



“Rule of law brings about discipline in people and order in society. If there is order in society there will be peace and trust amongst the people. If there is peace and trust amongst people, the nation will achieve untold prosperity.”

- Royal Address on the Celebration of the 60th Birth Anniversary of
His Majesty the Fourth Druk Gyalpo on 11 November 2015.



Seek Truth & Ensure Justice

“Mirror and Vajra” as an 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 Rimpoche 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 is my pleasure to present the Office of the Attorney General's (OAG) Annual Report for 2019. It will most probably be the last report submitted by me as the Attorney General. As always, the Office has endeavored towards fulfilling the mandates bestowed by the Constitution by virtue of providing sound legal interpretations issued by way of legal opinions and harmonizing laws using an unbiased review process. The methods adopted are applicable in criminal as well as civil matters.

The Office continues to strive towards administering justice based on what the law is and not on how it ought to be. As the prosecution of cases continues to be scrutinized and analyzed by both the mainstream media and social media, a recurring challenge of the office is to strive towards maintaining accountability and transparency during all stages of the prosecution process to improve public perception of 'Rule of Law' in Bhutan. As a result, the office has adopted several standard operating procedures and terms of reference for its employees that are aimed at enhancing adequacy and competence in the deliverance of justice.

The office believes collaboration with other agencies is the most efficient way to improve public perception and confidence in the Office, especially working with the media to ensure facts are separated from fiction. It is equally important for all law enforcement agencies to make a concerted effort towards ensuring the law is upheld in the interest of all and not just a few.

The achievements are briefly provided below:

The year in review: 2019

Firstly, the Grant Contract to support the justice sector program under the Justice Sector Strategic plan (2018-2023) was signed between the Austrian Development Agency and the Royal Government of Bhutan in November 2019. This support is aimed at contributing towards a more accessible, responsive, inclusive, and accountable services in the justice sector primarily through capacity development and improving legal aid. The support to the Office of the Attorney General is strategically targeted towards capacity enhancement through in-country and ex-country training, attachment programs with peers from developed jurisdictions and establishing institutional linkages.

Secondly, the development of human resources has continued to be strengthened through training on advocacy, written submissions, and drafting of statutes and other legal instruments. Senior lawyers from within the OAG carried out induction courses for lawyers, especially newly recruited lawyers, to bring them up to speed with the current legal practices. The in-house training for lawyers which is carried out from time to time has resulted in improvements in the field of prosecution, legal services, and legislative drafting.

Thirdly, the Office has initiated the internship program with the objective of preparing legal professionals for a future in the administration of justice, irrespective of whether these individuals join the public or the private sectors. The program enables interns to augment their legal knowledge with practical legal skills, giving them an edge in the job market. In the year 2019, there were more than twenty interns, including fresh graduates, who were placed under the mentorship of senior attorneys and prosecutors in the Office.

Fourthly, the office has revised the prosecution and diversion guidelines that were initially drafted and adopted in 2017. The revision encompasses detailed procedural aspects in reviewing the cases of child in conflict with the law (CICL) by the prosecutors and also sheds more clarity in categorizing diversions. It broadens the scope of alternative measures and enumerates clarity in the roles of agencies especially on monitoring and implementation. Relevant agencies will work collectively in matters pertaining to minors to ensure their proper reintegration in society. As a result, the Office enjoyed relative success with its implementation which was applied to 14 cases of CICL. The children in conflict with the laws were placed under the guidance of Probation Officers and Gender Focal Persons who work closely with and coordinate programs with the Office as an alternative to criminal proceedings.

And Lastly, the Office recovered a total of Nu.44.61 Million as well as land measuring 63.12 decimals in restitution (of proceeds of crime or damages) through enforcement of judgments. Moreover, the Office was able to remit Nu.72.73 million from its current deposit account into the Government budget account.

The year ahead: 2020-21

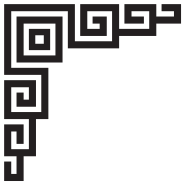
The Office is determined to continue its pursuit of a society governed by the rule of law. The Office is grateful for the recognition accorded by the government in duly granting attorneys the prosecution allowance. This has raised staff morale and reinvigorated their resolve to uphold justice and fairness.

The Office pledges to continue cooperating closely with all its partners, national as well as international, to live up to the expectation of His Majesty and fulfill the aspirations of the people. We reiterate our pledge to humbly serve the TSA-WA-SUM.

Shera Lhundup
Attorney General



The Attorney General with the staffs of the OAG



Vision, Mission and Values

VISION:

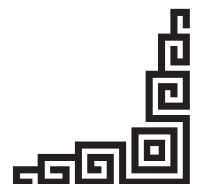
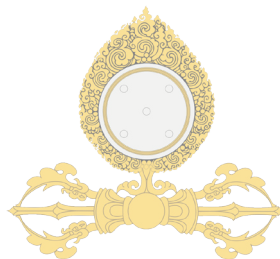
To be a premier public organisation that seeks truth and ensures justice in pursuit of a harmonious society with the rule of law and good governance.

MISSION:

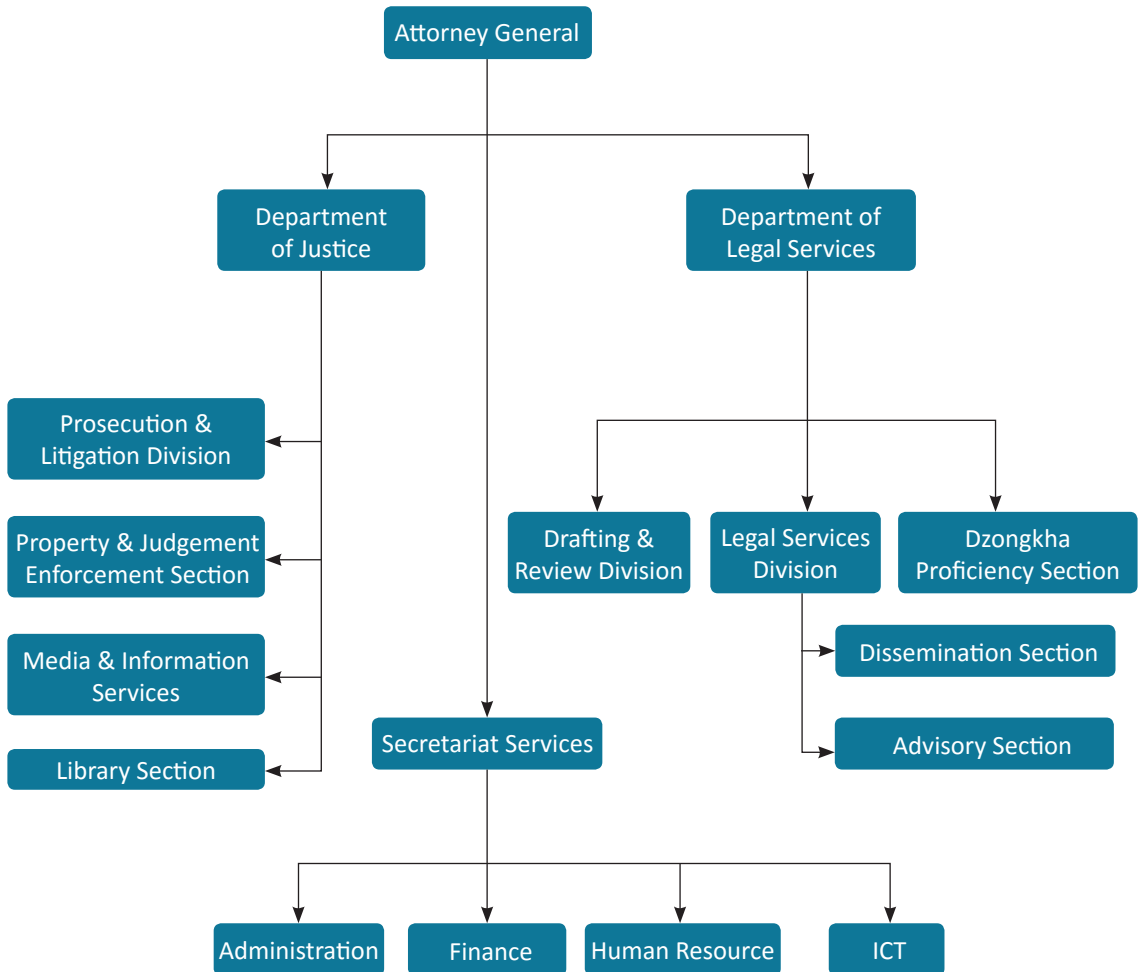
To deliver prosecution and legal services to the State in a fair and professional manner.

VALUES:

Efficiency;
Objectivity;
Fairness;
Transparency;
Professionalism.



Organization Chart



1. DEPARTMENT OF JUSTICE

The Department of Justice comprises the Prosecution and Litigation Division (PLD), Property & Judgment Enforcement Unit (PJEU), Media and Information Services, and Library Section. The Department is currently headed by a Chief Attorney, assisted by an Officiating Deputy Attorney. A Director for the Department is expected to assume office by the middle of 2020.

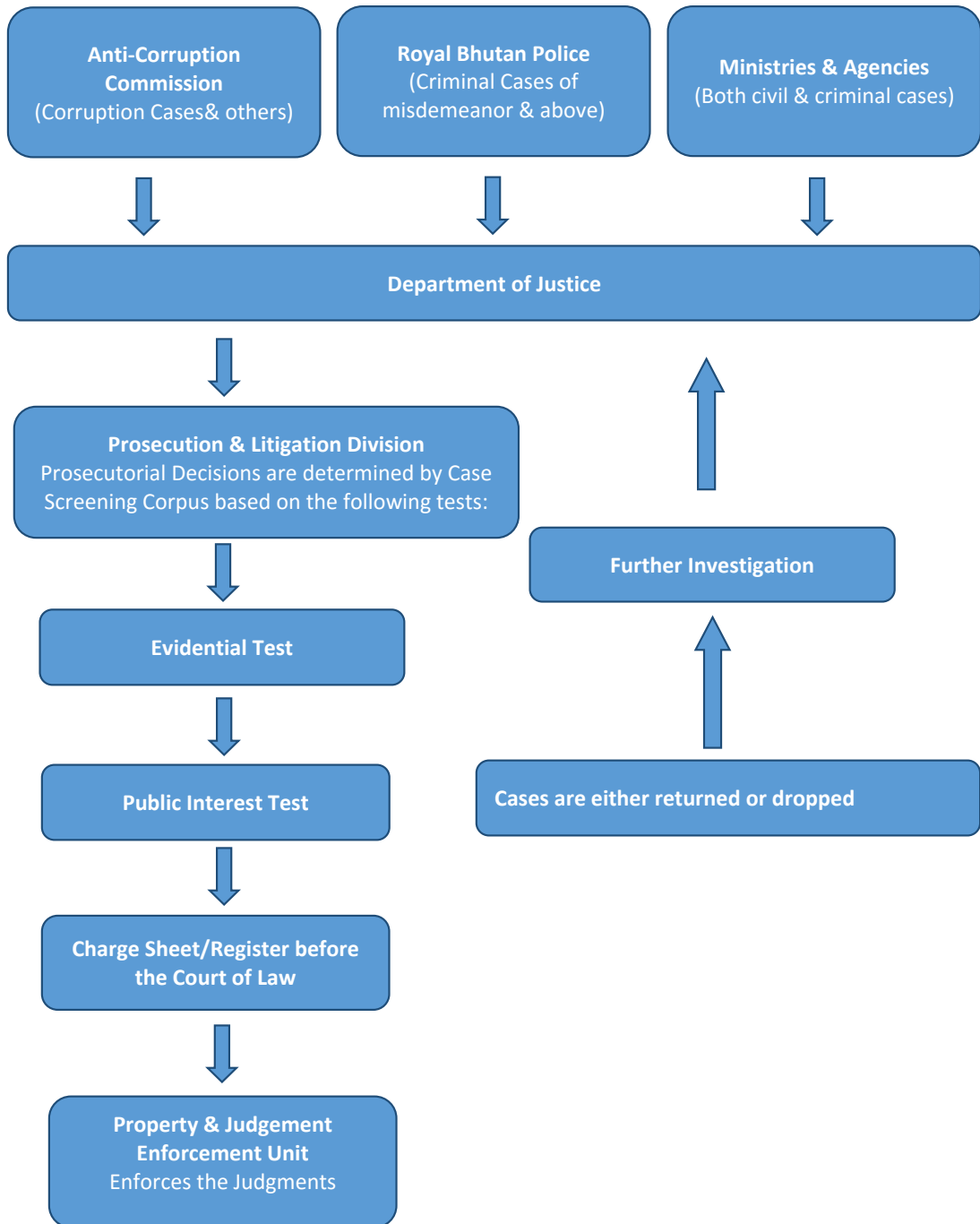
1.1 Prosecution and Litigation Division (PLD)

The PLD under the Department of Justice is the only division vested with the mandate to prosecute and litigate criminal and civil cases on behalf of the State. It derives its authority from Article 29 of the *Constitution* and Section 10 of the *Office of the Attorney General Act 2015*. The division is currently headed by the chief attorney, Mr. Kinley Tenzin. Amongst the three divisions, the PLD engages the most number of attorneys consisting of thirty-three attorneys, three contract lawyers, six legal assistants that are fully committed, and experienced in prosecution. The division consistently inducts and mentors recruits prior and subsequent to case assignments.

