ARTICLE

REIMAGINING JUSTICE THROUGH GROSS NATIONAL HAPPINESS: A LEGAL AND PHILOSOPHICAL ANALYSIS OF BHUTAN'S LEGAL REFORMS

Prashant Kumar*

Abstract

Bhutan's development philosophy of *Gross National Happiness (GNH)* offers an alternative to economic-growth-based paradigms of justice by integrating material, spiritual, social, and environmental well-being. This paper critically examines how the idea of GNH has influenced Bhutan's constitutional, legislative, and institutional frameworks, and argues that while GNH has inspired significant policy reform, its legal realisation remains largely aspirational. Drawing from Amartya Sen's *Development as Freedom*, Martha Nussbaum's *Capabilities Approach*, and John Rawls's *Theory of Justice*, this study positions GNH as a distinct moral-legal vision rooted in Buddhist ethics and distributive harmony. Through a doctrinal analysis of Bhutanese statutes supported by a coding framework assessing the explicitness, procedural depth, institutional strength, and environmental integration of GNH principles, this paper finds that GNH's influence is strongest in environmental and local governance laws but weaker in justice and social welfare legislation. Comparative lessons from *Ubuntu* in South Africa, *Buen Vivir* in Latin America, and New Zealand's *Wellbeing Budget* illustrate possible pathways for Bhutan to embed happiness as an enforceable legal norm. The paper concludes with a reform-oriented model for transitioning GNH from a policy aspiration to a binding framework of justice, ensuring that happiness is not merely pursued but guaranteed through law.

Keywords – GNH (Gross National Happiness), Justice, Environmental and local governance.

I. INTRODUCTION

Bhutan's identity as a constitutional monarchy is deeply interwoven with its national philosophy of *Gross National Happiness* (GNH), which envisions a balance between spiritual well-being, material progress, environmental protection, and good governance. The Constitution of the Kingdom of Bhutan 2008 provides a unique articulation of this vision:

"The State shall strive to promote those conditions that will enable the pursuit of Gross National Happiness."[1]

Article 9(2) anchors the State's moral duty to create conditions conducive to collective well-being. Yet, the extent to which this constitutional commitment has shaped Bhutan's legal system remains

* Content Professor - CS at Physics Wallah (PW).

[1] Constitution of the Kingdom of Bhutan 2008, art 9(2)

uncertain. While policies and planning frameworks regularly invoke GNH, the judiciary and legislative bodies have been slower to translate it into enforceable rights and duties.

This study interrogates this gap between GNH as a constitutional aspiration and GNH as a legal reality, with a specific focus on the concept of *justice*. It explores whether Bhutan's legal reforms, especially post-2008 constitutional transition, reflect the values of distributive fairness, procedural transparency, restorative ethics, and institutional integrity that GNH embodies.

The paper's central argument is that *reimagining justice through GNH* requires transforming happiness from a guiding ideal into a legal right, institutionalising it through statutory interpretation, administrative accountability, and judicial application. To this end, the paper draws upon comparative jurisprudence and philosophical theories of justice to develop a persuasive model for Bhutan's future reforms.

Bhutan's distinctive position, combining Buddhist ethics with modern constitutionalism, makes it an ideal case for examining how non-Western moral traditions can inform contemporary legal theory. This research is not only doctrinal but normative: it seeks to identify how the *law ought to be* shaped in order to embody Bhutan's highest constitutional aspiration.

II. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Gross National Happiness and the Philosophy of Justice

The concept of *Gross National Happiness (GNH)*, articulated by Bhutan's Fourth King, His Majesty Jigme Singye Wangchuck, emerged as a conscious critique of Western development paradigms that privilege economic growth over moral and spiritual well-being. GNH embodies a holistic understanding of justice, one that reconciles individual dignity with collective harmony, and material progress with ecological balance.

Unlike GDP, which measures quantitative output, GNH evaluates the *quality* of life across nine domains, including psychological well-being, community vitality, time use, and ecological resilience. As scholars such as Michael Givel observe, GNH is not simply a policy goal but a philosophy of governance that merges Buddhist ethics with modern developmental theory.[2] However, as Givel and Nima Dorji both note, the challenge lies in translating this moral vision into enforceable legal norms.[3]

[2] Michael Givel, 'Gross National Happiness in Bhutan: A Living Example of an Alternative Approach to Progress' (2015) *Social Change Review* 83.

[3] Nima Dorji, 'The Greening of the Constitution: Environmental Protection and GNH in Bhutan' (2019) JSW Law Working Paper.

