

**CONFLICT RESOLUTION OF WOMEN IN SUNSARI  
DISTRICT THROUGH THE PARALEGAL COMMITTEE**

A Dissertation

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*LETTER OF RECOMMENDATION*

This is to certify that **Miss Sita Bhattarai** has completed this Dissertation entitled “**Conflict Resolution of women in Sunsari District through the Paralegal Committee**” under my supervision and guidance. It is the candidate’s original work and presents useful results and findings in the concerned field.

I recommend the dissertation for acceptance for the partial fulfillment of requirement for the Masters Degree in Rural Development, Tribhuvan University.

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## **APPROVAL SHEET**

The Dissertation entitled “**Conflict Resolution of Women in Sunsari District through the Paralegal Committee**” submitted by miss Sita Bhattarai has been accepted as the partial fulfillment of the requirements for the Degree of Masters of Arts in Rural Development.

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**Sita Bhattarai**

## **Executive summary**

Conflict is a social process. It arises among the different opinion, principles and will. Social conflict is common in every village which almost arises due to class caste and sex differences.

Lack of awareness most of women compel to bear exploitation and violence, which has led to conflict. The cost of case handling, hiring of attorney and other miscellaneous expense is increasing day by day in the formal system, in these circumstances, approaching the formal justice system is beyond the access for common people. In this context, PLC is playing a vital role as an alternative justice provider, with the aim of solving the local problems within the same community respecting human rights, norms and values of the local people. It is based on community security system.

The general objective of the study is to evaluate the effectiveness of PLC for conflict resolution in community level and specific objectives are; to analyze the different types of violence that happens on women and to find out the effectiveness of PLC for conflict resolution in community level. For get above objectives, this study has designed both exploratory and descriptive designs. Qualitative and quantitative tools and techniques, household survey with semi structure questionnaire, focus group discussion, key informant interview and direct observation have been applied. Primary and secondary data has been collected and to analysis this data, different types of figure and table are followed.

According to the findings of field survey, conflict are occurring due to the social taboo, poverty, social structure, lack of awareness and understanding, scarcity of resources, snobbery and alcoholism. Among the disputes verbal abuse and insult is more frequent case, minor physical assault, land related and money transaction cases are common and tradition related cases also has taken place in both VDCs. Poor, women and Dalits are also taking enjoying by PLC. PLC is empowering to basic law and human rights resolution is based of local need and situation at the very spot. It helps to localize the problems in grass root level. So after mediation both disputing parties feel win/win situation.

This study recommended PLC as the most appropriate model for this with the following recommendation;

Create a coherent legal framework for the local resolution of disputes.

Community mediation forum need to be formally recognized by the state by making appropriate legal arrangement to give them a legal standing. Members of PLC need more basic and refresh training of basic law, human rights and mediation skill as well as regular monitoring and evaluation of ward and VDC level mediation process. Revised the Local Self Government Act including the part of VEC arbitration and it should be published in the Nepal Gazette.

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## ACRONYMS/ABBREVIATIONS

B.S	: - Bikram Sambat.
CDO	: - Chief of District Officer.
CeLRD	: - Center For Legal Research And Resource Development.
CIRC	: - Community Legal Research Center.
DDC	: - District Development Committee.
e.g.	: - Example.
GAD	: - Gender In Development.
H.H	: - House hold
HRMC	: - Human Right Mediation Committee.
INGO	: - International Non-Government Organization.
KMS	: - Kilo Meters.
LSGA	: - Local Self Governance Act.
NG	: - Nepal Government.
NGO	: - Non- Governmental organization.
NLA	: - Nepal Labour Association.
No	: - Number.
PLC	: - Paralegal Committee.
Rs	: - Rupee.
Sq Kms	: - Square Kilometers
VDC	: - Village Development Committee.
WID	: - Women in Development

# **CHAPTER-I**

## **INTRODUCTION**

### **1.1 Background**

Conflict is a universal social process among political, social and economic groups of the society for example, employer-employee, landlord-tenant, high caste-low caste, high class-low class and religious-secular and so on. Conflict can also arise due to the different will of household members. Most of the societies are divided into various dichotomous groups. In society, where there is a ruling class, their hegemonic power creates inequality that can lead the society to conflict (Marx, 1959). Religion and culture can also divide society into fraction (Webber, 1930). All these different groups of people have different need, interest and will. Conflict arises within society due to these different wills of its members (Kattel, 2003).

Social conflict is common in every village which almost arises due to class, caste and sex differences. Conflict can also arise between upper class and lower class of people for resource use in the community. Usually, such social conflicts arise due to the lack of understanding of the rights and duties of individual or groups. Within society most of the conflicts arise when rules related to benefits are framed and when the beneficial groups dominate over the other groups.

Out of total population of the country only 42 percent women are literate. Lack of awareness and education most women are exploited and discriminated. Such situation is the main cause for social and domestic conflict. The majority of Nepalese people reside in rural area in extreme poverty. The formal justice system is practically insufficient to settle minor household level conflicts. The cost of case handling, hiring of attorney and other miscellaneous expense is increasing day by day. In these circumstances, approaching the formal justice system is beyond the access for common people. Instead of going court for

justice, they compel to be silent and bear injustice in their whole life. In general, women, poor and Dalits are discriminated and marginalized in society. People of these vulnerable groups are struggling just for subsistence. Nepalese society has been influenced by social, mythical, ritual, religious fundamentalism and gender discrimination at the high rate. Poor women and marginalized groups accept the cruelties experienced by them as their fate, destined from birth (Bista.1991).

### **The Challenges and struggle of women in Nepal**

In spite of WID (Women in Development), GAD (Gender and Development) and progressive women's movements all around the globe, Nepal is slipping behind, unable to provide Nepali women their basic human rights. The country is obliged to ensure equality of men and women under the principle of international law and universal Declaration of Human rights but in practice discrimination persists (Subedi, 1997; Siwakoti and Karki; 1996). Religious and mythological beliefs and the structure of Nepal's many cultures and societies still define women's role while modern economic pressures increasingly modify their traditional picture (Subedi; 1997; Acharya; 1994).

The complexity created by differences in culture and tradition, language and religion make it impossible to generalize the status of women in Nepal, but it can be stated without reservation that the majority of these women are exploited and oppressed. Women's rights are often determined by religious traditions, customs and practices, some of which violate the fundamental rights of equality. The lack of education has further deprived women from recognizing even basic human rights.

The subordination of women has concealed women's contribution to their communities. Although women are active actors of development at the grass root level in many parts of Nepal, contribution is either taken for granted or is not taken seriously. But an in-depth understanding of women's role in development paints a different picture. Women's active role in development has made a remarkable difference in some communities. However, limited

decision- making power, mobility, control over resources and access to training and capital continue to restrict Nepali women (Gurung Manaslu, 2004).

Two main schools of thought exist concerning conflict (Wavers, 2002). One school of thought views a conflict pathological and dysfunctional that needs to be suppressed because it is opposite to cooperation and peace (Warness and Jones, 1998). Conflict could also be a constructive social process to establish group boundaries, strengthens the group consensus, develops the sense of self-identity and contributes towards social integration, community building and progressive economic and social change (Buckles 1999).

Most of societies of the world are patriarchal in nature. In the socialization process while women are taught to be non-aggressive, submissive, soft spoken tolerant and timid, men are taught aggression, violence, boldness and to be in control. All these socio-cultural values are very common in the context of Nepal, so that Nepalese women who are in rural area victimized by these values.

An examination of the law reveals that there are no specific laws that define or treat domestic and social conflict against women as a special form of violence. Current Nepalese law does not provide for specific act to perpetrators of conflict of women or create support systems for women victims of violence.

The history of informal conflict resolution in Nepal is still vague. Sociologists and lawyers assume that informal conflict management was known as Panchali in the Lichhavi period and Pancha Samhhaya in the Malla period. In the modern time, informal authorities such as Thari, Mukhiya, Jimmuwal and Pancha resolve conflict through Pancha-kachahari.

Although the constitution of the kingdom of Nepal, 1990 article 26 (14) enshrines the principles of justice for all as one of the policies of the state acknowledging that justice is an inevitable and indispensable need of society, the majority of people residing in rural area in extreme poverty, knocking on the door of the formal justice system to settle minor conflicts, is impractical. The local self-Government Act, 1999 has delegated judicial power to village

development committee and municipalities. Unfortunately, the legal provision of that Act has not been implemented yet which directly relates to local people providing for the resolution of minor conflicts locally through community mediation (Local Self Government Act, 1999).

