

JUDICIARY

6.1 Royal Court of Justice, Samdrup Jongkhar

The Royal Audit Authority during the year had issued one inspection report in respect of the Royal Court of Justice, Samdrup Jongkhar and total unresolved significant irregularities amounted to Nu.0.295 million as summarized below:

Table showing summary of observation with category code and amount involved (Nu. in million)

Sl. No.	Observation in brief	Amount	Category Code
1	Fraud, Corruption and Embezzlement	0.252	1 & 2
2	Violation of Laws, Rules and Regulation	0.043	4
	Total	0.295	

1. Fraud, Corruption and Embezzlement – Nu.0.252 million

The Royal Court of Justice, Samdrup Jongkhar had cases of fraud, corruption and embezzlement aggregating to Nu.0.252 million as summarized below:

Table showing summary of misuse of revenue (Nu. in million)

Sl. No.	Observation in brief	Amount	Para No.	Who are accountable?
1.1	Misuse of revenue	0.085	1.1	Prem Bdr. Rai, Accountant
1.2	Misuse of defendant's money	0.167	1.2	Prem Bdr. Rai, Accountant
	Total	0.252		

The cases are explained hereunder:

1.1 Misuse of revenue - Nu. 0.085 million

Revenue amounting to Nu.0.085 million was found misused by the Accountant of the Dzongkhag Thrimkiduensa, Samdrup Jongkhar against which Nu.0.068 million was deposited leaving a balance of Nu.0.017 million. No action had been taken for the misuse of funds.

1.2 Misuse of defendant's money- Nu.0.167 million

The Bench Clerk of the Dzongkhag Thrimkiduensa, Samdrup Jongkhar misappropriated Nu.0.167 million from the money held on behalf of the plaintiff/defendant. The Court informed that whole of the amount was recovered from the bench clerk and amount disbursed to the relevant plaintiff/defendant. No actions had been taken for the misuse of funds.

2 Violation of Laws, Rules and Regulations – Nu. 0.043 million (Para No. 1.5)

A sum of Nu.0.043 million was shown as spent without the approval of the Head of the office and also without any supporting documents. The Head of the office confirmed that no justifications were forthcoming from the Accountant and agreed to recover the amount from the accountant.

Who are accountable?

- a) Prem Bdr. Rai, Accountant, and
- b) Drangpon Tshering Wangchuk (supervisory)

6.2 Royal Court of Justice, Gelephu

The Royal Audit Authority during the year had issued one Inspection Report in respect of the Royal Court of Justice, Gelephu. Significant unresolved irregularities were as summarized below:

Table showing summary of observation with category code and amount involved (Nu. in million)

Sl. No.	Observation in brief	Amount	Category Code
1	Violations of Laws, Rules and Regulations	-	4
	Total	-	

1. Violation of Laws, Rules & Regulations

The Royal Court of Justice, Gelephu, had cases of violation of Laws, Rules & Regulations as summarized below.

Table showing summary of violation of Laws, Rules and Regulations

Sl. No.	Observation in brief	Amount	Para No.	Who is Accountable?
1.1	Irregularities in land transactions	-	1.1	Wangchuk Dukpa, Drangpon, and Dawa, Clerk
1.2	Irregular land transfer	-	1.3	Wangchuk Dukpa, Drangpon

The cases are explained below:

1.1 Irregularities in land transaction

Late Jai Bahadur Rai, grand father of Purna Bahadur Rai had 18.33 acres of land under Thram No.123 and House No. PA-1-62. As per the land share agreement executed between Purna Bahadur Rai and Nar Bahadur Rai who was reported as younger brother of Purna Bahadur Rai, the former was given 12.33 acres of land as his share.

Purna Bahadur Rai tried to sell 2 acres of his land share to Karna Bahadur Rai in 2003. However, the sale deed executed between two

parties on 27/11/2003 was rejected by the Dungkhang Court vide its verdict No. 1686 of 11/12/2003 on the ground that the land was not registered in the name of the seller, Purna Bahadur Rai. However, less than 5 months of its rejection, the same seller was able to sell 7.68 acres of land from the same thram vide court verdict No. 1806 of 3/5/2004 and 1792 of 22/4/2004 to Tukumo, wife of Drangpon and (5.68 acres) and Dawa, Clerk (2 acres) respectively.

Soon after approving the sale of 7.68 acres of land, the Dungkhang Court also approved transfer of all the remaining land of 10.65 acres from Nar Bahadur Rai to Purna Bahadur Rai vide its Court verdict No. 1872 of 4/6/2004, leaving younger brother Nar Bahadur Rai without any land in his name. Thus the land share agreements between two brothers approved vide verdict No. 1872 of 4/6/2004 was proved to be unfounded.

Further, the existence of Nar Bahadur Rai is questionable on the following reasons:

As per letter No. Sardzong/Mitsi-11-03/5523 of 31/3/2004 and Sardzong/Mitsi-11-03/6193 of 12/4/2005 of the Census Officer of the Dzungkhag Administration, Sarpang, Nar Bahadur Rai did not exist under the House No. PA-1-162 and Thram No.123.

The statement of the Tshogpas of Bhur Gewog of 10/2/2004 also did not mention about Nar Bahadur Rai's relationship with late Jai Bahadur Rai.

1.2 Irregular land transfer

The legal owner of land under thram no. 252 was Sanman Damai. After his demise his son Karna Bahadur Damai sold the land to Phub Tenzin, Gelephu Chimi. As explained by Gelephu Gup, it was known that the said land was left idle since 1993 to 2003 without paying legal land tax. The land was still registered in the name of late Sanman Damai and the ownership had not been transferred to his son. There was no rationale in accepting the sale of land which was left idle for ten years without paying the tax. Besides, the land was also not registered in the name of the seller. Furthermore, the sale deed was not signed by the Gup, Gelephu.