Bhutan's legal discourse has yet to fully articulate how happiness interacts with justice. Justice, in the GNH sense, is more than procedural fairness; it involves *right relationships* between people, between humanity and nature, and between the citizen and the state. This relational dimension aligns GNH more closely with restorative and distributive conceptions of justice than with retributive models dominant in Western systems.

Amartya Sen: Development as Freedom

Amartya Sen's *Development as Freedom* provides the philosophical groundwork for connecting happiness and justice. Sen redefines development as the *expansion of substantive freedoms,* political, economic, and social, that enable individuals to lead lives they have reason to value.[4] His rejection of income-based metrics parallels Bhutan's departure from GDP-centric governance.

From Sen's perspective, the true measure of justice lies not in equality of resources but in the removal of "unfreedoms", those institutional and social constraints that inhibit well-being. In Bhutan's context, GNH can be read as an applied realisation of Sen's theory, embedding freedom, equality, and dignity within state responsibility. Yet, as Sen himself warns, development without institutional accountability risks becoming paternalistic. This caution resonates with Bhutan's challenge of ensuring that GNH does not remain a top-down moral discourse but becomes participatory and rights-based.

Martha Nussbaum: The Capabilities Approach

Martha Nussbaum, expanding upon Sen, advances the *Capabilities Approach*, which identifies central human capabilities, such as health, education, and affiliation, that justice must secure.[5] Her framework provides a legal and constitutional language for GNH's aspirations. The nine GNH domains closely correspond with Nussbaum's list of essential capabilities.

Where GNH diverges is in its explicit spiritual and ecological dimensions, reflecting Bhutan's Buddhist ethos. While Nussbaum's theory emphasises individual flourishing, GNH extends this to *collective and environmental well-being*, thereby enriching the moral vocabulary of justice. The integration of compassion (*karuṇā*) and interdependence (*pratītyasamutpāda*) gives GNH a metaphysical depth that Western liberal theories often overlook.

However, Nussbaum's call for constitutional entrenchment of capabilities suggests a way forward for Bhutan: codifying GNH principles not merely as policy directives but as *fundamental rights* enforceable through judicial review.

---

[4] Amartya Sen, *Development as Freedom* (OUP 1999).

[5] Martha Nussbaum, *Creating Capabilities: The Human Development Approach* (Harvard University Press 2011).

John Rawls: Justice as Fairness

John Rawls's *A Theory of Justice* remains the cornerstone of modern liberal jurisprudence. His two principles,

(1) equal basic liberties and

(2) social and economic inequalities arranged to benefit the least advantaged, echo strongly in Bhutan's constitutional architecture.[6]

However, while Rawls's model is procedural and distributive, GNH adds a moral and affective dimension: happiness as the *purpose* of justice. Where Rawls envisions a neutral framework for cooperation among free citizens, GNH introduces *virtue* and *contentment* as legal values. This represents a shift from procedural liberalism to moral communitarianism.

The Bhutanese legal order thus reflects a "Rawls-plus" model, one that respects equality and liberty but seeks their integration into a compassionate social order. Yet, without explicit enforcement mechanisms, this harmony remains aspirational rather than justiciable.

Ubuntu and Restorative Justice

The African philosophy of Ubuntu, expressed through the maxim *"I am because we are"*, offers a compelling comparative framework. Ubuntu conceives justice as *relational restoration* rather than adversarial adjudication. As Thaddeus Metz explains, Ubuntu underpins South Africa's post-apartheid jurisprudence by promoting reconciliation and communal dignity.[7]

Bhutan's GNH shares Ubuntu's relational ethic, grounding justice in empathy, reconciliation, and the interdependence of life. Both reject hyper-individualism and call for a humane legal order rooted in moral solidarity. However, Ubuntu's strength lies in its judicial enforceability; South African courts have invoked Ubuntu explicitly to shape sentencing, human rights, and constitutional interpretation.[8]

In contrast, Bhutan's judiciary has yet to invoke GNH as an interpretive principle, reflecting an opportunity for reform.

---

[6] John Rawls, *A Theory of Justice* (Harvard University Press 1971).
[7] Thaddeus Metz, 'Ubuntu as a Moral Theory and Human Rights in South Africa' (2011) 11 *African Human Rights Law Journal* 532.
[8] *S v Makwanyane* [1995] ZACC 3.

Buen Vivir and the Rights of Nature

Latin America's Buen Vivir (*Sumak Kawsay* in Quechua) redefines development as "living well" in harmony with nature and community. Ecuador and Bolivia constitutionalised this philosophy, granting enforceable *rights to nature* and embedding wellbeing indicators into governance.[9]

Buen Vivir and GNH share philosophical kinship; both reject extractive capitalism and emphasise ecological balance. However, Ecuador's constitutional recognition of *Pachamama* (Mother Earth) has direct legal implications, enabling citizens to litigate environmental harm. Bhutan's framework, though rich in ecological awareness, lacks similar judicial enforceability.

