

**GUIDELINE ON ROLES AND MANDATES OF  
THE LEGAL OFFICERS IN THE MINISTRIES  
AND DZONGKHAGS**

**Office of the Attorney General  
Royal Government of Bhutan**

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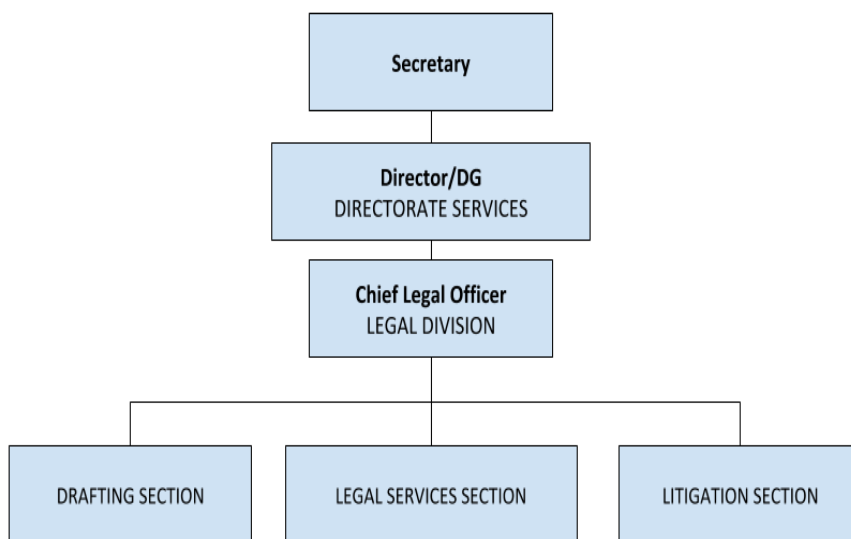
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## **Structure of Legal Division in the Ministries**

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The Legal Officers serving in the ministries are the representatives of the Attorney General, and hence exercise powers and authorities delegated by the Attorney General. The specific Terms of Reference are drawn from the General Mandates and therefore, each specific term shall be constructed and construed within the domain and ambit for the General Mandate of the Legal Officers.



Given the diverse work nature, tremendous workload and jurisdictional coverage of the Ministries, it is appropriate to upgrade the Office of Legal Services under the Ministries to a full-fledged Legal Division. However, the upgradation shall be carried out based on the need assessment and mandate in each Ministry. The Legal Division in the Ministries is aimed to facilitate the legal services in the Ministries and strengthen and extend legal service and support of the OAG in the Ministry.

The Legal Division in the Ministries serves as an extension of the OAG in catering services through clear delineation of the tasks based on the types of task and nature of issues prescribed under the terms of reference for each Ministry.



The Legal Division shall be headed by a Chief Legal Officer and functions under the supervision of the Director and Secretary of the Ministry, and is accountable to the Ministry and the OAG. The Chief Legal Officer is assisted by Deputy Chief Legal Officer, Senior Legal Officer and Legal Officers. The number of legal officers under each Legal Division in the Ministries may be determined from time to time. The Legal Division of the Ministries shall submit reports on progress including challenges to the Office through DAG on quarterly basis, and the Office will address the issues in consultation with the RCSC.

## **TERMS OF REFERENCE FOR MINISTRY OF AGRICULTURE AND FORESTS (MOAF)**

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### **Prosecution**

1. Prosecute criminal cases before the court, if:
  - (a) delegated by the OAG, through the issuance of the Power of Attorney by the AG; or
  - (b) authorized and empowered by the specific laws in consultation with the OAG.
2. Serve as the focal or contact person for the cases referred to the OAG.
3. Coordinate with, and provide support to the OAG regarding cases referred for prosecution:
  - (a) including providing information and documents related to sector-specific cases; and
  - (b) follow-up on the court judgments and appeals including disciplinary referrals to the agencies.

### **Litigation of Civil cases**

1. Review civil matters related to procurement, statutory violation, pending audit observation, recovery of pending payment of fine, and file civil suits before Courts.

2. Review and prepare cases, and represent the Ministry before administrative tribunals on cases related to the Ministry.
3. Review and resolve issues related to cooperatives and farmers groups, non-wood forest produce groups and community forests groups.

### **Support Investigation**

1. Guide the enforcement officials in carrying out investigation for offences of criminal nature.
2. Carry out investigation in administrative matters forwarded by the Office of Gyalpoi Zimpon, Anti-Corruption Commission and Royal Civil Service Commission.

### **Advisory and Legal Service**

1. Provide legal advice to the Ministry on issues falling within the legal domain of the Ministry as and when sought by Minister/Secretary/Department of Agriculture, Department of Livestock, Department of Agricultural Marketing, Department of Forest and Park Services/ Agencies/Central Agencies/ Regional Offices/Dzongkhag Office/Field Office.
2. Advice and guide foresters to enforce or implement the procedural laws as per *Civil and Criminal Procedure Code (CCPC) 2001, Forest and Nature Conservation Act, Forest and Nature Conservation Rules and Regulations*; and Forest and Nature Conservation code of best practices.
3. Advice and guide the regulatory officials working in BAFRA to enforce or implement procedural laws as per *CCPC, Food Act, Plant Quarantine Act, Pesticides Act, Seed Act and Livestock Act* and its rules and regulations.
4. Provide advice and interpretation of provisions of *Forest and Nature Conservation Act, Plant Quarantine Act, Seed Act, 2000*;

*Livestock Act; Co-operative Act; Biodiversity Act; Biosafety Act; Pesticide Act; and Food Act* and its rules and regulation implemented by the Ministry.

5. Facilitate implementation of activities initiated by the Department and agency under the Ministry for watershed management, forest resource management, social forestry works, nature conservation works and payment of environmental services through execution of mutually agreeable agreement with the public.
6. Guide and advise on any legal matters related to forestry research, biodiversity research, livestock research and agriculture research.
7. Interpret and implement part of *Waste Prevention and Management Act; Water Act* and *National Environment and Protection Act* as a competent authority under the Act.
8. Advise and guide implementation of gender mainstreaming activities to all the Departments, non-Departments and Agencies under the Ministry.
9. Guide and advise the dispute settlement bodies established in the Head Quarter and in the Regional Offices for settlement of disputes arising out of violation of delegated legislations of the respective cooperatives and farmer groups as required under the *Cooperative Act*.
10. Advise policy and planning division in any decision makings related to policy and planning which will have legal implications.
11. Advise the Department or Agency to institutionalize collaboration with the relevant oversight agency to create harmonious working relations through signing of MoU.

### **Drafting and Review of Bills and other Legal Instruments**

1. Advise on, coordinate and conduct the Legislative Impact Assessment before the drafting of any bill or review of existing legislation concerning the MoAF.
2. Draft bills including amendment bills on those subject-matter within the mandate of the MoAF.
3. Draft or revise delegated legislations on those subject-matter within the mandate of the MoAF.
4. Serve as a drafting instructor to the OAG and adhere to the relevant clauses of *Rules of Procedure of Drafting and Reviewing of Bills and Delegated Legislations 2018*, if a bill or delegated legislation is referred for drafting or review to the OAG.
5. Coordinate within the MoAF for carrying out stakeholder consultation meetings during the process of drafting of bills or reviewing of existing legislations concerning the MoAF.
6. Coordinate and consult with relevant agencies during the process of drafting or revision of legislation concerning the MoAF.
7. Assist in the framing and review of manuals, guidelines, policies and procedures concerning the MoAF.
8. Prepare or review MoUs, Terms of References, agreements (Scoping Agreement and Material Transfer Agreement related to Access and Benefit Sharing (ABS) process and trade of wildlife specimen), contracts, and other legal documents.
9. Review and provide inputs and comments on sectoral legislation referred by other agencies.

10. Represents the MoAF during the consultations on sectoral legislations, draft sectoral bills, rules or regulations, or other legal related matters, if required.
11. Review relevant legislations or legal documents of MoAF, if any and submit recommendations to the OAG.
12. Review and carry out the drafting of guidelines, which are cross sectoral in nature amongst the Department/ non-Departments and Agencies within the Ministry.

### **Assist Regulatory and Enforcement Officials**

1. Coordinate and conduct workshops for enforcement and regulatory officials of the Department of Forest and Park Services, and Bhutan Agriculture and Food Regulatory Authority on the procedures of law in coordination with the Judiciary.
2. Guide and advice enforcement officials in the field (Park and Divisional Forest Office, Dzongkhag and Thromde BAFRA Office) in implementation of regulatory provisions of the relevant Acts.
3. Assist in implementation of international conventions, treaties and agreements or bi-lateral agreement related to Ministry.

### **Enforcement functions**

1. Enforce court judgements in civil or criminal cases, decisions of administrative tribunals or arbitral awards.
2. Enforce the decisions, resolutions or disciplinary action of the Committee or Body.

### **Quasi-judicial Functions**

1. Guide the Committee to observe and follow the due process of law, and principles of natural justice provided under the general

mandate of administrative decision-making procedures while performing the quasi-judicial functions.

2. Serve as a member to the Dispute Settlement Committee for biosafety matters as per the Biosafety Act and its Rules and Regulations.
3. Serve as member secretary for the Gender Equality Committee in the Ministry to address gender issues at the workplace.

