



# *Media Story Series* **on Access to Justice**

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Institute of Strategic and Socio-Economic Research (ISSR)



December 2020



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**Media Story Series  
on  
Access to Justice  
(English Version)**

**As part of the Convening II:  
Virtual Strategic Convening with Media Professionals on Access to Justice**

**Under the project:  
“A National Effort to Advance the Justice Agenda and the Implementation of  
the Network Strategy in Nepal”**

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## PREFACE

12 research articles prepared under the 'Access to Justice' project undertaken by the ISSR are published on Khabarhub.com. While the country is practicing federalism, it can be felt that the people's government is becoming a local government based on the article prepared by researching the access of justice to the public at the local level. The article was prepared by selecting 12 districts that represents the country.

The topics for articles are:

1. The role played by the Judicial Committee at the local level
2. The role of legal aid providers at the local level
3. Problems and support during COVID-19
4. Violence against women and ethnic harassment during COVID-19

Three each research articles were prepared on these 4 topics. These articles covered the overall work done by the local government, justice obtained by the people, work done by the people's representatives to make justice accessible to the people, work done by people amidst the scourge of Corona virus and the initiatives taken by the local government to manage the unemployment problems along with future plans and strategies. Further, the trend of Corona Virus (COVID-19) spreading around the world is also covered in the articles.

Corona virus affected people's lives across the country. Many businesses have come to a standstill due to the Lockdown and Corona havoc since March 25 2020. Many lost their jobs in the private sector except in government services. Even those who went for foreign employment lost their jobs and were forced to return home.

Managing all these problems at once has been a great challenge to the local government. While there are growing complaints that the local government has failed to address these problems, there are also examples of citizens becoming self-reliant by running small businesses and learning lessons from the problems created by Corona.

Meanwhile, the incidence of domestic violence has also increased. This incident happened not only in Nepal but throughout the world. Compared to other countries, the incidence of domestic violence in Nepal was found to be less and the victims of such incidents were found to be provided justice by the judicial committee formed by the local level. Victims have also taken services through the same judicial committee. The local government has also been successful in reducing the rising incidence of violence against women.

Overall, this project has been useful in evaluating the work done by the local government and people's representatives, as well as in analyzing the situation of access to justice among people.



Mr. Purnesh Shrestha

Member, Board of Directors

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## **PUBLICATION LINKS:**

### **NEPALI VERSION**

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# 1: JANAKPUR

## VIOLENCE AGAINST WOMEN ON THE RISE IN PROVINCE 2

<https://english.khabarhub.com/2020/31/152965/>

JANAKPURDHAM: Even though incidents of gender discrimination are on the rise across the country, such instances are relatively high in Province-2 as women victims do not get justice.

Their hopes of getting justice from the Province-2 government are slim.

### INCIDENT 1: “WITCH” MOTHER MURDERED

Ten years ago, Manisha, wife of Ram Avtar Sah of Karjanha Municipality-3 of Siraha, sustained injuries to her leg. She received treatment at a local health post in the village but did not recover.

Ram Avtar’s mother and Manisha’s mother-in-law, 75-year-old Sudamadevi Sah is a witch doctor (Jhakri).

On October 30, Ramautar requested his mother to help her to heal his wife’s wound. Sudama, however, refused to flinch as she was not on good terms with her son, Ram Avtar.

Meanwhile, some villagers and Manisha’s mother started to incite Ram Avtar by accusing his mother of being a witch. Ram Avtar approached his mother again to heal the wounds through traditional treatment. Sudama, however, disagreed.

In a fit of rage, Ram Avtar thrashed his mother. Sudama, a mother of four children — two sons and two daughters — breathed her last on October 31 on the way to the provincial hospital in Janakpur after her treatment was not possible at the local health post.

Police rescued two young women from Daulatpur-3 of Saptari district on September 30 when they were being trafficked by a gang through Sunsari’s Bhandabari area.

Sudama was living all alone in her house for the last five years after her daughter’s marriage.

Police have, meanwhile, arrested Ram Avtar on the day of the incident.

### INCIDENT 2: HUMAN TRAFFICKING

Police rescued two young women from Daulatpur-3 of Saptari district on September 30 when they were being trafficked by a gang through Sunsari’s Bhandabari area.

Two persons, including a relative of the 19-year-old and 22-year-old girl, were arrested while they were taking the girls to India.

Police arrested Mohammad Sahil Mansuri, 29, of Saptari Krishna Sawaran Village Municipality-4 Banauli and Jiwan Kumar Sah, 29, of Siraha Lahan Municipality-19 acting on a tip-off.

### INCIDENT 3: DOWRY MORE POWERFUL THAN LOVE

Rambabu Mandal, 21, of Lahan Municipality-22 Siswani Barchhawa fell in love with a 21-year-old girl of the same village. Their parents caught them on a late-night of August 19. A Panchayat (meeting of influential people) settled the issue in the village and convinced the couple to tie their knot.

The boy’s father, meanwhile, asked for a dowry while the girl’s denied saying that he had nothing to give as dowry. Things then went awry on both sides.

On September 9, the Panchayat decided to send the case to the police administration.

Based on this, the girl’s father lodged a complaint at the Area Police Office, Lahan on September 11 alleging the boy of an attempt to rape. The boy then fled the village.

### INCIDENT 4: DESERTING PREGNANT GIRLFRIEND AND ABSCONDING

A 20-year-old girl from Jaleswor, Mahottari, passed her SEE in 2073 BS from a local school. She then enrolled at the NASA International College in Kathmandu to study Bachelor in Hotel

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Management (BHM). In the first year, she could not obtain the marks as expected by her parents. The next year, she was admitted to the Rajarshi Janak Campus in Janakpur with the consent of her family.

A friend who lives in the same room in Kathmandu introduced her to Shivraj of Kshireshwornath Municipality-5, Dhanusha. The two, who used to have a casual conversation, then became friends on Facebook. The two fell in love while talking on the phone.

She lamented with tears welling up in her eyes before the police but to no avail. The police sent her back home under the pretext of Coronavirus.

Their love deepened with the flow of time. They had their first sexual intercourse on the day of “Bibaha Panchami” 2076 BS. According to the girl, she stayed at Shivaraj’s house in Janakpur for a month on the pretext of not getting a room. The two then had sexual intercourse as per their wishes.

In the month of Poush, the girl realized that she was pregnant. And when she called Shivraj to inform him about her pregnancy, the latter asked her to abort. The girl refused to do so arguing that since the baby was the first sign of their love, she would give birth to it.

Since then Shivraj has been out of touch. The girl gave birth to a son on August 21 under the care of a charity organization. Chief Superintendent of Police Ramesh Kumar Basnet of the District Police Office, Dhanusha said that a complaint has been registered with the police. According to the police, the boy has gone into hiding in India and his search is on.

### **INCIDENT 5: CONTINUOUS TORTURE AFTER THE BIRTH OF DAUGHTERS**

Narayan Jha and Ranjan Devi of Saptakoshi Municipality-4, Balardaha tied their knots some eight years ago.

After a year-and-a-half of marriage, Ranjana gave birth to a daughter. She then gave birth to three daughters in the hope of having a son for the sake of the family. Her husband Narayan and

mother-in-law Bidotmadevi started torturing her for giving birth to daughters.

Unable to endure the continued torture by her husband, Ranjana Devi reached the District Police Office seeking justice on October 5.

She lamented with tears welling up in her eyes before the police but to no avail. The police sent her back home under the pretext of Coronavirus.

Ranjan’s first pregnancy was wasted after her husband pushed her realizing that it was a daughter in her womb. Then she gave birth to three daughters in a row. The daughters are now six, four-and-a-half and a two-years-old. “Do I have any fault?” she asked, adding “My mother-in-law had even tried to murder me with an axe when I gave birth to my third daughter.”

Ranjana filed a petition at the Saptari District Court on October 8. However, she is not very optimistic about getting justice from the court as there, too, can be manipulated.

### **INCIDENT 6: SUPERSTITIOUS PEOPLE’S REPRESENTATIVES**

On September 19, the village leaders called a Panchayat (local meeting of influential people) at the Shiva temple at Kursandi in Nawarajpur Gaonpalika-5 of Siraha. The Panchayat was called to punish the culprit as the daughter of local Dharmanath Yadav was sick. Earlier, a jhankri (witch doctor) from the bordering Indian village of Toriyahi had branded a local female Murti Devi as a witch. The Panchayat was called to punish her and establish “happiness and peace” in the village.

Murti Devi’s husband Ram Narayan Yadav was taken to the Panchayat by two villagers where he was asked to make a statement that his wife Murti Devi was a witch. He, however, refused to do so.

Locals, including people’s representatives, then thrashed Murti Devi in front of the villagers, and compelled her to consume excrement, dissolved in a bottle when she had already fainted. Murti Devi’s family members said, Ram Udgar Yadav, ward

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member of Nawarajpur-5, was also involved in the brutal act.

The victim's family has accused the ward chairperson of silently supporting the perpetrators despite the violence against women in his presence.

### **INCIDENT 7: POLICE DO NOT TAKE COMPLAINTS**

Devaki Devi Sahani, 70, of Hathmunda in Kamala Municipality-7 of Dhanusha was thrashed by seven neighbors on September 15 accusing her of being a witch. Local Birju Sahani's father Shanichar Sahani was a blood cancer patient.

Mantutiya Devi Sahani, 55, Pravesh Sahani, 35, Pradip Sahani, 25, Rina Sahani, 18, Anjila Sahani, 18, and Pradip's 25-year-old wife thrashed Devaki accusing her of spelling bad omen on Shanichar.

Devaki complained that the locals even tried to feed her cow dung. The victim has not lodged a complaint with the police. Dhanusha Deputy Superintendent of Police (DSP) Mahendra Kumar Mishra confirmed that no complaint has been registered so far. According to the victim's family, the District Police Office, Dhanusha had asked them to hold a discussion at the Area Police Office. The victim's family has not gone to the area police fearing intervention from the village Panchayat.

### **INCIDENT 8: POLICE FREEING CULPRITS**

On May 23, a 40-year-old Srijana Devi Mahato of Mithila Municipality-3, Dhanusha was thrashed by locals Vijay Mahato and Savita Devi Mahato accusing her of carrying out witchcraft. On the same day, she went to the Area Police Office, Dhalkebar to lodge a complaint. According to Bina Kadari, a women's rights activist, the police did not register her complaint citing the coronavirus epidemic.

According to her, injured Srijana was treated at Bhogendra Mahato's clinic in Dhalkebar.

As many as 140 cases were filed in the Judicial Committee in the last fiscal year. Sources said even though 100 percent of the cases were settled, 30 percent of the complainants opted for the police

and the court as the decisions made by the judicial committee were made on a cadre-based approach.

Inspector Tirtha Raj Karki of the Area Police Office Dhalkebar said that the victim had come to lodge a complaint but was sent back as the area did not belong to his jurisdiction.

Police let culprits walk free culprit by not registering victims' complaints.

### **ACTIVIST-ORIENTED DECISIONS AT THE LOCAL LEVEL**

Section 17 and 18 of the Constitution of Nepal has a provision of local executive, local legislature and judicial committee.

Accordingly, local executive, local legislature and judicial committees were constituted in all the 753 local levels after the local elections.

A three-member Judicial Committee under the coordination of Rita Kumari Mishra, deputy chief of Janakpur sub-municipality has been formed at the municipality with ward-22 chairperson Shivaratna Pandey and member Digambar Sah as executive members of the committee. The Judicial Committee started to work formally on April 22, 2018.

As many as 140 cases were filed in the Judicial Committee in the last fiscal year. Sources said even though 100 percent of the cases were settled, 30 percent of the complainants opted for the police and the court as the decisions made by the judicial committee were made on a cadre-based approach.

According to Mishra, the Judicial Committee has been formed in the Janakpur sub-metropolis as per the provisions of the Constitution. She said that the committee formed in accordance with Article 46 of the Local Government Operation Act 2074 BS has been giving its services to the people.

Coordinator Mishra, however, admits that the implementation of the decision has not been effective due to lack of skilled manpower, lack of cooperation and coordination among stakeholders.

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Mishra said that no complaints were lodged during the lockdown. “The Judicial Committee operates as per the court’s order,” she said. That’s why we didn’t register any complaints during the lockdown due to the fear of coronavirus.”

## **ALL HOPES ON STATE GOVERNMENT**

In January 2019, the Province-2 government launched the “Save Daughter, Educate Daughter” campaign with the objective of ending violence against women. The campaign includes programs such as bicycle distribution, daughter’s insurance and self-defense training to protect female students from violence.

Chief Minister of Province 2, Lal Babu Raut asserted that the government introduced the program with an aim to empower girls and women. He said that the campaign would help eradicate the tendency of not educating daughters, discouraging child marriage and domestic violence. “Newly-born daughters of Province 2 will get Rs 300,000,” he said.

Meanwhile, the government distributed bicycles to 14,000 girls under the program. Since the start of the campaign, bicycles have been distributed to as many as 14,000 students studying in class VIII in all the eight districts of Province-2.

According to the Chief Minister’s Office, the highest number of 2,457 bicycles was distributed in Sarlahi and the lowest was 1,048 in Rautahat.

Under the bicycle distribution program, bicycles have been distributed to 1,535 girls from 29 schools in the Saptari district, 1,616 girls from 25 schools in Siraha, 1,785 girls from 32 schools in Dhanusha and 1,870 girls from 31 schools in Mahottari.

Likewise, the state government also distributed bicycles to 2,457 girls from 42 schools in Sarlahi, 1,408 girls from 28 schools in Rautahat, 1,675 girls from 26 schools in Bara and 1,654 girls from 27 schools in Parsa.

According to Priyanka Yadav, coordinator of the “Save Daughter, Educate Daughter” program, bicycle distribution and daughter’s education insurance have been quite successful. As many as

17,000 daughters have also been insured under this program.

## **LACK OF PROPER IMPLEMENTATION OF LAW**

Attorney General of Province 2, Dipendra Jha argues that crime in the province has increased as the perpetrators were left unpunished as per the Domestic Violence (Fault and Punishment) Act, 2066 BS.

He said that the crime has aggravated as perpetrators were acquitted after discussion despite complaints being lodged at the police office.

“Even if the victims go to courts, perpetrators are released on bail,” he said, adding. “This has failed to ensure an environment of justice. When victims do not get justice, their morale decreases while the morale of the perpetrators’ increases and tend to commit more violence.”

Raju Paswan, the coordinator of Informal Service Center (INSEC) Province 2, says that the graph of violence has risen due to fear of the society, worries about the future and lack of faith in getting justice easily.

He said that only the poor, destitute and Dalits are found to be getting the punishment. Therefore, strict laws are needed to discourage instances of violence.