Bhutan can learn from Buen Vivir's legal positivization of moral ideals, transforming happiness and sustainability into rights claimable before the courts.

Integrative Framework: Towards GNH Justice

Synthesising these philosophies reveals that GNH represents a hybrid model of justice, one that combines Sen's freedom, Nussbaum's capabilities, Rawls's fairness, Ubuntu's relational ethics, and Buen Vivir's ecological justice. It is simultaneously distributive, procedural, and spiritual.

However, the literature underscores a persistent gap between moral aspiration and legal institutionalisation. While Bhutan's constitutional text recognises GNH, the absence of binding mechanisms, judicial invocation, and statutory enforcement weakens its transformative potential.

This study, therefore, builds on the proposition that *justice, within the GNH paradigm, must evolve from an ethical principle to a constitutional and legal doctrine*, guiding legislation, administration, and adjudication.

III. FINDINGS AND ANALYSIS

Overview of Legal Alignment with GNH

The statutory coding exercise reveals a layered and uneven translation of *Gross National Happiness (GNH)* principles across Bhutan's legal framework. The Constitution of Bhutan, 2008, provides the highest level of normative commitment, explicitly mandating the State to promote conditions for happiness.[10] However, the operational statutes diverge in the depth of their engagement with GNH.

Among the reviewed instruments, the Environmental Assessment Act (2000) and the National Environment Protection Act (2007) display the strongest alignment, reflecting Bhutan's global image as a leader in environmental ethics. Conversely, social and procedural laws—such as the Penal Code

[9] Alberto Acosta, 'The Rights of Nature: Ecuador's Constitutional Innovation' (2010) 3(1) *Environmental Policy and Law* 71.

[10] Constitution of the Kingdom of Bhutan 2008, art 9(2).

(2004) and Civil Procedure Code (2001) reflect only tangential procedural justice but lack GNH's relational and rehabilitative ethos.

This uneven embedding suggests that while *environmental justice* has become a legal reality, *happiness justice* remains a constitutional aspiration. The distribution of GNH indicators is visually represented in the Statutory Coding Matrix (Figure 1) and the Heatmap (Figure 2).