### **Dissemination and Legal Advocacy**

1. Disseminate information relating to relevant laws, policies or regulations of the Ministry to the general public in coordination with the relevant Departments/non- Departments or Agencies.
2. Create awareness to the staff of the Ministry on the latest developments in laws, rules and policies related to the Ministry.

### **Legal Research**

1. Conduct research on relevant international laws and other legal instruments related to the Ministry as and when assigned by the Ministry or the OAG.
2. Initiate legal research and its publication related to forest, biodiversity, water, cooperatives, agriculture, food safety and animal health.

### **Repository and Documentation Functions**

1. Serve as a repository including maintaining archives for legislations and other legal instruments relevant or entered into by the Ministry.
2. Ensure documentation, and record-keeping of legal documents, and correspondence of the legal section.

### **Member of the Committee or Task force**

1. Serve as a member of a Human Resource Committee and RNR-GNHC of the Ministry to ensure that the Committee follows the due process of law, and principles of natural justice while arriving at the decision.
2. Represent the Ministry in meetings and workshops related to legislation and legal matters.
3. Be a member to the task force within and beyond the Ministry as per the instruction of the Ministry.

### **Other Functions**

1. Coordinate and carry out gender mainstreaming activities in the Ministry in collaboration with relevant agencies.
2. Carry out any other legal activities or functions as and when assigned by the Ministry.

## **TERMS OF REFERENCE FOR MINISTRY OF ECONOMICS AFFAIRS (MOEA)**

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### **Prosecution of Criminal cases**

1. Prosecute criminal cases before the court, if:
  - (a) delegated by the OAG, through the issuance of the Power of Attorney by the Attorney General; or
  - (b) authorized and empowered by the specific laws in consultation with the OAG.
2. Serve as the focal or contact person for the cases referred to the OAG.
3. Coordinate with, and provide support to the OAG regarding cases referred for prosecution:
  - (a) including providing information and documents related to sector-specific cases; and

- (b) follow-up on the court judgments and appeals including disciplinary referrals to the agencies.

### **Litigation of Civil cases**

1. Institute civil cases before the Court or arbitral tribunal on behalf of the Ministry
2. Represents the Ministry before the Court or arbitral tribunal in civil cases.
3. Review, prepare and register cases before the Court.
4. Review, prepare and register cases for arbitration in arbitral tribunals.
5. Carry out fact finding and document enquiry with relevant Divisions/Departments.
6. Assist with audit memos pertaining to recoveries of outstanding amounts through misuse or contractual issues through civil suits.
7. Enforce court judgement in civil cases.

### **Advisory and Legal Service**

1. Provide legal advice to the Ministry on issues falling within the legal domain of the Ministry as and when sought by the Minister, Secretary, heads of the Departments and Divisions.
2. Provide legal assistance or support to the officials of the Ministry.
3. Provide advice and support for MoUs to the Division/Departments of the Ministry.
4. Provide advice and support for guidelines to the Division/Departments of the Ministry.
5. Provide advice and support for enforcement/implementation prescribed by law.
6. Serve as a legal advisor to all the policy formulation teams of the Ministry.



7. Serve as a relevant Agency of the Government to undertake necessary treaty-making processes, if directed by the Lhengye Zhungtshog or as a relevant stakeholder, if identified by the concerned Agency to participate in all the stakeholder consultations and processes in accordance to the *Rules of procedure for Treaty Making 2016*.
8. Carry out ad hoc activities as and when directed by the management or superiors.

### **Drafting and Review of Bills and other Legal Instruments**

1. Advise on, coordinate and conduct the Legislative Impact Assessment before the drafting of any bill or review of existing legislation concerning the MoEA.
2. Draft bills including amendment bills on those subject-matter within the mandate of the MoEA.
3. Draft or revise delegated legislations on those subject-matter within the mandate of the MoEA.
4. Serve as a drafting instructor to the OAG and adhere to the relevant clauses of *Rules of Procedure of Drafting and Reviewing of Bills and Delegated Legislations 2018*, if a bill or delegated legislation is referred for drafting or review to the OAG.
5. Coordinate within the MoEA for carrying out stakeholder consultation meetings during the process of drafting of bills or reviewing of existing legislations concerning the MoEA.
6. Coordinate and consult with relevant agencies during the process of drafting or revision of legislation concerning the MoEA.

7. Assist in the framing and review of manuals, guidelines, policies and procedures concerning the MoEA.
8. Prepare or review MoUs, Terms of References, agreements, contracts, and other legal documents.
9. Review and provide inputs and comments on sectoral legislation referred by other agencies.
10. Represents the MoEA during the consultations on sectoral legislations, draft sectoral bills, rules or regulations, or other legal related matters, if required.
11. Review relevant legislations or legal documents of MoEA, if any and submit recommendations to the OAG.
12. Seek any technical advice or support from the OAG in drafting, consulting or vetting of the delegated legislations.

### **Investigation Functions**

1. Guide investigation procedures and review investigation reports to ensure due process of law is followed during investigation when complaints are received or directed to the Ministry.
2. Provide information for investigation on sector-specific matters sought by the Anti-Corruption Commission.
3. Taking depositions from relevant Divisions/officials, and other stakeholders as prescribed by law.
4. Investigate and prepare reports on administrative cases as directed by the Management.
5. Receive investigation report, analyze the case and prepare a detailed case report for submission to the OAG for prosecution or HRC for administrative discipline.

### **Enforcement functions**

1. Assist in implementation of international conventions related to the Ministry.
2. Assist and support the Departments of the Ministry in implementing laws relevant to the Ministry.
3. Enforce court judgement in civil or criminal cases, decisions of Tribunals and arbitral award.

### **Quasi-judicial Functions**

1. Ensures that the Committee observes and follows the due process of law, and principles of natural justice while performing quasi-judicial functions.

### **Dissemination and Legal Advocacy**

1. Disseminate relevant laws to the general public in consultation with the OAG.
2. Create an awareness presentation to the staff of the Ministry on the latest developments in laws and policies related to the Ministry.

### **Legal Research Functions**

1. Conduct research on relevant international laws and other legal instruments for reference in drafting and reviewing bills and delegated legislations.
2. Conduct desk review and comparative studies to assist in preparing legal opinions on domestic affairs.
3. Write a legal research paper annually on issues related to recent developments in laws, jurisprudence and current affairs for publication in the OAG journal.

### **Repository and Documentation Functions**

1. Serve as a repository including maintaining archives for legislations and other legal instruments relevant or entered into by the Ministry.
2. Ensure documentation, and record-keeping of legal documents, and correspondence of the legal section.

### **Member of the Committee or Body**

1. Serve as a member of a Human Resource Committee/Disciplinary Committee of the concerned agency and ensure that the Committee follows due process of law, and principles of natural justice while arriving at a decision.
2. Serve as a member of Committees as directed by the Ministry, and as prescribed by law.
3. Represent the Ministry in meetings and workshops related to legislation and legal matters.

## **TERMS OF REFERENCE FOR MINISTRY OF EDUCATION (MOE)**

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### **Prosecution of criminal cases**

1. Prosecute criminal cases before the court, if:
  - (a) delegated by the OAG, through the issuance of the Power of Attorney by the Attorney General; or
  - (b) authorized and empowered by the specific laws, in consultation with the OAG.
2. Serve as the focal or contact person for the cases referred to the OAG.
3. Coordinate with, and provide support to the OAG regarding cases referred for prosecution:
  - (a) including providing information and documents related to sector-specific cases; and
  - (b) follow-up on the court judgments and appeals.

### **Litigation of Civil cases**

1. Institute civil cases before the Court or arbitral tribunal on behalf of the Ministry.
2. Represent the Ministry before the Court or arbitral tribunal in civil cases.
3. Review, prepare and register cases before the Court.
4. Review, prepare and register cases for arbitration in arbitral tribunals.
5. Carry out fact finding and document enquiry with relevant Divisions/Departments.
6. Assist with audit memos pertaining to recoveries of outstanding amounts through misuse or contractual issues through civil suits.
7. Enforce court judgement in civil cases.

### **Advisory and Legal Service**

1. Provides legal advice to the Ministry on issues falling within the legal domain of the Ministry as and when sought by the Ministry.
2. Provide legal assistance to the head of the Ministry, Divisions and officials in general.
3. Provide advice and support for MoUs to the Division/Departments of the Ministry.
4. Provide advice and support for guidelines to the Division/Departments of the Ministry.
5. Provide advice and support for enforcement/implementation prescribed by law.
6. Provide legal advice sought by the Bhutan Council for School Examinations and Assessment, and the Royal Education Council through the Secretary of the Ministry.
7. Serve as a legal advisor to all the policy formulation teams of the Ministry.

8. Serve as a relevant Agency of the Government to undertake necessary treaty-making processes, if directed by the Lhengye Zhungtshog or as a relevant stakeholder, if identified by the concerned Agency to participate in all the stakeholder consultations and processes in accordance to the *Rules of procedure for Treaty Making 2016*.
9. Carry out ad hoc activities as and when directed by the management or superiors.

### **Drafting and Review of Bills and other Legal Instruments**

1. Advise on, coordinate and conduct the Legislative Impact Assessment before the drafting of any bill or review of existing legislation concerning the MoE.
2. Draft bills including amendment bills on those subject-matter within the mandate of the MoE.
3. Draft or revise delegated legislations on those subject-matter within the mandate of the MoE.
4. Serve as a drafting instructor to the OAG and adhere to the relevant clauses of *Rules of Procedure of Drafting and Reviewing of Bills and Delegated Legislations 2018*, if a bill or delegated legislation is referred for drafting or review to the OAG.
5. Coordinate within the MoE for carrying out stakeholder consultation meetings during the process of drafting of bills or reviewing of existing legislations concerning the MoE.
6. Coordinate and consult with relevant agencies during the process of drafting or revision of legislation concerning the MoE.