## **THREE HUNDRED INCIDENTS DURING LOCKDOWN**

The statistics of heinous crimes such as violence against women and rape have revealed a frightening situation in the country. The situation in Province 2 looks more critical than in other provinces. According to the state police, there have been about 300 incidents of violence against women during the lockdown period.

The highest number of 197 cases of rape, 48 cases of attempts to rape, 4 cases of child marriage and 13 cases of witchcraft have been registered during the period. Most of the incidents are said to have been settled because of fear, temptation and so-called social prestige before the police come to the scene.

Domestic violence has been viewed as a “normal occurrence” by

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the police and society. As domestic violence increases, so do suicides and heinous crimes. Province-2 Deputy Inspector General (DIG) Dhiraj Pratap Singh said that more than 95 percent of the crimes were committed by male perpetrators. He refers to political pressure as another major problem.

According to him, the victims do not receive the justice due to the trend of conciliation in local courts.

In several places of Province 2, locals hold Panchayats to cover up the incidents of violence against women without the knowledge of the government authorities. Police, meanwhile, arrest them (Panchayat members) after the incident becomes public. Although the state and local levels have introduced programs to reduce violence against women, the implementation has not been quite effective.

## **NEED FOR A COMMON STRATEGY**

Gyanendra Yadav, Minister for Internal Affairs and Law of Province 2 said that the crimes such as gender-based violence were being perpetrated due to the age-old social discrimination and ineffective participation of the target group in public services. He said that social discrimination and superstition cannot be eradicated all of a sudden. However, efforts have been made to discourage such superstitions.

“Law is being drafted to provide 50 percent reservation for women in government service. Since last year, we also brought programs such as “Safe Daughter Campaign”, “Teach Daughter-Save Daughter”, adding, “We are confident that the positive results of such campaigns will be seen within a few years.”

Minister Yadav said that all state and local governments can move forward by formulating a common strategy against such crimes. He emphasized that there should be no political patronage in such social crimes and violence against women.

According to him, it is not easy to end social discrimination and misconceptions unless women’s participation in development, employment, opportunities and political and productive sectors increases.

## **2: KAILALI**

### **CORONAVIRUS PANDEMIC IMPACT IN ALL SECTORS; POOR STARVING TO DEATH!**

<https://english.khabarhub.com/2020/15/148413/>

KAILALI: Kannu Ram Chaudhary, a daily wage earner, lives in a freed Kamaiya camp at Godavari-5, Kailali. His family was enthralled to see him enter the home on March 23 with rice and pulses for two meals. They had a good sleep that night.

When he set out for work on March 24, he was surprised to see uneasy silence. There were no vehicles on the road. Upon inquiring, he realized that the government had enforced a lockdown to curb the spread of the coronavirus pandemic.

Kannu was in trouble. He had neither work nor food at home. There was little money with him. He went to the market with the money but returned home disappointed as not a single shop was open.

Rather, he was chased by the police. That evening his family went to bed without food. The next few days were spent “borrowing” from his neighbors and other generous people. When he got none to feed his family, they went to bed without food.

One month after the lockdown, Kannu Ram, like many families with a similar fate, received 10 kg of rice from the ward office. All squatters like Kannu Ram, squeezed by hunger and debt, had to wait for a month to get 10 kg rice and some pulses.

“We suffered a lot during the lockdown. Who cares about poor people!” Kannu Ram narrated his grief, “There was none to ask us if we had anything to eat. I was more afraid of death by starvation than the disease.”

He dreaded the family could end in starvation.

## **DISTRESS OF THE POOR**

The second confirmed case of coronavirus in Nepal was a man from Dhangadhi-5. He was diagnosed with coronavirus positive

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after returning from Dubai. It was natural for the community to fear spread as he was found positive after he came and lived in the same community.

Everyone was afraid of the coronavirus pandemic. The police, administration and locals were involved in controlling the infection.

People were facing two perplexing situations together — the fear of coronavirus pandemic and the fear of starvation as the low-income group and poor workers had nothing to eat.

The strict lockdown that confined people to their homes for three months left the daily wage earners without money, work and food. Along with them, people with disabilities, athletes and many others with no savings at all suffered a lot.

Jeet Bahadur Malla, the Secretary of Free Transport Workers' Union said many workers in the transport sector were exposed to further hardship due to the coronavirus pandemic.

“After the hotels and shops were closed the workers were forced to stay in their vehicles,” Malla told Khabarhub, “The drivers and co-drivers of the buses could not go home from Terai; after few days without meal they reached the hotels of their contact. They had to pass many days without a meal.”

## **RELIEF DISTRIBUTION ONLY FOR PUBLICITY**

Relief distribution from the government and non-government sectors began nearly after a month of the lockdown.

By then, most of the people in distress had covered hundreds of miles on foot, starving themselves to death to reach home.

Even at home, there was no food, so they rushed for relief. Although the ward offices distributed relief, those who did not belong to that particular area did not get the relief. Many organizations fed such stranded workers by soliciting donations. The players also fared no better fate due to lockdown. As there were no sports events, they lost their source of income as well. They are still unemployed.

People with disabilities suffered further. When the caregiver lost their job, the people with disabilities suffered further.

“Lockdown induced situation was too tough for people with disabilities. What’s more, neither the quarantines nor the isolation centers were disability friendly,” Bhavani Ayre, the President of Disability Assistance Foundation Nepal, shared their difficulties, “Neither the government nor anyone else thought about them.”

The federal and provincial governments claimed to have spent millions of rupees on relief. The local levels also claimed the bills of millions of rupees spent in relief distribution, but the relief offered to the poor was hardly enough for a week. The starving people got hardly five to ten kilograms of rice in relief.

## **POOR HEALTH CARE SERVICES**

Dhangadhi folks were further panicked when the second case was found there. An isolation center was set up in Seti Provincial Hospital, but the ambulance refused to take the COVID patient to the isolation center.

Finally, when the ambulance driver took the patient to the center, the medics hesitated to go near the patient.

The medics went closer to the patients only after getting the coronavirus safety kits.

Sudur Paschim Province which was panicked witnessing one case in March has seen more than 10,000 coronavirus cases now.

The first few patients received good care from the health workers, when COVID cases hiked the patients were advised to stay at quarantine.

Those who returned from India were kept in quarantine. There was no PCR machine in the whole province. Swabs were collected and sent to Kathmandu for tests and sometimes, the people had to wait for nearly a month to get the test report.

Now, there are six PCR machines in Sudur Paschim Province. The report of the swabs collected today comes within 24 hours.

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All local levels have made a separate structure for isolation.

“There is a separate COVID Hospital of 50 beds, the local levels have arranged to keep the people with minor symptoms at their isolation centers at the local levels,” Guna Raj Abasthi, the Director of Province Health Directorate of Sudur Paschim Province told Khabarhub, “besides, the coronavirus patients with no symptoms are advised to stay at home isolation.”

There are 13 ventilators in Seti Provincial Hospital now. The people with critical health conditions receive treatment on ventilators.

Dilip Kumar Shrestha, the information Official at Seti Provincial Hospital says that there will be a shortage of ventilators if the number of coronavirus cases increases.

## **CULMINATION OF SOCIAL ABUSE**

Coronavirus patients have suffered worse social exclusion. Even after the recovery from the pandemic suffering they are not accepted easily.

Bibek BK of Lamkichuha Municipality, Kailali returned from India, tested coronavirus positive after spending 14 days in quarantine, spent two weeks in the hospital again, and after recovery went home.

When reached home, not only the community members, his family members also regarded him as a carrier of coronavirus in the village.

“For months they humiliated me as a carrier of coronavirus,” he narrated his experience, “now only the situation is turning normal.”

Dinesh Chaudhary of Dhangadhi-7 also tested coronavirus positive. He had no symptoms and stayed at home. Yet, he had to go through humiliating treatment from society.

## **RUINED BUSINESS**

The lockdown enforced to curb and control the coronavirus

pandemic has crippled many businesses.

“Many businessmen have fled, as they have to work harder than before to get back to their normal condition, many of them are frustrated,” Puspa Raj Kunwar, the Chairman of Kailali Chamber of Commerce and Industry shared the sad story, “The trade is stalled, we are unable to pay the interest to the bank, we businessmen are hard-hit.”

He pointed out that the persistent lockdown and prohibitory orders issued by the government have shrunk the business sector to a helpless situation.

Kamal Bam, the President of Hotel Entrepreneurs Association Kailali and Padam Saud, Chairman of Private and Boarding School’s Association (PABSON) Kailali also share that they are facing a hard time as well.

“As the schools got closed for seven months we are unable to pay the interest of the loan taken from the bank,” PABSON Chairman Saud told Khabarhub, “We have not been able to pay the teachers as well. Life is getting hell due to pandemic.”

## **THE BURDEN OF UNEMPLOYMENT**

Many people lost their jobs due to lockdown. Some received only half of their salary. Many people had to go unpaid. Sudur Paschim Province alone witnessed nearly 150,000 job losses in the private sector alone. They did not get any source of income for more than three months.

Sudur Paschim could be COVID red zone for various reasons like the long open border with India, a large number of India returnee locals, the low literacy rate, etc.

Birendra Joshi, who worked in a private firm in Dhangadhi had to go on unpaid for four months and many people fared nothing better than him.

## **THE GOVERNMENT’S PRESENCE**

When the government endorsed lockdown to mitigate the coronavirus pandemic, everyone dreaded the pandemic would

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spread in Sudur Paschim.

Thousands of people of Sudur Paschim who had gone to India for work were stranded at the border. The people were afraid that the coronavirus would reach all villages.

After finding the cases of coronavirus infection in the returnees from India, the government started working more sincerely.

The government increased the range of PCR tests. The province that did not have any PCR has got six machines now.

Out of them, one was provided by the federal government, three were procured by the province government, one was bought from the private sector and others are procured by local levels.

Similarly, the province which had got five ventilators before have got fifteen ventilators now. There are 13 ventilators in Seti Provincial Hospital and two in others. The Province Health Directorate informed that some ventilators are in the process of being installed.

Not only this, after finding the cases increasing in the province, the government expanded the range of coronavirus test and initiated the provision of distributing relief package to the pandemic victims.

According to the Ministry of Internal Affairs and Law of Sudur Paschim Province, the provincial government has spent more than Rs 420 million on the prevention and control of the coronavirus. Besides, the local levels have also spent from their funds. However, the people complain that they have not got the relief as the authority claims to have distributed.

### **COOPERATION AND COLLABORATION HAS MADE WORK EASIER**

Unlike in the situation of other disasters like floods, landslides and earthquakes, the non-government sector's contribution has been nominal in the relief attempts meant for coronavirus pandemic relief.

The local level found it tough to arrange quarantine as all

returnees from India have to be kept in quarantine and the inflow was remarkably high.

The loss of income, risk of disease and being stigmatized by society have resulted in mental problems and even suicides. However, the situation is returning to normalcy.

There have been few support initiatives from the private sectors as well. The PCR machine in Dadeldhura was procured from the private sector. Under the leadership of the Humanity Foundation, various private and government organizations helped in the procurement and installation of a PCR machine in Dadeldhura.

Similarly, Rs 48.73 million was deposited in the Coronavirus Prevention and Control Fund of Sudur Paschim government from the employees, chamber of commerce and industry, banks and other organizations in the province.

Tej Prakash Joshi, the spokesperson at the Ministry of Internal Affairs and Law applauds the role of the private sector and various organizations role in returning the situation to normalcy. "The horrible situation caused by the pandemic is gradually returning to normalcy," Spokesperson Joshi told Khabarhub, "It has been all due to the cooperation and coordination from all sectors."

## **3: KATHMANDU**

### **PEOPLE WERE DEPRIVED OF ACCESS TO JUSTICE DURING LOCKDOWN**

<https://english.khabarhub.com/2020/28/152352/>

KATHMANDU: The coronavirus pandemic affected not only the country's health system but also the people's daily life.

After the detection of the coronavirus infection in the country, the government of Nepal imposed a lockdown in the last week of March impacting all sectors including the government machinery. The service of the agencies working on the frontline was adversely affected. Among them was the court as the proceedings were hampered.

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According to the Supreme Court, the works of all the courts were affected for around six months. The Supreme Court, which used to deal with as many as 1,800 cases a month, had to shrink its services in the six months of the pandemic.

The spokesperson at the Supreme Court (SC), Bhadrakali Pokhrel said that the work could not be carried out regularly for around six months due to the coronavirus pandemic.

Due to the fear of the spread of coronavirus, the participation of people in court hearings has also decreased significantly.

The number of verdicts dropped dramatically. Victims were affected as their cases were pending. He said, “Even now since traveling has become a major problem, the general public has been facing difficulty in coming to the courts.”

Spokesperson Pokharel said there have been no arrangements to check symptoms of coronavirus of people entering the court premises.

Due to the fear of the spread of coronavirus, the participation of people in court hearings has also decreased significantly.

According to him, several cases were pending in the Supreme Court because of the crisis.

He said, “Some cases were filed amid the pandemic. The process of registering cases in other courts has been very sluggish. Integrity is affected. The cases and hearings had to be postponed.”

The number of cases registered in all courts, including the SC, has decreased due to the fear of coronavirus.

Spokesperson Pokharel said that the citizens were deprived of the opportunity to get services and access to justice even after the cases were registered.

Although the Supreme Court has minimized its services, it has carried out the important tasks to hold government bodies

accountable and reduce the impact of coronavirus, according to Spokesperson Sharma.

He said, “The SC has been working to ensure that all responsible bodies and officials worked effectively in judicial decisions simultaneously managing the influence of COVID-19.”

According to him, they have been working as per their jurisdiction in sectors such as health, employment, relief distribution and rescue of Nepali citizens living abroad.

He said, “The SC has been working to make the citizens affected by the coronavirus responsible towards the state in such an adverse situation.”

Former Supreme Court Justice Balaram KC says the corona infection has exacerbated the problem at a time when the Supreme Court’s objective of providing access to justice has not been effective.

“The purpose of the court is to provide access to justice,” he said. Even under normal circumstances, the work has not been effective as per the objectives of the court. The impact of coronavirus has been felt in the courts as well, he said.

Although the court’s work has been affected by COVID-19, former Judge KC said, “Coronavirus is beyond anyone’s, including the court’s control,” he said. What needs to be understood is that judges and legal practitioners also love their lives.

In order to provide access to justice for all, the courts in Nepal have a system of paid legal practitioners for the helpless and the poor. However, according to KC, paid legal practitioners alone would not suffice to meet the demands.

The coronavirus also affected the registration and adjudication of cases in the Kathmandu District Court, which is the only court in the country to hear cybercrimes.

He said, “The paid lawyers in the court alone are not enough. The

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state should also provide counseling to victims of rape and domestic violence. Not all courts have enough paid legal practitioners.”

KC says the courts also have been adversely affected by the coronavirus. “This is the reality,” he added.

The Supreme Court remained open for filing writ petitions related to habeas corpus and COVID-19 emergency-related services even during the lockdown.