Paralegal committee (PLC) is implemented in 11 districts of Nepal, on the basis of community security system to make justice access for all, especially, to poor, women and marginalized group of people since 2056. Its concept has been made by CeLRD (Centre for Legal Research and Development). Altogether 60 women have been assembled including 45 women with 5 from each ward of the VDC and 15 are represented from different schools and local NGOs. To implement this, 3-day VDC training has been given to women. Among them a paralegal committee is formulated of 11-13 women. Similarly, a paralegal committee is effectively running in 28 VDCs of Sunsari. PLC is studying the violence upon women and solves these problems on the community level, as a mediator generally they do not impose their ideas on the conflicting parties. They encourage disputing parties to meet and participate in a dialogue, identify their problems, explore the solution and ultimately make an agreement.

## **1.2 Statement of the Problem**

Within a span of time, society has tremendously been changed. Social crime, domestic violence and discrimination have been taken place in society everywhere. Government has established various legal and other institutions to provide justice to the citizen. For many reasons, these institutes could not reach among the poor women and lower class people. Moreover, long and complex procedures for handling cases and high amount of fee make the court system inaccessible for common people. As a result, only 15 percent of conflict cases reach into the court in Nepal (Law Society, 2002). Considering this situation, (CeLRD) and UNICEF has formed PLC in 11 different districts since B.S. 2056 with the aim of resolving local level conflict through local people respecting human rights. norms and values of the disputing parties, this is the renaissance of paralegal committee in new modal and process. In this context,

the researcher became curious to know about its working procedure and effectiveness, which inspired to conduct this study.

### **1.3 Objectives of the study**

The overall objective of this study was to evaluate the effectiveness of PLC for conflict resolution in community.

This study has been undertaken with the following specific objectives;

1. To analyze the different types of violence that happens on women.
2. To find out the causes and consequences of conflict in women.

## **1.4. Conceptual Frame:**



## **1.5. Rationale of the study**

According to the five year plan document paper, 32 percent Nepalese are still living below the poverty line. CBS report 2001 shows that only 56 percent people are literate and out of the total population only 42.5 percent women are literate. In this situation, formal justice system is not sufficient to provide easy and equal access for justice to the poor and disadvantage group of people in the society because they are not aware about formal justice system. Similarly they can not bear long process and high expenses of court. It is believed that the court system is just for educated and higher class people in Nepal.

Paralegal committee is an effective mediator for conflict resolution within community level which is easier and quicker rather than that of formal court system.

In this regard, this study might be useful for the local level policy maker, lawyer, mediation agencies, mediator, donor agencies, NGOs, researchers and student for collecting the actual information about paralegal committee in VDC level.

## **1.6. Limitation of the study**

Every study has its limitation. The present study is also not an exception. The research is conducted with limited objectives to fulfill for the requirements for the degree of Master of Arts in Rural Development. Due to limited resources and time, the study has only focused on women related conflict resolution. This program has implemented in twenty-eight VDCs of Sunsari district, among them, only two VDCs have been taken for study. On PLC of both VDCs have been registered a lot of conflict cases since, its established period but the present study has based on only the cases of B.S. 2062.

Geographical location, economic status, social structure, level of awareness of people, norms and values and strong commitment and skill of PLC can

also affect the outcome of the study. So that result of the study can not be generalized into whole national context.

### **1.7 Organization of study**

This section deals how the chapters are organized hereby. Altogether, this study is divided into six chapters. The first chapter is the introductory part of the study. The second chapter provides literature, which are related to the topic of the study and third chapter is about methodology used to conduct this study. The fourth chapter is paralegal committee: an over view and the five chapters is socio economic and disputing characteristics of sample study. Six chapters provide summery, findings, conclusion and recommendation.

## **CHAPTER-II**

### **LITERATURE REVIEW**

Conflict resolution and paralegal committee both are new subjects. So that the present study is largely based on empirical in nature, the existing literature does not exactly correspond within it. Some literature related to the topics has been reviewed.

The term conflict is used in connection with its relationship to matters of private interest or gain. It is important to note that conflict is a normal part of human interaction. In our society, usually conflict is seen as destructive. But in much situation conflict can be constructive.

Resources related conflict is one of the major issues in Nepal. Despite the vast amount of water available, scarce drinking water and limited irrigation water are major problems in many countries. Water scarcity, competition and conflict are common characteristics framed under social, economic, political and legal issue in Nepal.

During the past decades government policies and donor's strategies have been more focused on management and control of nature resources including water through prescriptive technical solutions rather than a meaningful participation of people (Upreti, 2004)

When we talk about conflict resolution, the role of negotiation and mediation is important. Indeed conflict resolution is the management of the parties involved on conflict through mediation and negotiation. Before proceeding for conflict resolution, understanding of negotiation, facilitation, mediation, and shared decision-making is very important.

Similar to the component of facilitation in the process of dispute resolution, mediations is also important. Mediation is a dispute resolution process in which a neutral third person, the mediator helps disputing parties to reach an agreement. The mediation has no power to impose a decision on the parties. It

is an alternative means of resolving disputes between parties. It is a voluntary process which the parties themselves control.

Conflict usually brings positive results if it is properly handled. If the process of negotiation, facilitation and arbitration is not properly handled, there is always a risk of conflicts arising within country and between people.

There are various informal legal systems around world for example some of practices are as follows,

### **Practice of mediation in Srilanka**

From fifteen of Mediation in Srilanka has been managing the conflict cases of local level through Mediation Board Act. 1988. There are 240 mediation boards and if any dispute arises then parties themselves manage it without participation of formal judicial institutions sand lawyer, judges and local politicians Mediators never decide but they just facilitate and play as a catalytic role for the dispute settlement. Institutionally, mediation practices have been developed in Srilanka (Partners, 2003).

### **Practices of Mediation in Philippines**

Under the mining Act (7), certain disputes are to be settled by the “panel of Arbitrations” or as earlier stated, under the Consumer Act of the Philippines (8) by arbitration officers or under HLURB resolution No p.586, series of 1996 by arbiters of the housing and land use Regulatory Board, or under Executive order no 1001(1985) by accredited arbitration of the construction industry Arbitration Commission (CIAC). Mediation committee is known as Barangay Justice System, which lies under local government, which settles the both civil and criminal cases of community levels (Partners, 2003).

### **Practice of Mediation in Bangladesh**

Since 1980s, and increasing number of NGOs in Bangladesh have been offering mediation services based on the traditional system of dispute resolution known as “Shalish”. The oldest of these NGOs the Madaripur legal

Aid Association, has successfully and commendably contributed to enhancing and widening access to the justice for vulnerable, disadvantaged population, particularly poor rural women in its operation area of Madaripur, Shariatpur and Gopalgung districts. The organization started providing legal assistance to the rural poor in 1998. Bangladesh legal Act and services Trust (BLAST) was established in the year 1993 with the objectives to inculcate legal rights awareness amongst the poor and vulnerable people and provide legal assistance to them to establish rights through legal means. At individual level the poor, women, garment-workers, helpless prisoners, refugees, migrant workers and children form its basic target people. So basically Bangladesh has lots of experience of conflict management through mediation committee among the marginalized group of people.

### **Traditional Dispute resolution system in Nepal**

Nepal's population and society is often characterized as a mosaic of caste and ethnic group, each with a distinct culture. Many of these groups have their own language, dialects, and religious practices. This diversity is also resolving conflicts and disputes for maintaining social order, some of the indigenous practices are as follows (Chhetri and Kattel, 2004);

Shir Uthaune amongst the Rai

The kisan's court

Samaaj basne among the Satar

Baara Basne among the Maauh

Thakali Sewa Samaaj

Muslim and Magar local systems

Panchayeti among the Mandal

Panchayeti basne among the Chamar, Kurmi, Kori, and Lonia

Badghar among the Tharu

Rodhi among the Gurung (Bhattarai K. 2004)

They often work through meeting (Pancheti) of locally appointed officials. These officials are usually the village elders and other local elite people. The less positive aspects of this system include the minimal involvement of women and the lack of awareness of human right and standards of many traditional officials (Chhetri and kattel, 2004).

### **Other institutions for Dispute Resolution**

**Mother's Group:** Mother's group works for empowerment by promoting the control of alcohol drinking and gambling and also by trying to settle cases related to women.

**The Maoist's people court:** In the Maoists controlled areas they have set up their own system of local government including people's (Jana Adalat). These courts, although they are obviously not recognized by the government and lack formal legitimacy, has become an important forum for resolving disputes and dealing with cases of law breaking. They apparently deal with all kinds of cases.

**Community policing:** community policing has a good potential to help resolve local disputes. The Nepal police are promoting this new approach for Nepal. These centers try to help settle domestic violence cases (Chhetri and Kattle, 2004).

### **Constitution of kingdom of Nepal, 1990**

The constitution, promulgated as a result of the people's movement of 1990, has not only vested sovereignty in the people of Nepal but also guaranteed such democratic right as equality, freedom, human rights, and adult franchise and enshrined the parliamentary system of government, the system of multiparty democracy as well as rule no law. Constitutionally there is not the provision of mediation committee for the conflict management of the local level. Hence in cases there arises any conflict it will be settled under the concerned law if the court which creates problems due to the win and lost result in community level.