The division in keeping with the institution's vision '*to be a premier public institution that seeks truth and ensures justice in pursuit of a harmonious society with rule of law and good governance*' endeavors to provide the highest standard of professional legal services.



Case Flow Chart



Case Referral, Assignment and Charge Sheet

A major share of criminal investigation reports received by the Office comprises those corruption cases referred by the Anti-Corruption Commission and common crime investigation reports referred by the Royal Bhutan Police. While crime investigation reports of cases involving offences graded misdemeanor and above are referred for prosecution by the RBP, all cases irrespective of the degree of offence are referred by the ACC. Apart from these agencies, the Office also receives cases from Ministries and other State agencies.

Thus far, when an investigating agency makes a case referral to the Office, it is recorded in the Case Management System by a Case Registrar. The chief attorney of the PLD affects a miscellaneous review of each case before assigning it to prosecutors. This phase of review is imperative in that, case referrals are subjected to rigorous scrutiny so that each investigation report makes out a prima facie case. Besides, it also serves to facilitate screening procedural lapses during the investigation. Contrary to popular fallacy that the case review function is virtually a repetition of the investigation process, this review phase has helped in prompt administration of justice by discharging citizens wrongfully charged. The primary objective of the Office always remains towards safeguarding rule of law.

Corruption Case referrals from the ACC are assigned to senior prosecutors for diligent review, while case referrals from the RBP and other agencies are assigned to prosecutors based on seriatim. Subsequent to an assignment, prosecutors diligently review and determine the merits of the case vis-à-vis guided by relevant provisions of *Civil and Criminal Procedure Code 2001*, the *Evidence Act of Bhutan 2005*, the *Office of the Attorney General Act 2015* and the Prosecution Guidelines and other substantive laws.

Civil case referrals to the Office, wherein, State agencies are party to litigation are subjected to similar case management procedures. However, owing to the subjective technical nature of these cases, the Office accords special power of attorney by virtue of section 20 of the *OAG Act 2015* to agencies to pursue matters before the court. Conversely, in instances of State agencies without attorneys, the Office deposes in-house attorneys to represent the case. This practice has helped the Office essentially on two aspects; in keeping with human resource enhancement, attorneys in other agencies are also trained in litigation and court pleadings. Likewise, the Office also takes cognizance in these technical subjects, not to disregard, easing the strain on the limited resources of the Office.

Case Screening Corpus

The Case Screening Corpus was initiated by the incumbent Attorney General in 2016. Screening corpora function as a collective body to resolve cases with complicated legal issues. Besides, it also serves to retain uniformity and consistency of legal decisions. Screening corpora are presided over by a chief attorney and attended by all other attorneys. Prosecutors convene corpus meetings through electronic mails wherein, case briefs along with the time and venue for deliberation are communicated to all attorneys. The frequency of a corpus sitting is not static but rather determined by the complexity of legal issues arising out of each case referred by investigating associates. The Attorney General is apprised on the decision made by the Corpus for his endorsement and recommendations. The prosecutor convening the corpus maintains a detailed record of the case(s) presented, members present, and decisions that are undertaken for consistency and reference.

Sub-Corpus

The Sub-Corpus was initiated in 2018 with an objective to expedite and rationalize decisions pertaining to appeals of corruption cases. The deliberation in this corpus is presided over by a deputy chief attorney (PLD) and senior attorneys. The deliberation involves an advanced degree of scrutiny, legal reasoning, and analysis. The standard procedure for deliberation is identical to that of the Case Screening Corpus.

Office of the Attorney General's Internal Prosecutorial Procedure

As empowered under section 101 of the *OAG Act 2015*, the Office of the Attorney General's Internal Prosecutorial Procedure was framed in 2017. It was framed as a standard operating document for guiding prosecutors under the Office as well as other attorneys that appear before courts on behalf of the Attorney General.

This Prosecutorial Procedure is one of the primary documents which aids prosecutors in rendering professional prosecutorial services including registration, assignment of cases, approach of how cases are screened, and judgments enforced. The Prosecutorial Procedure is a means for the Corpus members to make a fair and just decision.

Internship Program

In pursuit of the rule of law, the Office conscious of the importance of cultivating a vibrant legal system offers a wide range of internship programs. The internship programs are intended to train law students and recruits with practical legal knowledge in order to assist them in selecting areas of interest. Depending upon the subject area of law, the

internship programs may range between one month to a year. Interns are assigned under the supervision of senior prosecutors and attorneys. Interning with the Office allows the interns to expand their legal knowledge with practical experience, preparing them for the job market. In the year 2019, the Office received more than twenty interns, including recent law graduates.

Friday Forum

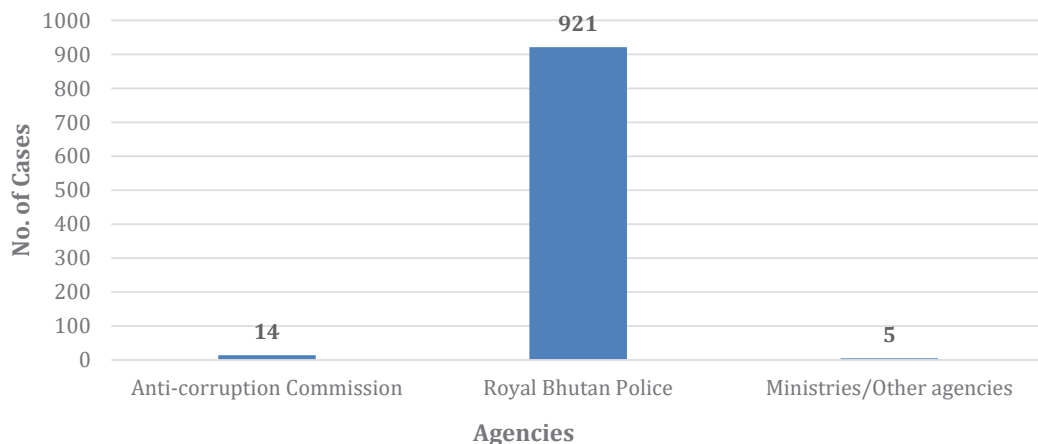
“Law is a Jealous Mistress” because it needs consistent care.

To keep attorneys updated with new legislative enactments and judgments from courts, the Office initiated the Friday forum. It is a forum for lawyers conducted every fortnight, wherein a certain number of attorneys make presentations on cases prosecuted and challenges faced during the trial. Participants include attorneys from both the departments. The forum also serves as a platform where the Drafting and Review Division and the Legal Services Division may put up pertinent issues for brainstorming ideas while sharing important information related to the Department of Legal Services. The primary objective of the forum is to enhance the composure of attorneys in presenting oral submissions before courts. The forum has immensely contributed to refining the speaking and presentation skills of the attorney as well as the facilitation of discussions on emerging current issues of law that are of relevance to all legal practitioners.

Highlights of the Cases received in 2019

The year 2019 has been eventful. The Office received fourteen cases from the Anti-Corruption Commission, nine hundred and twenty-one cases from the Royal Bhutan Police, and five cases from various Ministries and government agencies, taking the total number of cases to nine hundred and forty. Unlike previous years the Office witnessed only a marginal decrease of thirteen cases in 2019 as compared to the year 2018.

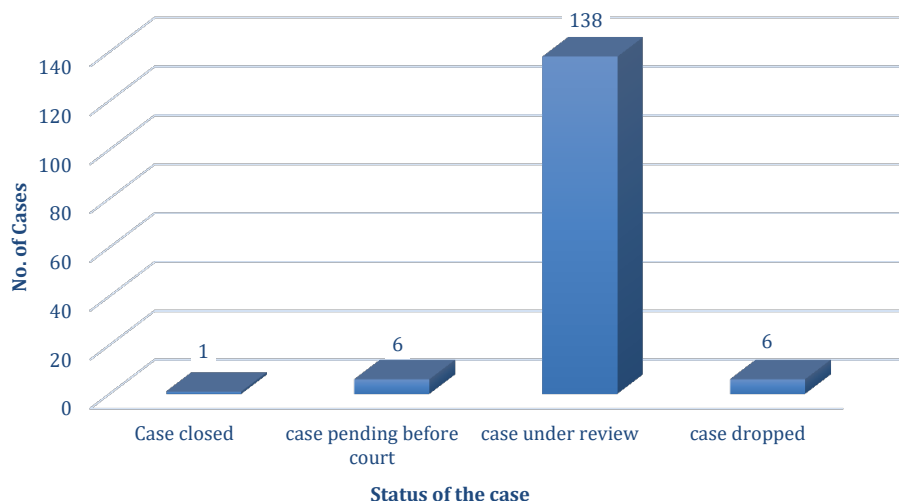
Highlights of the Cases Received in the year 2019



Status of cases received from Anti-Corruption Commission in 2019

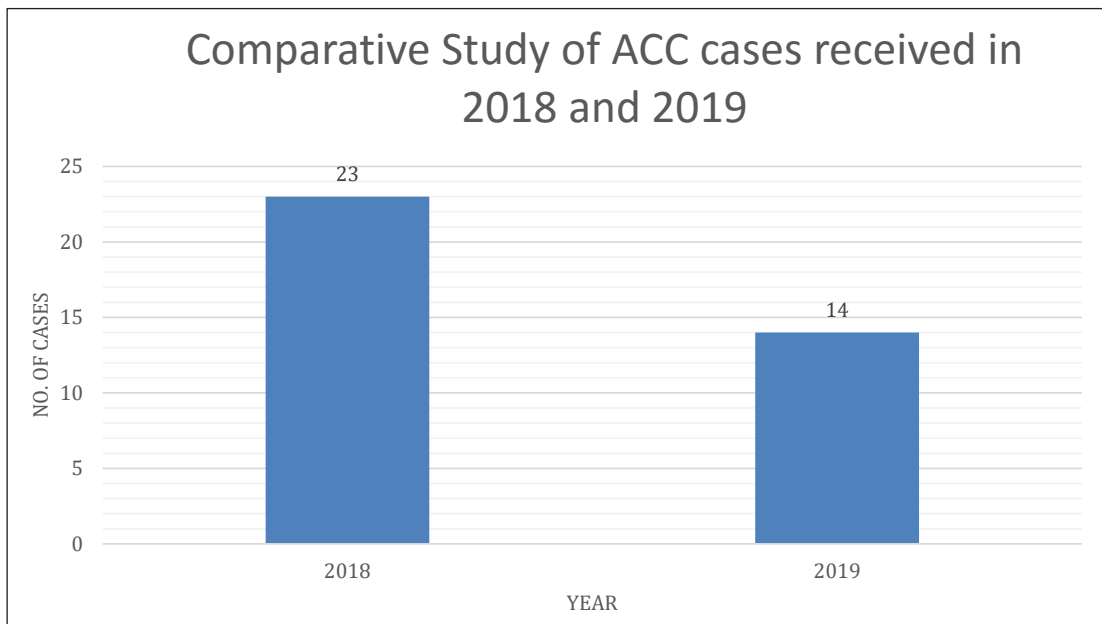
Out of fourteen cases received from the Anti-Corruption Commission, six cases remain *sub judice* before the courts, six cases under review, and one case completed. The fourteen case reports were further segregated into a hundred and fifty-one separate cases. The Office returned cases wherein charges against few defendants were altered/dropped for the want of credible evidence. The cases under review relate to bribery, fraudulent practices, bid rigging, collusion, embezzlement, tax evasion, and land encroachment amongst others.

Status of cases received from Anti-Corruption Commission in 2019



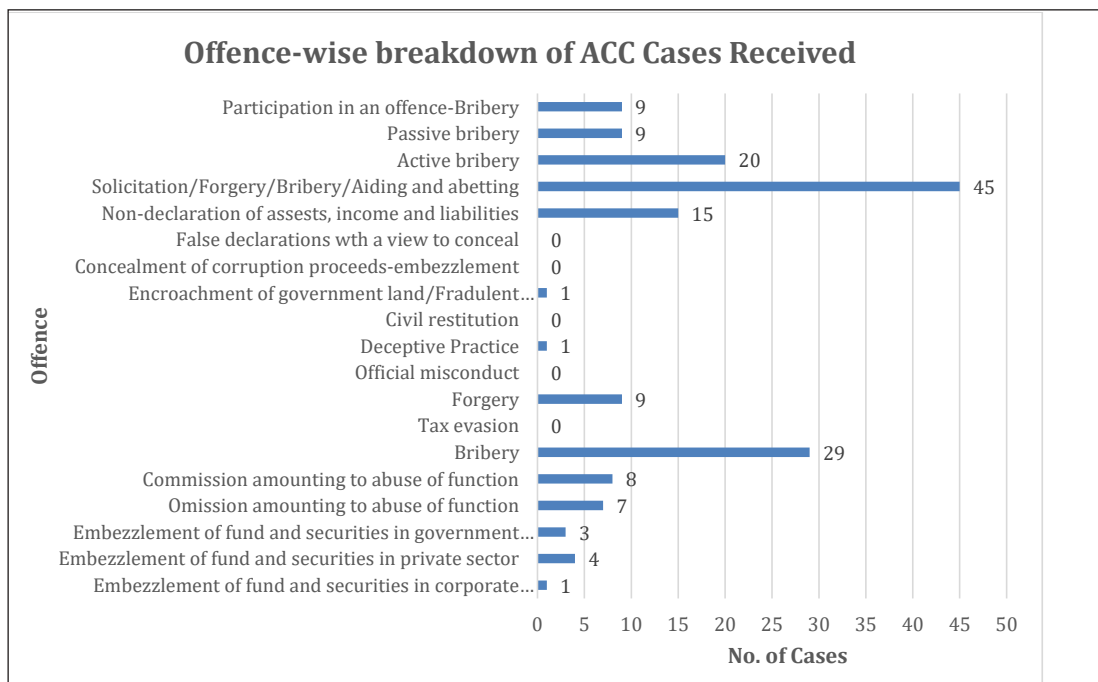
Comparative Study of ACC cases received in 2018 and 2019

If we look at the graph representation below, we can see that there was a decrease of almost 40% cases received in 2019 with twenty- three cases received in 2018, compared to fourteen cases received in 2019. However, the fourteen case reports received in 2019 were further segregated into a hundred and fifty-one separate cases whereas the twenty-three case reports received in 2018 were segregated into seventy-four separate cases only.