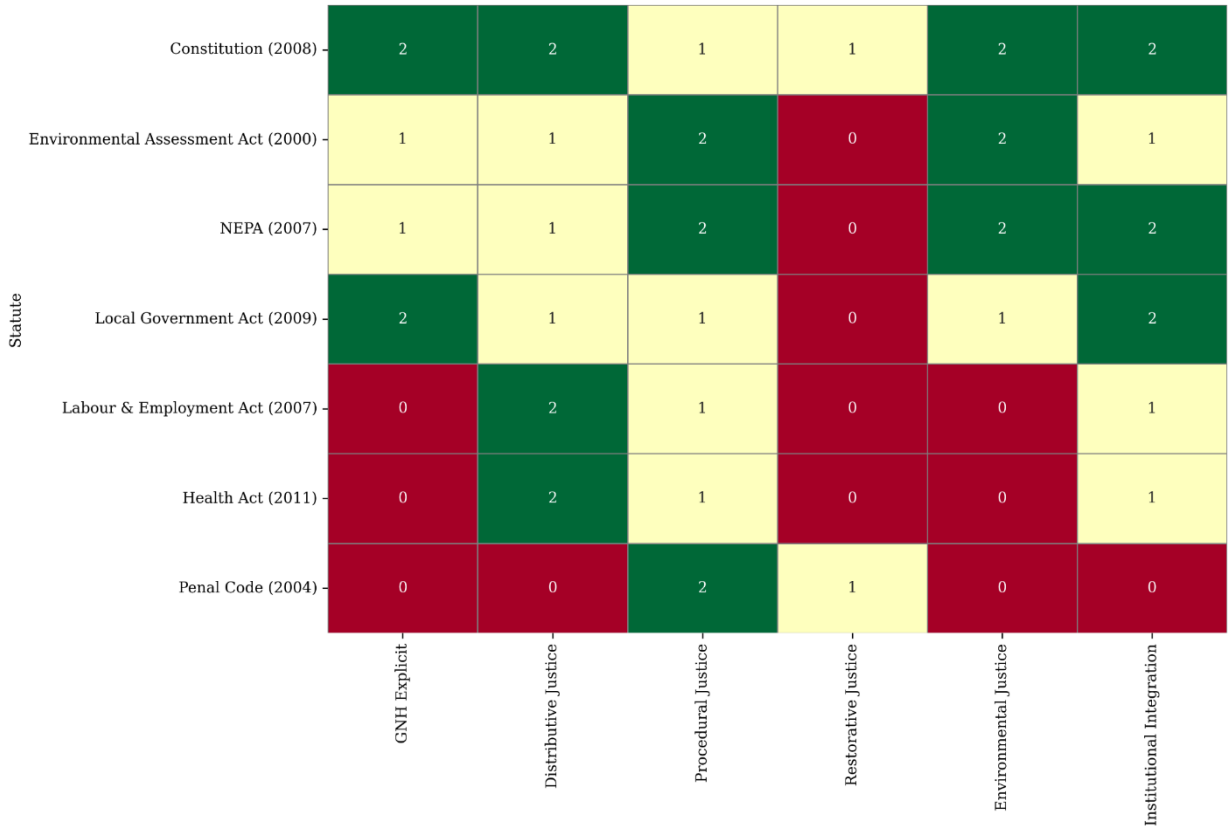


Figure 1: Statutory Coding Matrix of GNH Integration in Bhutanese Law[11]

[11] Each statute was scored on a **0–2 scale:**

- **0** = Absent
- **1** = Weak or implicit reference
- **2** = Strong and operationalised reference

The data were complied into a **Statutory Coding Matrix** (Figure 1), and visually represented through a **Heatmap** (Figure 2). These visual tools allowed for comparative assessment across sectors and the temporal evolution of GNH integration.

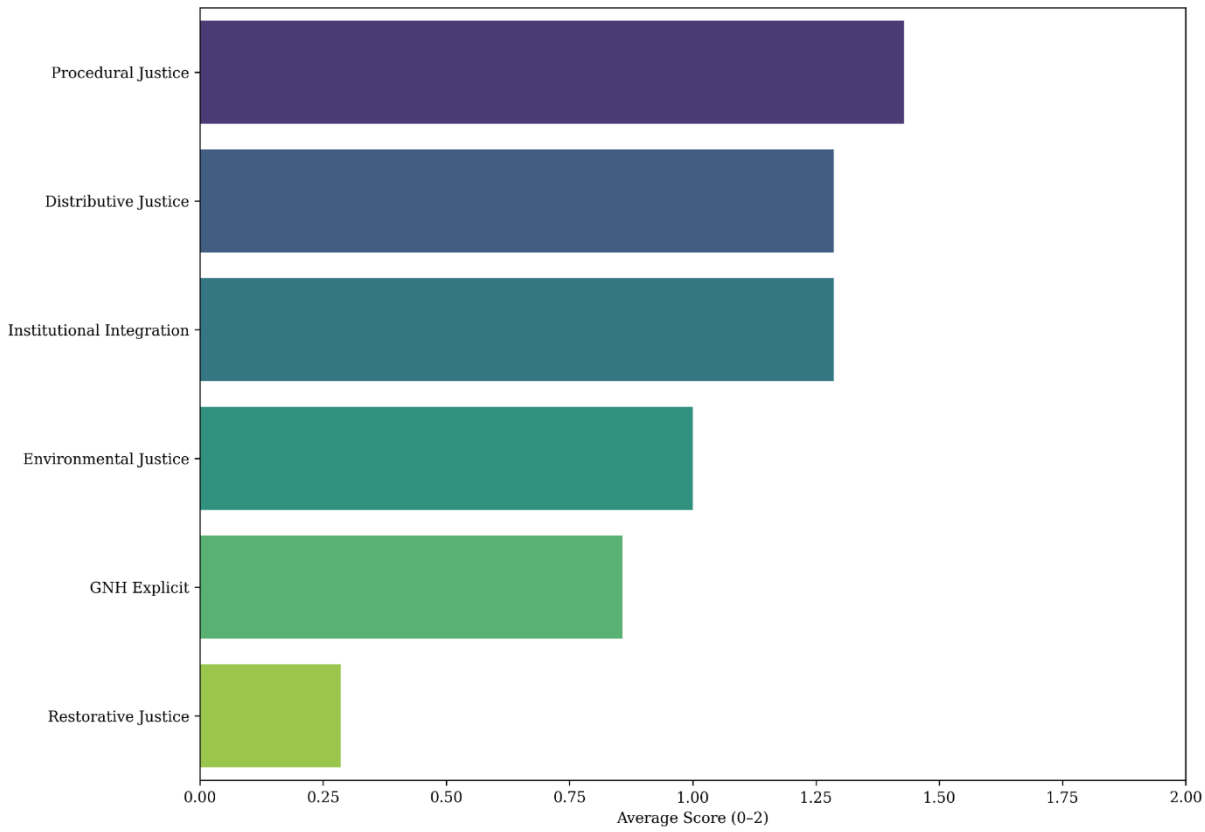


Figure 2: Heatmap of GNH Legal integration by Justice Dimension[12]