### **Arbitration Act 1981**

For the purpose of making legal provision on arbitration, the Arbitration Act was enacted in Nepal in 1981 characteristic of arbitration as speedily delivery of words. Economy of time and settlement of conflicts by the person chosen by the parties themselves have resulted on a wide range of satisfaction of the parties with the awards, as arbitrators may be an expert in the concerned field, there seems a high chance of an award being a standard one. But there is not the legal provision of mediation committee for the conflict management on community level beside some specific case in this act.

### **Local Self Government Act, 1999**

According to the local self Government Act, 1999, section 33 of VDC and section 101 of municipality have clearly managed the composition of mediation or arbitration committee for the conflict management in local level, this Act has specified a number of areas within its jurisdiction under the judicial rights of the local bodies. The Act has empowered the local bodies to decide upon the cases as follows.

- a. related with land
- b. related with crops
- c. related with wages
- d. related with bankrupt
- e. related with cattle
- f. related with house rent cases
- g. related with property
- h. related with sharing of property
- i. related with drinking water and public property
- j. related with killing of female cattle
- k. related with pasture, fodder and fuel
- l. related with trespasses

## **VDC and Municipality Act 1991**

Village development committee Act 1991, section 22 (2)

And municipality Act, 1991 section 64(4) are even entrusted with the power to resolve settle various conflicts cases such as

Encroachment upon road,

Land boards,

Terrace boundary,

Labor wages,

Cop damage

Irrigation and public property

But these Acts did not manage the provision of paralegal committee for the conflict management whereas heads of the institution can manage the case in the behalf of related institutions.

Rajesh Kumar Magar, 2004 Dissertation of “Conflict Management in Women through the Community Mediator Committee of Khudunabari” has some objectives to understand and analyze the dynamics of conflict. It’s management practice also based on community level conflict resolution. “*Dispute Resolution in Nepal: A socio-culture perspective*” by Ram B. Chhetri and Shambhu P. Kattel (2004) is the main outcome of the evict study of local level dispute resolution. Most communities in Nepal still follow traditional ways of managing disputes. The study looks at the strength and weakness of the main local system for managing disputes, the main aim to inform the extension of paralegal committee to other districts. The research has identified problems with the traditional dispute management practices. This publication suggests how these could be avoided by introducing PLC’s principles.



## CHAPTER-III

### RESEARCH METHODOLOGY

#### 3.1 Study site description

Sunsari is a Tarai district located on Eastern region with its border, Morang in the east, Saptari in the west, Dhankuta and Bhojpur in the north and Bihar state of India in the south. Its area is 1257 Sq kms. There are altogether 39 VDCs and 3 municipalities which consists of 62, 56, 33 population with different language, caste, culture, occupation and religion.

Among the 39 VDCs of Sunsari the Pakali is located on north part of the head quarter most of the population of this VDC is Tharu community. The number of landless households in this VDC has 108 and similarly, Panchakanya is located in eastern part of the district with is lies in boarder of Morang. The detail profile of these VDCs is given below;

**Table no. 3.1 profile of the VDCs**

Profile of the VDCs	Pakali	Panchakanya
Population	9,500	14,521
Area (Sq.kms)	1058	5016
House hold	1841	2868
<b>Occupation</b> (H.H) Agriculture	556	270
Production	20	28
Business	392	140
Transportation	33	6
Services	251	97
Others	485	401

*Source, DDP, 2004*

All types of training and co-ordination to the PLC in the Sunsari provided by community legal research centre Inaruwa. Both VDC is less developed in terms

of education and awareness. Peoples are victimized by superstitions and traditional customs which have the main cause of social conflict.

People are not only aware but also accessible to justice through the PLC. Thus the 3 dimensional view of PLC are; to establish sustainable social security system, to aware people and to enhance access of justice to the marginalized group of people. In this way, PLCs have found to play a vital role to providing security in the community level.

### **3.1.1 Rationale for the selection of study**

This study has targeted poor and disadvantage group of people where PLC is actively working for conflict resolution. Among all PCL implemented VDCs of district, Pakali and Panchakanya has a lot of different cases registered in terms of ethnic, caste religious, economic status and occupation.. In other hand, these VDCs are nearest to my home place so that it helps to participant's observation.

### **3.2. Research design**

According to the research objectives, both exploratory and descriptive research design have been applied on this study. Through the help of exploratory research design social, cultural, economical causes and consequences have been pointed and presented. Similarly, descriptive research design has helped to find the effectiveness of PLC, describe its role among poor, women and marginalized group of people.

### **3.3 Nature of data**

Both primary and secondary and qualitative and quantitative data have been used for this study.

#### **3.4.1 Primary data:**

The present study is mainly based on the primary data. To collect primary data, the researcher has used the direct interview method of information collection based on a set of semi-structure questionnaires. A month was taken for field

visit. Observation and focus group discussion with the respondents in the field has been also done.

#### **3.4.2. Secondary data:**

Similarly, secondary data have been obtained from the VDC level PLC's record books, community legal research center, Inaruwa and published unpublished literatures, journals, periodical books, articles, research reports, official documents etc.

### **3.4 Sampling procedure**

The whole study area consists of Pakali and Panchakanya which were selected purposively considering the above mentioned causes. Representation of ecological regions, multi-religious groups and ethnic groups has been considered in the sampling units. So that I have selected 10 respondents from total disputing parties and 10 respondents from mediators' parties of each VDC on the basis of simple random sampling.

### **3.5. Tools of data**

Data have been collected using the following tools and techniques.

#### **3.5.1 Questionnaire:**

Primary data was collected with the help of questionnaire. Both structured and unstructured questionnaires were employed to the respondents. The questionnaire comprises of all relevant question related to effectiveness of paralegal committee. Questionnaires were mainly focused on disputing parties and mediating parties.

### **3.6 Techniques of the data**

#### **3.5.2. Key informant interview:**

Some of the primary information has been obtained through key informant interview for historical back ground, present practice and its effect. Key

informants were school teachers, old indigenous people, intellectual people and lawyers/advocates. This technique helped me to know a lot of issue and points, which has not been disclosed in individual household survey.

### **3.5.3. Observation:**

During the field visit, direct participatory observation has been made to obtain the relevant information and the effectiveness of PLC, process, of mediation, language and behaviors they used in mediation process, sitting pattern and distance of disputing parties and way of their common agreement. I have observed even the facial expression of both parties. I have tried to adopt the amicable approach in my whole observation.

### **3.6. Data Analysis and Interpretation**

First of all, collected data or document during the desk studies and fieldwork have been processed or edited. Secondly, the data were classified. Moreover, to give strengths to the finding of this study, various tables, percentage of different data, diagrams and annex are properly incorporated for the illustrative overview and content analysis.

## **CHAPTER-IV**

### **PARALEGAL COMMITTEE: AN OVERVIEW**

PLC is the process of resolving disputes which have taken place between two or more individual, groups or parties. As a mediators committee's members do not impose their ideas on the disputing parties. Instead they encourage them to meet and participate in dialogue, identify their concerns explore solution and ultimately reach in agreement. It is a form of dispute management in which trained mediators provides volunteer mediation service as neutral independent third party to member their own communities.

#### **4.1. Objectives of the Paralegal Committee (PLC)**

The overall goal of the PLC is to make justice accessible to all people of the community. The specific objectives are as follows:

1. To provide access to justice for all people in the community, especially women, poor and other deprived section of society.
2. To increase awareness of human rights and the basic laws of the state and
3. To increase awareness about girls trafficking and violence against women and girls.

Except these objectives, PLC has been working other mass campaign, which is directed to women empowerment and the general objectives are follows,

1. Rally, against the women violence.
2. Prohibition for the Alcoholism and Gambling in the local community.
3. Registration of individual incident to Protect legality of women and girls.
4. Organize meeting, seminar and discussion to social change with co-ordination of local level's NGOs.
5. Formulate women saving group to uplift the economic status of women.
6. Organize the awareness program against misbehavior and domination that happen on women and girls (CeLRD, 2056)

Committee members are selected among VDC representatives, local school's teachers and students and political representative etc. At these gatherings PLC facilitators explain about the PLC approach in 3 day training. From gathering women, 11-13 PLC's members are selected to active involvement in conflict resolution at the local community. The members should have clear voice, straight forward, leadership ability and educated. After selection, committee members are trained on human rights, basic law and skill of mediating disputes. The members have call meeting on second Friday of each month. In the meeting they discuss in following subject such as; the work done by PLC at the last month, prepare progress report, budgeting, work planning for the coming day and implementation the program which circulate from the CeLRD.