The Supreme Court stated that 42 writs related to coronavirus and habeas corpus were filed during the lockdown period. Among them, the SC issued 23 interim orders.

Meanwhile, a total of 2,314 cases have been decided by the high court, district court and tribunals.

According to SC, the courts gave the verdict to 586 civil cases, 1,629 criminal cases and 99 writ petitions. During the lockdown, 333 cases were settled and 135 cases were withdrawn. The Supreme Court said that the case details of the lockdown period are as follows:

69 habeas corpus applications in the High Court and seven in the District Court were registered.

Similarly, 14 writ petitions related to COVID-19 were registered in the High Court.

During the trial, 534 petitions were filed in the High and District Courts to hand over the custody of the children in the correctional facility considering the impact of COVID-19.

According to Article 155 of the Code of Criminal Procedure, a total of 639 petitions have been filed in the high and district courts for the implementation of the provision of cash payment for imprisonment for one year.

A total of 4,690 indictments have been filed in the high courts, district courts, special courts and tribunals and detention orders

have been issued against 6,956 accused.

High and district courts have approved 1,951 arrest warrants and 2115 urgent arrest warrants.

High Court, District Court, Special Court and Tribunals have ordered 7 thousand 329 extensions.

## **NO CASE DURING THE LOCKDOWN**

The coronavirus also affected the registration and adjudication of cases in the Kathmandu District Court, which is the only court in the country to hear cybercrimes, the court said.

The Constitution of Nepal has also given the responsibility of judicial adjudication on certain issues to the Chief District Officer and Deputy Chiefs at the local level.

According to Gyan Bahadur Karki, information officer of the court, no case was registered in the Kathmandu District Court during the lockdown and a restraining order.

On average, more than 100 cases are heard daily in the Kathmandu District Court.

Information Officer Karki said, “No case was registered during the lockdown period.”

After the lockdown, legal aid was provided to the helpless and poor in more than 50 cases through paid legal practitioners, Karki said.

Regarding the services provided by the paid legal practitioners, he said, “We have made arrangements to hold debates through the paid legal practitioners.”

Chiranjibi Koirala, a salaried lawyer at the Kathmandu District Court, said that the number of service recipients has decreased due to coronavirus.

He said that general issues could not be heard continuously. He said, “The job of paid legal practitioners is to help the genuine

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helpless. The record of the work done by the salaried lawyer should be sent to the Supreme Court in a report.”

The Constitution of Nepal has also given the responsibility of judicial adjudication on certain issues to the Chief District Officer and Deputy Chiefs at the local level.

In cases where the sentence is less than one year, only the Chief District Officers can decide. At the local level, there is a three-member judicial committee under the coordination of the deputy chief.

Even in such judicial committees, complaints were reduced during the lockdown. Despite the increase in incidents during the lockdown, the victims could not go to seek justice. Many judicial committees have tried to get justice by making arrangements to file complaints on the phone.

## ACTIVE SOCIAL SECTOR

After the onset of coronavirus, it has affected all areas. The people under the poverty line are the worst-affected. Although the services provided by the state bodies decreased, there was a lot of activism in the social sector.

Some landlords even evicted low-income individuals and families. In such a situation, ‘Hamro Team Nepal’ of 10 people started feeding food in Anamnagar on March 30.

The economic downturn during the lockdown has put those in trouble struggling to make their ends meet. Kathmandu, the capital city, is home to a significant number of people from all over the country. The lockdown and restrictive measures affected the largest population in the Kathmandu Valley.

Social organizations also provided food and other assistance to people in need. One of such organizations is the Hundred Group. The ‘Hundred Group’, which is running a campaign of free clothing bank, also started providing free food to the poor and needy.

Another such organization providing free food along with

Hundred Group was ‘Our Team Nepal’. A significant number of people lost their jobs because of the lockdown.

Some landlords even evicted low-income individuals and families. In such a situation, ‘Hamro Team Nepal’ of 10 people started feeding food in Anamnagar on March 30.

Laxman Singh Dhimi Kunwar, Secretary of Our Team Nepal, said that the group started feeding the people by collecting Rs. 25,000 per person from the group with the holy aim of preventing any Nepali from going hungry. He said his group also operated a pharmacy.

“It was helpful to see those who didn’t get food,” Kunwar said. After seeing the infection of coronavirus, the government started feeding those in trouble.

According to him, up to 400 people were fed daily in the first phase of the feeding campaign started by ‘Our Team Nepal’ during the lockdown.

“Initially, we fed 400 people every day. In between, we even arranged up to 700 meals a day for a few days. About 400 people ate daily,” Kunwar said.

According to him, they also arranged transportation for those who wanted to go home.

With the easing of the deadlock, the services of the state bodies also started increasing. Social organizations and campaigners are still active.

## 4: ILAM

### LOCAL LEVELS MAKING JUSTICE ACCESSIBLE

<https://english.khabarhub.com/2020/03/145966/>

ILAM: A boy from Mai Municipality in Ilam approached the Judicial Committee with the request to get the relationship with her parents documented.

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The committee registered the application and summoned the ‘father’ for a discussion. However, initially, the so-called father denied having a relationship with the boy.

After a discussion in the committee, the man later confessed to being the boy’s father.

Currently, both of them live together. The father has been nurturing the boy properly. He has even enrolled the boy in a school.

Likewise, unable to stay together, a couple from Suryodaya Municipality in Ilam wanted to separate themselves. In fact, they had lived separately for around eight years. The wife approached the Judicial Committee seeking a divorce.

Facilitated by the Committee, both parties discussed the issue several times. Finally, the dispute was settled with the reunion between the husband and wife.

“Now they are on good terms and regret what they have done in the past,” Durga Devi Bhattarai, the Coordinator of the Judicial Committee said in a satisfied tone.

Beneficiaries say that the local JC has saved their time and money. They feel relieved when they need not go to the court or police and can share their problems with their representatives.

Similarly, a couple from Deu Mai Municipality was also fed up with the family rows they had had against each other. The verbal assault ended up in a physical assault level with the case finally reaching the Judicial Committee.

The Judicial Committee of the municipality summoned both parties for discussion. Later, the misunderstandings were resolved with the couple – who earlier wanted a divorce — agreeing to lead an ideal life.

Now, they are blessed with a child. The neighbors are impressed by their understanding.

These are some representative cases settle by the Judicial Committee.

The reappearance of the local levels in the locality almost after two decades together with people’s representatives have brought access to justice to the people. The Deputy Mayors of the municipalities or the rural municipalities who head the Judicial Committees have succeeded in resolving several disputes.

The Judicial Committee (JC) has been entrusted to resolve local disputes. The JC, besides reconciling the warring parties, give verdicts in most of the cases. This has made people’s life easier. Each local level has a JC which has been functioning quite actively of late with each ward level having a mediation/reconciliation center manned by trained facilitators.

As the arbitrators are the people chosen by the disputing parties themselves, most of the cases that come to the JC seem to satisfy both groups.

There are several instances to establish that the cases that take even decades in the courts have been settled effortlessly by the JC in a short span of time.

That’s why, both the disputing parties and the JC members agree to the saying that the JC has been working towards a win-win situation.

Yet, there are some cases unresolved by the committee.

Ilam has ten local levels: four municipalities and six rural municipalities. Most of the disputes that come to the Judicial Committee here are related to land followed by domestic violence.

Sandakpur Rural Municipality witnessed as many as 35 cases registered in the Judicial Committee. Leaving four, all other disputes were acceptably reconciled.

This year Sandukpur received five cases to date. Shova Parajuli, Coordinator of the Judicial Committee is satisfied to inform that

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most of the cases coming to her committee have been resolved.

“Most of the cases which have come here are settled saving people’s time and money,” Deputy Mayor Parajuli said, “I wonder how difficult it would be if they had to go the district-headquarters-based court for the settlement.”

Sandukpur has allocated Rs 700 thousand for the committee in this fiscal year. Last year the JC had received Rs 500 thousand. Parajuli says the committee did not experience a scarcity of budget last year as well.

According to her, the Suryodaya Municipality witnessed as many as 28 cases of domestic violence registered since the enforcement of lockdown on March 24.

She hails the scarcity responsible for the increased cases of domestic violence during the lockdown period.

“As people faced the scarcity during the lockdown, the cases of domestic violence also erupted alarmingly,” she shed light on the cause of the increment in the cases of violence, “When they do not have enough resources for livelihood minor disputes also resort to violence.”

The period saw relatively fewer cases of the claim of parental property, physical assaults, and disputes related to land than the cases of domestic violence.

Nirmal Dahal, the Deputy Mayor and Coordinator of the Judicial Committee of Chula Chuli Rural Municipality, informed that her committee received only two cases of domestic violence during the lockdown period.

However, the rural municipality has registered only 15 cases in this fiscal year.

“As there was a restriction on movement of the people and there were means of transportation, we saw fewer cases registered during the lockdown,” she said, “We get more than four dozen cases during other time.”

Chula Chuli Rural Municipality has not made many changes in the budget allocated for its Judicial Committee. The local level had allocated Rs 1 million last year and it’s the same this time, too.

As a substantial number of people from Mai Municipality are migrant workers, most of the cases are related to the same issue. Out of 65 cases registered at the municipality this year, only 15 are related to the lack of understanding between the couple. According to Bishnu Maya Rimal, the Coordinator of the Judicial Committee, there are cases concerning misunderstandings on financial transactions between husband and wife after the husband (migrant worker) returns home.

“The misunderstanding between the husband and wife has impacted the children adversely,” Rimal commented, “During the lockdown period alone, six such cases were sent to the court as they could not be settled here.”

The municipality has allocated Rs. 1.5 million for the Judicial Committee this year.

Article 217 of the Constitution of Nepal and the Local Governance (Operation) Act 2017 has given two judicial rights to the Judicial Committee established at the local level.

Clause 47 (1) has granted the committee the right to settle the disputes. Likewise, 47(2) has given the right to mediate disputes.

Judicial Committees have settled a significant number of disputes through reconciliation. Only a few of them have reached the district court.

Sushila Nembang, the Deputy Mayor of Ilam Municipality, says the Judicial Committee has given top priority for reconciliation and makes a verdict only if attempts for reconciliation fail.

She informed that the committee has given a verdict on two cases registered for dispute settlement to date.

“The case goes to the bench to decide as per its jurisprudence

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only when the reconciliation efforts fail,” Nembang narrated the procedure, “In most of the cases, reconciling efforts have been quite successful. Only a few have gone for review.”

While settling the disputes or working for reconciliation, the Judicial Committees abide by the legal provisions made in Clause 47 and 48 of the Local Governance (Operation) Act 2017.

Pabitra Rai, Deputy Mayor and Coordinator of Judicial Committee of Deu Mai Municipality claims that arbitration, reconciliation, or settlement of the disputes are done as per the established procedure set up by the Judicial Committees.

“More than 90% of the cases registered in the Judicial Committee are settled through reconciliation, only a few have to be decided by the committee,” she shared her experience as the coordinator of Ilam Municipality’s JC. “We have hardly given any verdict.”

Deputy Mayor of Suryodaya Municipality also said that her committee also has given priority to reconciliation.

“The cases settled through reconciliation go for immediate enforcement, both parties feel the win as the decision is made only after convincing both parties.”

The procedure prepared by the Judicial Committee has set three months deadline for the settlement or reconciling of the cases registered there.

Provided the attempts to settle the case through reconciliation fail, the committee gives its verdict on the case. Then, the party that does not agree with the committee’s decision goes for the review.

Sharing her experience about the deadline for the settlement of the case, Chandra Kala Rai, the Deputy Mayor and Coordinator of Judicial Committee of Rong Rural Municipality says generally the cases are settled earlier than the deadline.

She added that in her municipality she has successfully settled all the cases in the understanding of both parties, and making both

parties satisfied.

Another challenge the committee is facing is the insincerity of the parties towards its call. Often the opponents of the case do not show themselves in front of the committee on time.

“Our committee has received very few cases as the rural areas have relatively fewer cases to file. We have settled them through reconciliation,” Deputy Mayor Rai shared her experience as the coordinator of the JC.

Beneficiaries say that the local JC has saved their time and money. They feel relieved when they need not go to the court or police and can share their problems with their representatives.

Sabitra Bhattarai, the Deputy Mayor of Jog Mai Rural Municipality also claims that the beneficiaries who had to travel up to the district headquarters spending thousands of rupees feel relief that they can get justice at their ward or municipality.

In the early days of the formation of JC, the committee was without work for nearly a half year. Then, it took time to come into operation because the jurisdiction and the procedure of such a committee were not much specified.

Despite its operation in the present form, the committee still feels the shortage of manpower and insufficiency of physical infrastructure.

Deputy Mayor Bhattarai thinks it challenging to performing the duty as ‘judge’ at the local level.

“Ensuring justice and giving verdict can sometimes defame us, it stakes our popularity; yet we should dare to represent justice,” she said.

Deputy Mayor Rai also finds it challenging to execute their role as the bearer of justice.

She feels it difficult for a politician as sometimes their decision can hurt the feelings of the voters, yet, she feels proud to perform

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the role as every time she sits on the chair of the coordinator of the committee she feels she should stand for justice.

Deputy Mayor Nembang also shares her experience as a coordinator of the committee as challenging. She sadly shared that the committee has some difficulties in enforcing the decisions made by it.

Another challenge the committee is facing is the insincerity of the parties towards its call. Often the opponents of the case do not show themselves in front of the committee on time.

As reconciliation through the judicial committee makes both parties feel they won the case, the committees have proved effective.

“Often the opponents of the case do not show themselves before the committee at the designated time, not only this, sometimes the party seeking justice also do not turn up at the committee,” Deu Mai Municipality’s Deputy Mayor Rai shared her bitter experience.

Mangsebung Rural Municipality has seen a relatively larger number of cases every year. Each ward committee here receives around 30 cases in a year.

Sunita Phombo, the Coordinator of Mangsebung’s judicial committee says that the people have registered more cases in the ward rather than doing so in the municipality’s JC.

She visits the wards to support in handling the cases registered there quite often.

“Whenever possible I go to the ward and help the ward chairman and the local arbitrators settle the case,” Phombo said, “We give the responsibilities to the local levels. Yet, our ignorance of the law and legal provision sometimes influences our decisions; so we have to educate ourselves as well.”

The coordinators of the JC say that they have found this year better than in the previous years as the municipalities have

increased their budget.

As reconciliation through the judicial committee makes both parties feel they won the case, the committees have proved effective.

Ganesh Prasad Baral, the Chief of District Coordination Committee opines that provided the coordinators of the judicial committee are better equipped with better literacy of legal provision and regular training, their service will be more effective.

## 5: SURKHET

### CITIZENS’ TRUST AND POLITICS IN JUDICIAL COMMITTEE

<https://english.khabarhub.com/2021/05/153965/>

SURKHET: A skinny woman with a pale face tries to cover her body with torn clothes near Ghantaghar. Carrying a six-month-old baby, she looks all around with both hope and curiosity as she shivers due to cold and weakness.