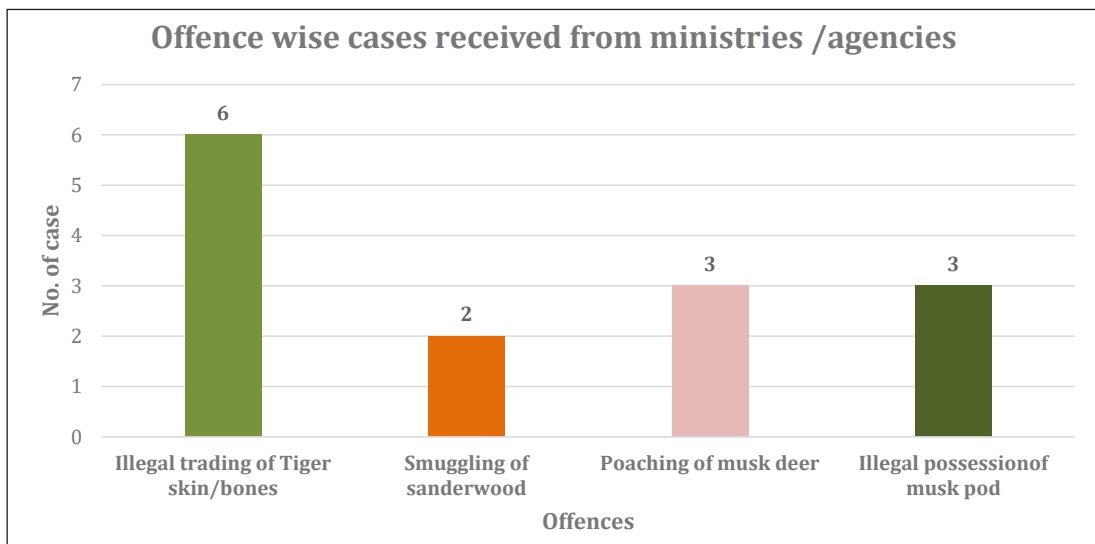
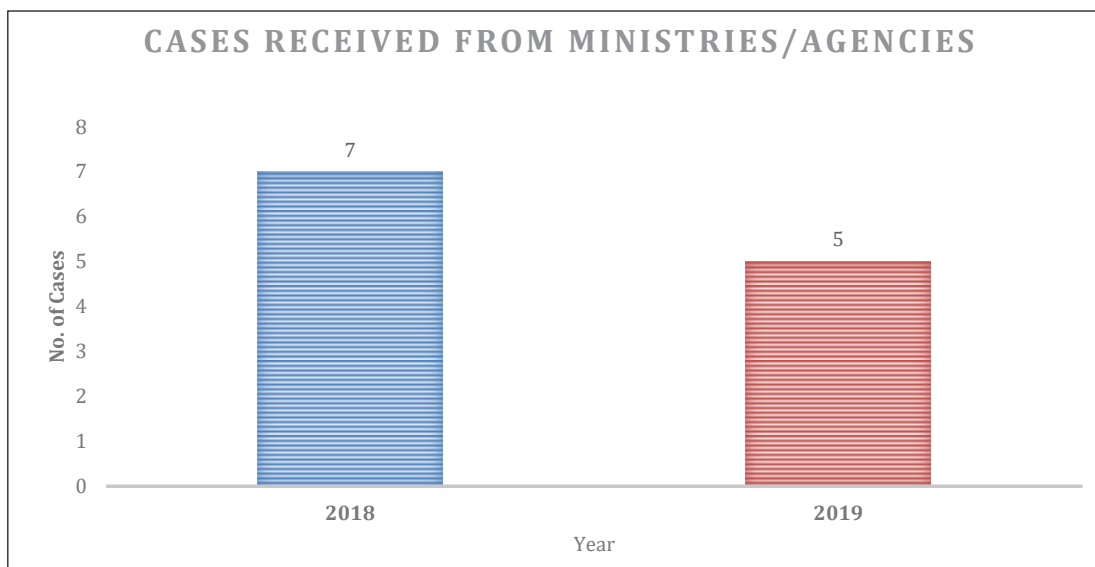
Offence-wise breakdown of ACC Cases Received

Out of a hundred and fifty-one cases received from ACC, forty-five cases related to the offences of solicitation and aiding & abetting to forgery and bribery, followed by nine cases of passive bribery closely followed by twenty cases of active bribery. Cases for offences against embezzlement of funds and securities in the corporate sector, deceptive practice, and government land encroachment recorded a minimal number of cases.



Cases received from Ministries/Agencies

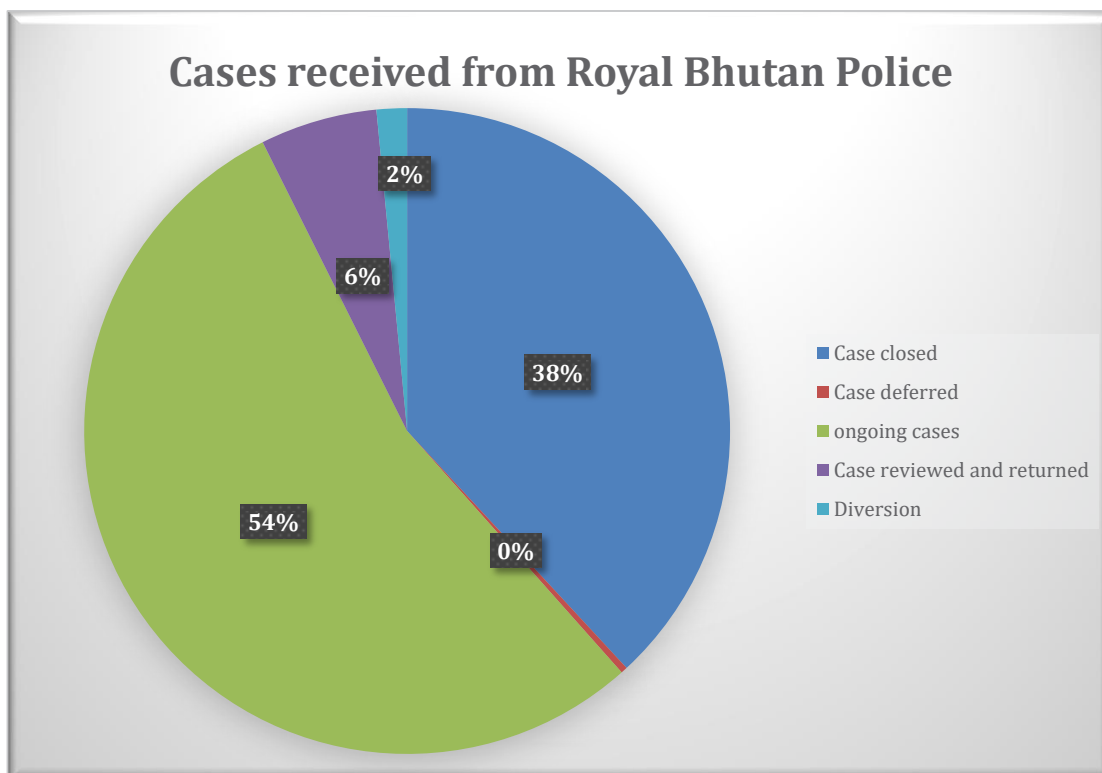
The Office received a total of five cases from Ministries and other government agencies in the year 2019. There was a reduction of case reports received in comparison to the preceding year. Each of these case reports involved various diversified offences, necessitating further segregation to fourteen offences. From the total fourteen offences recorded, six offences pertain to illegal trade in tiger skin and bones, two offences relating to smuggling of red sandalwood, and three offences of poaching of musk deer and three offences of illegal possession of musk pod respectively. The Office indicted ten cases before courts, while four cases remain under review. The Office did not return any case. All the cases were referred by the Ministry of Agriculture and Forests.



Cases received from Royal Bhutan Police

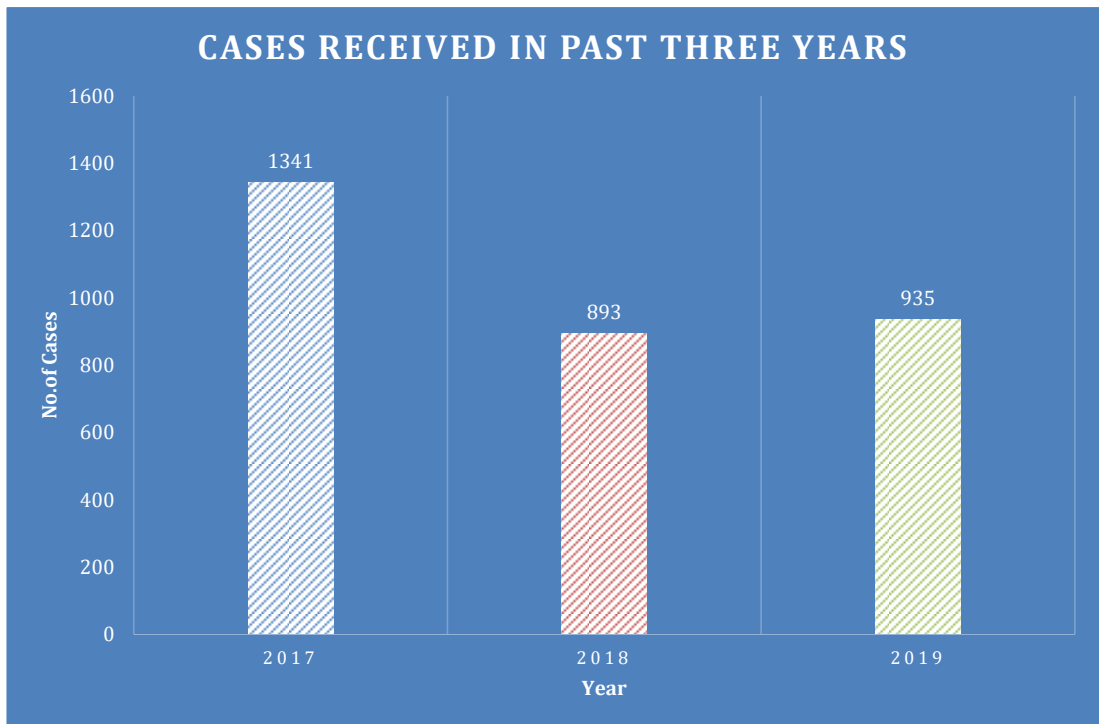
The year witnessed a total of nine hundred and twenty-one case referrals from Royal Bhutan Police. Case referrals from the RBP comprise all nature of crimes against persons, property, etc. Owing to enhanced measures of legal awareness and sensitization programs, crime reports have been decreasing steadily over the years.

From the total cases received, three hundred and fifty-one cases have been successfully prosecuted, three cases deferred for lack of credible evidence, while four hundred and ninety-nine cases remain *sub judice* before various courts in the country. Fifty-four cases were returned for additional investigation and fourteen cases involving minors diverted for alternative measures in lieu of incarceration. The Office in keeping with the *Child care and Protection Act 2011* has been seeing an increase in diversion cases since 2017.