In the various districts of Nepal, PLC has formulated. Among them, UNICEF has provided fund to the 301 VDCS and Municipalities of 15 districts. Till July, 2005, women of 32 VDCs of Sunsari district has already trained of Paralegal training and 300 men have also trained to help of women in PLC.

It is a right-based approach to resolving disputes that encourages full community participation respecting the need for disputant confidentiality in the cases. It is only meant to deal with the kinds of disputes over property right, minor household matter and other civil cases.

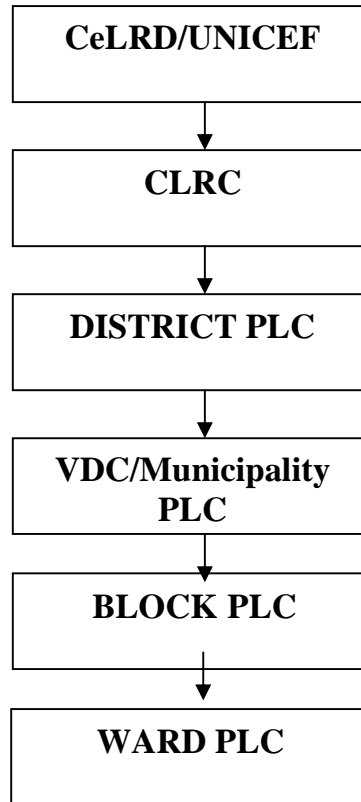
#### **4.2. Model of Paralegal Committee (PLC)**

Because of wrong social assumption towards Nepalese women in our society, there are narrow and partial attitude towards Nepalese women. Due to such assumption, there is different violence, exploitation and discrimination has happened upon women in the society in the name of religion, customs, culture and traditions. Such discrimination and violence lead to crime against women.

In this context, CeLRD is operating program "Community Security System" that's main theme is, women should be secured within their own community and village. Different level PLCs is the basic foundation of the program. CLRC

has given responsibility to empower, reform and refresh of the PLCs. CLRC plays the vital role as a facilitator.

### **MODEL OF PLC**



## **CHAPTER-V**

### **ANALYSIS OF SOCIO-ECONOMIC AND DISPUTING CHARACTERISTICS OF PAKALI AND PANCHAKANYA**

Nepal is a country of different caste, tribes and ethnic groups. It has 101 caste and 60 ethnic groups. Most of the people believe in Hindu Dharma but Buddhist, Christian, Muslim and Kirat religion is also believed by people. Each ethnic group has their own specific culture, social norms, language, special organizations, customs, moral values and tradition. These ethnic groups have settled in the different geographical range of Nepal, e.g. Tarai known by Tharu, Chaudary, Dhimal, Satar and Musahar community; Himalaya known by Serpa community and Hill known by Aryan community. They celebrate various feast and festivals.

Pakali VDC of lies in Tarai. It is an under developed VDC of Sunsari district where live Tharu, Chaudari, Satar, Jhangar, Musahar, Chhetri, Brahmin and Kirat etc. most population of this VDC Tharu are agricultural peasant and one of the indigenous people. They are innocent, shy and relatively timid people. They have been exploited by government authorities in the past and still to a lesser degree are out maneuvered by the surrounding non Tharu. Although the slavery system has abolished many years ago, but Tharu, Satar, Musahar are sold and bought still now and they are compelled to live as a bounded labor and Kamaiya as in mediaeval period. Because of general literacy, lack of awareness about their rights as citizens and a feudal system of economic exploitation, Tarain back ward people have been subjected to the very lowest status in this society. In general, women of this society are victimized by various social discrimination and traditional ritual like; child marriage, Boksi Pratha, dowry system, and Kamaiya Pratha etc.

Another study area Panchakanya lies in inner Tarai. Rai, Limbu, Magar, Chhetri, Brahmin and Dalit community, are the inhabitants of this place. Highest population of this VDC Magar is migrated mostly from Bhojpur,



Khotang, Dhankuta and Terahthum. Although this VDC nearest to big city Dharan, it is least developed till now. There has not secondary school till now. People of this VDC have depended on Dharan in terms of every thing. Seuti khola has the big problem for this VDC for networking to transportation. It has been blocked transportation in summer. People have to tripe by foot. Most of the people are uneducated. Some youth of this VDC are in Maoist Militia and some has gone to foreign country for employment.

### 5.1. Caste/ ethnicity composition of disputing parties.

Nepal is a multi- ethnic country where there are different caste/ethnic groups. Each caste and ethnic group has their own langrage, culture and tradition. Nepal is full of cultural diversity. Caste is also main factor in society and plays important role in terms social activities. In Nepal, Brahmin and Chhetri have played dominant role than other castes. The following table reveals ethnic composition of the respondents in the study area.

**Table No. 5.1: Caste/ethnic composition of disputing parties:**

Caste/ Eathnic	Pakali		Panchakanya	
	No. of espondedts	(%)	No. of espondents	(%)
Rai	-	-	1	10
Limbu	-	-	1	10
Chhetri	2	20	3	30
Brahmin	1	10	3	30
Dalit	2	20	1	10
Magar	-	-	1	10
Chaudhari	3	30	-	-
Newar	1	10	-	-
Shah (Telee)	1	10	-	-
<b>Total</b>	<b>10</b>	<b>100</b>	<b>10</b>	<b>100</b>

*Source: Field Survey, 2006*

Pakali: in this study area have found 6 ethnic groups in disputing parties. The caste/ ethnic group distribution of respondents as in table shows that Chaudhary holds the more disputes of the total respondents. Secondly, Dalit and Chhetri have equally taken place of registered cases.

Panchakanya: in this study area have found also 6 ethnic groups, among them Brahmin and Chhetri holds the maximum disputing cases. Rai, Limbu, Dalit and Magar have held equal cases of dispute.

### 5.1.1 Age composition of disputing parties

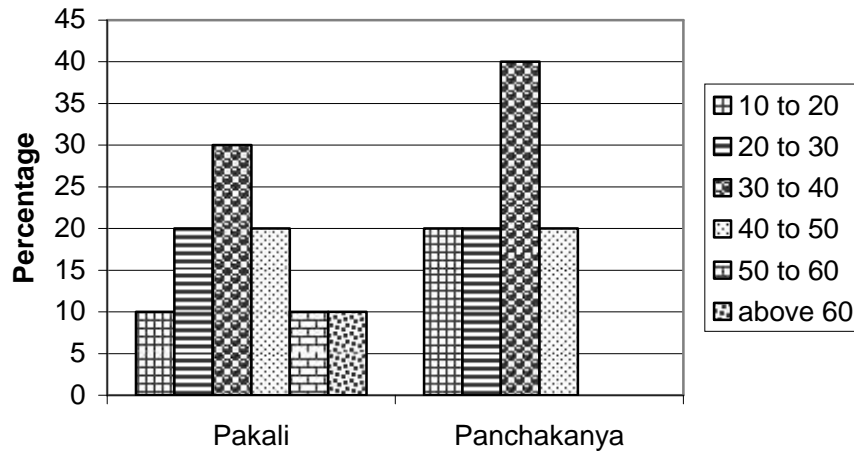
In our society age factor plays vital role in every development activity. The age of most important factor in demography and it makes difference in every movement and behavior of life. Age determines the social status and responsibility of people. Each stage of age the people has physically as well as mentally changed because of their attitude directed towards their age stage.

**Table No. 5. 2: Distribution of disputing parties by age groups:**

Age group of respondents	Pakali		Panchakanya	
	No. of respondents	(%)	No. of respondents	(%)
10-20	1	10	2	20
20-30	2	20	2	20
30-40	3	30	4	40
40-50	2	20	2	20
50-60	1	10	-	-
Above 60	1	10	-	-
<b>Total</b>	<b>10</b>	<b>100</b>	<b>10</b>	<b>100</b>

*Source: Field Survey, 2006.*

**Figure no.5.1: Distribution of disputing parties by age group**



Under the ground of age composition sample respondents were categorized into five groups. Above table of Pakali shows that 10 percent respondents have within 10-20 age groups, 20 percent respondents have 20-30 years age group, 30 percent were in 30-40 age groups, and 20 percent respondents are come into 40-50 age groups. In the age of 50-60 and above 60 years, has only 10 percent and 10 percent dispute cases recorded.

Similarly, the highest cases of Panchakaya has in age group 40-50 and other age groups are equally handle the disputing cases in age group 10-20, 20-30 and 40-50.