Finding this 22-year-old Rita Poudel in such a condition, advocate Geeta Koirala took her to a nearby office, offered something to eat. Koirala’s eyes fill with tears as she listened to Rita’s woes.

According to Rita, it has been a month since she barely escaped the violence against her and happened to reach this place. The lockdown enforced to curb and control the COVID-19 pandemic made her confused as to where she should go to seek justice.

Her painful story starts with love. A few years ago, Rita came to Kathmandu from Nepalgunj, Banke with the dream of pursuing her higher studies. She met a young man. They soon became good friends and fell in love.

The youth she was in love with a person who belonged to a Dalit community while Rita was a Brahmin. Both of them decided to get married.

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A girl deprived of motherly love, Rita was easily tempted by the man's showering love.

"I have been suffering since I was a child," Rita started her story, "I decided to get married without any regard for caste. We were in a relationship like living together before we got married."

"I have lived with my father since I was a child," she said. As she had taken to an inter-caste marriage, Rita became estranged from her relatives.

Her relationship with her husband also deteriorated. She could not live with her husband as she was continuously at home. She didn't even get enough food. She was repeatedly beaten at her husband's house.

After being evicted, Rita moved to a nearby church. "They started torturing me daily at home, sometimes my husband and sometimes my mother-in-law beat me," Rita narrated her painful days at home, "Being beaten continuously, I had to leave the house."

With the help of advocate Koirala, Rita has lodged a complaint at the District Police Office, Surkhet.

Likewise, a 35-year-old pregnant woman of Birendranagar-4 was evicted from her house last April. During pregnancy, she was given no meal. After giving birth to a daughter, her husband kicked her out of the house. She reached the streets.

She endured such torture for quite long. If some people asked her if she had some problems, she did not want to bother them with her painful story; hence, merely told she was not feeling well.

"I am begging for food after I being kicked out of the house for giving birth to a daughter," she said. "I don't know where to go to seek justice."

She left home with her three daughters. Some locals took her to the police. They also provided her with other necessary assistance.

For 32-year-old Ramsara BK (name change) of Birendranagar, there was not a day when her husband did not drink alcohol and she was not beaten.

"I did housework all day, and in the evening he would come drunk and beat me," Ramsara shared her grief. There were no limbs left to be injured, she had only bruises everywhere.

She endured such torture for quite long. If some people asked her if she had some problems, she did not want to bother them with her painful story; hence, merely told she was not feeling well.

One day, when it was too much, she lodged a complaint at the police station. Police called both sides and held a discussion.

At the police station, she backed away from taking action against her husband. She said she wanted to "reconcile" with her husband. Police did not proceed with the case.

These are just some of the representative cases. Many victimized women and children in Surkhet are unaware of where to go to seek justice. Many are not even aware of the judicial committees at the local level.

### **LOCAL JC RECEIVED NO COMPLAINTS DURING LOCKDOWN**

During the lockdown meant to reign over the coronavirus pandemic, the local judicial committees saw a relaxation in the complaints pressure.

The Judicial Committee of Birendranagar Municipality, the capital of Karnali Province, did not receive any complaint in three months.

According to Binita Dhungana, an employee of the Judicial Committee of the municipality, a case was registered only in June. According to her, out of fifty-three cases registered in the fiscal year 2019/20, thirty-one cases were disposed of. Twelve cases have been registered so far in the current fiscal year.

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“Judicial committee cases do not come regularly. Most come to say verbally. If you ask them to bring it in writing, some cases will not come up at all,” Dhungana talked about the trends of cases in the judicial committee, “There is a provision of legal advisor to look into their cases but there is no provision of a legal assistant to write the case.”

The Judicial Committee deals with the disputes of civil nature like the issues of borer, water channel, sharing of water, loss and damage of other’s crops, grazing, hay, firewood, non-payment of wages, loss or discovery of domestic animals, etc.

According to Bir Bahadur Chunara, an employee of the Judicial Committee of Bheriganga Municipality the committee also receives cases related to negligence towards the senior citizens as well.

Chunara revealed that the judicial committee belongs to has registered about 200 cases so far.

The local government is the first authority to resolve the issues and disputes ranging from food, shelter and cotton required for the normal livelihood of the citizens to the issues arising out of the new dimensions of rights.

Dila BK, the in-charge of the women’s cell at Surkhet Police shared that not only the Judicial Committee but also the District Police Office, Surkhet, received a small number of complaints during the lockdown. According to her, 155 complaints have been registered so far in the current fiscal year.

“Even though there were many cases of violence during the lockdown, many did not come out,” she told ahead, “When the violence is not brought to the book of the law, the depressed victims take to suicide.”

According to the police, 17 women have committed suicide in Surkhet in the current fiscal year.

Hasta Pun, a resident of Gurbhakot Municipality, revealed that many incidents of rape were also settled at the local level during

the lockdown.

“Going out was not possible during the lockdown and also due to the lack of legal knowledge of the victims, the incidents of rape were also arranged in the village,” Pun told Khabarhub.

## **POLITICS IN THE JUDICIAL COMMITTEE**

The local government is the first authority to resolve the issues and disputes ranging from food, shelter and cotton required for the normal livelihood of the citizens to the issues arising out of the new dimensions of rights.

Citizens should have equal and easy access to all kinds of services provided at the local level.

However, Bal Bahadur Thapa, a resident of Birendranagar, says that some of the decisions of the judicial committee formed at the local level are not satisfactory.

At the local level, people’s representatives come from one party or another to contest elections. In such a situation, both the victim and the perpetrator are likely to distrust politically.

“As people’s representatives are political representatives, there are doubts and suspicions about them in judicial decisions,” Chandra Khatri, a teacher in Surkhet talked about the concerns related to the judicial committee, “hence, many do not go to the judicial committees.”

However, Advocate Geeta Koirala regards the tendency to see the people’s representative as a representative of a political party is also a problem.

“The main challenge for the committee is to rise above party interests, and to intervene when required to administer fair and independent justice,” Koirala talked on the issue, “only by abstaining the party interest (political interest) in the administration of justice can help in real justice.”

The local judicial committee has been set up with the objective of giving quick, apt, and efficient justice on the local disputes.

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Small disputes should be resolved as soon as possible. The Judicial Committees emphasize reconciliation. Various non-governmental and community organizations have also been mediating at the local level for reconciliation.

According to Nisha Poudel, a psychologist at an organization called ‘Sthaniya Awaaz’, such organizations receive many complaints of violence against women every year.

It is often found that there is a lack of legal knowledge in the administration of justice and technical knowledge in deciding cases. There are rumors that decisions are made without considering enough evidence. There are also suspicions of political bias.

Sharmila BC, a local rights activist also agrees that such factors have affected the effectiveness of the administration of justice.

“It is important to work independently without feeling pressure or being influenced by anyone,” she told Khabarhub, “for this, the coordinator of the committee should be active, the committee should be allowed to be independent.”

Rights activists say that only after the judicial committees become capable and are well resourced the access to justice for marginalized communities at the local level can be ensured.

Rights activists say local judicial committees should be empowered and equipped with legal knowledge to make them exercise their legal rights. Justice will be easier if the Judicial Committee can work in a fair and efficient manner.

Rights activist BC opines that the committees should be made effective by using the right given to the local levels by the law and also by providing advisors and other necessary staff.

Justice must be administered using the universal principles of justice, the principles of natural justice and discretion. Citizens expect to get justice quickly and at a low cost.

## **JUDICIAL COMMITTEE IN CONFUSION**

The local level judicial committees themselves are found confused. Lack of legal knowledge has led to a lack of practical skills to exercise the authority provided to them.

Renu Acharya, the Deputy Mayor and the coordinator of the judicial committee of Bheriganga Municipality shares her experience that she could not work due to lack of information about the law.

“Various issues come up in the judicial committee, but we are confused as we do not have enough information on how to proceed,” she said.

Deputy Chief of Gurbhakot Municipality Maina BK said that they have been discussing the issues in the Judicial Committee.

She said that it would be easier for the deputy chief to work in the judicial committee if she has adequate training in law.

According to Yamuna Sapkota, a law student, the Judicial Committee has not been able to decide on the issues of jurisdiction given to the Local Judicial Committee by the Local Government Operation Act 2015.

Rights activists say local judicial committees should be empowered and equipped with legal knowledge to make them exercise their legal rights. Justice will be easier if the Judicial Committee can work in a fair and efficient manner.

## **6: BANKE**

### **MAY SUCH DAY NEVER COME AGAIN!**

<https://english.khabarhub.com/2021/06/153786/>

BANKE: Chamar Kewat used to make her living by selling the leaf plates known (tapari) near Mahendra Chowk in Nepalgunj Sub-metropolis. She used to have a net savings of three to four hundred by selling those taparis per day.

Even in the scorching heat of Nepalgunj, she used to make the taparis sitting by the roadside. When the lockdown started, she

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“We used to sell taparis and grass; we lost the source of income in lockdown, how can we get some money without working?” Kesar asked, “how can we make our living. More than coronavirus we fear starvation. We made the living by taking loans, may such days never come to anyone.”

## THE POOR AND DESTITUTE SUFFER EVERYWHERE

Kingurian settlement in Nepalgunj-22 also suffered a lot due to the pandemic. Almost every family of the 90 household settlements makes their living by earning daily wages.

Some drive rickshaws, others bring firewood from the forest and some others sell clothes on the roadside.

After the lockdown, the income of everyone in the settlement was stopped at once. With a few days of savings, there was a shortage of paddy.

As every family had to withstand similar hardship, there was not to help with money and loan in the settlement. There was no income and no one to lend.

Nanke Kingaria, a young man who makes his living by driving a rickshaw, told Khabarhub that the settlement was in crisis in lockdown.

Sajid Kingaria who used to make her living selling firewood had nothing left now.

“Firstly, I could not go to bring firewood from the forest; even if I managed to bring there was none to buy the wood,” Sajid narrated her grief, “We spent many days without food. What’s more, there is the loan to be paid as well!”

There are Kamarudhdhin Kingaria has six members in his family. Lockdown took the employment of all.

“Everyone has to stay at home as there is no work. When everyone is at home, the family needs more food, but we have nothing except the sorrows to share,” Kamaruddhin told her story, “Words fail to describe the grief.”

## THEN STARTED THE DISCUSSION ON RELIEF

None thought about the poor and lockdown affected wage-earners for nearly a month. They started talking about the relief after one month of the loss of the jobs and the talk got confined to words for some more weeks.

After many days of the federal government’s publicity about the relief package, the local levels started the process of collecting the data, identifying the number of victims and offering relief. The relief that came was 10-20 kg per family of five to seven persons.

After many weeks, the campaign reached the Kingaria family as well.

Bidya Ram Burma, the Ward Chair of Ward No 22 claimed to have distributed the relief for more than 700 households, but the nominal relief hardly lasted for more than one or maximum of two weeks. When one round of distribution was finished the local levels felt their responsibility fulfilled.

“We can’t deny getting the relief but the fact is it did not last much longer,” Kamaruddin commented on the relief offered to them.

As the locality has been bordering with India, and is also a business hub for people returning to or from India, people dreaded the pandemic would spread quickly all over the district. Changing their fear into reality, the coronavirus pandemic spread in many communities in Banke.

Some organizations and individuals also offered relief. But as the lockdown got prolonged the relief did not support much longer.

The victims suggest that the local levels should come with the relief that can help the victims have at least two meals a day at least for some weeks or more considering the duration of lockdown and prohibitory orders.

The victims are trying to overcome it.

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## THE ENTREPRENEURS ALSO FELT HELPLESS

There are eight local levels in Banke. Out of them, Nepalgunj Sup-metropolis is regarded as the business hub of the central and western sectors of the district. This is also the main business hub of hilly districts.

There are various business organizations ranging from small scale hotels to hotels of millions of rupees employing thousands of people. Coronavirus seized their jobs as well.

As the locality has been bordering with India, and is also a business hub for people returning to or from India, people dreaded the pandemic would spread quickly all over the district. Changing their fear into reality, the coronavirus pandemic spread in many communities in Banke.

The entrepreneurs complain that their business collapsed due to the pandemic.

With the implementation of federalism in the country, the business sector had experienced some positive signs. They had expected that Nepal Tourism Year would also help them promote the business.

But unfortunately, the pandemic outbreak and various strict measures taken in the name of curbing and controlling turned their dreams of prosperity into dust. Now they say, they are not in the position of paying the rent of the land and the bank loan as well.

Uma Grandon, the President of Banke Hotel and Restaurant Entrepreneurs Association told Khabarhub that the pandemic crushed their business.

“Thousands of people employed in this sector became jobless, they found it difficult to support in livelihood,” Grandon narrated the grief the entrepreneurs were in, “on the other hand, the entrepreneurs quitted business sector finding them unable to pay the bank loan and the house rent.”

She added that the hotels and restaurants now open are also not

operating well due to shallow visitors. Grandon complained that the local government and the regulatory authority did not heed the suffering of the business sector.

## THE SLOW PROGRESS IN CORONAVIRUS CONTROL AND PREVENTION

Before the pandemic spread in Kathmandu and other parts of the country, Banke had already turned into a red zone in terms of the people’s response to corona.

At first, the India-returnees were found coronavirus positive. Despite the attempts to keep the people returning home from high-alert to those returning from the most vulnerable places of India, the virus spread in the community.

When the community level transmission was noticed in Banke’s Narainapur, the people all around the country got more concerned.

A large number of returnees from India, the increase in the coronavirus cases, the lack of cooperation of ambulance and the hospitals in the treatment of the coronavirus infected people made people project the pandemic was getting stronger rather than declining.

Chief District Officer plays a significant role in both plannings and implementing various strategies against the pandemic.

Complaining against his work performance, the Ministry of Home called Banke’s CDO to the Ministry and sent Synagja’s CDO Ram Bahadur Kurumbang to Banke citing the former CDO’s role was not satisfactory.

The entrepreneurs say that then only the fight against the pandemic got some momentum in Banke.

The district has seen more than 3000 coronavirus cases to date. 30 people have lost their lives, which means the death rate from coronavirus pandemic is nearly one percent.

According to Naresh Shrestha, the Public Health Officer of

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District Health Office Banke, there are 142 isolation beds, 24 ICU and eight ventilators in Banke.

In the past, it was difficult to collect swab and send it to the hospital. Now there are three labs in operation.

The swab of the poor and the marginalized is collected in front of the District Administration Office for about one hour from 5 PM every day.

Shrestha told that the office collects 20-40 swabs from such a community every day and provides the report the same evening. “There are the directives that the pandemic should be curbed at any cost, yet, we are also committed to the fact that the poor and those lying beyond the access of the state should get priority in getting tested and treated,” Chief District Officer Kurumbang shared the district’s policy for coronavirus test and treatment, “I have been working day and night in coordination with the health office in the district.”