Environmental Justice: The Strongest Alignment

Bhutan's environmental legislation offers the clearest institutional translation of GNH's ecological dimension. The National Environment Protection Act 2007 (NEPA) declares intergenerational equity as a legal obligation:

"The present generation must ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations."[13]

This clause demonstrates a legal codification of GNH's ecological ethics, corresponding to both *environmental (ENV)* and *institutional (INST)* indicators. Similarly, the Forest and Nature Conservation Act 1995 establishes a regime of sustainable use and protection of natural resources. These statutes transform moral duties into enforceable obligations by empowering the National Environment Commission (NEC) with regulatory authority.

Environmental justice in Bhutan thus exemplifies "operationalised happiness", where constitutional values manifest in tangible administrative and procedural structures. Yet, even here, enforcement

[12] The relative strength of GNH incorporation by justice dimension is summarised in *Figure 2*, indicating that environmental and institutional dimensions remain most prominent in Bhutan's legal discourse.

[13] National Environment Protection Act 2007, s 6.

depends largely on bureaucratic discretion rather than rights-based claims. Citizens cannot directly litigate for environmental happiness; they can only appeal through administrative channels.

Local Governance and Participatory Justice

The Local Government Act 2009 explicitly mandates that local bodies "promote conditions that enable the pursuit of Gross National Happiness."[14] This is one of the few post-Constitution statutes to directly embed GNH terminology. It institutionalises decentralisation as a vehicle for participatory justice, empowering local governments to design welfare programs consistent with community well-being.

However, while the Act decentralises *decision-making*, it does not decentralise *accountability*. The absence of mandatory GNH-impact reporting mechanisms weakens its transformative capacity.

The GNH Policy and Project Screening Tool (2014), administered by the Gross National Happiness Commission (GNHC), provides a structured assessment of policy proposals against the nine GNH domains. Nevertheless, as an administrative instrument rather than a statute, it lacks enforceability. Integrating this tool into the Local Government Act as a legal requirement could strengthen procedural justice at the grassroots level.

Social Legislation: Distributive Justice in Practice

Bhutan's social legislation, comprising the Labour and Employment Act 2007, the Health Act 2011, and the Education Act 2011, partially reflects GNH's distributive dimension.

- The *Labour and Employment Act* ensures equitable working conditions and social security, promoting well-being among workers.
- The *Health Act* affirms access to basic healthcare, aligning with GNH's domain of health and psychological well-being.
- The *Education Act* mandates free basic education, reinforcing the capability for self-development.

However, these statutes remain service-oriented rather than rights-oriented. They deliver welfare through administrative schemes but do not establish *judicially enforceable entitlements*. From a GNH perspective, this limits distributive justice to benevolent governance rather than legal obligation.

[14] Local Government Act 2009, s 48(a).

Procedural and Restorative Dimensions of Justice

The Penal Code (2004) and the Civil Procedure Code (2001) provide valuable insights into how procedural and restorative justice operate within Bhutan's system. Both codes prioritise due process, fair trial, and proportionality values resonant with GNH's emphasis on balance and harmony.

However, restorative justice, a crucial component of *Ubuntu*-like reconciliation, is only marginally present. While Bhutanese customary mediation (*zhabto lhamo*) reflects restorative traditions, these are not formally recognised in statutory law.

Integrating restorative procedures into the Penal Code could embody GNH's ideal of justice as *rehabilitation rather than retribution*. As Bhutan transitions toward modernisation, it risks marginalising its indigenous conflict-resolution practices that once exemplified *happiness through harmony*.

Institutional Integration and Governance

The Gross National Happiness Commission (GNHC) functions as the central institutional mechanism for GNH policy oversight. Yet, its powers are advisory, not mandatory. Ministries are encouraged but not legally compelled to align policies with GNH principles.

This discretionary approach contrasts sharply with the rights-based model seen in Ecuador's *Buen Vivir*, where courts can enforce constitutional obligations toward well-being.

To institutionalise GNH justice, Bhutan could consider amending the Good Governance Act to include *GNH-compliance audits* and periodic *Justice Impact Assessments* for new legislation. This would embed accountability within the administrative structure itself, ensuring that the "happiness of the people" remains the primary metric of governance.