7. Assist in the framing and review of manuals, guidelines, policies and procedures concerning the MoE.
8. Prepare or review MoUs, Terms of References, agreements, contracts, and other legal documents.
9. Review and provide inputs and comments on sectoral legislation referred by other agencies.
10. Represents the MoE during the consultations on sectoral legislations, draft sectoral bills, rules or regulations, or other legal related matters, if required.
11. Review relevant legislations or legal documents of MoE, if any and submit recommendations to the OAG.
12. Seek any technical advice or support from the OAG in drafting, consulting or vetting of the delegated legislations.

### **Investigation Functions**

1. Guide investigation procedures and review investigation reports to ensure due process of law is followed during investigation when complaints are received or directed to the Ministry.
2. Provide information for investigation of sector-specific matters sought by the ACC.
3. Take depositions from relevant Divisions/officials, and other stakeholders as prescribed by law.
4. Investigate and prepare reports on administrative cases as directed by the Management.
5. Receive investigation report, analyze the case and prepare a detailed case report for submission to the OAG for prosecution or HRC for administrative discipline.

### **Enforcement functions**

1. Assist in the implementation of international conventions related to the Ministry.
2. Implement laws relevant to the Ministry.
3. Enforce court judgement in civil or criminal cases, decisions of Tribunals and arbitral award.

### **Quasi-judicial Functions**

1. Ensure that the Committee observes, and follows the due process of law, and principles of natural justice while performing quasi-judicial functions.

### **Dissemination and Legal Advocacy**

1. Disseminate information to enhance awareness of relevant laws to the general public in consultation with the OAG.
2. Conduct advocacy programs to the staff of the Ministry on the latest developments in laws and policies related to the Ministry.

### **Legal Research Functions**

1. Conduct research on relevant international laws and other legal instruments for reference in drafting and reviewing bills and delegated legislations.
2. Conduct desk review and comparative studies to assist in preparing legal opinions on domestic affairs.
3. Write a legal research paper annually on issues related to recent developments in laws, jurisprudence and current affairs for publication in the OAG journal.

### **Repository and Documentation Functions**

1. Serve as a repository including maintaining archives for legislations and other legal instruments relevant or entered into by the Ministry.



2. Ensure documentation, and record-keeping of legal documents, and correspondence of the legal section.

### **Member of the Committee or Body**

1. Serve as a member of a Human Resource Committee and Disciplinary Committee of the concerned agency, and ensure that the Committee follows the due process of, and principles of natural justice while arriving at a decision.
2. Serve as a member of Committees as directed by the Ministry, or as prescribed by law.
3. Represent the Ministry in meetings and workshops related to the relevant laws and legal matters.

## **TERMS OF REFERENCE FOR MINISTRY OF FINANCE (MOF)**

### **Prosecution of Criminal Cases**

1. Prosecute criminal cases before the court, if:
  - (a) delegated by the OAG, through the issuance of the Power of Attorney by the Attorney General; or
  - (b) authorized and empowered by the specific laws in consultation with the OAG.
2. Serve as the focal or contact person for the cases referred to the OAG.
3. Coordinate with, and provide support to the OAG regarding cases referred for prosecution:
  - (a) including providing information and documents related to sector-specific cases; and
  - (b) follow-up on the court judgments and appeals including disciplinary referrals to the agencies.

### **Litigation of Civil cases**

1. Review civil matters related to procurement, statutory violation, pending audit observations, recovery of pending payment of fines, and file civil suits before Courts.
2. Review, prepare, and represent the Ministry before the Administrative Tribunal on cases related to the Ministry.

### **Support Investigation**

1. Guide the enforcement officials while carrying out investigations of offences of criminal nature.
2. Carry out investigations in administrative matters forwarded by the Office of Gyalpoi Zimpon, ACC, and RCSC.

### **Advisory and legal services**

1. Provide legal advice on all legal matters related to the Minister, Secretary, and the heads of the Departments and Divisions.
2. Provide interpretation and clarifications on the implementation of *Public Finance Act 2007* and amendments thereof, *Income Tax Act 2001*, *Sales Tax and Excise Tax Act 2000*, *Customs Act 2001*, *Fiscal Incentive Act 2017*, *Goods and Service Tax Act 2020*, *Property Ownership Transfer Tax 2020*, *Tourism Levy Act 2020*, *the Pay Revision Act 2019* and its rules and regulations implemented by the Ministry including any amendments made thereto, the Acts or rules and regulations adopted.
3. Provide interpretation, clarification, advice, and guidance on the issues related to *Procurement Rules and Regulations 2019* and Standard Bidding Documents to all the Ministries and Agencies.
4. Provide interpretation and clarifications on the Policies, Guidelines, Manuals, Charter, Bilateral Agreements such as Double Taxation Avoidance Agreement with India and Bangladesh, and Multilateral Agreements.

5. Provide legal opinion to courts as an *Amicus Curiae* on the Acts/Rules related to the Ministry when summoned.
6. Interpretation and clarification of Acts/Rules of other Agencies related to finance.
7. Clarification of bills or multilateral Agreements to the Committees of the Parliament during the tabling of the bills and agreements for ratification.
8. Clarification of bills of other Agencies in relation to Finance to the Committees in the Parliament.
9. Provide clarification and help Desk on e-GP System (Electronic Government Procurement System) related issues.

### **Drafting and Review of Bills and Other Legal Instruments**

1. Advise on, coordinate and conduct the Legislative Impact Assessment before the drafting of any bill or review of existing legislation concerning the MoF.
2. Draft bills including amendment bills on those subject-matter within the mandate of the MoF.
3. Draft or revise delegated legislations on those subject-matter within the mandate of the MoF.
4. Serve as a drafting instructor to the OAG and adhere to the relevant clauses of *Rules of Procedure of Drafting and Reviewing of Bills and Delegated Legislations 2018*, if a bill or delegated legislation is referred for drafting or review to the OAG.
5. Coordinate within the MoF for carrying out stakeholder consultation meetings during the process of drafting of bills or reviewing of existing legislations concerning the MoF.

6. Coordinate and consult with relevant agencies during the process of drafting or revision of legislation concerning the MoF.
7. Assist in the framing and review of manuals, guidelines, policies and procedures concerning the MoF.
8. Prepare or review MoUs, Terms of References, agreements including bilateral and multilateral, loan and grants, contracts, and other legal documents.
9. Review and provide inputs and comments on sectoral legislation referred by other agencies.
10. Represents the MoF during the consultations on sectoral legislations, draft sectoral bills, rules or regulations, or other legal related matters, if required.
11. Review relevant legislations or legal documents of MoF, if any and submit recommendations to the OAG.

### **Investigatory Functions**

1. Guide the investigation procedures and review investigation reports to ensure the due process of law is followed during the investigation when complaints are received or directed by the Ministry.
2. Provide information for investigation of sector-specific matters sought by the ACC.
3. Record depositions from relevant divisions/officials, and other stakeholders as prescribed by law.
4. Investigate and prepare a report for prosecution or Human Resource Committee for administrative cases as directed by the Ministry.

### **Enforcement/Execution Functions**

1. Enforce court judgement in civil or criminal cases, decisions of Tribunals and arbitral award.

2. Review and enforce the Court judgments forwarded by the OAG or Agencies for implementation to the Ministry.
3. Guide the Ministry in the enforcement of the Court orders.

### **Quasi-Judicial Functions**

1. Serve as a Member Secretary or Secretariat to the Tax Appeal Board established as per the *Income Tax Act 2001, Sales Tax and Excise Tax Act 2000, and Customs Act 2001*.
2. Serve as a Member Secretary/Secretariat to the Independent Review Body established as per the *Procurement Rules & Regulations 2019*.
3. Serve as a Member Secretary/Secretariat to Committees as and when assigned by the Ministry.
4. Ensure that the Committee/Board/Body complies with the due process of law, and principles of natural justice while arriving at a decision.

### **Dissemination and Legal Advocacy**

1. Disseminate information to enhance awareness of relevant laws, policies, or regulations related to procurement, standard bidding documents, financial manuals to the general public in coordination with the relevant Departments/non-Departments or Agencies.
2. Conduct advocacy programs to the staff of the Ministry on the latest developments in laws and policies related to the Ministry.

### **Member of a Committee/Board/Taskforce**

1. Serve as a member of the Human Resource Committee/High-Level Committee in the Ministry and ensure that the Committees follow the due process of law, and principles of natural justice while arriving at a decision.

2. Serve as a member of the Technical Committee for specialized firm task force-facilitating award, and packaging of repair and maintenance works.
3. Serve as a member of Committees/Board/task force as and when assigned by the Ministry.

### **Legal Research**

1. Research on relevant international laws and other legal instruments as a reference in drafting and reviewing bills and delegated legislation.
2. Conduct desk review and comparative studies to assist in preparing legal opinions on domestic affairs.
3. Research and recommend ways forward on matters beyond the laws/rules in the Ministry.