## **5.2. Distribution of Disputing parties by Ward Level**

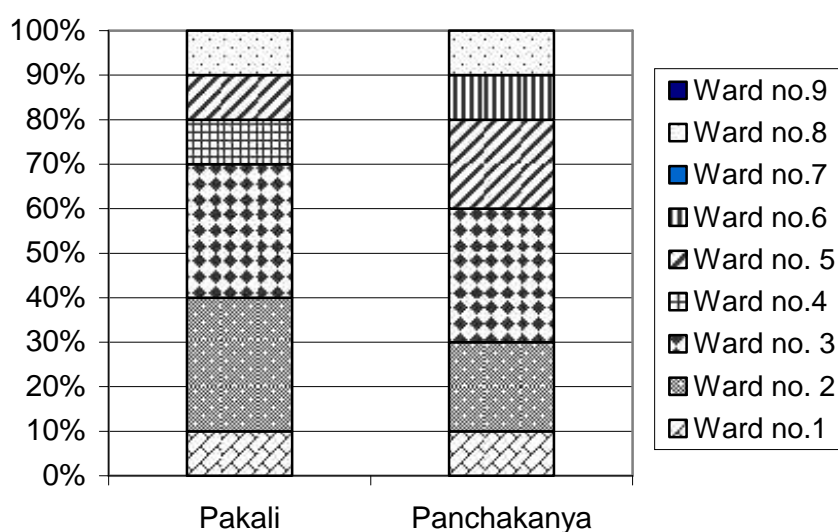
From the initiation of this PLC up the study sampling period (2061-1062), 38 disputing cases have been recorded in the Pakali and 47 cases have been recorded in the Panchakanya. PLC is the process of grassroots democratizing for justice delivery system. In this process, all the problems have been localized to find out the in-depth causes and consequences for the mediation. Due to this process minor disputes have been easily solved. Some of issue has portion of family property. The poor, women marginalized group of people enjoyed with legal aid because it is also free.

**Table No. 5. 3: Disputing parties by ward level.**

<b>Wards</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>Total</b>
No. of respondents (Pakali)	1	3	3	1	1	-	-	1		10
(%)	10	30	30	10	10	-	-	10		100
No. of respondents (Panchakanya)	1	2	3	-	2	1	-	0		10
(%)	10	20	30	-	20	10	-	0		100

Source: Field Survey, 2006.

**Figure no.5. 2: Respondents by ward**



In this study area verbal abuse and insult is high. That has proved by interviewed cases. Minor physical assault is the second largest disputing cases in the study area.

Similarly land related cases are also common in the study area. Land is the main bases of their live hood so it is very sensitive issue among the Nepali farmers. Land ownership, land boundaries, land tenancy and canal crossing are the sub heading of land related cases. It is also the result of oppression from

some one to other. Money and road transaction are other types of conflict in the study area. When individual could not fulfill the made promise on time then it change into the conflict. It is because of scarcity of resource and negligence for other problems. Road transaction conflict is the result of cattle path and urbanization.

Conflict between family member is another usual phenomenal in the family drinking alcohol, suspecting each other, irresponsible to the wife and family and misunderstanding are the main cause of conflicts.

Compensation of damaged crops and resources portion (forest and water) are common in the study area. It is occurs among friend, relatives, neighbours and one else. It is due to the ignorance, poverty and lack of education and awareness.

### 5.3. Marital Status of Disputing Parties

Every society has made by different kinds of people they have different age, sex, nature and interest conflict arise within society due to the different wills and nature of its members.

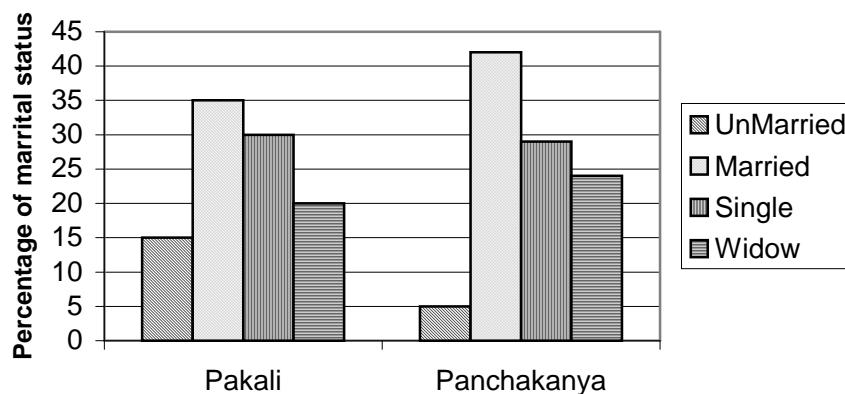
Women in the society are varies in the 4 section, they are unmarried, married, single (along by husband or family) and widow.

**Table No. 5. 4: marital status of disputing parties:**

Nature of disputing party	Pakali		Panchakanya	
	No. of respondents	(%)	No. of respondents	(%)
Married	1	10	2	20
Unmarried	4	40	5	50
Single	3	30	2	20
Widow	2	20	1	10
<b>total</b>	<b>10</b>	<b>100</b>	<b>10</b>	<b>100</b>

Source: Field Survey

Figure no.5.3: Marrital status of respondents



Most of the disputing cases belonged to married women. Conflict between husband and wife is usual phenomenal in the family. Drinking alcohol, suspecting each other, irresponsible to the wife and family are the main causes of conflicts. Thereafter single women are involved in dispute they are recorded 30 percent in the pakali and 20 percent in the Panchakanya. Widow has the third which has recorded 20 percent in Pakali and 10 percent in Panchakanya and last party has unmarried in both VDCs. Most of unmarried are educated they are able to understand each other's feelings.

#### 5.4. Educational Status of disputing parties

Education is the key indicator for reforming society and upgrading its economic and social status. Education enhances the ability and capability of human being to judge for right and wrong. It also plays the vital role in decision making process in the society. Conflict cases has directed by education level of the people.

Out of total respondents, 90 percent respondents are literate and 10 percent respondents are illiterate. But among literate 90 percent can read and write. They are passed not more than primary level. This study shows that the

education background of disputing parties have so poor. Therefore it can say that there are Negative relation between education and conflict.

### 5.5. Causes and Types of Conflict

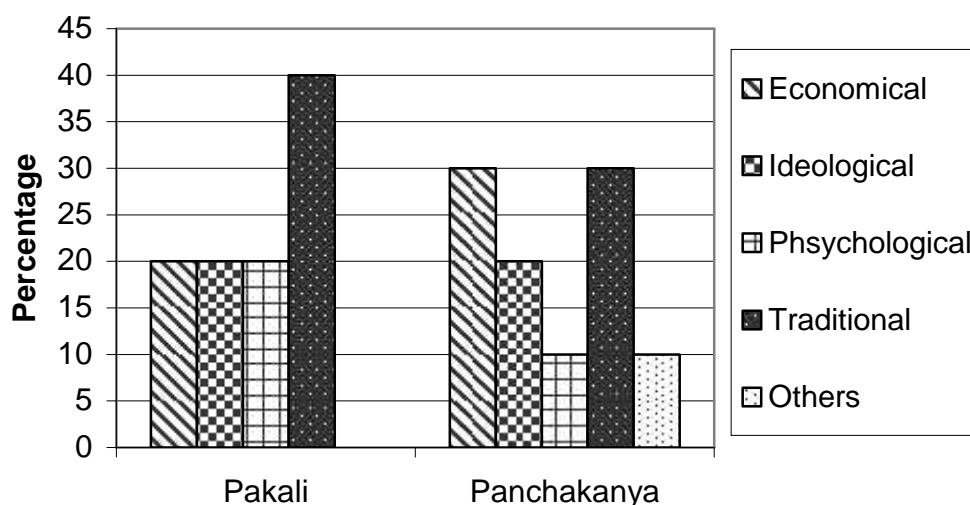
Recorded cases of PLC in Pakali have 38 cases (from 2062 to 2063) and another VDC Panchakanya has found 32 cases. The total recorded disputing cases have show the varieties of conflict in the study area which normally divided into five categories;

**Table No. 5. 5 Causes of conflict**

Causes of conflict	Pakali		Panchakanya	
	No. of respondents	(%)	No. of respondents	(%)
Economical	2	20	3	30
Ideological	2	20	2	20
Psychological	2	20	1	10
Traditional	4	40	3	30
Others	-	-	1	10
<b>Total</b>	<b>10</b>	<b>100</b>	<b>10</b>	<b>100</b>

*Source: Field Survey, 2006*

**Figure. no.5. 4: Causes of conflict**



Above table shows that the traditional cause takes place highest than other causes in both VDCs. 20 percent cases lead by economic causes in Pakali and Ideological, Physiological has also same.

Similarly, economical and traditional types of conflict have taken place in Panchakanya VDC. Ideological and psychological causes are equally affected in the Pakali which have 10 percent. Some are others normal cases.