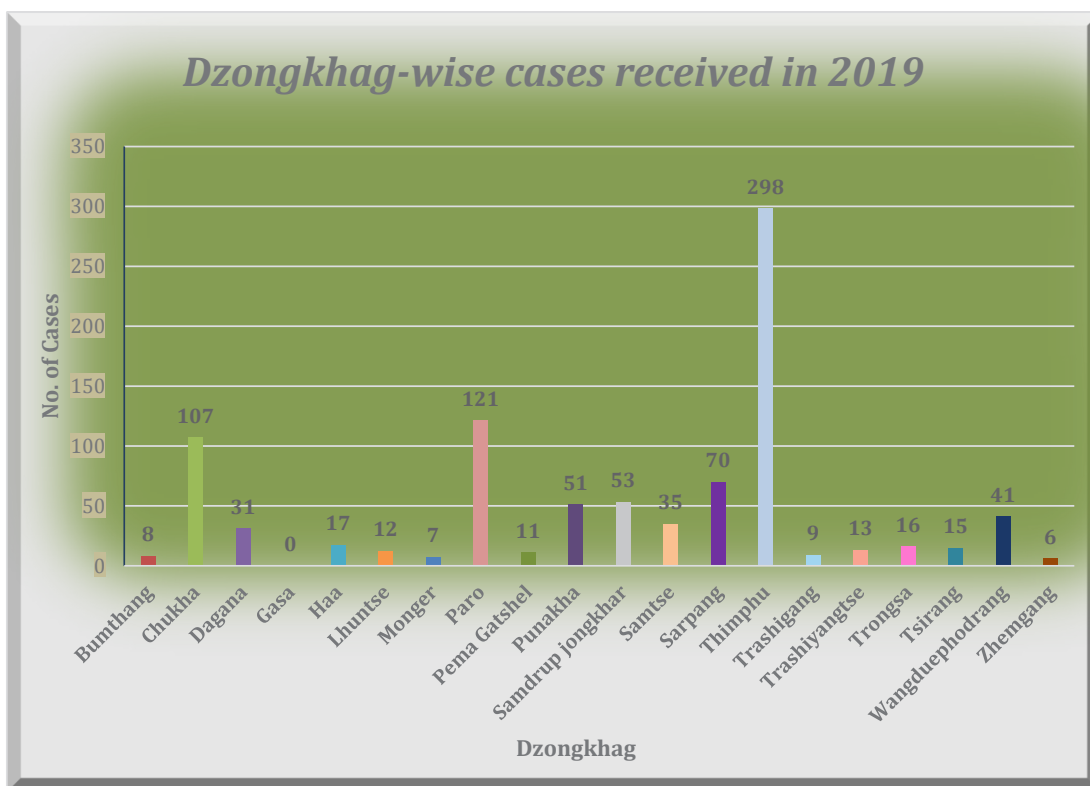
Comparative Graph of Cases received in past three years

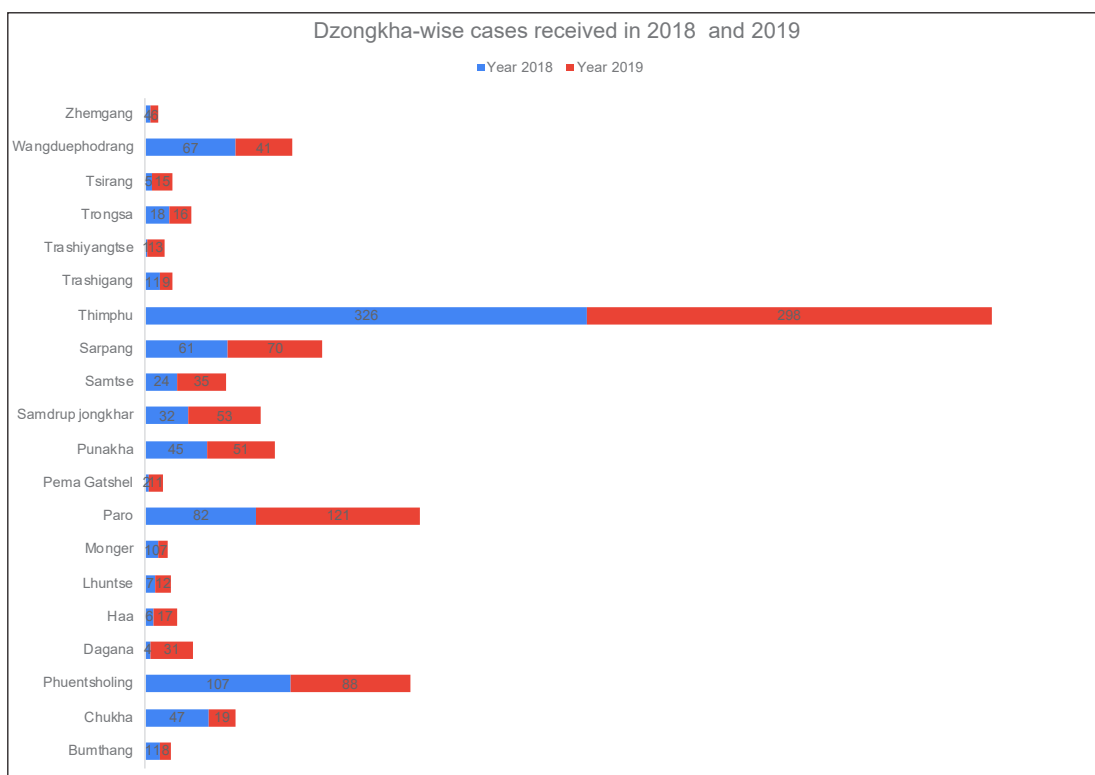
Case management system records reveal that during the last three years, the Office has received a total of three thousand one hundred and sixty-nine case referrals from various investigating counterparts. While the number was a slight increase compared to a total of eight hundred and ninety-three cases received in 2018, the average margin of cases received in the last three years indicates a reduction in crime rates. Case reports received in 2017 was a staggering one thousand three hundred and forty-one cases.



Dzongkhag-wise cases received in 2019

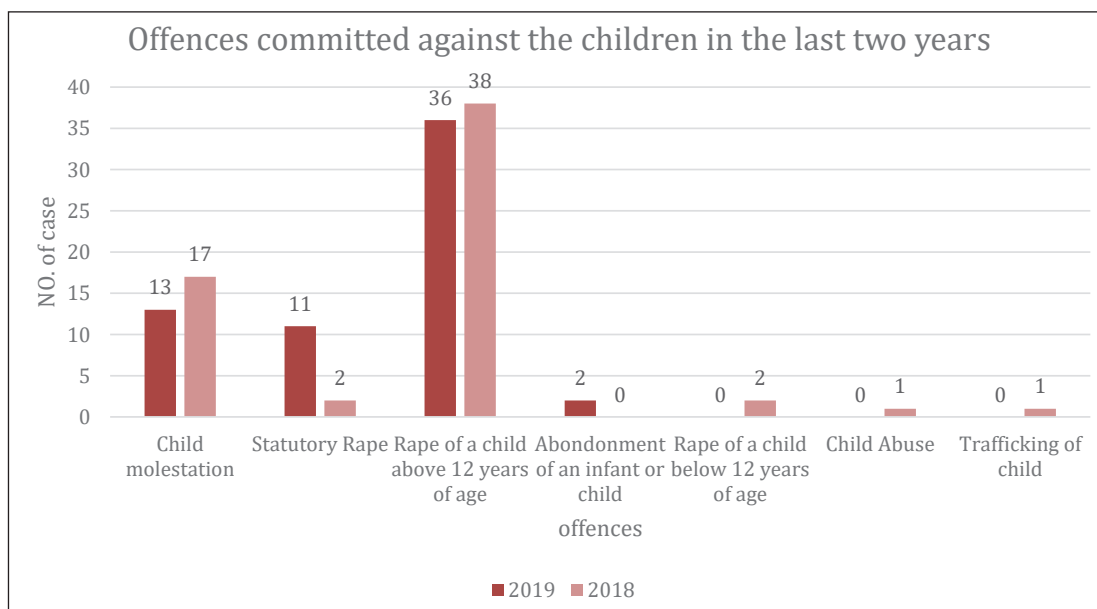
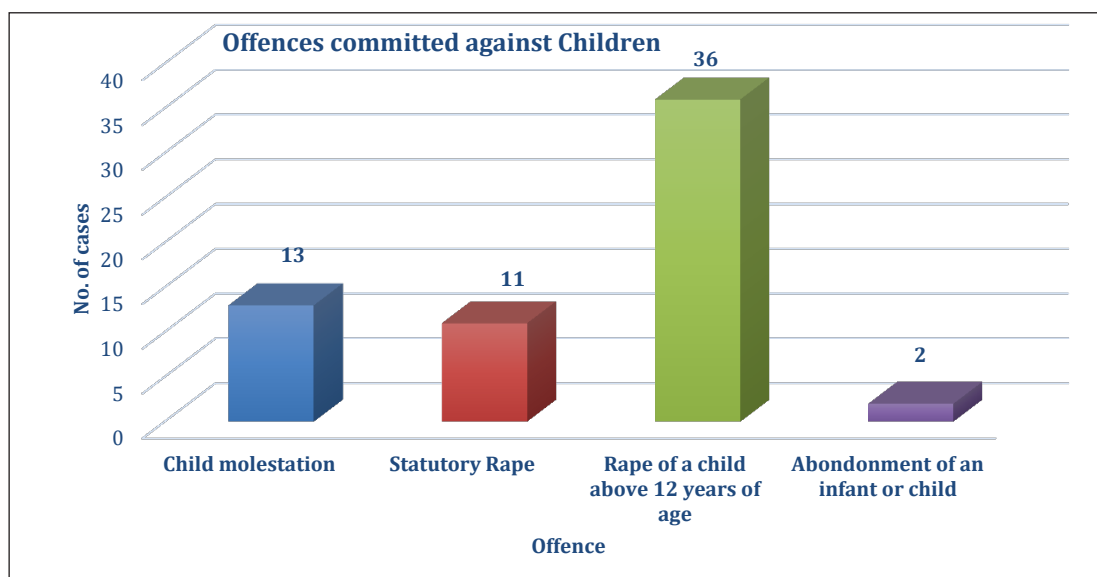
Out of the total nine hundred and twenty-one cases received from the RBP, Thimphu Dzongkhag recorded the highest number of crimes with two hundred and ninety-eight cases, followed by Paro dzongkhag with one hundred and twenty-one cases and Chhukha dzongkhag with a total of one hundred and seven cases. Eastern dzongkhags like Tashiyangtse and Mongar recorded a minimal six and seven cases respectively. Gasa Dzongkhag did not record any crime. A primary assessment through these records and trends reveals an apparent correlation between crime rates and urbanization, thereby indicating a probable need for policy intervention.





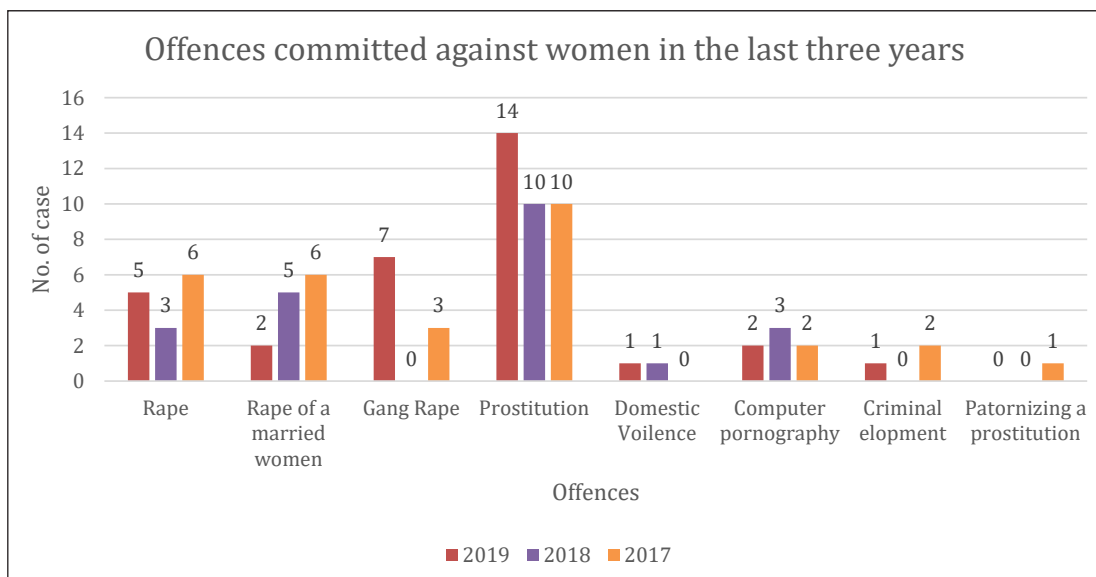
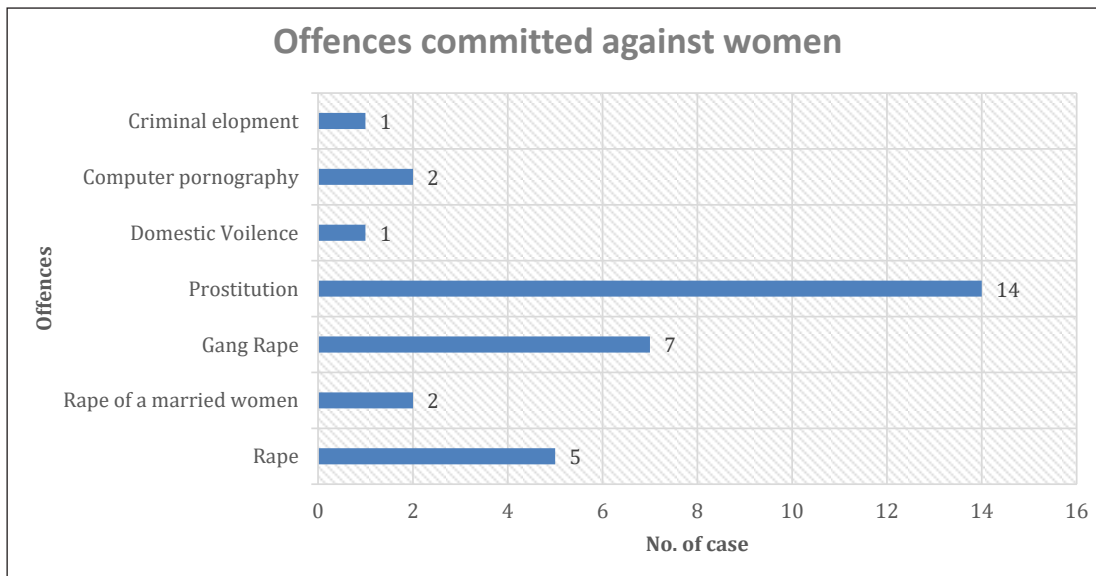
Offences committed against Children

The Office has been relentless in its efforts to safeguard children against crimes. Despite various mechanisms of legal sensitization and advocacy programs, the Office recorded a total of sixty-two cases this year. This was only a single case less from the preceding year. The majority of these crimes against children comprised offences of molestation with thirteen cases recorded, statutory rape with eleven cases recorded, and thirty-six cases of rape of a child above the age of twelve. Two cases of abandonment of infants were also recorded. The Office, in our effort to safeguard the rights of children, has adopted stringent measures in the prosecution of such crimes. Prosecutors have been directed to expedite reviews of such crime and relax on the prerequisites of evidentiary test. To prompt deterrence of such crimes, the Office has always indicted for maximum imprisonment on the offenders.