Key Pattern: Aspirational Constitutionalism

The overall pattern emerging from the analysis is what this study terms "Aspirational Constitutionalism." Bhutan's constitutional and legislative texts express noble moral aims but often stop short of creating enforceable rights. GNH, in this context, functions as a constitutional conscience rather than a legal command.

While this moral constitutionalism has preserved Bhutan's spiritual coherence, it also exposes the framework to interpretive inertia. For GNH to become the backbone of justice, it must be translated into binding norms through judicial precedent, statutory mandates, and administrative accountability.

Synthesis

The findings can thus be summarised in three propositions:

1. Environmental justice is the most mature expression of GNH in law.
2. Social and procedural justice are partially aligned but lack enforceable guarantees.

3. Restorative and distributive justice remain underdeveloped and require doctrinal and institutional reform.

Bhutan stands at a pivotal point where its constitutional philosophy must evolve into a jurisprudence of happiness—a model in which GNH not only guides policy but adjudicates justice.

IV. COMPARATIVE PERSPECTIVES

Rationale for Comparison

Bhutan's project of aligning law with moral–philosophical ideals of happiness is not unique. Other jurisdictions have attempted to embed well-being, community, and ecological harmony within their constitutional or policy frameworks. Examining these experiences illuminates how normative visions similar to GNH can be translated into enforceable legal forms. Three case studies are especially instructive: *Ubuntu* in South Africa, *Buen Vivir* in Ecuador and Bolivia, and New Zealand's *Wellbeing Budget*.

Ubuntu (South Africa): Justice as Restoration

Ubuntu, captured by the Zulu maxim *"Umuntu ngumuntu ngabantu"* ("a person is a person through other people"), defines justice as the restoration of dignity and community rather than retribution. It found judicial expression during South Africa's post-apartheid transition when the Constitutional Court invoked Ubuntu in *S v Makwanyane* [1995] ZACC 3 to abolish the death penalty, reasoning that the new legal order must embody compassion, humaneness, and reconciliation.[15]

Ubuntu's integration into constitutional reasoning demonstrates how a moral principle can become an interpretive doctrine guiding judicial outcomes. Subsequent cases, including *Port Elizabeth Municipality v Various Occupiers* [2004] ZACC 7, extended Ubuntu to property-eviction disputes, requiring humane balancing of rights. These developments show that relational ethics can be operationalised through jurisprudence without undermining legal certainty.

For Bhutan, the Ubuntu model illustrates that courts can breathe life into broad constitutional ideals such as GNH through interpretive creativity, even in the absence of detailed statutes. Recognising GNH as a *constitutional value* in adjudication could allow Bhutan's judiciary to transform happiness from aspiration into normativity.

Buen Vivir (Ecuador and Bolivia): Rights of Nature and Ecological Justice

Latin America's *Buen Vivir* (*Sumak Kawsay*) represents an explicit constitutionalization of holistic well-being. The Ecuadorian Constitution 2008, arts 71–74, recognises *Pachamama* (Mother Earth)

[15] *S v Makwanyane* [1995] ZACC 3; 1995 (3) SA 391 (CC).

as a subject of rights, guaranteeing the integrity of ecosystems and enabling citizens to litigate on nature's behalf.[16] The Bolivian Constitution 2009 similarly enshrines *Vivir Bien*, linking ecological balance with indigenous cosmology.

Unlike Bhutan's soft-law approach, Buen Vivir transforms moral philosophy into a hard constitutional obligation. Courts have since applied these provisions, for instance, the *Vilcabamba River Case* (2011), where a provincial court halted a construction project to protect river ecology. This demonstrates how well-being-oriented principles can achieve enforceability through *justiciable rights*.

Bhutan's environmental policy already resonates with Buen Vivir's ethos, but constitutional amendment or judicial recognition of environmental rights of future generations could close the gap between duty and entitlement. Embedding such rights within the GNH framework would shift Bhutan from moral stewardship to *legal guardianship* of happiness.

New Zealand's Wellbeing Budget: Institutionalising Measurement

New Zealand's *Wellbeing Budget* (first introduced in 2019) operationalises wellbeing by integrating social and psychological indicators into fiscal planning. Instead of constitutionalising happiness, it re-engineers budgetary processes so that public expenditure must demonstrate measurable improvements in citizens' wellbeing.

While not legally enforceable by courts, the Wellbeing Budget institutionalises *accountability through metrics,* a practical model for Bhutan's Gross National Happiness Commission. If the GNHC were empowered by statute to produce binding "Happiness Impact Assessments" for every major legislative or budgetary proposal, GNH could acquire the same institutional gravity as New Zealand's wellbeing framework.