### 5.5.1 Types of Conflict

All types of conflict has been tried to represent in this study. Verbal abuse and insult is very common in the both study areas. It is due to the ignorance, poverty, lack of education, snobbery and alcohol too. Most of the verbal abuse and insult sometimes converts in to the great violence too. After drinking alcohol, verbal insult used to take place in the study area and somehow society also accepts it as common in rural Nepal. It occurs among friend, relatives, neighbors and anyone else. Types of conflict are divided into four categories to analyze easily and clearly.

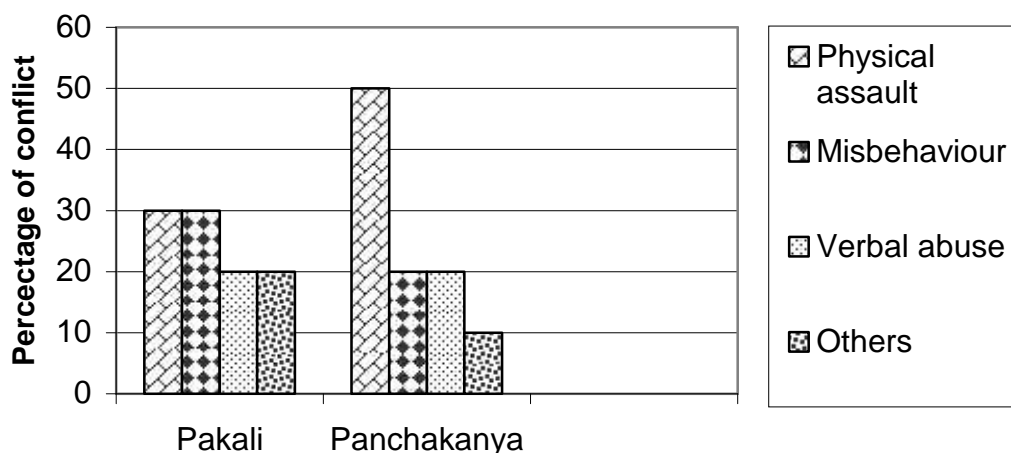
**Table No. 5.6: Types of conflict**

Types of conflict	Pakali		Panchakanya	
	No. of respondents	(%)	No. of respondents	(%)
Verbal abuse	3	30	5	50
Misbehaviour	3	30	2	20
Physical assault	2	20	2	20
Others	2	20	1	10
<b>total</b>	<b>10</b>	<b>100</b>	<b>10</b>	<b>100</b>

*Source: Field Survey, 2006.*



**Figure.no.5.5: Types of conflict**



Above table shows that most of the conflict cases in the Pakali have misbehaviour and verbal abuse and thereafter physical assault and simple types of conflict cases have taken place.

In another study area Panchakanya has also recorded 50 percent cases of verbal abuse. Second position has taken place with physical assault and misbehaviour and least case has recorded entitle others, which have simple types of conflict.

### **5.6. Conflict between Different Parties within the family**

Nepal has a patriarchal society and culture. In the socialization process while women are taught to be non- aggressive, submissive, soft- spoken, tolerant and timid, men are taught aggression violence, boldness and to be in control. Conflict upon women is a result of unequal power of relation between women and men. Women becoming victims of violence is the lack of women’s economic rights in Nepal. The dominance of women is often reflected in the laws and customs of societies.

**Table No. 5.7: Conflict between different parties:**

Conflicting parties	Pakali		Panchakanya	
	No. of respondents	(%)	No. of respondents	(%)
parents-child	1	10	1	10
Mother in law-Daughter in law	3	30	2	20
Husband-wife	4	40	5	50
Daughter in law-brother in law	1	10	1	10
Others	1	10	1	10
<b>total</b>	<b>10</b>	<b>100</b>	<b>10</b>	<b>100</b>

*Source: Field Survey, 2006.*

Above table reveals that in most cases of conflict in study area are seen between husband and wife, who have 40 percent in Pakali and 50 percent in Panchakanya. Second highest cases have taken place between the mother-in-law and daughter-in-law. In Pakali, 30 percent and in Panchakanya, 20 percent cases have recorded in such parties. Third cases have taken place with incidence between daughter-in-law and brother-in-law. In Pakali, 10 percent and in Panchakanya, 10 percent of the cases were seen between sister-in-law and brother-in-law. Sometime, the cases of parents and their child have also seen in the study area. Cases between sister-brother, elder brother-younger brother, and between other family members have also common on both VDCs. It is recorded in title of table 'others'.

### **5.7. Attitude by Respondents towards PLC's Resolution**

PLC is being recognized as the most suitable approach for resolving disputes at community level in rural Nepal.

Members generally do not impose their ideas on the disputing parties. Instead they encourage them to meet and participate in dialogue, identify their concerns explore solution and ultimately reach in agreement. It is a form of dispute

management in which trained mediators provides volunteer mediation services as neutral independent third party to member of their own community, the member of PLC has selected from various ethnic groups, low class and low caste, therefore most of respondent have found satisfied by PLC's resolution process and they are still getting justice in cheap price as well as easily.

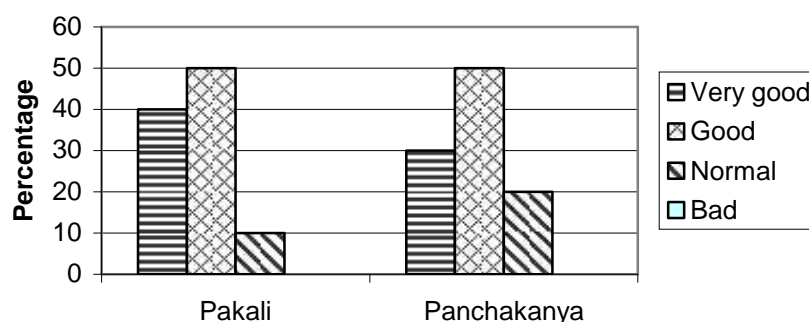
Below table shows the responses of the respondents.

**Table No.5.8: Attitude by respondents towards PLC**

Responses of respondents	Pakali		Panchakanya	
	No. of respondents	(%)	No. of respondents	(%)
Very good	4	40	3	30
Good	5	50	5	50
Normal	1	10	2	20
Bad	-	-	-	-
<b>Total</b>	<b>10</b>	<b>100</b>	<b>10</b>	<b>100</b>

*Source: Field survey, 2006.*

**Figure no.5.6: Attitude by respondents towards PLC**



Above table shows that most of respondent in both VDCs are fully satisfied by its resolution process. 50 percent respondent replied good response in both VDC. 40 percent respondent of Pakali has responded very good about PLC's

resolution process and in Panchakanya, 30 percent cases has recorded in this categories and 10 Percent respondents in Pakali and 20 percent respondents in Panchakanya, which have responded normal. No one has responded negatively about solving process of PLC in both VDCs.

### 5.8. Co-Ordination to Conflict Resolution Process

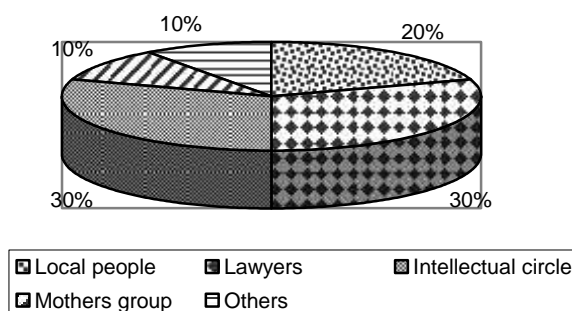
PLC has oriented totally from bottom up approach development practice. It is a community based program. Therefore each people without any discrimination can involve in the committee. Committee members have taking suggestion from local people while dispute resolution. This study shows the positive result about PLC. People have appreciated the process of conflict resolution of PLC.

**Table No. 5. 9: Co-ordination to conflict resolution process.**

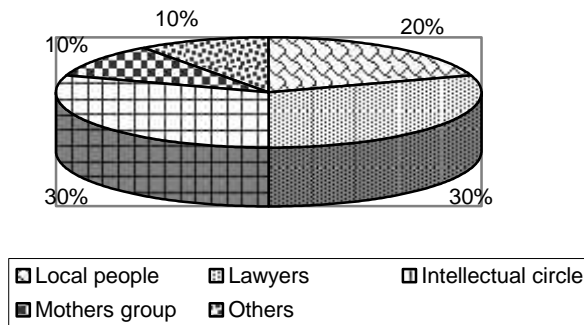
Co-ordinate Group	Pakali		Panchakanya	
	No. of respondents	(%)	No. of respondents	(%)
Local people	3	30	2	20
Lawyers	2	20	3	30
Intellectual circle	3	30	3	30
Mothers group	1	10	1	10
Others	1	10	1	10
<b>Total</b>	<b>10</b>	<b>100</b>	<b>10</b>	<b>100</b>

Sources: Field survey

**Figure no. 5.7: Co-ordination to conflict resolution process in Pakali**



**Figure no.5. 8: Co ordination to conflict resolution in Panchakanya**



The co-operation with intellectual circle found to be high in both VDCs. In Pakali 30 percent and in Panchakanya 30 percent has found such cases. In 30 percent cases of Pakali and in 20 percent cases Panchakanya have found to be including advice of local people. Thereafter, 20 percent and 30 percent cases have solved on the basis of lowers advices. In these VDCs mothers group are playing vital role to solve the local problem, their suggestion also important to PLC’s resolution process. Elected ward members, moist Jana Adalat and Block police office have been involve in the process of solving problem, 10 percent cases has recorded in this categories in such category.

