

ཚེ་མཚོ་ཡི་མས་གྱི་འདུན་ས།



HIGH COURT, BHUTAN

། དཔལ་ལྷན་འབྲུག་པའི་ཡི་མས་གྱི་འདུན་ས།  
**ROYAL COURT OF JUSTICE**

## STANDARD OPERATING PROCEDURES (SOPs) FOR THE MANAGEMENT OF CASES AT THE ROYAL COURT OF JUSTICE, HIGH COURT.

### 1. Assignment of Cases to the Hon. Justices

Hon. Chief Justice shall assign the cases to the individual Justices in seriatim.

### 2. Assignment of Cases to the Hon. Justices during Conflict of Interest

Where there is proven *Conflict of Interest* in the case for an Hon. Justice of a Bench, the same shall be assigned to the next Hon. Justice of the next Bench in seriatim. The Office of the Hon. Chief Justice shall develop guidelines for the recusal and declaration of *Conflict of Interest* in a case.

### 3. Assignment of Cases to the Bench Clerks

The Registrar of the respective Benches shall in turn assign the cases of the individual Hon. Justices to the Bench Clerks of the Benches in seriatim.

### 4. Preliminary Hearing in the Benches

The Hon. Justices of the Benches shall conduct the Preliminary Hearing within thirty days of assignment of the cases.



ལྷན་དཔལ་ལྷན་འདུག་པའི་ཁྲིམས་ཀྱི་འདུན་སྐྱོད་  
**ROYAL COURT OF JUSTICE**

**5. Miscellaneous Hearing of the Appealed Cases by the Hon. Chief Justice**

The Miscellaneous Hearings of the cases appealed to the High Court shall be conducted on Monday and Wednesday by the Hon. Chief Justice in his Chamber.

**6. Hearing of the Cases by the individual Benches and the Hon. Presiding Justice**

6.1 The Benches shall conduct hearings on Monday and Wednesday.

6.2 The senior most Justice of the Benches shall preside over the hearings.

6.3 In the absence of the senior most Justice, the hearings shall be presided by the other Justices in order of seniority and convenience.

**7. Preparation of the Briefs and Deliberations**

7.1 Upon completion of the hearings, the concerned Justice to whom the case was assigned shall prepare the brief of the case for deliberations.

7.2 In case of lack of consensus among the Hon. Justices regarding the decision or the mode of disposal of the cases, the same shall be re-deliberated and resolved within a week.

**8. Dissenting Opinions in the individual Benches**

In case of lack of consensus, the Justice or the Justices shall submit his/her dissenting opinions in a case within a week as per Section 95 (c) of *Civil and Criminal Procedure Code, 2001*.



། དཔལ་ལྷན་འཕུགས་པའི་ཁྲིམས་ཀྱི་འདུན་སྐྱོད་  
**ROYAL COURT OF JUSTICE**

**9. Case Hearings in the Larger Bench and mode of deliberations**

9.1. The Larger Bench shall conduct hearings of the cases on Tuesday and Thursday.

9.2 The Hon. Chief Justice or the Hon. Justice in order of seniority shall preside over the hearings.

9.3 The Hon. Chief Justice may assign the cases to the sitting Justices with direction to review and present it for deliberation.

9.4 The draft judgments shall be submitted to the sitting Justices within a week of completion of the hearings; and the Justices shall give their opinion thereon within a week.

9.5 In case of lack of consensus among the Hon. Justices regarding the decision or the mode of disposal of the cases; the same shall be deliberated and resolved within a week.

**10. Dissenting Opinions in the Larger Bench**

In case of lack of consensus, the Hon. Justice or the Justices shall give his/her/their dissenting opinions on a case within a week as per Section 95 (c) of *Civil and Criminal Procedure Code, 2001*.

**11. Disposal of the old Cases**

11.1 In respect of the cases where hearings have been completed, the concerned senior Justices of the Benches shall dispose the cases as per Section 95(b) of *Civil and Criminal Procedure Code, 2001*.

ཆེ་མཐོ་བློ་མཁུ་གྱི་འདུན་ལ།



HIGH COURT, BHUTAN

། དཔལ་ལྷན་འཁུག་པའི་བློ་མཁུ་གྱི་འདུན་ལ།  
**ROYAL COURT OF JUSTICE**

11.2 The remaining pending cases in the Benches shall be assigned to the new Hon. Justices in seriatim.

## 12. Monthly Case Report

12.1 The Benches shall submit Monthly Case Report along with the details of the cases pending beyond twelve months to the Hon. Chief Justice who will compile the report for the month.

## 13. Date of implementation of the SOPs

The standard operating procedure (sop) shall come into effect from 11<sup>th</sup> November 2020.