Cross-Cultural Lessons

A comparative synthesis yields several instructive patterns:

Model	**Legal Form**	**Core Mechanism**	**Transferable Lesson for Bhutan**
Ubuntu (South Africa)	Judicial interpretive doctrine	Human-dignity and restorative justice jurisprudence	Empower courts to apply GNH as a constitutional value

[16] Constitution of the Republic of Ecuador 2008, arts 71–74.

Buen Vivir (Latin America)	Constitutional rights	Justiciable rights of nature and wellbeing	Codify enforceable GNH rights and ecological entitlements
Wellbeing Budget (New Zealand)	Fiscal policy instrument	Measurable well-being indicators	Statutory GNH Impact Assessments for policy and budget

All three frameworks demonstrate that values become effective when anchored in institutions, courts, constitutions, or fiscal regimes. Bhutan's future trajectory should therefore prioritise institutional embedding of GNH rather than rhetorical repetition.

Towards a Bhutanese Model of Comparative Justice

Integrating these insights, Bhutan can aspire to develop a distinct "GNH-Justice" model characterised by three pillars:

1. Judicial Application: GNH recognised as an interpretive principle guiding rights adjudication (Ubuntu model).
2. Constitutional Codification: Explicit rights to happiness, community, and environment (Buen Vivir model).
3. Institutional Measurement: Legally mandated GNH Impact Assessments (Wellbeing Budget model).

This tripartite framework would allow Bhutan to remain faithful to its Buddhist and constitutional ethos while ensuring that happiness functions as a *binding criterion of justice* rather than a symbolic aspiration.

V. DISCUSSION AND RECOMMENDATIONS

Reimagining Justice: From Aspiration to Obligation

The findings of this study demonstrate that Bhutan's constitutional and statutory framework reflects what may be called "aspirational justice", a justice that is envisioned and morally endorsed, but not yet enforceable. Article 9(2) of the Constitution articulates the State's duty to promote happiness, yet its wording ("shall strive to promote") renders the duty programmatic, not mandatory.[17]

For Bhutan to reimagine justice through *Gross National Happiness (GNH)*, this aspiration must evolve into legally binding obligations. Justice, as conceived within GNH, is not limited to

[17] Constitution of the Kingdom of Bhutan 2008, art 9(2).

courtroom fairness but extends to the cultivation of human dignity, social equity, and ecological harmony. The task, therefore, is to design legal and institutional mechanisms that transform GNH from a guiding value into a constitutional doctrine of justice.

Legislative Reforms: Codifying GNH Principles

The first step toward such transformation is statutory codification. Parliament may consider enacting a Gross National Happiness Justice Act, modelled on the *Good Governance Act*, to ensure that every legislative, executive, and administrative action aligns with GNH principles.

Such an Act could include the following key provisions:

1. Definition Clause: Legally define "GNH Justice" to encompass distributive, procedural, restorative, and environmental dimensions of wellbeing.
2. Obligation of Consistency: Require all ministries to demonstrate GNH consistency before enacting or implementing laws and policies.
3. Judicial Reference: Empower courts to interpret ambiguous statutory provisions in light of GNH values, similar to how South African courts invoke Ubuntu.
4. Citizen Standing: Allow citizens to bring actions for violations of GNH principles in governance and environmental matters.
5. Annual GNH Audit: Mandate the GNHC to present an annual report to Parliament on the "State of National Happiness and Justice."

This approach would ensure that happiness becomes a measurable, enforceable, and reviewable aspect of governance.

Judicial Reforms: Recognising GNH as a Constitutional Value

The judiciary plays a decisive role in translating moral ideals into legal norms. Bhutan's courts can adopt a purposive interpretive approach, recognising GNH as a constitutional value that guides the interpretation of rights, administrative fairness, and proportionality.

Judicial invocation of GNH would mirror the *Ubuntu jurisprudence* in South Africa, where values of humaneness and reconciliation inform constitutional reasoning. For instance, in future environmental or social-welfare cases, courts could cite Article 9(2) as a contextual interpretive aid, ensuring that justice outcomes promote well-being in its broadest sense.

Judges may also reference GNH in sentencing and dispute resolution, promoting restorative rather than retributive justice, thus integrating indigenous Bhutanese values with modern constitutionalism.

Institutional Reforms: Strengthening the GNH Commission

The Gross National Happiness Commission (GNHC) should evolve from a policy advisory body into an independent constitutional authority, similar to the Election Commission or Anti-Corruption Commission. Its mandate should include:

- Legislative Review: Assessing all bills for GNH compliance before introduction in Parliament.
- Administrative Oversight: Monitoring ministries' adherence to GNH metrics in policy implementation.
- Public Engagement: Facilitating community dialogues and GNH-based justice training for local officials.