### **Repository and Documentation Functions**

1. Serve as a repository including maintaining archives for legislations and other legal instruments relevant or entered into by the Ministry.
2. Ensure documentation, and record-keeping of legal documents, and correspondence of the legal section.

### **Other functions**

1. Supervise the overall legal work in the Ministry.
2. Represent on behalf of the Ministry in meetings and workshops related to legislation and legal matters.
3. Participate in negotiations of Loan, Grant, Bilateral and Multilateral Agreements in the Ministry.
4. Review and recommend ways forward for complaints received from within and outside the Ministry assigned by the Ministry.
5. Liaison with the OAG on all legal matters.

6. Translate documents especially in Dzongkha if assigned by the Ministry.
7. Update status of the court cases to the Ministry/Departments and the OAG.
8. Submit reports on the Secretarial services to the Ministry.

## **TERMS OF REFERENCE FOR MINISTRY OF FOREIGN AFFAIRS (MOFA)**

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### **Prosecution of Criminal Cases**

1. Prosecute criminal cases before the court, if:
  - (a) delegated by the OAG, through the issuance of the Power of Attorney by the Attorney General; or
  - (b) authorized and empowered by the specific laws, in consultation with the OAG.
2. Serve as the focal or contact person for the cases referred to the OAG.
3. Coordinate with, and provide support to OAG regarding cases referred for prosecution:
  - (a) including providing information and documents related to sector-specific cases; and
  - (b) follow-up on the court judgments and appeals.

### **Litigation of Civil cases**

1. Institute civil cases before the Court or arbitral tribunal on behalf of the Ministry.
2. Represent the Ministry before the Court or arbitral tribunal in civil cases.
3. Review, prepare and register cases before the Court.

4. Review, prepare, and register cases for arbitration before arbitral tribunals.

### **Advisory and Legal Service**

1. Provide legal advice to the Ministry on issues falling within the legal domain of the Ministry as and when sought by the Ministry.
2. Coordinate and conduct investigations for the matters referred by the ACC and RCSC and Embassies, Missions, and Consulates.
3. Provide advice and support for MoUs to the division/departments of the Ministry.
4. Provide advice and support for enforcement/implementation prescribed by law.
5. Serve as a legal advisor to all the policy formulation teams of the Ministry.
6. May seek a legal opinion from the OAG on the matters which seem to have a possible impact on the existing laws.
7. Carry out ad hoc activities as and when being directed.
8. Serve as a relevant Agency of the Government to undertake necessary treaty-making processes, if directed by the Lhengye Zhungtshog or as a relevant stakeholder, if identified by the concerned Agency to participate in all the stakeholder consultations and processes in accordance to the *Rules of procedure for Treaty Making 2016*.

### **Drafting and Review of Bills and other Legal Instruments**

1. Advise on, coordinate and conduct the Legislative Impact Assessment before the drafting of any bill or review of existing legislation concerning the MoFA.
2. Draft bills including amendment bills on those subject-matter within the mandate of the MoFA.



3. Draft or revise delegated legislations on those subject-matter within the mandate of the MoFA.
4. Serve as a drafting instructor to the OAG and adhere to the relevant clauses of *Rules of Procedure of Drafting and Reviewing of Bills and Delegated Legislations 2018*, if a bill or delegated legislation is referred for drafting or review to the OAG.
5. Coordinate within the MoFA for carrying out stakeholder consultation meetings during the process of drafting of bills or reviewing of existing legislations concerning the MoFA.
6. Coordinate and consult with relevant agencies during the process of drafting or revision of legislation concerning the MoFA.
7. Assist in the framing and review of manuals, guidelines, policies and procedures concerning the MoFA.
8. Prepare or review MoUs, Terms of References, agreements, contracts, and other legal documents.
9. Review and provide inputs and comments on sectoral legislation referred by other agencies.
10. Represents the MoFA during the consultations on sectoral legislations, draft sectoral bills, rules or regulations, or other legal related matters, if required.
11. Review relevant legislations or legal documents of MoFA, if any and submit recommendations to the OAG.

### **Investigation Functions**

1. Guide investigation procedures and review investigation reports to ensure that the due process of law is followed during the investigation when complaints are received or directed to the Ministry.
2. Provide information for investigation of sector-specific matters requested by the ACC, RCSC, and Embassies, Missions, and Consulates.
3. Receive investigation report, analyze the case, and prepare a detailed case report for submission to HRC for administrative discipline.
4. Receive investigation report, analyze the case and prepare a detailed case report for submission to the OAG for prosecution or HRC for administrative discipline.

### **Regulatory and Enforcement functions**

1. Guide and advice enforcement officials in the field while implementing regulatory provisions under the relevant Acts.
2. Assist in the implementation of international conventions related to the Ministry.
3. Implement the laws relevant to the Ministry.
4. Enforce court judgment in civil cases or arbitral awards.

### **Quasi-judicial Functions**

1. Ensures that the Committee observes and follows the due process of law, and principles of natural justice while performing the quasi-judicial functions.

### **Dissemination and Legal Advocacy**

1. Disseminate information to enhance awareness of relevant laws to the general public in consultation with the OAG.

2. Conduct advocacy programs to the staff of the Ministry on the latest developments in laws and policies related to the Ministry.

### **Legal Research Functions**

1. Conduct research on relevant international laws and other legal instruments for reference in drafting and reviewing bills and delegated legislations.
2. Conduct desk review and comparative studies to assist in preparing legal opinions on domestic affairs.
3. Write a legal research paper annually on issues related to recent developments in laws, jurisprudence and current affairs for publication in the OAG journal.

### **Repository and Documentation Functions**

1. Serve as a repository including maintaining archives for legislations and other legal instruments relevant or entered into by the Ministry.
2. Ensure documentation, and record-keeping of legal documents, and correspondence of the legal section.

### **Member of the Committee or Body**

1. Serve as a member of a Human Resource Committee/Disciplinary Committee of the concerned agency and ensure that the Committee follows the due process of law, and principles of natural justice while arriving at the decision.
2. Serve as a member of Committees as directed by the Ministry, or as prescribed by law.
3. Represent the Ministry in meetings and workshops related to legislation and legal matters.

## **TERMS OF REFERENCE FOR MINISTRY OF HEALTH (MOH)**

### **Prosecution of Criminal Cases**

1. Prosecute criminal cases before the court, if:
  - (a) delegated by the OAG, through the issuance of the Power of Attorney by the Attorney General; or
  - (b) authorized and empowered by the specific laws, in consultation with the OAG.
2. Serve as the focal or contact person for the cases referred to the OAG.
3. Coordinate with, and provide support to OAG regarding cases referred for prosecution:
  - (a) including providing information and documents related to sector-specific cases; and
  - (b) follow-up on the court judgments and appeals.

### **Litigation of Civil cases**

1. Institute civil cases relating to but not limited to procurement, recovery before the Court or arbitral tribunal on behalf of the MoH.
2. Represent the Ministry before the Court or arbitral tribunal in civil cases.
3. Review, prepare and register cases before the Court.
4. Review, prepare, and register cases for arbitration in arbitral tribunals involving the concerned Department/Division under the MoH.
5. Carry out fact-finding and document inquiry with relevant Divisions/Departments.
6. Assist with audit memos pertaining to recoveries of outstanding amounts of misuse or contractual issues through civil suits.
7. Enforce court judgment in civil cases.

### **Advisory and Legal Service**

1. Provides legal advice to the Ministry on issues falling within the legal domain of the Ministry as and when sought by the Ministry.
2. Provide legal assistance/support to the head of the Ministry, Agencies, Divisions, and officials in general.
3. Provide legal advice sought by Bhutan Medical and Health Council, Khesar Gyalpo University of Medical Sciences of Bhutan, and Drug Regulatory Authority through the Secretary of the Ministry.
4. Provide legal advice to Bhutan Health Trust Fund when required.
5. Assist in interpretation of the *Bhutan Medical and Health Council Act 2002*, *The Medicines Act of the Kingdom 2003*, and *University of Medical Sciences Act 2012*.
6. Provide advice and guidance in drafting MoUs to the Division/Departments of the Ministry.
7. Provide advice and support for enforcement/implementation prescribed by law.
8. Serve as a legal advisor to all the policy formulation teams of the Ministry.
9. Serve as a relevant Agency of the Government to undertake necessary treaty-making processes, if directed by the Lhengye Zhungtshog or as a relevant stakeholder, if identified by the concerned Agency to participate in all the stakeholder consultations and processes in accordance to the *Rules of procedure for Treaty Making 2016*.
10. Carry out ad hoc activities as and when being directed by the management or superiors.

## **Drafting and Review of Bills and other Legal Instruments**

1. Advise on, coordinate and conduct the Legislative Impact Assessment before the drafting of any bill or review of existing legislation concerning the MoH.
2. Draft bills including amendment bills on those subject-matter within the mandate of the MoH.
3. Draft or revise delegated legislations on those subject-matter within the mandate of the MoH.
4. Serve as a drafting instructor to the OAG and adhere to the relevant clauses of *Rules of Procedure of Drafting and Reviewing of Bills and Delegated Legislations 2018*, if a bill or delegated legislation is referred for drafting or review to the OAG.
5. Coordinate within the MoH for carrying out stakeholder consultation meetings during the process of drafting of bills or reviewing of existing legislations concerning the MoH.
6. Coordinate and consult with relevant agencies during the process of drafting or revision of legislation concerning the MoH.
7. Assist in the framing and review of manuals, guidelines, policies and procedures concerning the MoH.
8. Prepare or review MoUs, Terms of References, agreements, contracts, and other legal documents.
9. Review and provide inputs and comments on sectoral legislation referred by other agencies.
10. Represents the MoH during the consultations on sectoral legislations, draft sectoral bills, rules or regulations, or other legal related matters, if required.