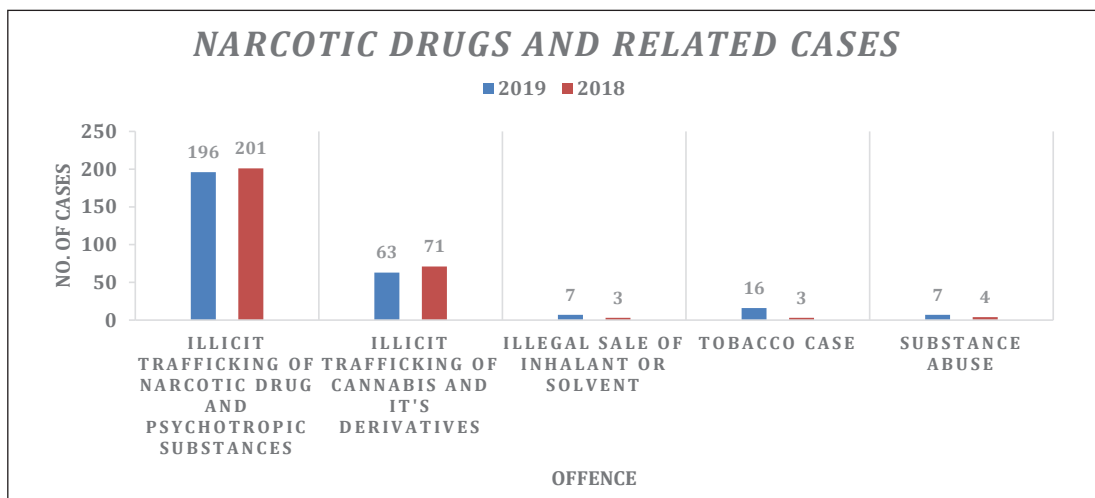
Offences committed against Women

Children and women are susceptible to the victimization of crimes. Like previous years, a total of thirty-two cases against women were recorded in 2019. This was an increase of ten cases from the year before. Offences against women include; five cases of rape, seven cases of gang rape, two cases of rape of a married women, fourteen cases of prostitution, two cases of computer pornography, one case each of criminal elopement, and domestic violence.



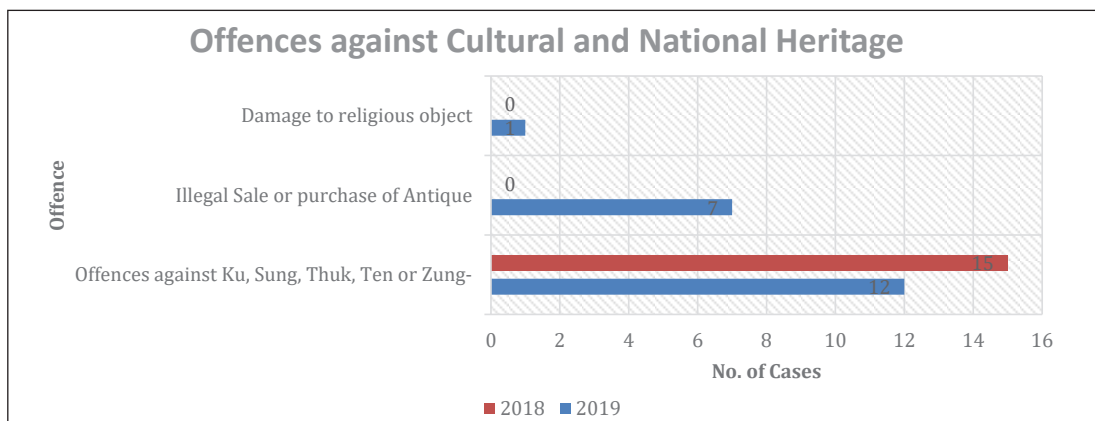
Narcotic drugs and related cases

Consonant to previous years, the Office recorded a total of two hundred and eighty-nine cases related to drug trafficking. Further segregation of these cases under various criminal indictments revealed; one hundred and ninety-six cases for offences of illicit trafficking of drugs and psychotropic substances, sixty-three cases against offences of illicit trafficking of cannabis and its derivatives, seven cases of sale of inhalant/solvents and sixteen cases against offences of sale of tobacco. A total of seven cases of substance abuse was also recorded.



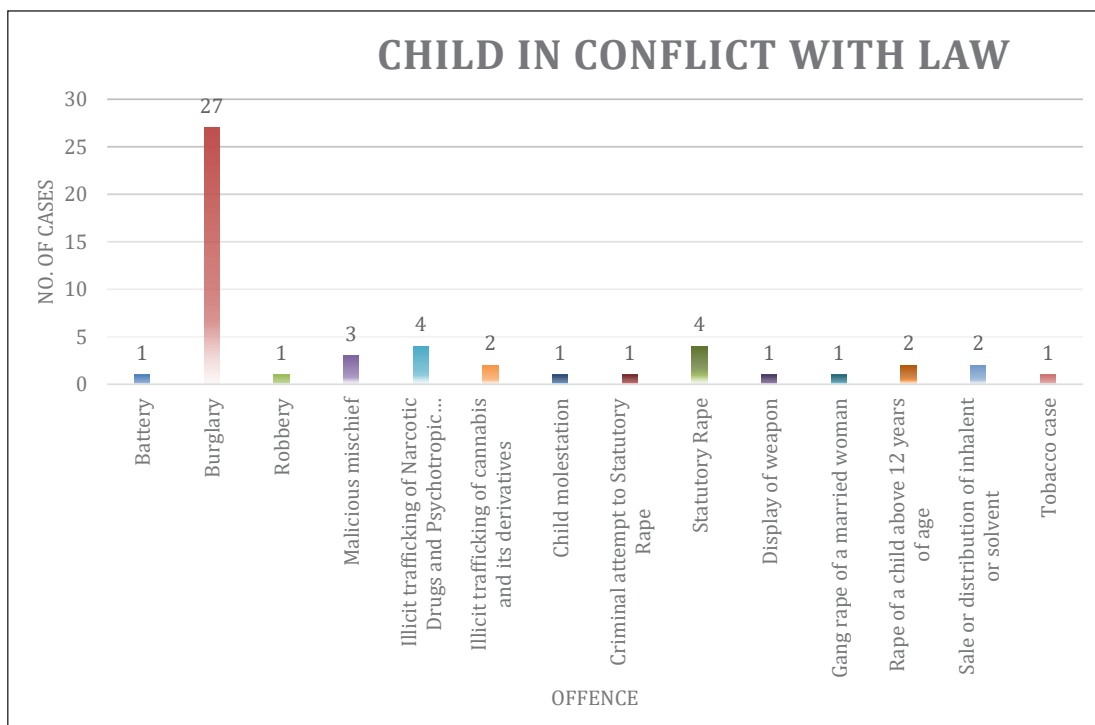
Offences against cultural and national heritage

The Office recorded an aggregate of nineteen cases of offences against cultural and national heritage. This was an increase of four cases compared to the previous year. The cases comprised; twelve cases of offences against Ku, Sung, Thuk, Ten, or Zung. Seven cases of illegal sale or purchase of antiques and one case of damage to religious objects.



Child in Conflict with Law

The Office recorded a total of fifty-one cases wherein children were perpetrators. Out of the total fifty-one cases, twenty-seven cases involved children committing burglary, other cases comprised offences of battery, child molestation, display of a weapon, gang rape of a woman, and criminal attempt to statutory rape. Save for heinous crimes and recidivists, the Office in an effort to protect the rights of children implemented diversion in most of these cases as an alternative to sentencing.



Diversion and Alternative Measures

The Office in recent years has undertaken various multi-sectoral stakeholder consultations to resolve issues on CICL. As empowered under chapter twelve of the *Child Care and Protection Act 2011*, the Office in close collaboration with stakeholders like the RBP, NCWC, CSOs, and Judiciary has initiated diversion of cases involving CICLs. Hence, cases involving minors as Child in Conflict with the Laws (CICL) are subjected to alternative measures of sentencing rather than the conventional criminal procedure through an informal but restorative process with the help of experienced prosecutors, probation officers, and guardians. In the year 2019 alone, the Office has successfully implemented diversion mechanisms in fourteen cases. Such diversion measures are guided by the Diversion Guidelines and Child Prosecution Guidelines.

Our approach to crimes (especially involving minors) has evolved over the years. Bhutan is a welfare State and her citizens are her assets. It is in this essence that the criminal justice system in the country must adopt a corrective sentencing approach rather than a retributive or deterring approach. Therefore, in non-heinous cases involving minors, the Office has afforded diversion and offered reintegration programs rather than imprisonment. Close collaboration with stakeholders like the NCWC has facilitated the State to identify appropriate programs to refer to CICLs. There are many instances wherein, CICLs were diverted to reintegration programs with close monitoring from probation officers and successfully reintegrated back to the community.

It is however imperative to emphasize that thus far, most of the diversion cases involved minors were students, therefore, close monitoring by probation officers, teachers, and parents has been successful. Conversely, in cases wherein, the CICLs are none students, the Office and stakeholders face challenges in identifying suitable programs to assist reintegration. There are either no such programs offered by any State institution or they are under corrective juvenile detention centers. The objective of the diversion is explicit; to expeditiously reintegrate the CICL without having to endure the trauma of the criminal justice system.

Property and Judgment Enforcement Unit (PJEU)

The Property and Judgement Enforcement Unit primarily carries out enforcement of judgments rendered by various courts in cases prosecuted by the Office. While the standard enforcement procedure entails auctioning off seized properties to enable restitution to State or victims, the unit also takes discretions to submit before courts for attachment of additional properties or garnish movable goods to realize restitution and compensations.

Over the years, the Unit has successfully enforced various judgments and realized restitutions. The Office through successful enforcement restituted Nu. 34.94 million and 63.12 decimal land to the State treasury. This restitution arises from partly successful enforcement of judgments of 46 corruption cases in the years 2017, 2018, and 2019. While thirty case judgments have been successfully enforced, the remaining 16 are pending.

Similarly, in a hundred and seventy-five cases referred by the RBP and agencies alike, the unit through successful enforcement restituted and compensated Nu. 8.63 million to the victim(s) or of their next of kin. Sixty-three of those cases are successfully enforced, while one hundred and thirteen cases are pending restitution. In cases referred by other agencies, the Office has effectively enforced judgments and restituted Nu.1.04 million. Overall, the Office remitted Nu. 72.73 million into the Government Budget Account.

The accomplishment and impediments of the unit are determined by various external factors not exclusively within the confines of the Office. Some of the obstacles which have seriously constrained successful judgment enforcement are;

- Getting the property investigation order
- Locating defendants
- Inability/delay to compensate victims in cases where the defendants are indifferent towards restitution/compensation owing to a conviction for life or a felony.

Media & Information Services

This Service Unit functions as the Attorney General's Secretariat and facilitates communication between the Attorney General and the Media. The primary responsibility of the Unit is to inform the Public and Media & Press relating to cases prosecuted and litigated by the Office and also any other services rendered by the OAG.

Library Section

The Office believes that the library serves as a tool for the lawyers where they can gain access to legal documents for understanding laws in depth. For this purpose, the OAG houses a law library where attorneys and other interested individuals can use all the available law books like statutes, case laws, and journals to carry out research and for any other matters. The resource materials can also be accessed from the OAG's website- www.oag.gov.bt.

Strategic Challenges

Autonomy of function over resources, finance, and Service.

The Office of the Attorney General is an autonomous institution by virtue of Article 29(1) of the Constitution. Despite these constitutional protections, practical experiences over the years indicate that the Office is seriously constrained in exercising autonomy over its staff since all the composite staff is civil servants bound by the Civil Service Rules and Regulations.

On similar highlights, the Office also faces serious constraints over its financial and resource autonomy. The Office is located only in the capital yet its mandate surpasses borders all across the country. For every case referral made to the Office by the RBP, the ACC, or agencies alike, the Office deposes prosecutors to undertake those prosecutions. The complexity of the case, the number of cases, and the jurisdiction which refers to the case determine the frequency of movement of prosecutors. Without a regional office or a steady office in the other districts, prosecutors are left to fend for themselves. Propositions to the Royal Civil Service Commission, Ministry of Finance, and various stakeholders to institute regional offices in various districts and grant autonomy of function have been frustrated either for lack of budget or the applicable service rules.

