administration, Finance, Human Resources, and Information Communication and Technology (ICT) Units. These services function under the supervision of Acting Deputy Attorney General. It is the mandate of the respective divisions to carry out the policy and planning activity and look after human resource needs of the OAG. These services support and ensure efficient functioning of the office.

The ICT Unit provides technical support in maintaining ICT infrastructure like Internet connectivity, Computers, Servers and other IT equipment. They developed the Case Management System (CMS) in 2016, to facilitate and digitalizing workings of prosecutors.



Staffs of the Secretariat Services

Mr. Tshewang Rinchen is the head of the Secretariat Service who at the same time act as human resource officer, administrative officers as well as budget officer in absence of these officials.

4. ACTIVITIES carried out with donor partners including UNDP and UNICEF.

- **Justice Sector Strategy Plan Launched**

The Justice Sector launched its first Justice Sector Strategic Plan ('plan') on 16 November 2018, with the vision as outlined in the plan: *'free, fair, just and harmonious society*, with the mission to provide accessible, inclusive, accountable, responsive, and quality services to promote trust and confidence in the justice sector'. It is a culmination of the work that began in July 2016 led by the Office of the Attorney General with a Core Team formed, with representatives from five key justice institutions in the country (Judiciary/Royal Court of Justice, Anti-Corruption Commission, Royal Bhutan Police, Bhutan National Legal Institute, and the Office of the Attorney General) in collaboration with the UNDP and the Austrian Development Cooperation.

The strategic plan identifies need for coordination amongst the institutions; lack of human resources, capacity, capability, and retention plans; need for framework for implementation of legal aid; weak data management leading to inadequate management and accountability as major challenges of the justice sector. Thus, it lays out five goals for the justice sector

namely: 1. Justice Sector Leadership governance & collaboration are effective 2. Justice Service providers are competent & motivated 3. Justice services are responsive, efficient, & accountable 4. Justice services are accessible & inclusive and 5. Infrastructure is adequate to deliver justice services more efficiently.



Ashi Sonam Dechan Wangchuck launching the Justice Sector Strategy Plan at Terma Linga Resort in Thimphu. Hon Chief Justice is on the left and the newly elected Hon. Prime Minister is on the right.

The launch was graced by Her Royal Highness Ashi Sonam Dechan Wangchuck, Honorable President of the Bhutan National Legal Institute, Honorable President of the Bar Council and Honorable President of the Jigme Singye Wangchuck School of Law, as the Chief Guest. The launch was also attended by His Excellency the Prime Minister, the Honorable Chief Justice, Honorable Minister of Health, Honorable Minister of Home and Cultural Affairs, Members of the development partner community, Head of the justice sector agencies, Constitutional offices, autonomous agencies, other government agencies and CSO's.

- **Two-day workshop for improvement of Diversion and Child Prosecution Guideline, 26-27 November, 2018 at Paro**



Participants from key stakeholders to the Child Justice Workshop

The workshop was conducted with the support from UNICEF on strengthening the child justice system. The stakeholders include National Commission from Women and Children (NCWC), Royal Court of Justice, Royal Bhutan Police (RBP), and RENEW and Nashoen Lamten –both are NGOs for supporting or guiding juveniles and child with difficult circumstance.

The Workshop was intended to strengthen juvenile justice system through amendment of the Diversion or Child Prosecution Guidelines, both of which perceived gaps during implementation and coordination.

5. HUMAN RESOURCES STRENGTH

- **Lawyers qualification breakdown in OAG**

OAG today (as of December 2018) has 41 legal personnel working in this office including the Hon. Attorney General, of which 13 are female and the remaining 28 are male. Of the total, 8 lawyers have completed master's studies (LLM), 2 lawyers are currently undergoing master's studies in Australia; 24 have undergraduate degree (LLB), and 7 of them have completed Diploma in National Law.

Designation	Male	Female	Total
Attorney General	1	0	1
Chief Attorney	3	0	3
Deputy Chief Attorney	2	0	2
Senior Attorney	6	3	9
Attorney	17	9	26
Assistant Attorney	0	0	0
Para Legal	7	1	8
Language Dev. Officer	1	0	1
Human Resource Officer	0	0	0
Head AFD	1	0	1
Sr. Accountant	0	1	1
Adm Assistant	0	0	0
IT Officer	0	1	1
IT Associate	0	1	1
Library Assistant	1	0	1
Support Staff	6	6	12
Total	45	22	67

Staffing levels with professional position title and gender breakdown

- **Human Resource Development**

Human Resource Development (HRD)

The officials of the OAG had participated in the followings Worksops/trainings/conferences:

1. Sangay, Sr. Attorney attended the LEAD Submit in Mongolia, a Leadership Program, from 15th Jan to 19th Jan 2018.
2. Ugyen Wangdi, Sr. Attorney, Sangay, Sr. Attorney, Jamyang Tenzin, Attorney, Thinley Penjor, Sr. Attorney, Tandin Dema, Attorney, Sonam Deki Retty, Attorney, Damcho Gyaltsen, Sr. Attorney, Sonam Dendup, Attorney, Tshering Dorji Jr., Attorney, Dorji Wangdi, Legal Assistant were the 3rd batch to attended the Training on Framed course

on which prosecutors and attorneys from 5th to 9th February, 2018 at Maharashtra Judicial Academy and Indian Mediation Centre and Training Institute in India.