11. Review relevant legislations or legal documents of MoH, if any and submit recommendations to the OAG.

### **Investigation Functions**

1. Guide investigation procedures and review investigation reports to ensure that the due process of law is followed during investigations when complaints are received or directed to the Ministry.
2. Provide information for investigation of sector-specific matters sought by the ACC.
3. Taking depositions from relevant divisions/officials, and other stakeholders as prescribed by law.
4. Investigate and prepare a report on administrative cases as directed by Management.
5. Receive investigation report, analyze the case, and prepare a detailed case report for submission to the OAG for prosecution or HRC for administrative discipline.

### **Regulatory and Enforcement functions**

1. Guide and advice enforcement officials in the field in implementation of regulatory provisions under the relevant Acts.
2. Assist in the implementation of international conventions related to the Ministry.
3. Implement the laws relevant to the Ministry.
4. Enforce court judgement in civil or criminal cases, decisions of Tribunals and arbitral award.

### **Quasi-judicial Functions**

1. Ensure that the Committee observes and follows the due process of law, and principles of natural justice while performing the quasi-judicial functions.

### **Dissemination and Legal Advocacy**

1. Disseminate information to enhance awareness of relevant laws to the general public in consultation with the OAG.
2. Conduct an advocacy program to the staff of the Ministry on the latest developments in laws and policies related to the Ministry.

### **Legal Research Functions**

1. Conduct research on relevant international laws and other legal instruments for reference in drafting and reviewing bills and delegated legislations.
2. Conduct desk review and comparative studies to assist in preparing legal opinions on domestic affairs.
3. Write a legal research paper annually on issues related to recent developments in laws, jurisprudence and current affairs for publication in the OAG journal.

### **Repository and Documentation Functions**

1. Serve as a repository including maintaining archives for legislations and other legal instruments relevant or entered into by the Ministry.
2. Ensure documentation, and record-keeping of legal documents, and correspondence of the legal section.

### **Member of the Committee or Body**

1. Serve as a member of a Human Resource Committee/Disciplinary Committee, of the concerned agency and ensure that the Committee follows the due process of law, and principles of natural justice while arriving at the decision.
2. Serve as a member of the Executive Committee of the Bhutan Medical and Health Council.



3. Serve and review research protocols related to Health as a member of a Research Ethics Board of Bhutan as per the research guidelines.
4. Serve as a member of Committees as directed by the Ministry, and as prescribed by law.
5. Represent the Ministry in meetings and workshops related to Legislation and legal matters.

### **Other Functions**

1. Draft proposal with justification for allocation of funds from donor agencies to conduct workshops/awareness on the legal instruments relating to health to health workers and subsequently submit implementation reports.

## **TERMS OF REFERENCE FOR MINISTRY OF HOME AND CULTURAL AFFAIRS (MOHCA)**

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### **Prosecution of Criminal Cases**

1. Prosecute criminal cases before the court, if:
  - (a) delegated by the OAG, through the issuance of the Power of Attorney by the Attorney General; or
  - (b) authorized and empowered by the specific laws, in consultation with the OAG.
2. Serve as the focal or contact person for the cases referred to the OAG.
3. Coordinate with, and provide support to the OAG regarding cases referred for prosecution:
  - (a) including providing information and documents related to sector-specific cases; and
  - (b) follow-up on the court judgments and appeals.

### **Litigation of Civil cases**

1. Institute civil cases before the Court or arbitral tribunal on behalf of the Ministry;
2. Represents the Ministry before the Court or arbitral tribunal in civil cases.
3. Serve as the focal point of the cases which are referred to the OAG for litigation.

### **Advisory and Legal Service**

1. Coordinate and conduct investigations for the matters referred by ACC and RCSC.
2. Assist audit focal person in dealing with audit memos pertaining to misuse of government revenue and contractual issues.
3. Carry out ad hoc activities as and when being directed by the management or superiors.
4. All legal matters pertaining to the Department of Law and Order includes providing legal advice, drafting laws, and regulations and formulate policies for appraisal whenever required.
5. Matters in particular concerning RBP related to Crime/Incidence/Situation report, VVIP/VIP security escort, non-national prisoners, and Prisons.
6. Work in close coordination with relevant agencies to work on the reports submitted by RBP and deliver a plan of action, if required.
7. Shall respond to any matters related to Elections and Election Commission of Bhutan, OAG, and Judiciary.
8. Shall look into matters related to Security Clearance Certificate and Explosives permit to take charge of any issues thereby.
9. Shall deal with matters related to the United Office of Drugs and Crime (UNODC) and its project office in Bhutan related to global issues of trafficking in persons, drugs, and crime, etc.

10. Serve as a relevant Agency of the Government to undertake necessary treaty-making processes, if directed by the Lhengye Zhungtshog or as a relevant stakeholder, if identified by the concerned Agency to participate in all the stakeholder consultations and processes in accordance to the *Rules of procedure for Treaty Making 2016*.
11. Shall attend to matters related to SAARC and BIMSTEC in consistent with the due process in place concerning multilateral and bilateral issues/obligations and make appraisal to concerned authorities respectively.
12. Review and recommend the Ministry on the requirement of lawyers, detectives, and other professionals in police crime investigation.

### **Drafting and Review of Bills and other Legal Instruments**

1. Advise on, coordinate and conduct the Legislative Impact Assessment before the drafting of any bill or review of existing legislation concerning the MoHCA.
2. Draft bills including amendment bills on those subject-matter within the mandate of the MoHCA.
3. Draft or revise delegated legislations on those subject-matter within the mandate of the MoHCA.
4. Serve as a drafting instructor to the OAG and adhere to the relevant clauses of *Rules of Procedure of Drafting and Reviewing of Bills and Delegated Legislations 2018*, if a bill or delegated legislation is referred for drafting or review to the OAG.

5. Coordinate within the MoHCA for carrying out stakeholder consultation meetings during the process of drafting of bills or reviewing of existing legislations concerning the MoHCA.
6. Coordinate and consult with relevant agencies during the process of drafting or revision of legislation concerning the MoHCA.
7. Assist in the framing and review of manuals, guidelines, policies and procedures concerning the MoHCA.
8. Prepare or review MoUs, Terms of References, agreements, contracts, and other legal documents.
9. Review and provide inputs and comments on sectoral legislation referred by other agencies.
10. Represents the MoHCA during the consultations on sectoral legislations, draft sectoral bills, rules or regulations, or other legal related matters, if required.
11. Review relevant legislations or legal documents of MoHCA, if any and submit recommendations to the OAG.

### **Investigation Functions**

1. Review, conduct investigation, analyze the case, and prepare case investigation reports into the matters referred by the ACC and RCSC and any other authorities.
2. Review, conduct internal investigations, and prepare a report of complaints received against the employee of the Ministry, or any such tasks assigned by the Chief, Directors, Secretary or Minister from time to time.

3. Receive investigation report, analyze the case, and prepare a detailed case report for submission to the OAG for prosecution.

### **Regulatory and Enforcement functions**

1. Coordinate and conduct workshops for enforcement and regulatory officials from the Department and Division.
2. Guide and advice enforcement officials in the field in implementation of regulatory provisions under the relevant Acts.
3. Assist implementation of international conventions related to the Ministry.
4. Assist and support the departments in implementing the laws relevant to the Ministry.
5. Enforce court judgement in civil or criminal cases, decisions of Tribunals and arbitral award.

### **Quasi-judicial Functions**

1. Ensure that the Committee observes and follows the due process of law, and principles of natural justice while performing the quasi-judicial functions.

### **Dissemination and Legal Advocacy**

1. Disseminate information to enhance awareness of relevant laws to the general public in consultation with the OAG.
2. Conduct advocacy programs to the staff of the Ministry on the latest developments in laws and policies related to the Ministry.

### **Legal Research Functions**

1. Conduct research on relevant international laws and other legal instruments as a reference in drafting and reviewing bills and delegated legislation.

2. Conduct desk review and comparative studies to assist in preparing legal opinions/views on domestic affairs.
3. Write a legal research paper annually on issues related to recent developments in laws, jurisprudence, and current affairs for publication in the OAG journal.

### **Repository and Documentation Functions**

1. Serve as a repository including maintaining archives for legislations and other legal instruments relevant or entered into by the Ministry.
2. Ensure documentation, and record-keeping of legal documents, and correspondence of the legal section.

### **Member of the Committee or Body**

1. Serve as a member of a Human Resource Committee/Disciplinary Committee of the concerned agency and ensure that the Committee follows the due process of law, and principles of natural justice while arriving at the decision.
2. Serve as members Committees if directed by the Ministry or as prescribed by the laws.
3. Represent working agencies in meetings and workshops related to legislation and legal matters.

## **TERMS OF REFERENCE FOR MINISTRY OF INFORMATION AND COMMUNICATION (MOIC)**

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### **Prosecution of Criminal Cases**

1. Prosecute criminal cases before the court, if:
  - (a) delegated by the OAG, through the issuance of the Power of Attorney by the Attorney General; or
  - (b) authorized and empowered by the specific laws, in consultation with the OAG.