The primary function of the Office has always been to *safeguard the rule of law*. Today the Office undertakes all prosecutions across the nation irrespective of travel distance, weather, and road conditions. For the Office and its prosecutors, traveling to various jurisdictions isn't an option but rather compelled by the very mandate of the Office. Various RBP holding cells across the country are filled with detainees awaiting fair trial. Delay by the Office either due to weather or road conditions or lack of budget/logistics will only aggravate violation of the constitutional right to life and liberty and presumption of innocence of those under detention. Under these circumstances, it is felt most necessary to review the policies concerning the Office.

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 bifurcated 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 Drafting and Review Division (DRD) under the Department of Legal Services is a service provider for legislative drafting and reviewing of Bills and Delegated Legislation that collaborates with agencies across the government.

The Division has a Statutory Obligation entrusted with a range of functions under the *Office of Attorney General Act 2015* that includes, amongst other things, draft bills and delegated legislation; review of laws and delegated legislation that is drafted by other government agencies; constitute a committee to review laws on the instruction of government, and be the depository of all the laws in Bhutan.

The Chief Attorney of Drafting and Review Division leads the drafting team to provide an effective and efficient legislative drafting service to produce legislation of the highest standard. Although the draft is finalized by this office, however, the draft may see many changes in the legislative process including during the deliberations held at the Parliament.



Currently, the division has a team of five attorneys that is headed by Mr. Sonam Tashi, the Chief Attorney, one Deputy Chief Attorney, and four Senior Attorneys.

A Review of DRDs progress against our statutory obligations

As reported in the previous year 2018, DRD continues to review the most important and current Bills and legal instruments. In 2019, DRD reviewed the following bills;

Review of the Goods and Service Tax Bill

The DRD constituted a team to review Goods and Services Tax Bill 20XX. The team reviewed the Goods and Services Tax Bill 20XX against the drafting instructions received. Our team worked along with the team from the Ministry of Finance and GST Project to check and review whether the narrative provisions of the bill were inserted in an illustrative manner so that complex and technical bills can bring clarity to the bill in a manner that is understandable to all the readers.

Review of the Lhengye Zhungtshog Act

The office received direction to review the *Lhengye Zhungtshog Act 1999*. The team of drafters in DRD thoroughly reviewed every provision of the Act and provided a recommendation on the Act.

Biodiversity Bill, Electricity Bill, Forest and Nature Conservation Bill

The Biodiversity Bill, Electricity Bill, Forest, and Nature Conservation Bill are being reviewed and are being finalized to be sent to the sponsoring Ministries.

Advice on the consistency of Bills and Delegated Legislations with laws of Bhutan

The DRD is required by the Rules of Procedure on Drafting and Reviewing of Bills and Delegated legislation 2018 (RoP) to provide advice on whether the Bills conform with the provisions of the Constitution, existing laws, and fundamental principles of fairness.

The development of legislation involves consultation between the office and those involved in policy formulation from the sponsoring agency. The responsibility for making decisions on policy issues lies with the Ministry or sponsoring agency while DRD advises on the translation of policy proposals into workable legislative schemes.

In the process of development of legislation and to improve the coordination and network with the government agencies, DRD conducted several rounds of consultative meetings and coordination meetings which were either initiated by the OAG or relevant agencies for the implementation of the RoP.

Promote linguistic consistency and clarity in draft laws.

Legislative drafting is an art that needs constant study and involvement, years of experience and hard labor to develop the competency of a drafter. The DRD in 2018 organized the first *Training on Legislative Drafting* to share knowledge, and develop skills of drafters involved in drafting bills and delegated legislation, and policy developers involved in developing policy rationale for any proposed law including delegated legislation in ministries, government agencies, and constitutional offices.

In 2019, it organized the second *Training on Legislative Drafting* to share knowledge, and develop skills of drafters involved in drafting bills and delegated legislation. This division continually aspires to develop the capacity of drafter in legislative drafting in the future.

Future Outlook: Strategic objectives

This section reports on DRD's future strategic objectives and how these would support government and democracy in Bhutan by drafting legislation, ensuring the draft laws are of the highest quality, and improving public access to legislation and legislative information.

Strategic Objective 1: Excellence in Legislative Drafting to support Government objectives

In order to achieve this objective, the division intends to carry out the following activities:

- 1. Promotion of Legislative techniques:** This is a technique of the application of a set of rules leading to correct formulation and design of bills or Delegated Legislation that is in harmony with current norms of legislative drafting. The DRD has adopted the *ROP* and will continue promoting Legislative techniques via handbooks, guidelines, and manuals.
- 2. Coordination and Networking with key partners:** The Drafters are a link between a legislature and executive who translate policy into legal text. To do this, the line of communication and coordination between the sponsoring agency and OAG plays a vital role. Thus, DRD strives to coordinate and network with the key partners to ensure smooth and clear translation of policy into legal text.

- 3. Capacity Building of Bhutanese Drafters:** Most of the Bills are either outsourced or drafted by people outside the relevant agency spending huge financial resources. Alternatively, legislative drafting is a skill that could be acquired and learned once a lawyer starts practicing. To build human resource capacity in Bhutan, DRD promotes itself as a learning organization and facilitator for training on legislative drafting in the country. The DRD hopes to conduct such training at regular intervals for the policy formulators, parliamentarians, and lawyers to build capacity and develop expertise in legislative drafting in the country.

Strategic Objective 2: Legislation and Information about the legislation are readily accessible to the people.

In order to achieve this objective to achieve Strategic objective 1, the division intends to carry out the following activities:

- 1. Establish an efficient and effective drafting process.** With the passing of RoP, the process of drafting and reviewing government bills or delegated legislation is clearly defined. This Division will continue to educate and create awareness on the need to implement RoP across the agencies.
- 2. Develop a repository of laws.** Bhutan has Legislation, delegated legislation, and other legal documents enacted, passed, and executed every year. Yet, we lack a single agency that has the repository of laws. Hence, a need for a consolidated repository of laws is necessary. Likewise, an agency responsible for reprinting and reproduction of amendment to the laws is lacking. Thus, the OAG strives to be the central repository of laws in Bhutan.

Risk and challenges

The OAG since its inception has difficulty in retaining the professionals with appropriate skills. Similarly, DRD has faced difficulty to retain the skilled drafters and build the capacity of existing human resources so far and this has immensely hampered the professional growth and development in legislative drafting.

The challenge in planning the annual legislative program and competing expectations of other sponsoring agencies have the potential to affect the delivery of legislative drafting services and access to legislation.

Legislative drafting done without any technological tool consumes time and causes delays. Further, the lack of infrastructure and data repositories affects access to legislation.

List of work done during 2019

Title of Bill/Delegated Legislation	Sponsoring Agency	Drafter	Year	Current Status
Biodiversity Bill	National Biodiversity Centre, MoAF	DRD	2019	Under process
Electricity Bill	DHPS, MoEA	DRD	2019	Under process
Forest and Nature Conservation Bill 2019	MoAF	DRD	2019	Under process
Goods and Services Tax Bill	MoF	DRD	2019	Completed

2.2 Legal Service Division (LSD).

The Legal Service Division (LSD) under the Department of Legal Services is primarily required to assist the Attorney General in carrying out his responsibilities as the legal advisor and legal representative of the State.

The Division is statutorily entrusted with a range of functions under the *Office of Attorney General Act 2015* that include among other things, rendering legal services and opinions on matters of law and such other issues of a legal nature as referred to it by the Government; providing legal education to lawyers and dissemination of laws to the general public to create awareness of current legal developments. It is also required to work and collaborate with relevant stakeholder agencies whenever a task is assigned to the Office to develop Rules of Procedures (SoP), Guidelines, and so forth.

The above functions are entrusted to two sections within the Division, namely the Advisory Section and the Dissemination Section. The Advisory Section essentially deals with two legal regimes that are matters of 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, and so forth. Also, the Division also has a Dzongkha Proficiency Section.



Mr. Tshewang Penjor, Chief Attorney has headed the LSD since 2016. Currently, there are 7 Attorneys with the division that consists of a Deputy Chief Attorney, three Senior Attorneys, two Attorneys, and one Dzongkha Development Officer headed by the Chief attorney.

Highlights of issues reviewed by LSD

The number of legal opinions increased from 61 to 92 from 2018 to 2019 respectively. This is a 33% increase in the total number of legal opinions rendered. The subject matter of the legal opinions varied from International Treaties, Conventions, Bi-lateral and Multilateral Agreements, interpretation of legal provisions of the laws both in public international law as well as domestic laws. The subject matter of legal opinions provided in 2019 was dominated by Memorandum of Understandings (MoUs) wherein various governmental agencies were proponents in establishing linkages and collaboration with international entities.

Lists of Legal Opinions rendered in 2019.

Sl. No.	REFERRING AGENCY	SUBJECT MATTER
1	Cabinet Secretariat	Legal Opinion on MoU between National Assembly and National Council
2	National Council	Legal Opinion on Memorandum of Understanding for collaboration programs between the Parliament of Bhutan and the KPI
3	Ministry of Agriculture and Forests	Legal Opinion on Memorandum of Understanding between National Center for Animal Health, Ministry of Health and National Institute of Infectious Disease, Japan
4	Election Commission of Bhutan (ECB)	Legal Opinion on Memorandum of Understanding between Election Commission of Bhutan and Election Commission of India.
5	Ministry of Works and Human Settlement (MoWHS)	Legal Opinion on Memorandum of Understanding with Water Management International, France on Technologies and Engineering Solution.
6	Royal Civil Service Commission (RCSC)	Legal Opinion on the draft Memorandum of Understanding between Royal Civil Service Commission, Bhutan and Office of the Civil Service Commission, Thailand
7	Ministry of Agriculture and Forests. (MoAF)	Legal Opinion on Memorandum of Understanding between National Center for Animal Health
8	Ministry of Agriculture and Forests (MoAF)	Legal Opinion on Memorandum of Understanding between Ugyen Wangchuck Institute for Conservation and Environmental Research (UWICER)
9	Ministry of Economic Affairs	Legal Opinion on Memorandum of Understanding for creating an Enabling Intellectual Property Environment to Strengthen Business Competitiveness through Brands and Designs.
10	Ministry of Economic Affairs	Legal Opinion on the draft Memorandum of Understanding for Bilateral Cooperation with the United States Patent and Trademark Office.
11	Anti-Corruption Commission of Bhutan	Legal Opinion on proposal to renew Memorandum of Understanding with the National Anti-Corruption Commission, Thailand
12	Cabinet Secretariat	Legal Opinion on Government Performance Management Division proposal to join Local Government Initiatives Networks, Asia.

13	Cabinet Secretariat	Legal Opinion on Appeal received from the public of Bartsha-Namgyal and Jurugang, Dagana
14	Cabinet Secretariat	Legal Opinion on Extending the Standard Basic Assistance Agreement to United Nation Resident coordinator
15	Ministry of Agriculture and Forests	Legal Opinion on Memorandum of Understanding between Ugyen Wangchuck Institute of Conservation and Environment Research under Ministry of Agriculture and Forests and University of New England, Australia on Academic Cooperation
16	Ministry of Agriculture and Forests	Legal Opinion on proposal to sign a Memorandum of Understanding between the Ministry of Agriculture and Forests, Bhutan and International Food Policy Research Institute) Washington DC.
17	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding between Ministry of Agriculture and Forests, Bhutan and Bangladesh Agriculture Research Council, Bangladesh.
18	Royal Monetary Authority of Bhutan	Legal Opinion on annex D & E of the SWAP Agreement between Reserve Bank of India and Royal Monetary Authority of Bhutan, Bhutan
19	Ministry of Education	Legal Opinion on the Renewal of Memorandum of Understanding between Department of Education and University of Peradeniya, University of Kelaniya and University of Colombo, Sri Lanka
20	Ministry of Agriculture and Forests	Legal Opinion on the draft Memorandum of Understanding between Department of Agriculture and National University Cooperation Kochi University, Japan on Academic Cooperation.
21	Ministry of Agriculture and Forests	Legal Opinion on the renewal of Memorandum of Understanding between Bhutan Chamber of Commerce and Industry, Bhutan and Taiwan External Trade Development Council.
22	Jigme Singye Wangchuck School of Law	Legal Opinion on the draft Agreement of Understanding between Jigme Singye Wangchuck School of Law and the University of Victoria, Canada
23	Ministry of Agriculture and Forests	Legal Opinion on the Letter of Intent to be entered between Ugyen Wangchuck Institute for Conservation and Environmental Research Bhutan, the Primate Research Institute of Kyoto University Japan and the Wildlife Research Center of Kyoto University, Japan

24	Tourism Council of Bhutan	Legal Opinion on Memorandum of Understanding to be signed between the Tourism Council of Bhutan, Royal Government of Bhutan and Bangladesh Tourism Board, Bangladesh.
25	Ministry of Economic Affairs	Legal Opinion on Cooperation Agreement to be signed between Department of Intellectual Property, Bhutan and World Intellectual Property Organization.
26	Ministry of Agriculture and Forests	Legal Opinion on renewal of Memorandum of Understanding between Department of Agriculture, Bhutan and International Nature Farming Research Center Japan and EM Research organization, Japan
27	Ministry of Works and Human Settlements	Legal Opinion in interpretation of <i>The Local Government Act of Bhutan</i> , 2009.
28	Department of Immigration	Legal Opinion on Issuance of Visa to Spouses of same Sex
29	Royal Audit Authority.	Legal Opinion on the draft Memorandum of Understanding between Royal Audit Authority, Bhutan and National Audit Office of Finland
30	Cabinet Secretariat	Legal Opinion on whether the Recommendation of the 4 th Pay Commission is to be tabled as “Bill” or “Report” before Parliament
31	Cabinet Secretary	Legal Opinion on Government Order for Revision of the Loading Capacity of the Gross Vehicle Weight of the Bhutanese registered Commercial Trucks
32	Cabinet Secretariat	Legal Opinion on Loan Agreement, Guarantee Agreement and General Terms and Conditions in relation to proposal loan involving SAARC Development Fund and Druk Air Corporation.
33	Ministry of Agriculture and Forests	Legal Opinion on the draft Memorandum of Understanding between Ugyen Wangchuck Institute for Conservation and Environmental Research and Central Washington University, United States of America.
34	Ministry of Agriculture and Forests	Legal Opinion on the draft Memorandum of Understanding between Ugyen Wangchuck Institute for Conservation and Environmental Research and Charles Sturt University, Australia
35	Tourism Council of Bhutan	Legal Opinion on the draft Memorandum of Understanding between Tourism Council of Bhutan and Georgian National Tourism Administration.