3. Kesang Wangmo Shartsho, Accounts Assistant, Pema Wangchuk, Library Assistant, Khandu Wangmo, Telephone Operator were 1st batch to attend the Training on Office Management and Customer Care and Accounting and Finance from 12th to 20th March 2018 at Balay Paibare Learning Center in Quezon City, Philippines.
4. Thuji Zangmo, Personal Assistant, Jurmey Rabgay, Language Development Officer, Dorji Dema, Receptionist were the 2nd batch to attend the Training on Office Management and Customer Care and Accounting and Finance from 26th March to 3rd April, 2018 at Balay Paibare Learning Center in Quezon City, Philippines.
5. Passang Dema, Sr. ICT Officer and Tandin Pem, Sr. ICT Associate attended the Training on Java Spring Framework from 18th to 31st March 2018 at Kathmandu, Nepal.
6. Yeshe Dorji, Attorney has attended the 31st South Asia Teaching Session (STAS) on International Humanitarian Law from 1st to 7th April 2018 in Nepal.
7. Namgay Rinchen, Attorney has attended the Annual Pacific Group (APG) meeting from 21st to 28th July 2018 in Nepal.
8. Kinley Tshering, Attorney has attended the Annual Conference and General meeting of the International Association of Prosecutors (IAP) in Johannesburg, South Africa from 9th to 13th September 2018.
9. Ugyen Thinley, Attorney has attended the 8th South Asian Conference on International Humanitarian Law (IHL) from 17th to 19th November, 2018 at Tehran, Iran.
10. Yangchen Lhamo, Attorney has attended the 32nd South Asian Teaching Session (SATS) on International Humanitarian law from 3rd to 8th December 2018 at Colombo, Sri Lanka.

Staff Appointment / Transfer/ Studies

1. Sonam Tenzin, Legal Assistant and Sherub Tenzin, Legal Assistant joined this office with effect from 1st January, 2018 after successfully completing their two years DNL from RIM, Simtokha.
2. Ugyen Lhamo, Sr. Attorney has gone to pursue her master from 12th February 2018 for duration of 1 year, 10 months and 6 days at RMIT University, Melbourne, Australia.
3. Tshering Yangdon, Sr. Attorney has transferred to Office of the Attorney General from Gelephu Thromde on 12th February 2018.
4. Dhan Raj Tamang, Attorney has transferred to Office of the Attorney General from Pemagatshel Dzongkhag Administration on 29th January 2018.

5. Gaki Yangzom, Attorney has transferred to Office of the Attorney General from RENEW after her secondment term expired on 1st February 2018.
6. Dechen Chezin, Attorney has transferred to Office of the Attorney General from Samtse Dzongkhag Administration on 1st March 2018.
7. Ugyen Lhamo, Assistant Attorney has joined this office as contract service under Judgment Enforcement Division with effect from 1st January, 2018.
8. Sherub Pelmo, Assistant Attorney has joined this office as contract service under Judgment Enforcement Division with effect from 1st January 2018.
9. Sonam Wangchuk, driver has joined this office with effect from 1st April 2018.
10. Kezang Wangmo Shartsho, Accounts Assistant IV has transferred from Office of the Attorney General to Ministry of Work and Human Settlement on 1st June 2018.
11. Karma Yeshey, Driver III has joined this office with effect from 1st August 2018.
12. Tshewang Dorji, Sr. Attorney has transferred to Office of the Attorney General from Haa Dzongkhag with effect from 29th November 2018.
13. Janchu Dorji, Attorney has transferred to Office of the Attorney General from Tsirang Dzongkhag with effect from 29th November 2018.
14. Tshewang, Attorney has transferred to Office of the Attorney General from Thimphu Dzongkhag with effect from 29th November 2018.
15. Deki Zam Dorji, Attorney has gone to pursue her master from 31st December 2018 for duration of 1 year, 1 month and 26 days at University of Melbourne, Australia.

Staff Resignation

1. Kelzang Chodup, Sr. Administrative Assistant has voluntarily resigned from Office of the Attorney General on 20th January 2018.
2. Sonam Wangchuk, Security Guard has voluntarily resigned from Office of the Attorney General on 1st March 2018.
3. Jamyang, Sr. Attorney has voluntarily resigned from Office of the Attorney General on 1st December 2018.

BUDGET SHEET AS AT 30 JUNE 2018

Sl. No.	Title	Approved Budget (2017-2018). The approved budget was revised with additional budget on most of the activities.		Expenditure as on 30 th June 2017		Remarks
		Current (amount in millions)	Capital (amount in millions)			
	RGOB Financing					
1	Pay & Allowance	19.396		19.512		
2	Other personnel Emoluments	0.369		0.343		
3	Stipend	0.072		0.108		
4	Travel-In-country	5.922		9.141		
6	Travel-Outside Bhutan	0.900		1.256		
7	Utilities-Telephones, Telex, Fax, E-mails, Internet	1.000		0.987		
8	Utilities-Telegram, wireless Transmission, Postage	0.058		0.022		
9	Utilities-Electricity, Water, Sewerage	0.288		0.322		
10	S&M-Office Supplies, Printing, publications	0.800		0.974		
11	Maintenance of Property-Vehicles & Building	0.628		1.857		
12	Maintenance of Property-Equipments	0.060		0.025		
13	Maintenance of Property-Computers	0.060		0.058		

14	Op. Exp.- Advertising	0.090		0.036		
15	Op. EXP- Taxes, Duties, Royalties, Handling Charges, Bank Charges	0.051		0.002		
16	Op. EXP- Incountry Meetings and Celebrations	0.764		4.064		
17	Hospitality & Entertainment	0.160		0.447		
18	Contributions- Provident Fund	1.665		1.657		
19	Retirement Benefits			0.790		
20	Training-Others		1.700	1.796		
21	Furniture			0.662		
22	Expenditure on structure-others			1.900		
23	Purchase of Vehicles			0.439		
24	Office Equipment			0.042		
25	Computer & peripherals			1.934		
26	Professional Services		0.900	0.900		
	GRAND TOTAL	32.518	2.600	49.284		