2. Serve as the focal or contact person for the cases referred to the OAG.
3. Coordinate with, and provide support to the OAG regarding cases referred for prosecution:
  - (a) including providing information and documents related to sector-specific cases; and
  - (b) follow-up on the court judgments and appeals.

### **Litigation of Civil cases**

1. Review the civil matters related to contractual, procurement, audit recoveries, other recoveries such as fines and penalties, statutory violations, and represent the Ministry before Courts.
2. Review the case and represent in ADR proceedings or proceedings before any Administrative Tribunal on behalf of the Ministry on matters related to Roads Safety and Transport Authority, Department of Air Transport, Department of Information Technology & Telecom, and Department of Information & Media.
3. Review and resolve issues related to penalties for traffic infringement and issues concerning misconduct by employees under the Ministry.

### **Advisory and Legal Service**

1. Provides legal advice to the Ministry/Departments (RSTA, DoAT, DoIM & DITT) on issues falling within the legal domain of the Ministry as and when sought by the Ministry and other autonomous agencies (Film Commission and Media Council since they are required to avail services of MoIC Legal Officer) under the Ministry.
2. Coordinate and conduct investigations for the matters referred by the ACC and RCSC.

3. Advice and guide the officials of RSTA, Media Council, and Film Commission in enforcing and implementing the rules and regulations.
4. Review and recommend Treaty proposals (relating to ICT & Telecom, Media and Filming, Transport (aviation & road), & Postal) to the Government and carry out the requirements if the Government so decides to accede.
5. Frame Policy Directive for issuance to the autonomous agencies (BICMA, BCAA, Film Commission, Media Council, Bhutan Postal Corporation, and other relevant bodies) under MoIC.
6. Serve as a relevant Agency of the Government to undertake necessary treaty-making processes, if directed by the Lhengye Zhungtshog or as a relevant stakeholder, if identified by the concerned Agency to participate in all the stakeholder consultations and processes in accordance to the *Rules of procedure for Treaty Making 2016*.
7. Act and correspond as a focal point for Aircraft Accident Investigation Unit, SAARC, BIMSTEC, BBIN, ITU, and APT as directed by the Management.
8. Assist and guide aircraft Accident Investigation Unit for any aircraft accident and serious incident investigation.
9. Advice and assist the audit focal person in resolving the audit memos.
10. Advise the policy and planning division on any policy or planning decisions that would have legal implications.
11. Attend workshops, meetings, and seminars organized by the agencies concerned and/or act as a resource person in meetings related to legal matters.



12. Act as a Focal Point for Aircraft Accident Investigation Unit established under the Ministry and focal person to other items of works as directed by the management.
13. Render legal services and carry out *ad hoc* activities as and when being directed by the management or superiors.

### **Drafting and Review of Bills and other Legal Instruments**

1. Advise on, coordinate and conduct the Legislative Impact Assessment before the drafting of any bill or review of existing legislation concerning the MoIC.
2. Draft bills including amendment bills (*Information Communications and Media Act 2018, Civil Aviation Act 2016, Road Safety and Transport Act 1999, and Bhutan Postal Corporation Act 1999*) on those subject-matter (Transport including aviation and road, ICT & Telecom, Media & filming procedures) within the mandate of the MoIC.
3. Draft or revise delegated legislations on those subject-matter (Transport including aviation and road, ICT & Telecom, Media & filming procedures) within the mandate of the MoIC.
4. Serve as a drafting instructor to the OAG and adhere to the relevant clauses of *Rules of Procedure of Drafting and Reviewing of Bills and Delegated Legislations 2018*, if a bill or delegated legislation is referred for drafting or review to the OAG.
5. Coordinate within the MoIC for carrying out stakeholder consultation meetings during the process of drafting of bills or reviewing of existing legislations concerning the MoIC.
6. Coordinate and consult with relevant agencies during the process of drafting or revision of legislation concerning the MoIC.

7. Assist in the framing and review of manuals, guidelines, policies and procedures concerning the MoIC including Media Council and Film Commission.
8. Prepare or review MoUs, Terms of References, agreements, contracts, and other legal documents.
9. Review and provide inputs and comments on sectoral legislation referred by other agencies.
10. Represents the MoIC during the consultations on sectoral legislations, draft sectoral bills, rules or regulations, or other legal related matters, if required.
11. Review relevant legislations or legal documents of MoIC, if any and submit recommendations to the OAG.
12. Assist in framing Policies pertaining to ICT & Telecom, Media & Filming, Transport (aviation & road), and Postal.
13. Develop or review Air Services Agreements, and carry out formalities as per the *Rules of Procedures for Treaty-Making 2016*.
14. Review specific project financing agreements relevant to the Ministry.

### **Support Investigation**

1. Guide, review, or carry out investigations for the matters referred by the ACC and RCSC and any other authorities which are administrative in nature.
2. Review, conduct the internal investigation, and prepare a report of complaints received against the employee of the Ministry.

### **Enforcement Functions**

1. Enforce court judgement in civil or criminal cases, decisions of Tribunals and arbitral award.
2. Enforce the decisions, resolutions, or disciplinary action of the Committee, Human Resource Committee, and disciplinary committee of RSTA.

### **Quasi-Judicial Functions**

1. Ensure that the Committee observes and follows the due process of law, and principles of natural justice while performing the quasi-judicial functions.

### **Dissemination and Legal Advocacy**

1. Disseminate information to enhance awareness of relevant laws, policies, or regulations of the Ministry to the general public in collaboration with relevant agencies.
2. Conduct advocacy programs to the staff of the Ministry on the latest developments in laws and policies related to the Ministry.

### **Legal Research Functions**

1. Conduct research on relevant international laws and other legal instruments for reference in drafting and reviewing bills and delegated legislations.
2. Conduct desk review and comparative studies to assist in preparing legal opinions on domestic affairs, and on Transport (aviation and road), ICT & Telecom, Media and Filming, and Postal.
3. Write a legal research paper annually on issues related to recent developments in laws, jurisprudence and current affairs for publication in the OAG journal.

### **Repository and Documentation Functions**

1. Serve as a repository including maintaining archives for legislations and other legal instruments relevant or entered into by the Ministry.
2. Ensure documentation, and record-keeping of legal documents, and correspondence of the legal section.

### **Member of the Committee or Body**

1. Serve as a member of a Human Resource Committee of the concerned agency and ensure that the Committee follows the due process of law, and principles of natural justice while arriving at the decision.
2. Serve as members of Committee and body as prescribed by the laws.
3. Serve as a member of the working committees formed within the Ministry and as desired by other agencies.
4. Represent Working Agencies in meetings and workshops related to legislation and legal matters.

### **Other Functions**

1. Carry out postal activities in collaboration with the Policy and Planning Division;
2. Involve in almost all the meetings coordinated by the Departments, Secretariat, and Autonomous agencies under the Ministry.
3. Coordinate Bi-lateral, Regional, and Multilateral meetings for ICT, Media, and Transport (Road and Air).

## **TERMS OF REFERENCE FOR MINISTRY OF LABOUR AND HUMAN RESOURCE (MoLHR)**

### **Prosecution of Criminal Cases**

1. Prosecute criminal cases before the court, if:

- (a) delegated by the OAG, through the issuance of the Power of Attorney by the Attorney General; or
  - (b) authorized and empowered by the specific laws, in consultation with the OAG.
2. Serve as the focal or contact person for the cases referred to the OAG.
3. Coordinate with, and provide support to the OAG regarding cases referred for prosecution:
  - (a) including providing information and documents related to sector-specific cases; and
  - (b) follow-up on the court judgments and appeals.

### **Litigation of Civil cases**

1. Institute civil cases related to labour and employment before Courts.
2. Represent before the Court or arbitral tribunal on behalf of the Ministry for the disputes related to construction cases executed by the Ministry.

### **Advisory and Legal Service**

1. Provide legal advice to the Ministry on issues related to labor and employment including to the Department of Labor, Department of Employment and Human resource, Department of Occupational Standards, Department of Technical Education which are not covered by any specific laws.
2. Guide implementation of labor and employment act, regulations on working conditions, regulation of occupational health, safety and welfare, regulation on oversea employment.
3. Assist audit focal person in dealing with audit memos pertaining to misuse of government revenue and contractual issues.
4. Carry out ad hoc activities as and when directed by the management or superiors.

## **Drafting and Review of Bills and other Legal Instruments**

1. Advise on, coordinate and conduct the Legislative Impact Assessment before the drafting of any bill or review of existing legislation concerning the MoLHR.
2. Draft bills including amendment bills on those subject-matter (labour, employment, occupational standards, and technical education) within the mandate of the MoLHR.
3. Draft or revise delegated legislations on those subject-matter (labour, employment, occupational standards, and technical education) within the mandate of the MoLHR.
4. Serve as a drafting instructor to the OAG and adhere to the relevant clauses of *Rules of Procedure of Drafting and Reviewing of Bills and Delegated Legislations 2018*, if a bill or delegated legislation is referred for drafting or review to the OAG.
5. Coordinate within the MoLHR for carrying out stakeholder consultation meetings during the process of drafting of bills or reviewing of existing legislations concerning the MoLHR.
6. Coordinate and consult with relevant agencies during the process of drafting or revision of legislation concerning the MoLHR.
7. Assist in the framing and review of manuals, guidelines, policies and procedures concerning the MoLHR.
8. Prepare or review MoUs, Terms of References, agreements, contracts, and other legal documents.
9. Review and provide inputs and comments on sectoral legislation referred by other agencies.

