

***JABMI SELECTION EXAMINATION RULES 2018***

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## ***JABMI SELECTION EXAMINATION RULES 2018***

In exercise of the powers conferred by section 11 of the Act, the Bar Council hereby enacts the *Jabmi* Selection Examination Rules 2018, as follows:

### **CHAPTER I**

#### **PRELIMINARY**

##### **Title and commencement**

1. These Rules:

- (1) Are called *Jabmi* Selection Examination Rules 2018; and
- (2) Comes into force on 5<sup>th</sup> November 2018.

##### **Application**

2. These Rules apply to:

- (1) The members of the *Jabmi* Selection Examination Committee;
- (2) Any person who intends to enroll on the roll of *Jabmi*; and
- (3) Any person associated with the *Jabmi* Selection Examination.

##### **Object**

3. The object of these Rules is to provide the procedure for the conduct of the Examination.

## **CHAPTER II**

### ***JABMISELECTION EXAMINATION COMMITTEE***

#### **The Examination Committee**

4. There shall be an Examination Committee, comprising of:
  - (1) A member of the Bar Council appointed by the Bar Council, as a Chairperson;
  - (2) An officer from the Royal Civil Service Commission (RCSC) not below the rank of a Director appointed by the Chairperson of the RCSC;
  - (3) A serving Justice of the High Court or the Supreme Court appointed by the Chief Justice of Bhutan;
  - (4) An academic faculty member, not below the rank of an Associate Professor appointed by the Jigme Singye Wangchuck School of Law; and
  - (5) The Director or the Director General of the Bhutan Accreditation Council, as an ex officio member.
5. The members under Rule 4(2) to (4) shall serve for a term of three years, and may be reappointed for not more than one additional term.
6. Members of the Committee shall receive an honorarium as determined by the Bar Council.

#### **Filling a Vacancy**

7. When a vacancy arises in the member described in Rule 4 (2), (3) or (4) of this Rule, the President shall in writing inform the appointing authority of such vacancy within fifteen days.
8. The appointing authority shall, within two weeks of the receipt of the information under Rule 7, appoint a replacement.

#### **Functions**

9. The Committee shall:

- (1) Determine topics which the Examination will cover;
- (2) Approve Examination draft as prepared in Rule 31;
- (3) Prepare forms and procedures relating to the Examination;
- (4) Supervise applicants during the Examination;
- (5) Perform such other functions, as may be directed by the Bar Council;
- (6) Provide for the evaluation of the Examination responses by creating expert committee to grade the Examinations; and
- (7) Certify the results of the Examination.

### **Meeting and quorum**

10. The Committee shall meet at least once every six months and the Chairperson shall serve a notice of the meeting to the Committee members, at least fourteen working days prior to the meeting.
11. The Chairperson may call a special meeting, if:
  - (1) A formal written request is made by not less than one-third of the total number of the Committee members; or
  - (2) The Chairperson deems it necessary.
12. The Chairperson shall notify the Committee members of any special meeting, at least four working days prior to the meeting.
13. The quorum for a meeting shall be the full strength of the Committee and in case the quorum is not present, the meeting shall stand adjourned to the same day, time and place, the following week.

### **Decision**

14. Decision of the Committee shall be taken by two-thirds majority of the votes cast by the members of the Committee.

### **Secretariat**

15. The Secretariat shall provide secretarial functions to the Committee.

## **Other committees**

16. The Chairperson may appoint from time to time such other sub-committees, as may be necessary.

## **CHAPTER III**

### **CRITERIA AND PROCEDURES FOR *JABM* SELECTION EXAMINATIONS**

#### **Qualification of Applicants**

17. In order to sit for the Examination, an Applicant must satisfy the criteria set forth in sub-section (a) to (f) of section 23 of the Act and in addition, successfully complete either;
  - (1) The five years law degree awarded by the JSW School of Law; or
  - (2) A foreign law degree from recognized institutions and the Post-Graduate Diploma in National Law.

#### **Recognition of law schools institutions**

18. The Bar Council shall, in collaboration with the Bhutan Accreditation Council, prepare and maintain a list of foreign law degrees to be recognized by the Bar Council, which may from time to time be amended.

#### **Registration**

19. Applicant intending to appear for the Examination shall register with the Secretariat from 1<sup>st</sup> March to 30<sup>th</sup> April of every year, or as may be determined by the Bar Council from time to time.

## **Documentary requirement and fee**

20. An applicant shall at the time of registration submit:

- (1) A copy of Bhutanese Citizenship Identity Card;
- (2) Proof of a qualifying law degree, as described in these Rules;
- (3) Medical Certificate;
- (4) Security clearance from the Royal Bhutan Police;
- (5) Two recent passport size photographs;
- (6) Postal address of the applicant;
- (7) Certificate of completion of the Post- Graduate Diploma in National Law for foreign law degree Applicants; and
- (8) An Examination fee of Nu.3000 (Ngultrum three thousand only), or such amount prescribed by the Bar Council From time to time.

## **Rejection of Registration**

21. Applicants who do not fulfill the criteria under Rule17 or does not provide the required documents under Rule 20 shall not be permitted to appear for the Examination.

## **Conduct of the examination**

22. The Examination Committee shall conduct the Examination in the month of June, every year, or at such time determined by Bar Council.

## **Reappearance for the examination**

23. If an Applicant does not pass the Examination, the Applicant may appear for the next Examination in accordance with these Rules.