### **5.9. Priority to Conflict Resolution**

PLC is the process of grass roots democratic for justice delivery system. All the possible alternatives issues were taken for discussion not by male even by female too. Due to this process minor disputes have been easily solved and some of issue of natural resources and portion of property naturally takes time to be cool down. Another positive point of this PLC program is that mediators themselves go in to the very sport where the actual event has been taken place, to find out the real consequences and effect of the dispute so that any particular

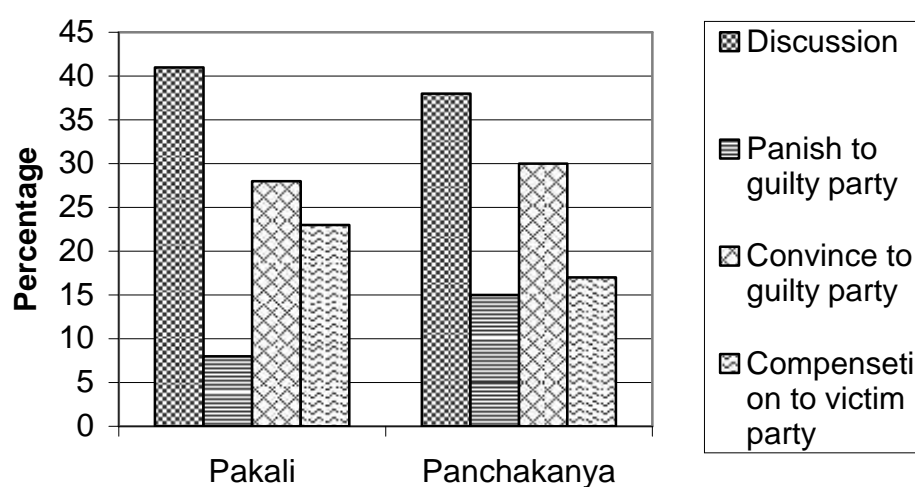
party couldn't hide the fact. Process of conflict resolution of PLC is democratic because the member of PLC uses five methods to solve the problem and include the suggestion of community members in the end decision. Among the total registered cases in Bikram Sambat 2062 of both VDCs, the priority to conflict resolution as follows;

**Table No. 5. 10: Priority to conflict resolution by PLC.**

Method of conflict resolution	Pakali		Panchakanya	
	No. of respondent	(%)	No. of respondents	(%)
Discussion	16	42	12	38
Punish to guilty party	3	8	5	15
Convince to guilty parties	10	28	10	30
Compensation to victim party	9	23	5	17
<b>Total</b>	<b>38</b>	<b>100</b>	<b>32</b>	<b>100</b>

*Source: Field survey, 2006.*

**Figure.no.5.9: Priority to Conflict Resolution**



The table shows that the 41 percent cases of Pakali has found the problems solved by discussion with both parties (Innocent and guilty). It is most popular method within PLC. 28 percent cases have solved by applying the method which convincing to the guilty parties. In 23 percent cases, committee members provided the compensation to victim party. Just 8 percent cases are recorded in the method of punish to guilty parties.

Similarly, the study of Panchakanya has showed that most of disputing parties have reached in the point of agreement by discussion method. 38 percent those types of cases have recorded and next have taken place by convincing to guilty parties. Out of total sampling cases such cases has been found 30 percent, and 17 percent cases has recorded in provide the compensation to the innocent people. According to the result of study in both VDCs, only in the last stage they punished to the guilty parties.

#### **5.10. Problems of Paralegal Committee (PLC)**

Nepalese society is the out come of the long historical process under which people of different races, languages and culture are unified and society have been structured by those people who have different wills, nature and needs. Therefore the social conflict has been started by such different wills, natures and needs. Normally society has divided into two groups; bourgeois and proletariat. The former group of people is always trying to exploit the lower class people. Bourgeois are taking advantages from weak situation of poor people. Such people don't want to progress of lower class people. According to existing study in both VDCs, PLC has faced several barriers while conflict resolution process. One of the main problems is pressure of political parties. Political leaders usually give pressure to the PLC to make decision on their own favor. In many cases they try to advocate in favor of guilty parties. And next problem of PLC is the disputing parties don't want to come easily into consideration. Some cases take more time to cool down and some cases have to deal again and again. In many cases, one party has satisfied easily but another party has not agreed with the decision made by committee.

### **5.11. Domestic Violence upon Women**

The problem of violation against women is not new. Women in Nepalese society have been victimizing of ill treatment, humiliation, torture, trafficking and exploitation for as long as written records of social organization family life are available. Among the complaints lodged in Panchakanya and Pakali VDCs PLC interaction among the community members, individuals, school teachers, aged people, advocates and lawyers and indigenous community have shown the varieties of conflict in the study area maximum cases were abuse and insult minor physical assault land related (boundary and ownership), money transaction, road transaction, portion of family property quarrel between husband and wife, resources portion and other verbal abuse and insult is very common in the study area, 'Bokksi Pratha' is a sensitive traditional causes, many poor and weak women have been victimized of such Pratha by elite groups in Pakali VDC. Women have exploited not only by man but also by women. And even by themselves by accepting and internalizing those demeaning value from the scriptures and society, which is based on them. The characteristic of our patriarchal society has resulted in clear patterns and structure subordination women.

The women of Panchakanya are suffered alcohol related physical and mental torture, gender-based beating of wives, daughter and daughter-in-law, denial of right to property and discrimination in household decision making. Another harassment, humiliation, exploitation and violence have found about her sex. Many forms of violence are inflicted upon women normal culture treatment and routine practice. Most of verbal abuse and insult upon women sometimes converts into the great violence, too. It occurs among friend, relatives, neighbours and any one else.

Generally women who don't like to go the courts for protection due to social and economic reasons and women do not want to press charged against their husband/ relatives for domestic violence. PLC offers another solution by



providing a forum that is accessible to women as it is free informal and community based.

### **5.12. Overall Effectiveness of PLC in Pakali and Panchakanya**

Nepal is signatory to several human right conventions. Although the constitution of the kingdom of Nepal 1990 embraces the protection of the human right to every citizen, cases of violation of human rights are frequently reported in both rural and urban area of Nepal. To educate community about human rights issue, PLC has conducted training within the community and particular for the mediation. As the PLC deals with conflict they are at the same time protecting disputants human rights so that PLC has great potential to promote and protect human right at the community level.

Most of the people are agricultural peasant in Pakali. Landless people have taken land in rent from rich landlord. Landlord exploits the poor tenant by giving low wages for their hard labour. There has a Block police office in Pakali. They use to go police station, land record office and District court for the solving problems. But access on justice delivery is quite difficult due to the lengthy and expensive fee of court. So that it is compel to bear domination and exploitation for the poor people. Since, B.S. 2056, the PLC has established in this VDC. After implementation of PLC, they are getting justice easily and quickly also. There have 6 wards level PLC in Pakali VDC.

Similarly, another study area Panchakanya is also habitant of peasant people. It is most popular for vegetable farming. Women are so active to livestock rearing and vegetable farming, the product supply to Dharan and Itahari. It has a primary school. Cheating, robbery, exaggerate and violation upon women is common in this VDC. There was no legal body to provide justice to the local people. VDC was only one body, people were depended on that. Sometimes ago Maoist were taking place for social conflict resolution through the "Jana Adalat". The PLC has established in B.S. 2056 in Panchakanya VDC and there has formulated ward level PLC in each ward.

The government of Nepal has given outmost priority to the development of rural people. The development approach of Nepal is top down, all development plans and programs have failed to improve the socio-economic conditions of rural poor because lack of peoples participation in all stage of development programs. The concept of PLC oriented from bottom up approach. The main theme of this committee is the problems of local people should be solved within the community by the same community members. It has completely directed from the approach 'by the people, for the people and to the people'. The overall effectiveness of PLC is pointed out as follows,

#### ❖ **Justice for all**

PLC aims to provide equal access to justice to people regardless of their level of education, cultural group, gender or financial status. It provides village level justice delivery service, provision of a free, informal and community based service, trained the women and marginalized group as mediator and legal aid service to the disadvantaged and marginalized group who needs assistance.