10. Represents the MoLHR during the consultations on sectoral legislations, draft sectoral bills, rules or regulations, or other legal related matters, if required.
11. Review relevant legislations or legal documents of MoLHR, if any and submit recommendations to the OAG.
12. Assist Labor Relation Officer (Department of Labor) in reviewing Internal Service Rules (Corporations and Private companies).

### **Support Investigation**

1. Review, conduct investigation, analyze the case and prepare a case investigation report for the matters referred by the ACC, RCSC, and any other authorities for any administrative action.
2. Review, conduct internal investigations, and prepare a report of complaints received against the employee of the Ministry as per the instruction of the Ministry.

### **Assist Regulatory Authorities and Enforcement**

1. Guide and assist the labor inspector, labor relation Officers, and employment officers in exercising their mandates under *Labor and Employment Act 2017*.
2. Assist in the implementation of international conventions, treaties, and agreements or bi-lateral agreements related to labor and employment.
3. Enforce court judgment in civil cases for labor and employment, or arbitral award for any construction cases including the enforcement of criminal cases and the decision of the Tribunals.
4. Enforce the decisions, resolutions, or disciplinary action of HRC and Grievance Redressal Committee.

### **Quasi-judicial Functions**

1. Ensures that respective Departments and Divisions dealing with labour and employment dispute resolution observes and follows the due process of law, and principles of natural justice while performing the quasi-judicial functions.

### **Dissemination and Legal Advocacy**

1. Disseminate information to enhance awareness of relevant laws to the general public in consultation with the relevant department.
2. Conduct advocacy programs to the staff of the Ministry on the latest developments in laws and policies related to labor and employment to both government and private sector.

### **Legal Research Functions**

1. Conduct research on relevant international laws and other legal instruments for reference in drafting and reviewing bills and delegated legislations.
2. Conduct desk review and comparative studies to assist in preparing legal opinions on domestic affairs.
3. Write a legal research paper annually on issues related to recent developments in laws, jurisprudence and current affairs for publication in the OAG journal.

### **Repository and Documentation Functions**

1. Serve as a repository including maintaining archives for legislations and other legal instruments relevant or entered into by the Ministry.
2. Ensure documentation, and record-keeping of legal documents, and correspondence of the legal section.



### **Member of the Committee or Body**

1. Serve as a member of a Human Resource Committee of the concerned agency and ensure that the Committee follows the due process of law, and principles of natural justice while arriving at the decision.
2. Serve as members of Committee and body as prescribed by the laws.
3. Represent working agencies in meetings and workshops related to legislation and legal matters.
4. Serve as a member of the grievance redressal committee.

### **TERMS OF REFERENCE FOR MINISTRY OF WORKS AND HUMAN SETTLEMENT (MOWHS)**

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#### **Prosecution of Criminal Cases**

1. Prosecute criminal cases before the court, if:
  - (a) delegated by the OAG, through the issuance of the Power of Attorney by the Attorney General; or
  - (b) authorized and empowered by the specific laws, in consultation with the OAG.
2. Serve as the focal or contact person for the cases referred to the OAG.
3. Coordinate with, and provide support to the OAG regarding cases referred for prosecution:
  - (a) including providing information and documents related to sector-specific cases; and
  - (b) follow-up on the court judgments and appeals.

#### **Litigation of Civil cases**

1. Institute civil cases before the Court or arbitral tribunal on behalf of the Ministry.

2. Represents the Ministry before the Court or arbitral tribunal in civil cases.
3. Serve as the focal point of the cases referred to the OAG for litigation.

### **Advisory and Legal Service**

1. Advise the minister, secretary, and the heads of the departments and divisions under the Ministry on the laws concerning the road, tenancy, human settlement, and engineering.
2. Assist audit focal person in dealing with audit memos pertaining to misuse of government revenue and contractual issues.
3. Carry out ad hoc activities as and when being directed by the management or superiors.
4. Serve as a relevant Agency of the Government to undertake necessary treaty-making processes, if directed by the Lhengye Zhungtshog or as a relevant stakeholder, if identified by the concerned Agency to participate in all the stakeholder consultations and processes in accordance to the *Rules of procedure for Treaty Making 2016*.

### **Drafting and Review of Bills and other Legal Instruments**

1. Advise on, coordinate and conduct the Legislative Impact Assessment before the drafting of any bill or review of existing legislation concerning the MoWHS.
2. Draft bills including amendment bills on those subject-matter (Public Infrastructure Programs, engineering services, and other human settlement related) within the mandate of the MoWHS.

3. Draft or revise delegated legislations on those subject matter (Public Infrastructure Programs, engineering services, and other human settlement related) within the mandate of the MoWHS.
4. Serve as a drafting instructor to the OAG and adhere to the relevant clauses of *Rules of Procedure of Drafting and Reviewing of Bills and Delegated Legislations 2018*, if a bill or delegated legislation is referred for drafting or review to the OAG.
5. Coordinate within the MoWHS for carrying out stakeholder consultation meetings during the process of drafting of bills or reviewing of existing legislations concerning the MoWHS.
6. Coordinate and consult with relevant agencies during the process of drafting or revision of legislation concerning the MoWHS.
7. Assist in the framing and review of manuals, guidelines, policies and procedures concerning the MoWHS.
8. Prepare or review MoUs, Terms of References, agreements, contracts, and other legal documents.
9. Review and provide inputs and comments on sectoral legislation referred by other agencies.
10. Represents the MoWHS during the consultations on sectoral legislations, draft sectoral bills, rules or regulations, or other legal related matters, if required.
11. Review relevant legislations or legal documents of MoWHS, if any and submit recommendations to the OAG.

### **Investigation Functions**

1. Review, conduct investigation, analyze the case, and prepare case investigation reports into the matters referred by the ACC, RCSC and any other authorities.
2. Review, conduct internal investigations, and prepare a report of complaints received against the employee of the Ministry or any such tasks assigned by the Chief, Directors, Secretary, or Minister from time to time.
3. Receive investigation report, analyze the case, and prepare a detailed case report for submission to the OAG for prosecution.

### **Regulatory and Enforcement functions**

1. Coordinate and conduct workshops for enforcement and regulatory officials from the Department and Division.
2. Guide and advice enforcement officials in the field in the implementation of regulatory provisions under the relevant Acts.
3. Assist in the implementation of international conventions related to the Ministry.
4. Implement the laws relevant to the Ministry.
5. Enforce court judgement in civil or criminal cases, decisions of Tribunals and arbitral award.

### **Quasi-judicial Functions**

1. Serve as a member of the Tenancy Dispute Settlement Committee.
2. Serve as a member of the Road Dispute Settlement Committee.
3. Serve as a member of a Human Resource Committee/Disciplinary Committee.
4. Ensures that the Committees observes and follows the due process of law, and principles of natural justice while performing the quasi-judicial functions.

### **Dissemination and Legal Advocacy**

1. Disseminate information to enhance awareness of the *Road Act 2013*, the *Tenancy Act 2015*, its rules and regulations, and other relevant laws to the general public in consultation with the OAG.
2. Conduct Advocacy Programs to the staff of the Ministry on the latest developments in laws and policies related to the Ministry.

### **Legal Research Functions**

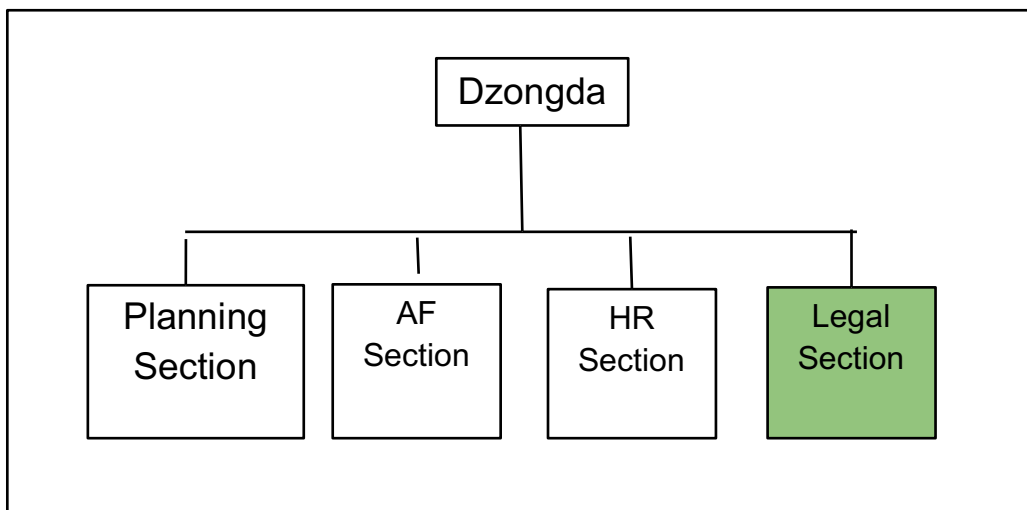
1. Conduct research on relevant international laws and other legal instruments for reference in drafting and reviewing bills and delegated legislations.
2. Conduct desk review and comparative studies to assist in preparing legal opinions on domestic affairs.
3. Write a legal research paper annually on issues related to recent developments in laws, jurisprudence and current affairs for publication in the OAG journal.