## **CHAPTER IV**

### **EXAMINATIONS**

#### **Paper Setter's Panel**

24. The Committee shall appoint a paper setter's panel (the 'Panel') comprising:
  - (1) Not less than three paper setters, who are distinguished in the field of law; and
  - (2) One reviewer, who is distinguished in the field of law.
25. Upon composition of the Panel, members shall sign a confidentiality pact with the Committee.
26. The Panel shall, in consultation with the Committee, develop procedures for the Panel.
27. The members of the Panel shall receive honorarium as determined by the Bar Council.

#### **Confidentiality**

28. Subject to the existing laws, the Panel, the Bar Council and the Committee shall maintain confidentiality of documents and records regarding the Examination.
29. The members of the Panel shall prepare the Examination papers independently and shall be submit a print copy to the reviewer.
30. The reviewer shall review the draft examination paper submitted by the Panel.
31. The reviewer shall finalize and deliver the Examination paper along with marking rubrics to the Chairperson on the date and time specified by the Committee.

#### **Purpose, Structure and content**

32. The purpose of the Examination shall be to assess candidate's competency of legal knowledge and skills, and other related fields.

33. The topics of the Examination shall amongst others include:
- (1) Dzongkha and English language proficiency;
  - (2) Analytical skill and aptitude;
  - (3) Fundamentals of law;
  - (4) Fundamentals of Bhutanese laws;
  - (5) Ethics, code of conduct and professional responsibility;
  - (6) Conveyance and pleading.
34. The examination shall be structured as follows:
- (1) Multiple-choice questions; and
  - (2) Essay type questions.
35. Notwithstanding Rule 33, the Committee may, in consultation with the Bar Council, include other relevant matters in the content of the Examination.
36. The questions of the Examination shall be divided into knowledge-based and reason-based questions.

### **Language**

37. The Examination shall be conducted both in Dzongkha and English language.

### **Time and place of examination**

38. The Committee shall, in consultation with the Bar Council, conduct the Examination at such time and place as determined by the Bar Council from the time to time.

### **Cut-off mark**

39. The Bar Council shall, in consultation with the Committee, set the cut-off percentage marks required to pass the examination, from time to time.

### **Time period for the Examination**

40. The duration of the Examination shall be three hours.

### **Evaluation Panel**

41. The committee shall appoint an Evaluation Panel comprising of:
- (1) The reviewer appointed under rule 24(2), as the Head Examiner; and
  - (2) Not less than three additional Evaluators.
42. The Evaluation Panel shall, in consultation with the Committee, develop procedures for the Evaluation Panel.
43. Member of the Evaluation Panel shall receive honorarium as determined by the Bar Council.

### **Declaration of the examination results**

44. The Bar council shall, in collaboration with the Committee,:
- (1) Declare and publish results within 10 working days from the receipt of the results from the Committee, at such place and by such means as the Bar Council may determine; and
  - (2) Make the names of the successful Applicants public.

## **CHAPTER V**

### **CERTIFICATE OF PRACTICE**

#### **Award of Certificate**

45. The Committee shall prepare a list of successful Applicants who passed the Examination and submit the list with the transcripts of the successful Applicants to the Bar Council.
46. The Bar Council shall issue to a successful Applicant, a Certificate of Practice under the sign and seal of the President of the Bar Council.
47. Subject to the receipt of a fee of Ngultrum five thousand, the certificate of practice shall be awarded to the successful Applicants during the oath taking ceremony as prescribed under Section 25 of the Act.
48. The certificate of practice shall be awarded not later than thirty working days from the date of declaration of the results.
49. The fee under Rule 47 is subject to revision by the Bar Council, from time to time.
50. The Certificate of practice shall be valid for a period of one year and subject to renewal.
51. Non-renewal of Certificate of Practice for three consecutive years will result in the permanent cancellation of the Certificate of Practice.

#### **Latent membership**

52. If a *Jabmi* admitted on the roll, joins the civil service or judicial service, or armed forces, or becomes a corporate counsel, the *Jabmi* shall accordingly surrender the certificate of Practice to the Bar Council immediately upon joining their new office.

53. If a *Jabmi* surrenders the Certificate of Practice to the Bar Council under Rule 52, the Bar Council Shall:
- (1) Remove the name of the *Jabmi* from the roll; and
  - (2) List the *Jabmi* under latent category.
54. Nevertheless, the Bar Council shall re-issue the Certificate of Practice to the *Jabmi* who resigns from the civil service, judicial service, armed forces or corporation.
55. Members under the latent category are required to pay a latent membership fee of Ngultrum one thousand annually.
56. Non-payment of latent membership fee for three consecutive years will result in a permanent removal from the latent category.
57. Latent membership fee under Rule 55 is subject to revision by the Bar Council, from time to time.
58. A *Jabmi* registered in the latent category and the paralegals shall not have voting rights and shall not be eligible to become a member of the Bar Council.

## **CHAPTER VI**

### **MISCELLANEOUS**

#### **Authority of interpretation and amendment**

59. Interpretation of Rules by the Bar Council shall be final and binding.

#### **Revision**

60. The Bar Council may revise these Rules, from time to time.

### **Authoritative text**

61. The Dzongkha text shall be the authoritative text, if there exists any difference in meaning between the Dzongkha and English text.

### **Definitions**

62. In these Rules, unless the context otherwise requires:
- (1) “Act” means the *Jabmi* Act of the Kingdom of Bhutan 2003 including the Amendment Act 2016;
  - (2) “Applicant” means a candidate registering to appear for the *Jabmi* Selection Examination;
  - (3) “Bar Council” means the Bar Council of Bhutan established under the Act.