To achieve this, Parliament may consider amending the Good Governance Act or enacting a GNH Commission (Constitutional Status) Amendment, granting the GNHC binding review powers over policy alignment.

Integrating GNH into Legal Education and Professional Ethics

Reimagining justice also requires educational transformation. Law schools, particularly JSW Law, could introduce a mandatory course on *GNH and Justice Jurisprudence*, integrating Buddhist philosophy, environmental ethics, and comparative constitutionalism.

Professional ethics codes for lawyers and judges should also include GNH values such as compassion, non-violence, and community welfare. Such moral grounding ensures that justice delivery reflects not only legality but also humanity.

Administrative Innovation: GNH Impact Assessments

Drawing inspiration from New Zealand's *Wellbeing Budget*, Bhutan can institutionalise GNH Impact Assessments (GNH-IAs) for all major policy, legislative, and development projects. These assessments would evaluate:

- Effects on community vitality and equity (Distributive Justice)
- Transparency and participation in decision-making (Procedural Justice)
- Environmental sustainability and intergenerational rights (Environmental Justice)
- Institutional capacity to uphold wellbeing metrics (Institutional Integration)

Making GNH-IAs a statutory precondition for budget approval would transform GNH from a symbolic measure into a **decision-making imperative**.

Bridging Tradition and Modernity: Restorative Justice

Bhutan's traditional dispute resolution methods, such as mediation by village elders or local councils, embody the restorative ethos of GNH. Integrating these into the formal legal framework can

strengthen *community-based justice*. Legislative recognition of *restorative mediation* as a complementary dispute resolution process would operationalise GNH's relational ethics, bridging Buddhist compassion with modern adjudication.

This dual-track justice model, formal and restorative, would make Bhutan's system a living reflection of GNH values.

Policy Recommendation Summary

Reform Area	**Proposed Action**	**Expected Outcome**
Legislative Reform	Enact the Gross National Happiness Justice Act	Transform GNH into a binding legal duty
Judicial Reform	Recognise GNH as a constitutional interpretive value	Embed happiness in adjudication
Institutional Reform	Upgrade GNHC to constitutional authority	Ensure inter-ministerial accountability
Administrative Reform	Mandate GNH Impact Assessments	Align policy and budget decisions with well-being
Educational Reform	Introduce the GNH Justice curriculum	Promote ethical legal culture
Restorative Reform	Recognise traditional mediation	Integrate cultural values into the justice system

These recommendations collectively reimagine Bhutan's legal order as a jurisprudence of happiness, a framework where justice is measured not merely by law's formality, but by its capacity to enhance human and ecological wellbeing.

The Normative Imperative

Ultimately, reimagining justice through GNH is not a technical exercise but a moral imperative. It demands a shift from law as command to law as compassion. Justice in Bhutan, viewed through the lens of happiness, must be affirmative, relational, and restorative, a system that not only resolves disputes but nurtures harmony.

As His Majesty the Fourth King declared, "Gross National Happiness is more important than Gross National Product." Translating this royal vision into the rule of law is the unfinished task of Bhutanese constitutionalism.

VI. CONCLUSION

Bhutan's constitutional commitment to *Gross National Happiness* represents one of the most profound attempts in modern history to integrate moral philosophy into the architecture of governance. Yet, as this study demonstrates, GNH remains largely a constitutional aspiration rather than an enforceable legal norm. Its most successful embodiment lies in environmental law, where intergenerational equity and ecological stewardship have achieved statutory form. In contrast, social, procedural, and restorative justice domains continue to reflect partial or symbolic incorporation.

To realise the transformative potential of GNH, Bhutan must reimagine justice not merely as fairness within institutions, but as well-being across communities. This requires a legal framework that binds public authorities to the pursuit of happiness, empowers citizens to claim it, and equips the judiciary to protect it.

Comparative experiences from South Africa, Latin America, and New Zealand show that moral visions can become legal realities when anchored in judicial interpretation, constitutional codification, and institutional accountability. Bhutan, by integrating these lessons, can pioneer a new model of jurisprudence, the Jurisprudence of Happiness, where law serves as an instrument for compassion, balance, and collective flourishing.

In conclusion, GNH offers more than a policy framework; it is a moral compass for justice. Its true success will not be measured by index scores or policy statements, but by the lived experience of harmony, dignity, and peace within Bhutanese society. The journey from aspiration to obligation, from philosophy to law, defines the next chapter of Bhutan's constitutional evolution.