## **THE COMPLAINTS ABOUT HUMILIATION IN THE COMMUNITY**

When the infection was noticed in the people here, the patients became the victim of discrimination and humiliation from the community.

A particular community was humiliated and harassed and the people found it difficult to get adjusted in the community even after returning to normalcy.

Now, time has changed. People have realized that the patients should not be discriminated against and everyone should cooperate with each other to curb and control the pandemic as the communal efforts bear early results.

People have started exploring and sharing new ideas in each community. Those who have money pay it stays in well-facilitated hotels whereas the ones who do not have money join the long queue to get their swabs collected and stay in home isolation or community isolation. They complain there is discrimination even in the treatment of pandemic.

CDO Kurumbang regards it as normal and says that there is the provision of free treatment for the people without money.

“The ones with enough money arrange for their isolation centers on their own expenses, but in the isolation centers set up by us and the community all are treated equally, there is no discrimination,” CDO Kurumbang defended the arrangement, “None is deprived of the tests and treatment just because they do not have money.”

The lockdown and the prohibitory orders imposed to curb and control the pandemic has made the life of the low-income group as worse as hell, they lost their job, their business. After the restrictions are lifted, gradually the life seems to head to normalcy. May such days never come again!

## **7: NAWALPARASI**

### **CORONAVIRUS-EFFECT ALL OVER**

<https://english.khabarhub.com/2021/02/153419/>

NAWALPUR: Som Nath Mahato, the Manager of Piprahar Community Home Stay located at Devchulai Municipality-17, in Nawalparasi East is looking for a job.

Mahato has a home-stay in his own house on the banks of the Narayani River. He used to earn more than Rs 300,000 annually from the homestay.

However, after the coronavirus pandemic outbreak, the visitors stopped coming to his homestay. His source of earning and means of living is gone now.

The entrepreneurs closed their business after the government declared lockdown to curb and control coronavirus. The four-month-long lockdown was followed by the local level’s stricter prohibitory order.

After realizing that the lockdown and prohibitory orders made the livelihood of the common people almost unbearable, the restriction on movement and business was relaxed.

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Yet, the infection continued to spread. Mahato, who is the manager of the Piprahar Community Homestay, found his business in crisis when he could not accommodate guests during the season.

Like Mahato, 22 families had run a homestay in Piprahar. All homestays remained shut down due to the coronavirus pandemic outbreak.

The cultural building of the homestay that was meant to entertain the visitors with cultural attractions of the place is padlocked for a long.

The homestay operators from across the country had gathered at Piprahar's Cultural Building. The operators had agreed to take agro-tourism for the promotion of rural tourism.

As the government has assured to provide concessional interest loans in the agricultural sector, the homestay operators had planned to promote agro-tourism.

## **BOTEMAJHI'S HOMESTAY IN CRISIS**

The homestay run by the Botemajhi community of Devchuli-1, Bote Tol is also closed for several weeks.

The Botemajhi community that used to make their living through fishing had taken to the farming of late.

As many as 14 families of that community have been running Sisbar Botemajhi Community Homestay since February. There are 65 households in the Botemajhi community.

The Botes, who were earning by fishing and boating in the Narayani River, were eyeing hopefully at homestay expecting better livelihood from the tourism sector.

While they were preparing to raise funds for the homestay operation, the homestays got closed due to the coronavirus pandemic.

They first welcomed a group of 30 people from Jhapa. Then came

a group of 48 people from Pyuthan. The community was excitedly waiting for the group to come from Dang.

Forests had been instrumental in helping the homestay come into existence. The group provided 14 katthas to the homestay operators.

The Botes who lived by fishing in the Narayani River have now taken to commercial fish-keeping.

To get the homestay more organized and systematic, the Gandaki Province government has allocated Rs 1.5 million for this community.

Likewise, Devchuli Municipality has provided Rs 600,000 and Sisbar Madhyabarti Community Forest Rs 300,000. The community is constructing a cultural building for the systematic operation of the homestay. The Botemajhis are planning to show the local art and culture to the guests in homestays.

They are hopeful that they can revive when the coronavirus pandemic is over.

Worried at their livelihood at present, they have started working as wage-earners. Many of them have gone to the paddy field to work as wage-earners.

## **TROUBLED TOURISM SECTOR**

To the south of Nawalparasi-East, there is the Narayani river and across the river is the Chitwan National Park. The area around the park is known as the intermediate zone. As this area offers the sight of wildlife and the water safari, it has the potential of attracting lots of tourists.

Keeping it in view, many hotels and homestays have been set up along the riverside from Gaidakot to Triveni. Amaltari Community Home Stay and Rataul-Chilaha Community Homestay in Kwasoti Municipality and Nandapur Community Homestay of Madhyabindu Municipality is closed since the pandemic outbreak.

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The homestay operators who used to be busy welcoming the visitors during major festivals like Dashain and Tihar are looking for alternative businesses as there are no visitors due to the coronavirus pandemic.

## **NO FOREIGN EMPLOYMENT OPPORTUNITIES**

A young man from Kawasoti-3 left home for foreign employment. When he got his swab tested at HAMS Hospital Kathmandu, he tested coronavirus positive.

He returned home as no person would be allowed to go abroad unless the person tested coronavirus negative. Locals informed the health office that he was being sent back for testing coronavirus positive. Only after the health office pulled out the report that he was diagnosed with coronavirus pandemic.

Like him, many youths are returning daily after testing coronavirus positive in Kathmandu. But the report does not reach the community on time. As a result, it is uncertain how far coronavirus infection has spread at the community level.

Lately, the reports of the people who test their swabs outside their district have not come. Keshav Chapagain, the Chief of District Health Office Nawalparasi East, informed that the office asks for the report as far as it knows about it; but, sometimes even the district health office does not get the report.

## **THE PAIN OF BEING CONFINED AT HOME**

Nine out of 10 members in the family of Badri Sapkota of Gaidakot-2 tested coronavirus positive. Apart from the 14-year-old daughter, everyone in the family tested coronavirus positive. The house became an isolation center.

Some of the family members were employed and some were in their own business. The family stayed at home for several days after seeing the infection. They did not leave the house because of social responsibilities. They felt like they were in custody.

They also had a hard time buying daily necessities. If you need any goods, you have to call someone. Those who helped were equally terrified. Staying indoors also caused mental stress.

The Sapkota family had taken one of their neighbors to Bharatpur Hospital for treatment after being bitten by a snake. While assisting him, a member of the Sapkota family was diagnosed with the infection. After that, everyone in the family ranging from 6 to 62 years became infected.

The first member who got infected in the Sapkota family stayed in isolation at the Samudayik Prakritik Hospital set up in Devchuli-6. The other members sat in home isolation.

All at home isolation got rid of the virus by using hot water and home remedies as well as Ayurvedic medicines.

According to Badri Sapkota, they took simple foods and fruits that were low in fat, drank milk regularly and also had lemon-water. Not only these, but they also used basil leaves and gurjo (Giloy) regularly.

## **PRIME MINISTER'S EMPLOYMENT PROGRAM ONLY IN NAME**

Coronavirus pandemic has left the poor without a livelihood. Even the expected programs are also not effective. The short-lived employment programs of the government have failed to hold the youths from going abroad.

About 10 percent of youths of Kawasoti Municipality, the district headquarters of Nawalparasi East with a total population of 62,421, are in foreign employment.

According to Mukunda Sapkota, employment coordinator of the municipality, 605 people from Nawalparasi East have returned home from March 24 to July 25. Out of them some have lost their jobs and are looking for work.

535 people including 260 women have applied for a 100-day employment program under the Prime Minister's Employment Program. The Prime Minister's Employment Program is now in a state of indecision and confusion.

Prime Minister KP Oli led government had put forward the Prime Minister's Employment Program as per its commitment in the election. Although few people of earthquake-affected districts got

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employment under it, in most of the districts the program is confined in receiving application.

Kawasoti Municipality consists of mix settlement of Chhetri, Hill-Brahmins, Magar, Tharu, Tamang, Newar, Muslim, Kami, Damai, Gurung, Doli, Thakuri, Sarki, Teli, Sanyasi, Dasnami, Musahar, Khatbania, Kumal, Kanu, Nunia, Marvani, Darai, Bhote, Badi, Rai etc.

After finding the daily wage earners were suffering from livelihood problems, the local levels offered some relief.

### **THE FAMILIES OF THE INFECTED MISBEHAVED**

Sagar Pokhrel, a journalist from Kawasoti-2, Nawalparasi East was diagnosed with the infection. The sensation spread throughout the district after he was diagnosed with coronavirus. The local level and the district administration office imposed prohibitory orders in the area.

During contact tracing, some other journalists, businessmen, teachers and political party leaders were also found coronavirus. The family members of the infected people were also mistreated as the infection spread at the community level.

When Arjun Luitel tested coronavirus positive during contact tracing, his family was banished from society. Not only Luitel, but other journalists working on the radio were also mistreated as the infection spread at the community level.

Later, journalist Pokhrel led the campaign meant to counsel the people in home isolation.

### **EMPLOYEES AND PEOPLE'S REPRESENTATIVES ALSO INFECTED**

The infection has not stopped. Local-level employees and people's representatives are also getting infected. People are more worried when they find the local government officials and staff responsible for managing the corona infection are infected.

After the employees themselves became infected, the service of the municipalities has also been affected. Worried at the spreading pandemic among the staff, four local levels of the

district closed the service issuing a notice.

Recently, Chhatra Raj Poudel, the Mayor of Gaidakot Municipality, Chandra Bahadur Rana, the Mayor of Madhyabindu Municipality and Laxmi Devi Pandey, the Mayor of Hupsekot Rural Municipality tested coronavirus positive. All three local levels shut down all services except the emergency ones after the Mayors got infected. Binaya Triveni Municipality also stopped similar services.

### **LOCAL LEVELS IN DILEMMA**

All local structures are affected adversely due to the pandemic. The four-month-long lockdown and the prohibitory order that ensued have made people's life more difficult and the pandemic has also gone worse.

Finding the district level disaster management committee less effective to curb and control the pandemic, the task of arrangement has come to the shoulders of the local levels.

The local levels are also waiting for the support of the federal and provincial governments.

"We are not able to work on the plans set before," Purna Kumar Shrestha, the Mayor of Devchuli Municipality told us, "as the money meant for other projects is also used for coronavirus pandemic, the plans are likely to come to a total standstill."

Shrestha complained that the municipality has not received Rs 1 million since the lockdown was enforced.

The Mayors say that the local levels alone cannot handle the pandemic induced crisis.

Although the local levels have been claiming that their focus is on coronavirus pandemic control, the issue of making isolation centers is merely an agenda in discussion; it has never been worked upon.

Mayor Shrestha confesses that they have not been able to do many things as the management of the corona infected people has been

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a tough trial for them.

However, he added that despite the pandemic crisis, now there is no restriction on carrying out the business now.

Local-level leaders say that they have not got time to discuss and plan for the long term effects of the ongoing pandemic.

Thus, coronavirus has expanded its trap in all directions adversely affecting all sectors.

## 8: NUWAKOT

### PERPETRATORS “USED” LOCKDOWN TO THEIR ADVANTAGE

<https://english.khabarhub.com/2020/29/152623/>

NUWAKOT: Sancha Maya Tamang, 52, an inhabitant of Urleni Tadi-1, Urleni had an unnatural death on September 27.

Speaking to the police who had been there for the investigation of the incident, the locals said that the deceased was “branded” a witch while she was alive and now after death, she might possibly be portrayed as a ghost.

This made the police more suspicious. During the investigation, it was found that she was ‘incited to commit suicide in an allegation of a witch.’

Police filed a case against Laxu Tamang and Aite Man Tamang — both inhabitants of Urleni — for their alleged involvement in the incident. Both of them are in custody for trial.

According to SP Tul Bahadur Karki, the Chief of District Police Office, Nuwakot some people accused of inciting Sancha Maya to die are still absconding.

While the festive flavor of Dashain was still on, a 14-year-old girl of Bidur Municipality-12 was attempted to rape. Jitendra Aryal, the neighbor, who was called to repair a multi-plug, attempted to rape her.

The couple who had had an inter-caste marriage and were living away from their community also returned home in lockdown, but they were also ill-treated both at home and in the society.

While trying to flee, the girl got her two fingers fractured. Although the perpetrator tried to settle the case by paying Rs 25,000 to the victim, her brother did agree with it.

He took the case to the police. Some local leaders sided with the perpetrator and put pressure on the victim to settle the matter. The victim’s family which regarded the case as inexcusable chose to take the case ahead legally.

These are some of the representative cases of gender-based violence in Nuwakot. District Police Office, Nuwakot has received 362 complaints against gender-based violence.

Here are the cases related to women and children lodged in District Police Office Nuwakot in the past three years:

### PAINFUL CORONAVIRUS PERIOD

The government enforced a nationwide lockdown on March 24 to stem the spread of the coronavirus pandemic.

A substantial number of people were stranded during the lockdown. Thousands of people walked hundreds of kilometers to reach their destination. One among those stranded was a 17-year-old girl from Belkotgadhi Municipality-7.

She had difficulty in going home as she was in the district headquarters Bidur of Nuwakot, and there were no means of transportation to go home.

She requested the co-driver whom she knew him before. Satya Kumar Rai, the co-driver from Bhojpur agreed to help her.

In the evening of April 1, the co-driver of the microbus took the girl from Bidur to Ratmate. Before getting down the microbus, Rai asked her to love him i.e. kiss him. She agreed. Soon, he raped her in the microbus.

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The girl who was in Grade 10 in a school later complained to the police and now Rai is in jail. The friendship and acquaintance through social media ended in the rape of a schoolgirl.

The unusual situation that erupted due to the coronavirus pandemic turned the cause for violence to many people.

The long lockdown restricted the movement of the people. They lost their jobs and their source of livelihood. As a result, many people became the victim of violence often from acquaintances even from family members.

The statistics of the last three years reveal that the number of cases of violence has increased in the fiscal year 2019/20.

Advocate Garima Pandey says that the instances of violence against women have increased due to lockdown and prohibitory orders issued to curb and control the coronavirus pandemic.

“Violence against women has increased as public services have been disrupted due to pandemic,” she told Khabarhub.

“As all other activities got stalled and everyone stayed at home the violence against women also got worse. Not only this, but the work pressure at home also increased due to lockdown.”

Lack of access to court, the fear of being expelled from the family or society provided they file the case against perpetrators among many other things has forced the victims to endure violence.

When people were confined to home, they got leisure. Having more leisure, husbands increased the supervision of their wives, brothers and fathers increased the supervision of the sister/daughters. Thus, the freedom of the girls and women was restricted.

Advocate Pandey shared that the complaint made in person or over the phone in the help desk of Transcultural Psychosocial Organization (TPO) Nepal reveals that the women got tortured even for making friends in social media and communicating with them as well.