### **Repository and Documentation Functions**

1. Serve as a repository including maintaining archives for legislations and other legal instruments relevant or entered into by the Ministry.
2. Ensure documentation, and record-keeping of legal documents, and correspondence of the legal section.

## **Structure of Legal Section in Dzongkhags**

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Similar to Ministries and Agencies, the Dzongkhag Administrations perform various important functions. The Legal officers at the Dzongkhags act as Sector heads and perform multiple functions which can extend from job specification, to dispute resolutions, legal advice, legal awareness, litigations, and administrative functions including acting as protocols, gender focal, probation officers, welfare officers and drafting minutes. The role of the Legal Officers at the Dzongkhags is felt even more important due to their close proximity with the public at the grassroots. With the advent of decentralization and the continually increasing roles assumed by the Local Governments, requirement for an efficient Legal Sector at the Dzongkhags is only a matter of time. The RCSC has initially approved and appointed regular legal officers in 20 Dzongkhags since 2009, however, later only 13 regular Legal Officers are retained and 1 Legal Officer is still within the contract period and 6 contract recruits were not extended.

## **TERMS OF REFERENCE FOR DZONGKHAG LEGAL OFFICERS**

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### **Prosecution of Criminal Cases**

1. Prosecute criminal cases before the court, if:
  - (a) delegated by the OAG, through the issuance of the Power of Attorney by the Attorney General; or
  - (b) authorized and empowered by the specific laws in consultation with the OAG.
2. Serve as the focal or contact person for the cases referred to the OAG.
3. Coordinate with, and provide support to the OAG regarding cases referred for prosecution:
  - (a) including providing information and documents related to sector-specific cases; and
  - (b) follow-up on the court judgments and appeals.

### **Civil Litigation Functions**

1. Institute Civil Cases before the Court or arbitral tribunal on behalf of the Dzongkhag.
2. Represents the Dzongkhag before the Court or arbitral tribunal in civil cases.
3. Be a focal for civil cases, if it is forwarded to the OAG for litigation.
4. Enforce court judgement in civil cases, or arbitral awards.

### **Advisory Functions and Legal Services**

1. Provide legal advice on matters relating to the law and such other issues to the Dzongdag, sector heads and Gups.
2. Act as a legal adviser to the policy formulation team of the Dzongkhag.
3. Provide legal advice to the Dzongkhag Tshogdu when in session.
4. Provide legal advice to Committees under the Dzongkhag Administration, whenever required.
5. Serve as a Gender Focal Point, Probation Officer and Child Protection Officers as required under the *Child Care and Protection Act*.
6. Represent the Dzongkhag in meetings and workshops related to legislation and legal matters, if invited by the concerned agency.

### **Investigative Functions**

1. Lead or be a member of any investigation team of the Dzongkhag when necessary or when a complaint is received from within the Dzongkhag, or when referred by the ACC, RAA, ECB, NLCS, or any other agencies.
2. Ensure that due process of law is followed during investigations.
3. Prepare and submit the investigation report to the relevant authorities for further legal action.

### **Drafting and Review Functions**

1. Draft or review manuals, guidelines, frameworks, rules, procedures and Standard Operating Procedures.
2. Assist in drafting the Annual Performance Agreement when assigned or execute any other legal agreements.



3. Seek any technical advice or support from the OAG in drafting, consulting or vetting of the delegated legislations.
4. Review relevant Acts of the local government, and submit recommendations to the OAG.

### **Legal Advocacy and Dissemination of Functions**

1. Disseminate information relating to relevant laws to the general public and students in consultation with the OAG.
2. Conduct a legal orientation program to Dzongkhag Tshogdu members on relevant laws, rules and regulations.

### **Quasi-judicial Functions**

1. Serve as a member of a Human Resource Committee or Disciplinary Committee of the concerned Dzongkhag and ensure that the Committee follows the due process of law, and principles of natural justice while arriving at the decision.
2. Serve as a member secretary in adjudication of election and tenancy related disputes.
3. Serve as a member of committees as required by the laws, or as may be assigned by the Dzongdag.

### **Legal Research Functions**

1. Conduct legal research on issues assigned by the Dzongdag or Chairperson of the Dzongkhag Tshogdu, whenever required.

### **Repository and Documentation Functions**

1. Serve as a repository including maintaining archives for legislations and other legal instruments relevant or entered into by the Dzongkhag.
2. Ensure documentation, and record-keeping of legal documents, and correspondence of the legal section.

### **Legal Assistance to Gewogs**

1. Provide any legal advice to the Gewog Administration.
2. Assist Gewog Administration in mediation of cases.
3. Guide and assist in formation of cooperative Tshogpas or committees.
4. Guide and assist illiterate citizens in the compilation of legal documents.
5. Review any application made to the Gewog Administration.
6. Assist in preparing legal documents for inheritance of properties, transfer of lands, and domestic violence etc. for the people in the Gewog.
7. Ensure, guide and counsel on the lawful implementation of the Local Government Act and upholding of the provisions of the same.
8. Advise on, assist in, or review any rules or regulations proposed by Gewog Tshogde.
9. Provide legal advice to the Gewog Tshogde when in session.

10. Conduct a legal orientation program to Gewog Tshogde members on relevant laws, rules or regulations.
11. Conduct legal research on issues assigned by the Gewog Tshogde, whenever required.
12. Provide legal advice on any legal issues related to the communities of a Gewog in term of any disputes that may arise.
13. Undertake any activities and provide lawful guidance consistent with the laws of the country and policies that will enhance the environment, preservation of culture and community vitality.
14. Conduct legal awareness programmes to the communities under the Gewog.
15. Ensure that any levies, fee, tolls or duties that are imposed by the local government and Gewog Administration are in accordance with laws.
16. Assist prospective cooperatives during the initial formation in rendering legal advice and reviewing any legal documents.
17. Assist, if required, during the election of, and settlement of any disputes related to the election of the Gewog leaders.
18. Be the focal person in the issues related to legal aid, legal aid need assessment and in providing legal aid support services.
19. Assist, or be a member of, or lead any investigation that may be required in a dispute in the Gewog.
20. Prepare reports, or review and finalize any reports for the submission to the concerned authorities.
21. Submit any legal opinion related to Gewog Administration.

22. Carry out any other quasi-judicial or legal functions related to the Gewog.

## **TERMS OF REFERENCE FOR LEGAL ASSISTANTS FOR MINISTRIES AND DZONGKHAGS**

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### **Criminal Prosecution and Civil Litigation:**

1. The Legal Assistant shall;
  - (a) Review, prepare and register cases on behalf of the agency, in consultation with the Legal Head;
  - (b) In consultation with the legal head, ensure formulation of appropriate complaints based on the law, fact and evidence available;
  - (c) Assist in instituting cases before the Royal Court of Justice or Arbitral Tribunal on behalf of the agency;
  - (d) Assist in representing the agency before the Court in criminal and civil matters or before the Arbitral tribunal in contractual disputes of the agency;
  - (e) Execute fact finding through document enquiry and review in relation to the facts of the case, under the supervision of the legal head;
  - (f) Enforce court judgment in criminal and civil cases, as well as enforcement of arbitral awards;
  - (g) Assist in guiding the enforcement officials in carrying out investigation of cases; And

- (h) Assist in carrying out investigation in administrative matters forwarded by the relevant agencies.

### **Drafting and Review of Bills and other Legal Instruments**

- 2. The Legal Assistant shall;
  - (a) Assist in the coordination and preparation of Legislative Impact Assessment and conduct of the said assessment before the drafting of bill or review of legislation concerning the Agency;
  - (b) Assist in the development and review of the manuals, guidelines, laws and by-laws;
  - (c) Assist in preparing/reviewing MoU, treaties, conventions and agreements, Terms of Reference for networking, recruitment, research and contracts, and other legal documents such as undertaking, letter of intent etc.;
  - (d) Assist in the review of bills in accordance with the Rules of Procedure for drafting and reviewing of Bills and Delegated Legislations 2018;
  - (e) Assist in drafting any other legal instruments as assigned by the Office;
  - (f) Assist in conducting research on relevant international laws and other legal instruments as well as executing desk reviews and comparative studies to prepare in drafting and reviewing bills and by-law; and

- (g) Assist in reviewing relevant statutes or legal documents and submit recommendations to the Office of the Attorney General.

### **Advisory and Legal Service**

- 3. The Legal Assistant shall;
  - (a) Assist in providing legal advice on issues falling within the legal domain and authority of the agency as and when required;
  - (b) Assist in the formulation of legal opinion;
  - (c) Assist in interpretation of the various statutes vis-à-vis the fact in issue presented to the legal office for legal clarification;
  - (d) Provide assistance in reviewing MoUs, Treaties, Conventions, Agreements, Covenants, and any other document that is proposed to be signed, acceded or ratified;
  - (e) Assist legal officer in performing quasi-judicial functions;
  - (f) Assist in the dissemination of the relevant laws to the general public; And
  - (g) Assist in conducting research on relevant international laws and other legal instruments as well as executing desk reviews and comparative studies to prepare legal opinions/views on domestic affairs;

### **Others Functions:**

- a) Attend workshops, meetings, seminars and trainings.
- b) Carry out ad-hoc legal activities as and when instructed by the Legal Head.