36	Cabinet Secretariat	Legal Opinion on Amendment of Article 5 of the SAARC Development Fund Charter.
37	Cabinet Secretariat	Legal Opinion on Agreement on Technical Cooperation with Japan
38	Cabinet Secretariat	Legal Opinion on Revised Framework Agreement to be signed between the Royal Government of Bhutan and European Investment Bank (EIB) governing EIB's activities in the Kingdom of Bhutan.
39	Ministry of Labor and Human Resources	Legal Opinion on the Letter referred by the Anti-Corruption Commission of Bhutan for Administrative Action
40	Cabinet Secretariat	Legal Opinion on declaration to join the Global Coalition for Happiness and Well Being
41	Ministry of Education	Legal Opinion on proposed Memorandum of Understanding between Ministry of Education, Bhutan and Canada Foundation.
	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
42	Ministry of Economic Affairs	Legal Opinion on World Intellectual Property Organization Copyright Treaty (WIPO, 1996) and WIPO performance and Phonograms Treaty collectively known as the "Internet Treaty"
43	Royal Audit Authority of Bhutan	Legal Opinion on the draft Memorandum of Understanding between Royal Audit Authority, Bhutan and State Audit Office of the Socialist Republic of Vietnam.
44	Bhutan Medical and Health Council.	Legal Opinion on Amendment or repeal of the <i>Bhutan Medical and Health Council Act, 2002</i> .
45	Ministry of Foreign Affairs	Legal Opinion on the legal impact of the draft Agreement on Mutual Exemption of prior Entry Visa for Holders of Diplomatic, Special and Official passport to be signed between the Royal Government of Bhutan and Government of the State of Kuwait
46	Jigme Singye Wangchuck School of Law	Legal Opinion on Memorandum of Understanding between Jigme Singye Wangchuck School of Law and National Law School Bangalore, India
47	Cabinet Secretariat	Legal Opinion on appointment of Press Secretary
48	Cabinet Secretariat	Legal Opinion on the decision of the Government to include Sarpang as one of the focus Dzongkhag in the Tourism Flagship program

49	Dzongkhag Administration, Wangdiphodrang	Legal Opinion on interpretation of the application of <i>Water Act of Bhutan</i> , 2011
50	Department of Geology and Mines	Legal Opinion on Memorandum of Understanding between Department of Geology and Mines and Disaster Prevention Research Institute, Kyoto University, Japan
51	Ministry of Agriculture and Forests	Legal Opinion on joining the Asia and Pacific Network for testing Agriculture Machinery as a member.
52	Cabinet Secretariat	Legal Opinion on Framework Agreement on the establishment of the International Solar Alliance
53	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding to be signed between the Office of the Attorney General and Vice Chancellor, Royal University of Bhutan and Institutes Francais India
54	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding to be signed between Bhutan Chamber of Commerce and Industry and Board of Trade of Thailand.
55	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding between Royal University of Bhutan and University of Calcutta, India
56	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding between Royal University of Bhutan and Indian Institute of Technology, Bombay
57	Cabinet Secretariat	Legal Opinion between Royal University of Bhutan and Symbiosis International, India
58	Cabinet Secretariat	Legal Opinion Memorandum of Understanding between Royal University of Bhutan and University Calcutta, India
59	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding between the Royal Government of Bhutan and Republic of India on the establishment of the Nehru Wangchuck Scholarship
60	Royal University of Bhutan	Legal Opinion on draft Memorandum of Understanding between the Royal University of Bhutan and University of Highlands and Islands, Scotland.
61	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding between Khesar Gyalpo University of Medical Sciences of Bhutan and various Institutes.
62	Cabinet Secretariat	Legal Opinion on whether the Annexure is to be construed as the main part of the Act and whether the government can revise the pay of ECCD Facilitators at par with S5 level of Civil Service prior to amending the pay Revision Act.

63	Ministry of Agriculture and Forests	Legal Opinion on Memorandum of Understanding to be signed between Ugyen Wangchuck Institute for Conservation and Environmental Research and Primate Research Institute and the Wildlife Research Center of Kyoto University, Japan
64	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding to be signed between Khesar Gyalpo University of Medical Sciences of Bhutan and the office of the Global Health to Cornell Medical College, Cornell University, United States of America.
65	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding to be signed between Bhutan Chamber of Commerce and Industry, Bhutan and Vibrant Goa Foundation, India
66	Cabinet Secretariat	Legal Opinion on Agreement between National Land Commission of Bhutan Faculty of Geo-Information science and Earth Observation University of Twente, Enschede the Netherlands.
67	Cabinet Secretariat	Legal Opinion on signing of Memorandum of Agreement on Technical Intern Training program with four Agencies in Japan
68	Cabinet Secretariat	Legal Opinion on information of Labor Union International Labour Union of Bhutan by 10 individuals in Japan
69	Cabinet Secretariat	Legal Opinion on Letter of Agreement with Socialist Republic of Vietnam on Exception of Diplomatic and official passport from Visa requirements
70	Bhutan Chamber of Commerce and Industry	Legal Opinion on Memorandum of Understanding between Bhutan Chamber of Commerce and Industry and Japan Chamber of Commerce and Industry
71	Dzongkha Development Commission	Legal Opinion on Memorandum of Understanding between Dzongkha Development Commission, Royal Government of Bhutan and Indian Institute of Technology, Guwahati, India
72	Bhutan Chamber of Commerce and Industry	Legal Opinion on Memorandum of Understanding to be signed between Bhutan Chamber of Commerce and Industry and Korea Trade Investment Promotion Agency.
73	Ministry of Home and Cultural Affairs	Legal Opinion on Draft Service Rules and Regulations
74	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding between Royal Government of Bhutan, represented by Gross National Happiness Commission and Building Insurance Company of Switzerland

75	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding to be signed between Bhutan Chamber of Commerce and Industry and Korea Trade Investment Promotion Agency.
76	Ministry of Agriculture and Forests	Review of Memorandum of Understanding to be signed Ugyen Wangchuck Institute for Conservation Environmental Research, Bhutan and Central Washington University, United States of America
77	The Supreme Court of Bhutan	Legal Opinion on Memorandum of Understanding between Constitutional Court of the Kingdom of Thailand and the Supreme Court of Bhutan on bilateral Cooperation
78	Ministry of Agriculture and Forests	Legal Opinion on Memorandum of Understanding between Ministry of Agriculture and Forests and Royal Project Foundation of Thailand.
79	Ministry of Agriculture and Forests	Legal Opinion on Appointment of Board Members and Chairmanship to the Bhutan Trust Fund for Environmental Conservation Board and Membership to Asia Pacific Network for Environment Trust Fund.
80	Gross National Happiness Commission	Legal Opinion on Memorandum of Understanding between National Commission for United Nation Educational Scientific and Cultural Organization (UNESCO), The Korean National Commission for UNESCO and Gross National Happiness Commission
81	Ministry of Economic Affairs	The Legal Opinion to join Consumer International as a member
82	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding to be signed between Department of Youth and Sports with members of the South Asian Association of National Scout Organization.
83	Royal Audit Authority	Legal Opinion on Memorandum of Understanding between Royal Audit Authority, Bhutan and State Audit Office of Latria on capacity development initiatives.
84	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding on establishment of Bay of Bengal Initiatives for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) Technology in Colombo, Sri Lanka.
85	Ministry of Finance	Legal Opinion on Loan no. 3868 BHU (COL) Financial Market Development program
86	Ministry of Economic Affairs	Legal Opinion on membership to Consumers International

87	Cabinet Secretariat	Legal Opinion on Memorandum of Understanding between the Intellectual Property and United States Patent and Trademark Office. United States of America.
88	Ministry of Economic Affairs	Legal Opinion on Memorandum of Understanding to be signed between Department of Intellectual Property and the Intellectual Property Office of the Philippines.
89	National Environment Commission	Legal Opinion on the draft Memorandum of Understanding between National Environment Commission of Bhutan and the Ministry of Environment, Forests and Climate Change of the Government of the Republic of India
90	Cabinet Secretariat	Legal Opinion between Khesar Gyalpo University of Medical Sciences of Bhutan and various Institutions
91	Ministry of Finance	Legal Opinion on Subscription of World Bank Selective and General Capital Increase-Memorandum of Law
92	Cabinet Secretariat	Legal Opinion between Khesar Gyalpo University of Medical Sciences of Bhutan and Mahasarakham University, Thailand

Legal Dissemination and Awareness Program 2019

The Office of the Attorney General Act mandates the office to provide legal dissemination and awareness programs to the general public. The task entails two parts, namely research and development of modules based on recent legal developments and identifying target groups that require such legal information. A total of ten modules were developed for legal dissemination. The subject matter ranges from recent legal developments, the mandate of constitutional offices, human rights, and gender equality, drugs, and legal consequences, etc.

- 1. Students of higher secondary schools and trainees:** The subject matter for students cover topics such as drugs and legal consequences, rights of the child in conflict with the law, safe use of social media, etc.
- 2. General Public:** The substance of talks varies from a general understanding of the law, constitution, and laws that are relevant to their day to day life such as the Marriage Act, Child Protection Act, etc.

Review of Child-Friendly Prosecution Guidelines 2017 and Diversion Guidelines 2017.

The office has revised the prosecution and diversion guidelines related to Child in Conflict with the Laws (CICL). These guidelines were initially drafted and adopted in 2017 and have been implemented not only by the OAG but also by NCWC, RBP, and the Courts in

dealing with the matters related to minors. The revised guidelines encompass detailed procedural aspects in reviewing the cases of CICL by prosecutors and also shed clarity in categorizing diversions and the very concept of diversion under the Child Care and Protection Act (CCPA). The guideline broadens the scope of alternative measures like diversions to be invoked by law enforcement officials instead of resorting cases of CICL for prosecution before courts. It also enumerates clarity in the roles of agencies through coordination and cooperation to carry out diversion programs, especially on the monitoring and implementation. NCWC, OAG, RBP, and Courts have to work collectively in matters pertaining to minors to ensure proper reintegration in society by rehabilitating in line with restorative justice principles enshrined in the Child Rights Convention (CRC), the Constitution and CCPA. The revision of the guidelines was completed in December 2019, and the project was supported by the UNICEF country office.

Dzongkha Proficiency Section

This Section assists 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 the conduct of training.

Strategic Challenges

Firstly, the LSD has faced difficulty in retaining experienced senior attorneys that greatly hamper the institutional growth and development in rendering efficient and effective legal opinions to the Attorney General and Government.

Secondly, looking at international practices, there is a distinct international law office (ILO) within the Attorney General's Office in most countries that exclusively focuses in areas of general international law, international security law, international trade law, and international human rights law wherein the ILO engages itself throughout the year in negotiations and rendering legal opinions, Adhoc legal opinions as well as having consultative meetings and discussions for anticipating legal issues in the future that assists tremendously in the development of international law. Although the LSD works in a similar context, there is no clear bifurcation in dealing with International and national instruments.

Furthermore, the Office lacks the accessibility to legal tools such as research databases that are tremendously important to comprehend relevant issues playing in the international field today besides enhancing the intellect of attorneys.

3. SECRETARIAT SERVICES

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

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

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

Trainings

The office conducted training for Lawyers in the area of Prosecution, Legal Advice, and Legislative from 24-26 December 2019 in Phuntsholing. The Training was primarily focused on enhancing the skills in the area of undertaking effective prosecution, rendering accurate legal advice, and undertaking skillful drafting or reviewing of legislations. Towards these end, the program included sessions on the background of the law (Buddhist context), Dzongkha Dazhung (Eight cases and particles), Court submissions (written and verbal), Buddhist ethics (Before the court), reviewing of a case and advanced drafting of charge sheet technique, advanced rebuttal techniques and tips, evidence, Rules of Procedure for providing legal opinions, policy formulation- clear and detailed policy guideline & plain language drafting, the role of a drafter, and legal research and research methodology and drafting of a legal memorandum. This Training was made possible with funding from the Austrian Development Agency in support of the Justice Sector Program that is the realization of the implementation of the Justice Sector Strategic Plan (2019-2023).