The couple who had had an inter-caste marriage and were living away from their community also returned home in lockdown, but they were also ill-treated both at home and in the society.

Binda Dhungana, Chairperson of the Inter-party Women’s Network, Nuwakot has found that people suffered in several ways. For instance, people with chronic illness did not get regular treatment; many males took to alcohol, drugs and gambling.

In the meantime, women had to manage the household financially. When they asked the males not to take to alcoholism, they had to endure violence.

Although, a large number of people returning from Indian and third countries brought the happiness of reunion in the first few days of lockdown, soon the rows started in the family as their source of livelihood was gone forever now.

The local Judicial Committee also could not keep themselves active due to the coronavirus pandemic. As the traffic was closed, it was difficult for the victim to go to lodge a complaint.

Yet, Chairperson Dhungana is relieved to say that the organization has taken initiative to bring justice to the victims even in such a situation.

Many women were tormented for not giving sexual satisfaction to the husbands whereas some others were tortured for extra-marital affairs. Some more were evicted from their homes.

Sub-Inspector Shuku Maya Tamang, the official at the Women and Children Cell of the District Police Office, Nuwakot told that the district saw many such incidents during the lockdown.

## **JUSTICE AT LOCAL LEVELS**

With the functioning of the judiciary committee at local levels, the pressure of the cases of domestic violence is less on the police now. Many cases of domestic violence are reconciled by this judiciary committee.

SP Karki, however, points out that the method of seeking justice

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has decreased of late, the number of cases has not decreased even these days.

District Attorney Gopal Prasad Dhakal remarks that after the formation of the judicial committee at local levels and the reconciliation and legal action taken there have reduced the disputes of cases of civil nature in the police.

Deputy Mayor of Dupcheswor Rural Municipality Anju Acharya, who is also the coordinator of the Judicial Committee of Dupcheswor, said that the committee has been resolving the issue through reconciliation provided both parties agreed whereas suggest the parties ways ahead if the case lies beyond the jurisdiction of the committee.

She remarked that the Judicial Committee has been helping to reconcile the disputes related to sharing the labor, minor disputes, boundary disputes, loss or damages caused by the animals, the consumption of natural resources, etc, and helping them both feel win-win in the reconciliation.

Local Government Operation Act 2017 has a provision that grant the local judiciary committee the authority to resolve disputes of civil nature. Local levels have formed benches on their own and with the help of many other organizations.

The local level has been assigned the responsibility to resolve the specified disputes and implement the solutions.

Ishwori Upreti, the Deputy Mayor of Tadi Rural Municipality, informed Khabarhub that most of the complaints the Judicial Committee received are of violence against women and gender discrimination.

She claims that the committee has been keeping the parties of disputes in her office and work out the point of agreement.

She opines that more than the bench to give verdict on various disputes, the local levels need a good meeting room, efficient manpower and data management.

## **MOST OF THE CASES ARE SUPPRESSED OR HIDDEN**

Many cases of gender-based violence have been concealed or hidden due to the dire situation caused by the coronavirus pandemic.

The police data reveals that crimes against women and children are on the rise. Had their campaigns worked, the campaigns of the people's representatives at the local level should have reduced the incidents, but, the data shows otherwise.

Lack of access to court, the fear of being expelled from the family or society provided they file the case against perpetrators among many other things has forced the victims to endure violence.

This problem is not unique to the coronavirus pandemic period. Many cases of gender and ethnic violence and discrimination are hidden in homes and communities.

Deputy Mayor of Belkotgadhi Municipality Kavita Dhungana remarks that many incidents of violence against women and discrimination have not come out and are not allowed to come out as well.

"Incidents of violence against the women are not allowed to come out directly," also an advocate and Coordinator of the Judicial Committee of Belkotgadhi Dhungana told Khabarhub.

She thinks that the efforts to stop violence against women are not enough. She concludes that launching awareness programs and financial empowerment of women is the most to improve the situation.

## **LACK OF MANPOWER AT THE JUDICIAL COMMITTEE**

Although it's pivotal to empower the local level to control the recurrence of crimes against women and ethnic harassment and the growing number of incidents, this aspect has often gone ignored.

To address the concerns about the deputy mayor's judicial capacity and impartiality due to their political affiliation, the legal help desk has to be made more effective.

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Shanti Gurung, the Deputy Mayor of Mygang Rural Municipality thinks it better to provide a legal aid team to reduce the chances of political biasedness the political leadership is subject to.

To make the local judicial committee more effective and systematic, the local judicial committees need a good room to keep the parties of disputes together. The committees also need frequent orientation training.

Manpower is also needed for data collection and storage.

Deputy Mayor Gurung regrets that the role of the Judiciary Committee is not as effective as expected due to the lack of legal knowledge to the coordinator and the lack of proper place for facilitation.

Apsara Thapa, the Vice-Chairperson of the District Coordination Committee, Nuwakot, complains that lack of resources has affected the efficiency of the Judicial Committees.

“Although the legal provisions equipped the local levels with the Judicial Committees, the committees have not been able to function well due to the lack of skilled manpower and good infrastructures,” Shrestha told Khabarhub.

There are 12 local levels in the district. Although some of them have arranged for a separate hall for dispute resolution, many of them have been using Deputy Mayor’s office for the purpose.

## **ILLITERACY — THE MAIN CAUSE OF WOMEN'S BACKWARDNESS, SUFFERINGS**

One of the main reasons for early marriage and many problems faced by women is the lack of literacy.

Anju Acharya, the Deputy Mayor of Dupcheswor Rural Municipality says that most of the instances of violence will end provided the girls are provided the opportunity of higher education is given to the girls.

“Dupcheswor Rural Municipality which used to face lots of problems of human trafficking, lack of education and

unemployment is progressing remarkably after the light of education has reached to a larger number of girls,” Acharya told Khabarhub.

She is delighted to share that no children of school-going age are deprived of access to school education in Dupcheswor.

Likewise, Arjun Shrestha, the chief of Education Development and Coordination Unit Nuwakot also thinks that education and participation of women play a significant role to curb and control human trafficking and violence against women.

According to him, more than 95 percent of the school-going children have been at school due to the facilities like the higher education at the locality, girls friendly toilets, tiffin to the students, scholarship among many others.

## **INCREASING INSTANCES OF GENDER-BASED VIOLENCE**

The police data reveals that crimes against women and children are on the rise. Had their campaigns worked, the campaigns of the people’s representatives at the local level should have reduced the incidents, but, the data shows otherwise.

Police officials remark that owing to the undue pressure from the politicians the victim does not receive proper justice and the cases of violence also do not decline.

Apsara Thapa, the Deputy Chief of District Coordination Committee Nuwakot also agrees with the police officials’ remarks and confesses that the male chauvinism that is prevalent in politics has been influencing the verdicts on the cases related to gender-based violence.

Speaking about the measures to be adopted, the human rights activists reiterate increasing awareness and encouraging the victims to speak out about their suffering so that the perpetrators are booked by law and the victims get justice.

The Judicial Committee at the local level has been vigilant to make justice free from disputes, but she complains that often the verdicts are affected by the patriarchal tendency. Thapa

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complains that even the people who advocate for the rights of women are also found involved in the violence against women.

District Police Chief SP Karki says that most of the violence against women is linked to sex no matter how much society is improving.

According to him, in some cases, the practice of ‘consensual physical contact turning into rape’ has exacerbated the problem. The violence is also the factor of women’s lack of financial strength and lack of education.

Nuwakot, where heinous crimes such as trafficking in girls have been so frequent, women are forced to suffer sexual and domestic violence.

Speaking about the measures to be adopted, the human rights activists reiterate increasing awareness and encouraging the victims to speak out about their suffering so that the perpetrators are booked by law and the victims get justice.

## 9: JHAPA

### JUDICIAL COMMITTEE ENSURING JUSTICE TO LOCAL LEVELS

<https://english.khabarhub.com/2020/23/150137/>

JHAPA: Sharmila (name changed) of Birtamod filed a complaint at the Judicial Committee of Birtamod Municipality over the phone saying that her husband did not care for her while she was pregnant.

She repeatedly complained at the committee saying her husband, a driver by profession, neither returned home during the lockdown and did he arrange food for her even during her pregnancy.

All official works of Birtamod Municipality were stalled due to the lockdown enforced to curb and control coronavirus pandemic then.

The representatives of the Judicial Committee advised her to file

a petition at the police office as the office was open even during the lockdown.

However, Sharmila told the Committee that she did not feel comfortable going to the police.

“The case was sensitive; we could not get involved physically. We contacted the local social workers via telephone and the case was resolved over the phone,” Tika Lamichhane, an officer at the Judicial Committee shared delightfully, “Now, she is receiving good care; the family is doing well.”

### PILES OF COMPLAINT OVER THE PHONE

The purpose of establishing the Judicial Committee is to ensure victims’ access to justice.

Although there are other authorities like police and the court to help people get justice, the process itself is full of hurdles; hence the victims do not get justice easily.

It involves both time and money. Besides, the victims are reluctant to talk openly with strangers. Thus, justice for the destitute and poor was a far cry.

The victims have easy access to the local level Judicial Committees. Most of the people in the ward office are acquaintances.

Everyone has someone known in such offices. Even if they are not much known, the victims feel more comfortable with society, which makes it easier for them to share their problems.

Placing more emphasis on reconciliation of the issue in a win-win situation, the Judicial Committee has been satisfying both parties in most of the cases.

Even during the lockdown enforced to curb and control the coronavirus pandemic, there has been a big pile of complaints at the Birtamod Municipality and most of them have come over the phone.

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Tika Lamichhane, an official at the Judicial Committee in Birtamod says most of the complaints that it received are about husband and wife.

“The husband and wife who used to be busy in work of their own got the free time due to lockdown and happened to be together. They got a chance to see each other’s message and phone and got further suspicious about each other,” Lammichhane told Khabarhub, “This resulted in a misunderstanding between husband and wife. We settled many cases over the phone though we do not have the record of the cases settled via phone.”

## **PERFORMANCE ACCORDING TO THE SITUATION**

The local levels work out the procedures for the performance of the Judicial Committee under them. This includes the process of taking complaints, holding discussions between the two parties, hearing, reconciliation, decision, etc. Attempts are made to reconcile both sides.

Official works were not possible during the lockdown. It was not possible to call both sides to the committee for a discussion when the movement of the people was curtailed and social distance had to be maintained as well.

However, the Judicial Committee of Birtamod Municipality made its work effective even during the lockdown period.

Pabitra Mahatara Prasai, the Deputy Mayor and Coordinator of Judicial Committee of Birtamod Municipality are satisfied to find that they were able to work as per the situation.

“Although we were confused on how to work in the beginning, as the cases especially the cases of domestic conflict and violence did not stop even during the lockdown, we found the way out,” Prasai told Khabarhub, “We used technology, we started reconciling the cases over the phone.”

She shared her experience that the committee has been winning the trust of the public lately. “People have realized that one should seek justice instead of enduring injustice,” she said.

She informed that the committee received more than 15 cases over the phone during the lockdown period and more than 50% of them got settled over the phone.

## **THE POOR AND DESTITUTE FEEL THEIR ACCESS TO JUSTICE INCREASED**

There is the general belief that justice in Nepal is in the hand of those with access to power. People feel that the sweat and toils for justice are far more painful and full of suffering than withstanding justice.

The police and court are beyond the access of the poor, the way to them is full of procedural hurdles, the cost of hiring legal assistants and raising funds for all these activities are beyond the reach of the poor and helpless.

Not only this, the cases do not get settled for years. The poor and destitute are forced to endure pain instead of justice as they cannot afford the time and money needed for it, which ultimately makes the law and the authority favor the rich.

With the establishment of Judicial Committees at the local level, out-of-reach citizens have also started knocking on the door of justice.

There is the provision of establishing a reconciliation committee in the ward office. This has made it easier for the deprived and marginalized people to complain and seek justice claiming they are wronged.

Besides, fact that the people in the judicial committee and ward offices are the people’s representatives, mostly victims also find it convenient to speak to such people.

The people’s representatives understand the pain and suffering of the helpless victims of the villages much easily. Thus, the judicial committee and reconciliation committee has made justice accessible to the people who could not reach to police administration and the court otherwise.

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locality with few houses) people have got a place to get there disputes resolved next door,” Deputy Mayor Prasai told adding, “Besides there is reconciliation committee in each ward to resolve the conflicts and misunderstandings resolved at the local level.”

She further said that only the disputes that are not resolved in ward offices reach the Judicial Committee.

“If the conflict is not resolved yet, then both parties are called to the office for discussion and the decision gets resolved at last,” Prasai told ahead.

The Judicial Committees formed under the coordination of the Deputy Mayor have been instrumental in resolving disputes in Jhapa and, hence are regarded very effective in enhancing access to justice.

Even big disputes are also resolved tactfully by the Committee. Impressed by the role of the committee and the role played by the locally elected representatives, the number of people visiting the Judicial Committee has also increased remarkably.

The Judicial Committee of Birtamod Municipality received as many as 166 cases in the fiscal year 2018/19. Out of them, 133 ended in reconciliation and seven had to be formally decided by the bench there.

Likewise, three cases were adjourned and 23 unresolved cases were transferred to the fiscal year 2019/20.

According to Deputy Mayor Prasai, out of 66 cases registered in the committee in the running fiscal year, 44 have ended in reconciliation. Others are going through the procedures.

According to Tika Lamichhane, an employee of the Birtamod Judicial Committee, the issues like land disputes, the quarrel between husband and wife, and the conflicts between the neighbors or villagers come to the Judicial Committee for resolution.

“We settle the cases that can be reconciled here, but if the issues do not come under our jurisdictions, we inform the procedure and inform them the procedure they have to go through,” she told Khabarhub, “Sometimes the cases related with transactions come to us; as we do not have the right to handle them, we suggest them the measures they have to take ahead.”

## **ACCESS TO JUSTICE FOR THE INDIGENOUS**

Jhapa has a large population of tribals including Rajbanshi, Tajpuriya, Santha, and Musahar. These communities still abide by the chieftaincy system. The Santhals call their chief Majhihadam. Be it an ordinary or a complicated issue of dispute, the disputes are resolved at Majhihadam.

Deprived of access to education for various reasons, the Santhal community does not reach the courts even when there is a big incident.

Such communities’ attitudes towards women and the ways of administration of justice are also traditional. Women and low-income people in such a society are also adversely affected by some incidents of violence.

With the coming into operation of the Judicial Committee, the people of the indigenous community have also started knocking on the door of the committee for justice.

Gita Bhetwal, the Deputy Mayor of Gauradaha Municipality and Coordinator of the judicial committee in the village, tells that the indigenous community of Gauradaha Municipality has started coming to the judicial committee seeking justice.

While speaking to Khabarhub, she shared that some cases of the indigenous community came to the Judicial Committee even during the lockdown.

“They (the people of the indigenous community) did not use to go to court seeking justice even when they had big disputes or issues, now they have started coming to the judicial community,” Deputy Mayor Bhetwal told, “Now they come to the committee even over minor disputes.”

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She also feels that the pandemic has affected the pressure of the committee.

“The pandemic troubled us as well, yet, we are handling the cases every day,” Bhetwal shared with Khabarhub, “We conduct discussion in the group of five members.” She added that the number includes both parties.

The committee has also been carrying its service over the phone. Various tribal areas still follow the traditional structures of administration of justice even today. Not all of them are bad. Like the modern judicial committees, some of such structures act as conciliators. Many of the laws and norms of these structures are traditional.

Judicial committees at the local level have been instrumental to bring the victims of such communities into the official judicial system for administration of justice as patriarchal, and socially discriminatory beliefs are still ingrained in traditional structures. The judicial committee needs to make more efforts for this purpose.

The judicial committee needs to make further efforts in this regard.

## **THE SMALL CASES ARE DECREASING IN COURT**

The Judicial Committee formed at the local levels has not only looked into small disputes and cases in the village but has also been giving necessary advice and assistance in cases reaching the courts.

Former Vice President of Nepal Bar Association Advocate Ashok Pokharel has noticed that the number of small cases coming to court has decreased remarkably after the formation of Judicial Committees at the local level.

“After the formation of the Judicial Committee, the committee has started settling most of the cases that can be resolved locally through the committee, hence the small case pressure has decreased in the court,” Pokharel told Khabarhub, “This has helped in the administration of justice.”

Advocate Pokharel feels that the lockdown enforced to curb and control the coronavirus pandemic made it further difficult for the poor and helpless to get justice.

The long-distance one has to cover to reach the court and the restriction on the movement of vehicles made people’s journey to the court very difficult.

“The police offices are located in certain places. When the conflicting parties do not reach an agreement in the facilitation of the police, the police sends the case to the court,” advocate Pokharel told Khabarhub, “The journey to court is not easy for various reasons like the distance to court, the dependency on the public vehicles, the high-cost one has to spend for fulfilling the procedure all are discouraging for the poor.”

In such a situation, the judicial committee has turned accessible both because they are accessible in terms of distance and are cost-efficient as well. What’s more, the poor and the helpless get justice at their convenient places.

Having a reconciliation center or judicial committee nearby home, having acquaintances or people who understand the society has made it easier for the victims to seek justice. The victims’ confidence has also increased.

Yet, the judicial committees are not without problems. Sometimes the complaints against the committee that it has taken to political discrimination and privilege to the people in power smear the image of the committees. There is also the need for further capacity enhancing training for the officials and personnel at the committee. Above it all, the committee often feels the scarcity of resources.

Despite these weaknesses, the Judicial Committees are becoming a center of trust and hope for justice for the poor and otherwise helpless people.

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## 10: PYUTHAN

### JUDICIAL COMMITTEES WORKING AS LOCAL COURTS

<https://english.khabarhub.com/2020/28/144016/>

**PYUTHAN:** One of the most impressive differences people have started experiencing after the introduction of the federal system in the country is the accessibility to justice.

Local levels have been striving to make people feel the change of system by focusing on the most imminent facilities of the public like development, health and education facilities and ensuring access to justice.

The expansion of judicial or quasi-judicial service has ended the trouble people had to make to reach the police or court seeking reconciliation on the disputes related to boundary, transactions and family conflict.

The judicial committee established at each local level tries to reconcile the disputing parties.

When reconciliation fails, they give verdicts. The issues that get unresolved reach to the police or court.

### THE CONSTITUTIONAL PROVISIONS

Article 217 of the Constitution of Nepal 2015 hails that some disputes can be resolved by establishing the judiciary committee established at the local levels. The Local Government Operation Act, 2017 has already been enforced.

The act has the provisions of a three-member judicial committee at each local level. The committee is led by the Deputy Mayor of the respective local levels. Besides the Deputy Mayor who heads the committee, there are two members elected by the respective municipal councils.

The judicial committee reconciles or settles the disputes or cases related to land, the share of parental property, boundary disputes, etc.

### THE JURISPRUDENCE OF JUDICIAL COMMITTEE

The coordinator and the members of the judicial committee exercise the jurisprudence of the committee.

The local levels are required to maintain the record of the documents related to the reconciliation or settlement of the disputes by the judicial committee of the respective rural municipality or the municipality.

The annual details of the activities executed through the judicial committee have to be presented to the rural/municipal council through the mayor of the respective level.

Local Governance Operation Act, 2017 grants the local judicial committee the right to reconcile or settle disputes related to issues such as border/boundary of land, dams, ditches or distribution and use water; damage to other's crops, pastureland, and green fodder and fuelwood.

Likewise, other issues include unpaid wages; lost or found of pets and domestic animals; not caring or nurturing elderly citizens; not feeding or educating minor children or spouses; house rent or rent facility with amount up to twenty-five hundred thousand annually; planting trees affecting other's property or house; leaking or throwing water from one's house or balcony to other's house, land or public road; and not leaving the area of land to be left as per the law while constructing a house with a window towards the land of the immediate neighbor.

Similarly, restricting the use or causing obstruction to a road being used publicly since ancient times even though it is under the right or ownership of any individual; way out for cattle to pasture for grazing cattle, drain, canal, pond, rest place, cremation site, religious site or any other public location; and other disputes designated by the federal or provincial law to be resolved by the local level are also included.

### MOST CASES RELATED TO DOMESTIC VIOLENCE

According to the local level deputy chiefs of Pyuthan, no one was treated unfairly in the case. Judging by the details of the three local levels of Pyuthan, most of the cases in the district have not

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come to the Judicial Committee and most of the cases are related to domestic disputes.

Judicial committees in Pyuthan, which has nine local levels, including two municipalities and seven villages, have not received many complaints. The issues before the Judicial Committee have been resolved through judicial adjudication and conciliation.

The Deputy Mayors who head the Judicial Committee claim that the cases are settled through representation and reconciliation ensuring justice is for everyone.

The details show that three local levels of Pyuthan do not have much pressure on the cases. Most of the cases registered in the committee are related to domestic violence.

### **PYUTHAN MUNICIPALITY RECEIVES 22 CASES IN THREE YEARS**

In terms of population, Pyuthan Municipality is the largest of nine local levels in the Pyuthan district. Its population is nearly thirty-nine thousand.

According to Shanta Acharya, Deputy Mayor and coordinator of the judicial committee of the municipality, the committee received 22 cases in the past three years.

According to Deputy Mayor Acharya, most of the cases are related to encroachment of boundary, the damage of crops by the cattle, negligence towards the care of the elderly people, husband assaulting wife, etc. related to domestic violence.

Out of 22 cases the committee received 18 are settled through reconciliation. Two cases related to the share of parental property were discussed thoroughly in the committee but had to be sent to the court due to the lack of jurisprudence of the committee. And the other two cases of divorce reached the court.

“We cannot compel the parties to reconcile forcefully, we try our best to settle the dispute convincing both parties,” Acharya said, “And our attempt has been successful.”

She regarded the provisions of settling the issues through reconciliation and representation unanimously as an advantage in resolving the issue.

Although the judicial committees of other districts complain that they are unable to perform efficiently due to insufficient power, Acharya shared she has never experienced it till now.

### **TWO COMPLAINTS DURING LOCKDOWN**

As a measure to curb the coronavirus pandemic, the government enforced a lockdown from March 24 to September 21.

As in other districts, in Pyuthan also the local levels suspended all other services except the most essential ones. Yet there was the provision to get their complaints or cases registered.

However, Pyuthan Municipality got only two cases registered. The judicial committee is facilitating reconciliation between both parties of the litigations related to a land dispute.

### **SAURMARANI RURAL MUNICIPALITY SEES MOST CASES OF DOMESTIC CONFLICT**

Mina Kumari Somei, Deputy Mayor and Coordinator of Judicial Committee of Sarumarani Rural Municipality feels reducing the cases of divorce and domestic violence a great challenge in her municipality.

“We find people taking to divorce over minor disputes and coming to us requesting use for facilitation for divorce,” Deputy Mayor Somei shared her experience, “We call both husband and wife aside and try to remind them the merits of going together and many get ready for reconciliation.”

Sarumarani Rural Municipality witnessed 21 cases for settlement in FY 2019/20. Out of them, 18 were reconciled by the local judicial committee successfully.

The Judicial Committee could not settle two cases related to a land dispute and one related financial transaction. Out of total cases, nine were related to domestic conflict and violence.

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Likewise, out of nine cases registered in the fiscal year 2018/19, four were settled successfully; two were repealed and three are still under consideration.

Among those nine cases, there were two cases each related to a financial transaction, road expansion, and domestic conflict. Similarly, there was one case related to looking after the dependent and elderly, and loss respectively.

Similarly, out of 12 cases registered in the committee in FY 2017/18, eight were settled by the committee.

Among the settled cases there were three including one each related to transactions and road expansion. Likewise, there were four including two each related to wages, defamation and property and there were three related to domestic violence.

### **MANDAVI RURAL MUNICIPALITY SEES MORE CASES OF DOMESTIC CONFLICT**

Compared to other local levels of Pyuthan, Mandavi Rural Municipality got more cases registered during the lockdown. This local-level got 19 cases registered during the lockdown. Most of these cases are related to domestic conflict and eight are resolved by the committee.

Out of these eight cases, six were related to the conflict between husband and wife and two were related to the conflict between the villagers.

According to Muga Pun, the Deputy Mayor and Coordinator of Judicial Committee of Mandavi Rural Municipality, four of the rest cases have been sent to the court and seven others are still under consideration in the committee.

Four cases were sent to court and two were sent to the police during the lockdown period. Six cases are in the phase of representation and reconciliation.

She pointed out that 90% of the cases registered during the lockdown period were either related to gender-based violence or domestic violence.

“There are many cases which started from a minor misunderstanding and reached to divorce during lockdown period,” Deputy Mayor Pun recounted.

Pun added that out of 65 cases registered in Mandavi Rural Municipality in 2019/20, nineteen were registered during the three months of lockdown.

Pun pointed out that after the males returned from India and other countries, the cases of domestic conflicts increased suddenly.

### **LOCKDOWN IMPACT IN THE CASES**

Out of three local levels of Pyuthan included in this article, two municipalities saw a few cases in the period from March 24 to July 21.

Mandavi Rural Municipality saw more cases in the period. Although there could have been many incidents in the villages, only a few got registered.

“There could have been many cases of domestic conflict, we feel many were settled at home, few came to us as there were not many cases from outside people feel there were few cases in the time,” Shanta Acharya, the Mayor of Pyuthan Municipality said. However, Deputy Mayor of Mandavi Rural Municipality Muga Pun says that the people who had the genuine problems knocked on the door of the judicial committee as the committee was accessible all the time.

“We received 19 cases registered during the lockdown period, those who have genuine problems, they have come to us, we were accessible,” she said.

### **ACCESS TO JUSTICE IS INCREASING: DEVKOTA**

Federalism and Local Governance expert Dr. Khim Lal Devkota lauds federalism for the increase of access to justice.

“Prior to this system, the victims did not know where to go to seek justice, the district court was the only place for them to knock for justice and it was also not much accessible from the remote areas,” Dr. Devkota said, “Besides the distance, there

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were the problems like illiteracy and economic backwardness as going to district headquarters had much to do with all such factors. Now, the judiciary committees in the local levels have addressed all their problems.”

He reiterates that federalism has empowered people with resources, enhanced women empowerment, and increased access to justice.

He thinks that the Judicial Committee can be regarded as a type of court as those who are not satisfied with the decision of the judicial committee can go to the court for review.

Dr. Devkota applauds the role of federalism in making justice accessible at the local level.

“Considering the positive impact the activities of judicial committee decisions have made, we should take pride in the federalism the country attained, the committees should keep up this spirit ahead as well,” he expressed satisfaction at the role of Judicial Committees.

## 11: RUKUM

### JUSTICE EXTENDING TO WARD LEVELS

<https://english.khabarhub.com/2020/11/147899/>

RUKUM: Rukum West has six local levels including three municipalities and three village municipalities, and Aatbiskot Municipality is Rukum’s most remote region.

Khalanga, the district headquarters, is a two to three-hour trek from other areas of the district.

From some of the wards of Aatbiskot Municipality, it takes more than one day to reach Khalanga.

Unlike other local levels, there is no road access. However, residents of Aatbiskot do not have to walk all the way to the district headquarters for minor disputes. With the formation of the

Judicial Committee, access to justice has reached the people’s doorsteps.

Kamala BiKa (name changed), a resident of Aatbiskot, did not have to walk all the way to the district headquarters for justice. She feels fortunate to get justice from the municipality itself. Her relationship was severed without knocking on the door of the district court in Musikot, the district headquarters.

Tired of being thrashed by her husband under various pretexts, the municipality’s Judicial Committee proved to be supportive for Kamala, who wanted to end the relationship with her husband.

The good news about the formation of the Judicial Committee is that people have been getting justice in their villages giving a sense of feeling that all disputes are settled at the local level.

The Judicial Committee settled the dispute with the consent of the couple. Kamala received justice without spending any money. “I, in fact, had not expected that I would be getting justice in my neighborhood.”

The Judicial Committee at the Triveni Rural Municipality, a local level of Rukum West, settled a dispute related to the transaction with ease.

The Judicial Committee convinced both the disputing parties while settling the dispute. Currently, they have been working together forgetting the bitterness of the past following the decision of the Judicial Committee.

Their relationship has been so cordial that even neighbors are in a dilemma whether they had a dispute before. In fact, the disputing parties did not have to spend their time and money to get justice as their disputes were resolved at the rural municipality office.

The good news about the formation of the Judicial Committee is that people have been getting justice in their villages giving a sense of feeling that all disputes would be settled at the local level.

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Article 217 of the Constitution of Nepal has a provision of a three-member Judicial Committee under the coordination of the deputy chief to resolve disputes within its jurisdiction.

After the promulgation of the Local Government Operation Act 2074, judicial committees were formed at the local level.

Article 47, 2 (C) of the Local Government Operation Act 2074 has a provision entrusting the Judicial Committee to settle disputes, over a relationship, including divorce, between husband and wife through reconciliation.

The Judicial Committee can settle 11 types of cases on the basis of conciliation. The Act gives jurisdiction to the Judicial Committee in 13 different cases.

## **RECONCILIATION IN WARDS ITSELF**

So far, as many as 113 cases have been registered at the Judicial Committee of Musikot Municipality, Rukum West.

Of these, 95 have been settled. Likewise, 14 cases have been registered in the current fiscal year. The Musikot Municipality has set up a mechanism to resolve minor issues and disputes not only at the municipality level but also at the ward level.