Implementation of the Justice Sector Strategic Plan

The Grant Contract to support the justice sector program was signed between the Austrian Development Agency and the Royal Government of Bhutan in November 2019. This support is aimed at contributing towards a more accessible, inclusive, accountable, responsive, and quality services in the justice sector primarily through capacity development and improving legal aid. This support is guided by the 12th Five-Year Plan, the Justice Sector Strategic Plan, and ADC Bhutan Country Strategy that complements

the annual work plans developed by the implementing agencies. The support to the Office of the Attorney General during the pendency of the 12th Five- Year Plan cycle is strategically targeted towards capacity enhancement through in-country and ex-country training, attachment programs to enable practical learning by working with peers from developed jurisdictions that have similar functional similarities like that of the OAG, and by establishing institutional linkages with offices of developed jurisdictions having similar mandates to that of the OAG.

OAG's Voluntary Groups in Action

The spirit of volunteerism is a compassionate undertaking in every sector across the globe. To better help the needy people and to help reach out to the slogans of the national undertaking, 22 staff from the Office of the Attorney General (OAG) inclusive of volunteers outside OAG came together and formed a voluntary group to confirm themselves as 'Community Based Scout Volunteers'. Following are some of the activities carried out voluntarily:

Ferrying of essential items especially clothes to needy poor in Olakha, Changzamtog, and Motithang in Thimphu;

1. Clearing of bushes;
2. General cleaning;
3. Cleaning of footpaths.



4. HUMAN RESOURCE STRENGTH

Staff (qualification) breakdown in OAG

Dept	Division and Section	Position Title	Position Level	Qualification	Approved	Existing	Gap	Excess
	Office of the Attorney General	Personnel Assistant	s	Class XII with IT	1	1	0	0
					1	1	0	0
	Secretariat Services	Admin. Officer	P5-P2	Bachelors	1	1	0	
		HR Officer	P2-P5	PGDPA	1	1	0	
		Finance Officer	P2-P5		1	0	0	
		ICT Officer	P2-P5	Bachelors	1	1	0	
		ICT Technical Associate	S	DIMS	1	1	0	
		Admin. Asst.	S	Class XII	1	0	0	
		Accounts Asst.	S	DFM	1	1	0	
		Dispatcher/Receptionist	O	Class X	1	1	0	
		Telephone Operator	O	Class X	1	1	0	
		Store Keeper	S	Class XII	1	1	0	
					10	8	0	0

Department of Justice							
Office of the Dy. Attorney General	Dy. Attorney General	EX	Bachelors	1	0	1	
	Personnel Assistant	S	Class XII with IT	1	0	1	
				2	0	2	
Prosecution & Litigation Division	Chief Attorney	P1	Bachelors	1	1	0	
	Attorney	P2-P4	PGDNL	30	30	0	
	Legal Assistant	S	DNL	6	6	0	
				37	37	0	
Property & Judgment Enforcement Section	Attorney	P2-P4	PGDNL	2	5	3	
	Legal Assistant	S	DNL	1	1	0	
				3	6	3	
Media & Information Section	Media & Information Officer (Attorney)	P2-P4	PGDNL	1	0	0	
				1	0	0	
Library Section	Librarian	P5-P2	Bachelors	1	0	0	
	Library Asst.	S		1	1	0	

Department of Legal Services									
Office of the Dy. Attorney General	Dy. Attorney General	EX			2	1	1	1	0
	Personnel Assistant	S		Bachelors Class XII with IT	1	0	0	1	
					2	0	0	2	
Legal Services Division	Chief Attorney	P1		PGDNL	1	1	0	0	0
	Attorney	P4-P2		PGDNL	4	5	0	0	0
					5	6	0	0	0
Drafting & Review Division	Chief Attorney	P1		PGDNL	1	1	0	0	0
	Attorney	P4-P2		PGDNL	4	5	0	0	0
					5	6	0	0	0
Dzongkha Proficiency Section	Dzongkha Coordinator	P5-P2		Bachelors (Dzongkha)	1	1	1	0	0
					1	1	1	1	0
Grand Total					69	66	6	3	

At present, the Deputy Chief Attorney from PLD and a senior Attorney from the DRD are currently availing Extra-Ordinary Leave, while two senior Attorneys from the DRD and one Attorney from the LSD are undergoing post-graduate studies. Three Attorneys have been recruited under the Property & Judgment Enforcement Unit (PJEU). In addition, we presently have four drivers with the Office.

Human Resource Development (HRD)

The office participated in the following:

1. Jamyang Tenzin, Sr. Attorney attended the Short-Term Training under Singapore Cooperation Programme Training Award on International Dispute Resolution in Singapore from 4 to 8 March 2019.
2. Ugyen Zangpo, Attorney attended the United Nations Workshop in Collaboration with South Asia (high-level meditation) in Nepal from 15 to 18 April 2019.
3. Kesang Yangkey, Sr. Attorney attended the South Asian Regional Anti-Doping Organization (SA-RADO) Education Officer Training at Dhaka, Bangladesh on 30 March 2019.
4. Namgay Dorji, Dy. Chief Attorney attended the RGoB delegation for the presentation of Universal Periodic Review in Geneva on 8 May 2019.
5. Kesang Yangkey, Sr. Attorney attended the United Nations International Law Fellowship Programme in Hague, the Netherlands from 1 July to 9 August 2019.
6. Namgay Dorji, Dy. Chief Attorney attended the Civil Society Organization Authority Board in India from 18 to 26 August 2019.
7. Namgay Rinchen, Sr. Attorney attended the 22nd APG Annual Meeting on Money Laundering in Australia from 18 to 23 August 2019.
8. Sangay Wangmo B, Sr. Attorney participated in the 2nd Regional Workshop on Prosecution of Serious Forms of Wildlife Crime in Nepal from 3 to 4 July 2019.
9. Tshewang Penjor, Chief Attorney and Namgay Dorji, Dy. Chief Attorney, as the Justice Sector Working Committee members, attended the South-South exchange program in Nepal from 9 to 16 September 2019.
10. Sonam Tashi, Chief Attorney attended the Regional Workshop for Criminal Justice Practitioner of South Asian and South-East Asia in the Maldives from 1 to 3 October 2019.
11. Kinley Gyeltshen, Sr. Attorney attended the Digital Identity Week Conference in Singapore from 8 to 9 October 2019.

Staff Appointment /Transfer/Studies

1. Deki Choden Dorji, Assistant HR Officer joined this office with effect from 1 January 2019 after completing her one-year Post Graduate Diploma in Public Administration from RIM, Simtokha.
2. Karma Lodray Zangmo, Attorney and Pema Dorji, Attorney have joined this office with effect from 1 January 2019 after completing their one-year Post Graduate Diploma National Laws from RIM, Simtokha.
3. Nima Dolma Tamang, Leki Chozom, and Phuntsho Wangdi joined this office as Assistant Attorneys under a consolidated contract for two years with effect from 1 April 2020.
4. Deki Zam Dorji, Attorney has left to pursue a one-year Master program in Public and International Law (MPub&IntLaw) at Melbourne Law School, the University of Melbourne, Australia under the Australia Awards Scholarship.
5. Namgay Om, Sr. Attorney has left to pursue a one-year Master program in Master of Laws (LLM) at the University of Glasgow, the United Kingdom under the Chevening Scholarship.
6. Ugyen Wangdi, Dy. Chief Attorney has availed Extra-Ordinary Leave (EOL) from 1 August 2019 to 31 December 2020.
7. Sonam Tshering, Sr. Attorney has availed Extra-Ordinary Leave (EOL) from 18 October 2019 to 17 October 2021.
8. Gempo Tshering, Attorney, was transferred to the Office of the Attorney General from the Ministry of Work and Human Settlement on 1 October 2019.
9. Namgay Wangmo, Attorney, was transferred to the Office of the Attorney General from Wangdue-Phodrang on 20 May 2019.
10. Dargo Wangmo, Security Guard, joined this office with effect from 1 April 2019.

Staff Resignation

1. Namgay Wangmo, Attorney, voluntarily resigned from the Office of the Attorney General on 22 August 2019.

5. BUDGET SHEET

Budget Sheet as at 30 June 2019

TITLE	BUDGET	EXPENDITURE	BALANCE
ATTORNEY SERVICES			
GENERAL ADMINISTRATION & DIRECTION SERVICES			
SECRETARIAT SERVICES			
PAY & ALLOWANCES			
RGOB Financing			
Pay and Allowances	22.186	22.113	0.073
Other Personnel Emoluments	0.322	0.322	
Stipends	0.036	0.030	0.006
Contributions - Provident Fund	1.864	1.859	0.005
Retirement Benefits	0.105	0.105	
TOTAL OF FIC 0001	24.513	24.430	0.083
TOTAL OF SAct 01	24.513	24.430	0.083
ADMINISTRATION & MANAGEMENT SERVICES			
RGOB Financing			
Travel – In Country	0.937	0.937	0.000
Travel - Outside Bhutan	0.246	0.241	0.005
Utilities -Telephones, Telex, Fax, E-mail, Internet	1.363	1.362	0.001
Utilities -Telegram, Wireless Transmission, Postage	0.022	0.022	0.000
Utilities - Electricity, Water, Sewerage	0.399	0.399	0.000
S & M - Office Supplies, Printing, Publications	0.712	0.712	0.000
Maintenance of Property - Buildings	1.475	1.474	0.001

Maintenance of Property - Vehicles	0.891	0.890	0.001
Maintenance of Property - Equipment	0.030	0.029	0.001
Maintenance of Property - Computers			
Op. Exp. - Advertising	0.041	0.041	0.000
Op. Exp. - Taxes, Duties, Royalties, Fees, Handling Charges, Bank Charges	0.121	0.121	0.000
Hospitality & Entertainment	0.252	0.252	0.000
Contributions - Provident Fund	0.018		0.018
Exp. on Structure - Water Supply & Sanitation	0.500	0.493	0.007
Furniture	0.367	0.367	
Office Equipment	0.346	0.346	
Computers & Peripherals	0.864	0.859	0.005
TOTAL OF FIC 0001	8.584	8.544	0.040
TOTAL OF SAct 02	8.584	8.544	0.040
PROSECUTION & LITIGATION SERVICES			
RGOB Financing			
Travel – In Country	9.428	9.425	0.003
Op. Exp. - Taxes, Duties, Royalties, Fees, Handling Charges, Bank Charges	0.050	0.030	0.020
TOTAL OF FIC 0001	9.478	9.455	0.023
TOTAL OF SAct 03	9.478	9.455	0.023
PRINTING OF ANNUAL REPORT			
RGOB Financing			
S & M - Office Supplies, Printing, Publications	0.078	0.078	
TOTAL OF FIC 0001	0.078	0.078	
TOTAL OF SAct 04	0.078	0.078	

PRINTING AND EDITION OF NATIONAL LAW REVIEW TASK FORCE REPORT			
RGOB Financing			
S & M - Office Supplies, Printing, Publications	0.195	0.195	0.000
TOTAL OF FIC 0001	0.195	0.195	0.000
TOTAL OF SAct 05	0.195	0.195	0.000
TOTAL OF Act 001	42.848	42.701	0.147
STRENGTHENING OF OAG'S INSTITUTIONAL CAPACITY			
CONSTRUCTION OF THE OFFICE OF THE ATTORNEY GENERAL			
RGOB Financing			
Exp. on Structure - Buildings		-0.214	0.214
TOTAL OF FIC 0001		-0.214	0.214
TOTAL OF SAct 01		-0.214	0.214
IMPROVEMENT OF DIVERSION AND PROSECUTION GUIDELINE			
Dissemination of Guidelines (child friend- ly prosecution guidelines and diversion guidelines)			
Op. Exp. – Incountry Meetings and Cele- brations	0.668	0.422	0.246
TOTAL OF FIC 4585	0.668	0.422	0.246
TOTAL OF SAct 05	0.668	0.422	0.246

ADVANCE TRAINING ON LEGAL REASONING AND ENHANCING DRAFTING SKILLS OF LAWYERS			
RGOB Financing			
Training - Others	1.124	1.124	0.000
TOTAL OF FIC 0001	1.124	1.124	0.000
TOTAL OF SAct 06	1.124	1.124	0.000
TOTAL OF Act 002	1.792	1.332	0.460
UPGRADATION OF ICT INFRASTRUCTURE & SERVICES			
CMS ENHANCEMENT			
RGOB Financing			
Professional Services	0.484	0.484	0.000
TOTAL OF FIC 0001	0.484	0.484	0.000
TOTAL OF SAct 01	0.484	0.484	0.000
TOTAL OF Act 003	0.484	0.484	0.000
TOTAL OF SPrg 001	45.124	44.516	0.608
TOTAL OF Prg 014	45.124	44.516	0.608
TOTAL OF FO 00	45.124	44.516	0.608
TOTAL OF Dept 01	45.124	44.516	0.608
TOTAL OF AU 112.01	45.124	44.516	0.608
GRAND TOTAL	45.124	44.516	0.608