According to Prem Kumari Sunar, deputy chief of the municipality and coordinator of the Judicial Committee, they have set up a reconciliation management center at the ward level to resolve issues and disputes in the ward.

“We have set up a ward-level reconciliation management center for the convenience of the citizens so that issues and disputes can be settled in the ward itself,” she said.

Issues and disputes which cannot be resolved at the ward-level reconciliation management centers are sent to the Judicial Committee.

## **SIX HUNDRED ISSUES SETTLED**

As many as 596 cases have been settled at all six local levels of Rukum West in the last three fiscal years. So far, 748 cases have

been registered at the Judicial Committees at all local levels.

Musikot Municipality has settled a total of 85 cases so far. As many as 113 cases have been registered in the Judicial Committee of Musikot from the fiscal year 2074/75 to the current fiscal year. After the Soti incident, it has come to everyone’s mind that caste discrimination is rampant in Rukum West. The statistics of the District Police Office Rukum West, however, different. According to the police, the Soti incident is the first such case in Rukum West.

Of the 246 cases registered at the Chaurajahari Municipality, the Judicial Committee settled 214 cases.

In the same period, the Judicial Committee of Aatbiskot has settled 92 out of 155 cases. Ten cases have been recommended to the district court.

During the same period, out of 99 cases registered in the Judicial Committee of Triveni Village Municipality, 74 cases have been resolved.

The Triveni Judicial Committee has recommended 20 cases to the district court. Of the 86 cases registered at the Judicial Committee of Saniveri Municipality, 76 have been addressed.

## **CHALLENGES**

Judicial Committees have been facing several problems even though they seem to be functioning well. Despite the problems, the Judicial Committees are constantly giving justice to the people.

However, Judicial Committees lack amenities such as enough space, and a shortage of staff with legal knowledge. The Judicial Committees also do not have legal advisers because of which the JCs are compelled to deal with all problems themselves.

Manakala Pun, the coordinator of the Banfikot Rural Judicial Committee, says they have been giving justice despite the glitches. According to her, they faced a problem in the process of giving justice due to the lack of proper management of the bench

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Jand staffers. In the absence of a bench, she is working from her office.

The Judicial Committee of Triveni Village Municipality has brought a bench into operation recently. Prem Kumari Sunar, the coordinator of the Judicial Committee of Musikot Municipality, said that they have not been able to function as per the rights provided in the act.

With its limited power in place, the Judicial Committee at times undergoes legal complications.

Issues outside the jurisdiction also pop up because of which they face difficulties. According to Sunar, they, however, endeavor to give justice to the people.

Advocate Rachana Malla says the Judicial Committees formed at the local levels have given access to justice at the villages.

Advocate Malla, meanwhile is aware of the problem that the Judicial Committee has been facing due to the limited authority entrusted to them while drafting the Act.

According to her, problems arise as the Judicial Committees were not given the full authority while settling an issue. effective system.

## **DISCUSSION ON CASTE DISCRIMINATION**

The gruesome murder of six youths in Soti, Rukum West, became a national issue about untouchability and discrimination.

Some said that inter-caste marriage was the major reason for the incident. Some said that the incident took place when they came to the village and tried to elope the girl, while some labeled the incident as caste discrimination.

As the incident is in the court process, it is not certain whether there was any racial motive in the incident. However, the country still considers the Soti incident as genocide due to racial reasons. After the Soti incident, it has come to everyone's mind that caste discrimination is rampant in Rukum West. The statistics of the

District Police Office Rukum West, however, is different. According to the police, the Soti incident is the first such case in Rukum West.

According to Rukum West Police Chief Thag Bahadur KC, despite several incidents related to women and children in the district, incidents of such caste discrimination and untouchability were not reported earlier.

KC says, "According to the statistics, and as far as I know, this is the first case of untouchability in Rukum West."

## **INCIDENTS OF SEXUAL VIOLENCE AROUND**

Rukum West Police Chief KC says that incidents of violence and rape against women are high in the district.

While several of these cases are settled in the village, some approach the Judicial Committee or the police.

In one year, the police have settled some 580 vertical complaints related to domestic and gender-based violence. Considering these statistics, it is evident that there is a lot of domestic and gender-based violence in Rukum West.

## **TENDENCY OF ALLURING VICTIMS WITH MONEY**

According to Bunjhna Pun, chairperson of the inter-party women's network Rukum West, the practice of alluring victims of incidents related to women and children with money has increased of late. She said incidents of crime such as rape would seem to be under the control of rich and powerful people.

"Such incidents are settled in the village with money. Such cases reach to the police or the court only if they are not settled at the villages," she said.

She suggested counseling should be given to both men and women in cases of violence against women and other forms of violence in society.

Some cases are settled in the villages. In some cases, the victim is executed under duress or coercion, and in some cases, the victims

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reach the police.

It is an irony that there are incidents of violence against women from influential people, says Bunjhna.

The inter-party women's network Rukum West is conducting various activities to give justice to the women and children who have been subjected to violence.

Complaints of violence against women come to the network. There have been 28 incidents of violence against women registered at the network since the coronavirus pandemic started in March this year.

In such cases, the network has been facilitating reconciliation and assisting in further legal proceedings. The network has also made arrangements to provide collective protection to women victims of violence.

## SHOCKING INCIDENT

Last May, an incident in Rukum West's Chaurajahari came to the fore after the brutal massacre of May 23. The genocide, which many see as the story in a movie, was discussed internationally as a barbaric incident due to racial discrimination.

Villagers attacked a youth from Jajarkot on Saturday, May 23, who had come to the village to marry his girlfriend along with his friends. A total of six people were killed in the incident. Nawaraj BK, Ganesh Budha Magar, Sanju BK, Lokendra Sunar, Govinda Shahi of Jajarkot Bheri Municipality and Tikaram Nepali of Rukum West Chaurajahari Municipality were killed in the incident. All the bodies were found in the Bheri river. At least 12 others were injured. Amid fears of coronavirus infection, the incident suddenly came to light.

Rights activists termed the Soti incident a 'black mark' on society. The police and the government prosecutor's office also filed an indictment in the court alleging that the incident was a result of untouchability. Accordingly, 34 people including ward chairman Dambar Bahadur Malla have been found to have their involvement in the incident.

After a debate in Rukum West, the district court ordered to send 28 of the 34 accused, including Dambar Bahadur Malla, to jail for trial, to keep two children in a correctional facility for trial, to release one on bail of Rs 100,000 and to release three on a normal date.

## UNTOUCHABILITY STILL PREVAILS

Although the final verdict of the incident is yet to come, untouchability is still prevalent in the villages. Incidents of violence against women and girls are common. Some cases are settled in the villages. In some cases, the victim is executed under duress or coercion, and in some cases, the victims reach the police.

Judicial Committees that have been active at the local levels in recent times have made it easier for victims of such incidents to seek justice. Rights activists say more efforts are still needed to bring justice to the victims.

## 12: SOLUKHUMBU

### POLITICIZATION OBSTRUCTING EASY ACCESS TO JUSTICE

<https://english.khabarhub.com/2020/05/146226/>

SOLU: Rasmita Kulung (name changed) of Mahakulung Gaonpalika-1 of Solukhumbu district had to endure violence from her husband for quite a long time.

Despite suffering from domestic violence, justice was not within her reach.

For people of that region, it takes more than two days to reach the district headquarters costing more than 10 thousand rupees. Lodging a complaint with the police in the village will lead to another problem as there are chances of police thrashing the husband.

For her, the best place to lodge her complaint was at the Judicial Committee, coordinated by one of the sisters of the village. She approached the JC. Says Rasmita, "No money was spent. The JC

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coordinator summoned us, and talked to us. We reconciled creating a win-win situation. Now, he seems not to deviate from his stance as he does not make any sort of violent activities.”

Rasmita’s case is just an example. The Judicial Committee of Mahakulung Village Municipality has settled five such cases related to domestic violence in the fiscal year 2076/77 BS. Of the 17 cases registered in a year, other cases include compensation, recovery of money, the return of occupancy, and a ban on road construction.

A geographically difficult region and far from the district headquarters, people of Mahakulung suffering from injustice due to lack of judicial access. Now with the establishment of JC, people have been experiencing relief.

## **JUDICIAL COMMITTEE SETTLING DISPUTES**

According to the Local Government Operation Act, 2074 BS, the Judicial Committee under the local level can resolve 12 types of disputes through conciliation. The JC has also been entrusted to give a verdict to 13 types of disputes.

Cases include unpaid wages; lost or found of pets and domestic animals; not caring or nurturing elderly citizens; not feeding or educating minor children or spouses; house rent or rent facility with amount up to twenty-five hundred thousand annually; planting trees affecting other’s property or house; leaking or throwing water from one’s house or balcony to other’s house, land or public road; and not leaving the area of land to be left as per the law while constructing a house with a window towards the land of the immediate neighbor.

Similarly, restricting the use or causing obstruction to a road being used publicly since ancient times even though it is under the right or ownership of any individual; way out for cattle to pasture for grazing cattle, drain, canal, pond, rest place, cremation site, religious site or any other public location; and other disputes designated by the federal or provincial law to be resolved by the local level are also included.

Disputes which are not resolved amicably are referred to the

court.

The Judicial Committee has been seen as an alternative to reconcile at the local level.

Expert on federalism and local governance, Dr. Khimlal Devkota said that the Judicial Committee has been endeavoring to discuss and make reconciliation at the society or village level without making both the parties feel humiliated or compromised.

Psychologists say that lack of access to justice can lead to domestic violence, which in turn can lead to more serious crimes such as suicide.

As a result, local municipalities are becoming more effective in preventing major problems.

## **COMPLAINTS AT THE JUDICIAL COMMITTEE**

The number of people opting for JC to solve their problems has been increasing due to the effectiveness of the judicial committee. Reason: JC usually resolves problems through reconciliation, not having to reach out to strangers for justice, not being afraid of police and courts, and not having to spend money.

Complainants to the Judicial Committee say they do not have to be arrested by the police, do not have to go to court and discuss with unaccustomed people. Since both the victim and the perpetrator have their say, the method of reconciliation will be adopted. Therefore, the JC is gaining the trust of late.

Most of the complaints received by the Judicial Committee are related to domestic violence, transactions, theft, etc. Of the 31 complaints registered in Solududhkunda Municipality in the last fiscal year, 11 were related to domestic violence.

According to the municipality, out of 31 complaints received in a year, 15 were related to transactions, one with land acquisition, three with drinking water and one case related to the removal of structures.

There were nine complaints of theft, six of transactions, six of

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beatings, 10 of abusive language and eight of border oppression in Necha Salyan.

### **JUDICIAL COMMITTEE LACK AMENITIES, RESOURCES**

Deputy Mayor of Soludhuhkunda Municipality, Kalpana Rai says the Judicial Committee lacks resources and amenities. “The JC has only one staff,” she said.

Complaint registration, study and reporting to the concerned person have to be dealt with by a single person making it difficult to process complaints in a timely manner.

“Several municipalities do not have separate rooms or benches for Judicial Committees. There is a dearth of manpower that understands the law. The budget is not enough, it is difficult to work on time due to such reasons,” she complains.

Junita Maya Magar, vice-chairperson of Mapya Dudhkoshi Village Municipality, too, has the same story to share. She says, “Staffers do not have enough legal knowledge.”

According to her, discussions on the cases in the vice chairperson’s chamber affect other works. “Moreover, we have not been able to resolve the disputes due to lack of staff,” she said. Magar says disputes and other problems can be resolved through reconciliation provided that the Judicial Committee had sufficient manpower and resources.

According to a study by the Nepal Law Society, a complaint needs to be heard at least eight times. It is not possible for a JC to hear more than 32 cases a year if it meets once a week. Lack of manpower and resources has affected the work of judicial committees.

Complaints on domestic violence, border disputes, family quarrels, property, roads and other issues are lodged at the local level Judicial Committee.

JCs have been set up to settle such local disputes at the local level. Due to the lack of resources and manpower, the Judicial Committee has not been able to work as per the people’s expectations.

### **CAPACITY OF THE JUDICIAL COMMITTEE**

Deputy Mayor of Soludhuhkunda Municipality Rai says the problem arises due to the lack of skilled manpower.

Reconciliation should also be based on the current law. A study conducted by the Nepal Law Society in 2075 BS at some local levels in Kavre, Sindhupalchowk, Saptari and Dhading has also raised a question mark on the capacity of the leadership and effectiveness of the Judicial Committee.

The study found that the lack of legal knowledge has adversely affected the smooth function of the JC. It has also pointed out the need for capacity building training to enhance the effectiveness of the Judicial Committee. The study found that most of the local governments did not formulate JC procedures due to which 90 percent of the cases decided by the judicial committee were overturned by the district courts.

### **POLITICIZATION IN JUSTICE**

The Nepal Law Society has also raised serious concern over the fairness and credibility of the judicial practice.

The study has also revealed the fact that there has been political pressure in some cases because of which it has been difficult to maintain impartiality.

Rai, the Deputy Mayor of Soludhuhkunda Municipality, admits this.

She says, “After the conciliation and decision of the JC, it should be approved by the municipal executive. However, since there are people from different parties, the issue, and the pros and cons are looked at in terms of political affiliation.”

In some cases, allegations are that the decisions have been made on the basis of political influence.

According to her, the political involvement of the deputy mayor or vice-chairperson, no matter how fair, is discussed both at the executive as well as outside of it.

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## JUSTICE IN THE COVID-19 PERIOD

The justice sector is no exception to the COVID-19 pandemic. In the last eight months or so since the lockdown was imposed in March, police did not entertain complaints in some cases – such as domestic violence. Court services had remained closed. People from organizations facilitating justice remained indoors because of which people were compelled to endure injustice.

Deputy Mayor of Soludhudhkunda Municipality Kalpana Rai says there were some new problems during the COVID-19 period, especially during the lockdown.

According to her, a person returning from abroad were staying in quarantine as per the rules. However, when he reached home, the neighbors began misbehaving with his wife and children. Likewise, domestic disputes escalated as the source of income was stopped due to the lockdown.

Due to the risk of corona infection, victims even could not reach the JC with their complaints. Ironically, some complaints had to be settled in the hospitals.

Despite having some problems in the JC, people considered it as the easiest and safest access for justice. During the lockdown, as many as 13 complaints were registered at the Mahakulung Municipality.

Thirteen complaints were registered in Soludhudhkunda Municipality and seven in Mapyadudhkoshi Municipality.

Bipana Kulung, the vice-chairperson of Mahakulung Village Municipality, said they discussed issues and cases at the Judicial Committee by adopting all health safety measures despite the fear of lockdown and coronavirus infection.

The Corona pandemic resulted in several economic and educational crisis.

The Judicial Committee at the local level seems to be extremely effective in resolving disputes through reconciliation and preventing further embarrassment.

It is, therefore, necessary to provide efficient manpower, adequate budget and other resources in the judicial committees and to prevent political influence in the administration of justice.