#### ❖ **Win/win position**

Formal justice imposes decision on the parties according to the law. It is an adversarial system, which usually results in a winner and loser. PLC is voluntary and disputing parties come up with their own solutions. If one party interest is not being advanced, they are under no obligation to settle. PLC has the potential to produce win/win situation and satisfied the both parties.

#### ❖ **Reduce caste, class and gender discrimination**

Nepal is presently party to fourteen international instruments on human rights, but a vast gap exists between these commitments and their implementation. Despite the anti discrimination provisions contained in the constitution of the kingdom of Nepal 1990, caste discrimination is deeply

entrenched in Nepalese society. Caste discrimination is a form of racism in which people are categorized and relegated to subordinate social positions. PLC has minimized by raising awareness of discrimination, protecting and promoting of human right group, proportioning equality and equal access justice for marginalized groups.

#### ❖ **Practice for good governance**

Nepal is historically a hierarchical and feudal society. Autocratic rule, one form or another dominated the country for centuries. Although the political system has changed, after 1990, social habits are harder to change. Since the inception of PLC, people feel that raising political awareness, leadership, and freedom has imposed inclusion, transparency and good governance, protecting political rights encouraging democratic practices and grassroots democratization.

#### ❖ **Empower local people**

Since the inception PLC has resolved 133 disputes, empowering disputing parties to find their own solution and take control of their situation. PLC, working in close collaboration and cooperation with VDC, has been contributing a capacity building tools and techniques for village level institutions. PLC empowered the local leader, woman marginalized and local bodies.

#### ❖ **Promote peaceful communities**

The disputes handled by PLC cover a wide range of topics e.g. domestic animals, land, debt, and arguments with neighbors, family dispute, domestic violence, gender, and caste discrimination. Such disputes can cause great harm to their relationship and day to day lives but PLC has promoted peace and reconciliation into once again after the inception of this programmer.

#### ❖ **Reduce domestic violence**

Domestic violence exists in all societies and against men and women, adult and children. It is particularly prevalent against the women who are unlikely

to go to the courts for protection due to social and economic reasons. Generally women do not want to press charges against their husband/relatives for domestic violence. PLC offers another solution by providing a forum that is accessible to women as it is free, informal and community based.

#### ❖ **Reduce case-load of formal justice forums**

PLC aims not to replace the formal justice system but to complement it and relieve it of its caseload to allow focus on more serious matters, because there are many disputes e.g.; murder and rape which can only be handled by the formal justice system. By providing an alternative dispute resolution service, PLC of both VDCs has mediated several cases otherwise these cases had to be dealt with by district court, police and land reform office and CDO.

#### ❖ **Localization**

PLC has empowered the local people by training on human rights issues, skills and abilities for mediation. While dealing with the disputing parties they apply this knowledge on the basis of local need and situation at the very spot. It helps to localize the problems at the grass root level.

## **CHAPTER-VI**

### **SUMMARY, FINDINGS, CONCLUSION AND RECOMMENDATION**

#### **6.1 Summary**

Most cultures of the world are patriarchal in nature. In the socialization process while women are taught to be non-aggressive, submissive, soft spoken, tolerant and timid, men are taught aggression, violence, boldness and to be in control. Eastern cultures especially, put high value on the feminine virtues of women, thus reinforcing myths of women's 'helplessness'. All these socio-cultural values are common in the context of Nepal. Women are socialized to put very low value on their status and worth. Woman's identity is always dependent on man, her roles are primarily identified in terms of whose daughter (her father's), whose wife (her husband's), and whose mother (her son's) in the society. Thus, women are seen as having to be under the 'protection' of a male member of her immediate family or kinsmen. A woman not under the 'protection' of a man is regarded with suspicion and doubt. The high value put on being 'protected' and on virginity and purity conditions women from retaliating against violence or tolerating it quietly.

Conflict is a manifestation of opposing opinions, principles and practices of forms of misunderstanding, disagreement hostility, verbal exchange, public unrest turmoil, armed struggle and violence. Conflict causes constructive and destructive role in society. PLC is the process of resolving a dispute that takes place among conflicting parties without imposing their ideas, neutral third party encourages and facilitates for dialogue, identify their concerns, explore solution and ultimately reach in agreement. Since, B.S. 2056 has been implemented in 11 district by CeLRD with the financial assistance of UNICEF. The main objective of the present research was to study the effectiveness of PLC for justice delivery to poor, women and marginalized group of people in

Pakali and Panchakanya VDCs. Both exploratory cum descriptive research designs and qualitative and quantitative tools and techniques, household survey with semi structure questionnaire, Focus Group Discussion, Key Informant interview, Observation have been applied. Primary and secondary data were collected, to analyze the data; it has presented the tables and figures in this research. This chapter highlights the major finding and some recommendations have been also made for the access of justice delivery to poor, women and marginalized group by community mediation program.

The finding of the study has been revealed as follows.

## **6.2 Findings**

- ◇ Land related (boundary and ownership), money transaction, road transaction, compensation of damaged crops and other commodities, portion of family property, quarrel between husband and wife, resource portion(forest and water) are the main cause of conflict.
- ◇ These cases are occurring due to the social taboo, poverty, social structure ignorance, scarcity of resources, snobbery, lack of mental understanding and alcohol.
- ◇ Among the disputes verbal abuse and insult is more frequent case, minor physical assault, land related and money transaction cases are common disputes cases
- ◇ Poor, women, Dalit and marginalized group of people are included in the PLC in both VDCs.
- ◇ Effectiveness of PLC has satisfied for justice delivery to the poor, women and marginalized group of people.
- ◇ Among the six interviewed cases, ward no.3 only 30 percent cases are found. In each an every wards (2 and 5), 20 percent cases are found, and in each an every wards (1, 6 and 8), 10 percent cases are recorded in Panchakanya. Among sample disputing cases in Pakali, in each an every

wards (2 and 3), 30 percent cases are found. In each an every four wards (1, 4, 5 and 8), 10 percent cases are recorded.

- ◇ Because of PLC, justice has been access to all regardless people in their level of education, cultural, gender, caste, ethnicity, language, political alliance financial status, occupation and religion in both VDC.
- ◇ To educate community about human right issue, PLC has conducted training within the community and in particular for the mediators so that they could apply such knowledge while dealing with disputing for mediation.
- ◇ Mediation is voluntary and both disputing parties come up with their own solution. If one party interest is not being advanced, they are under no obligation to settle so mediator potential to produce win/win situation.
- ◇ PLC has reduced caste, class and gender discrimination, by raising awareness and protecting equality and human rights.
- ◇ PLC has empowered local people by providing training of basic law, human right, mediation skill, and awareness program and strengthens the practice of good governance at grass root level.
- ◇ PLC has reduced caseload of formal justice forums by providing an alternative dispute resolution service.
- ◇ PLC has localized issue of dispute and encourages for finding out the causes and consequences by sensitization of the issue of human right and local norms and value of society.
- ◇ PLC is coordinated with local people, intellectual circle, lawyers and mother groups for solving the local problems.

### **6.3 Conclusion**

The constitutional mandate of equality cannot be implemented unless equal access to justice is guaranteed. Dispute resolution is not simple legal question

rather it is also a social question. Whereas the formal court process is concerned fundamentally with the legal process. The community mediation looks at the practical and psychological dimensions of the disputes. PLC has upheld basic law and protected and promoted human rights within these communities. PLC has done this through training programs and advocacy. Women, poor and marginalized groups have been empowered by being appointed mediators and by having access to justice. In the time of mediation, local mediators respect the principles of human rights and consider social norms, values and culture of both disputing parties to find out the causes and consequences of disputes. So after mediation both disputing parties feel a win/win situation.

Communities and local bodies have been empowered to make their own decisions. PLC is also applying an important role in complementing the formal forum of justice which is lengthy and expensive and unaffordable to poor, women and marginalized groups. The community mediation program has provided access to justice to people in these communities including women, poor and marginalized groups in Nepal. As a result, we can conclude that PLC is one of the best alternative dispute resolution systems in Nepal so it should be implemented in all districts throughout the country to ensure access to justice and the promotion and protection of human rights for women, poor and marginalized groups everywhere.

## **6.4 Recommendation**

The overall recommendation of this study is to strengthen the system for delivering justice and resolving disputes locally. This study recommended PLC as the most appropriate model for this with the following specific recommendations.

- ☞ Create a coherent legal framework for the local resolution of disputes. PLC forums need to be formally recognized by the state by making appropriate legal arrangements to give them a legal standing.



- ☞ Revise the Local Self Government Act including the part on VDC arbitration and it should be published in the Nepal Gazette.
- ☞ PLC should be implemented throughout the all districts of the country as soon as possible.
- ☞ Norm of PLC is free and accessible justice in grassroots level that should be strictly followed due to whom poor, women and marginalized group should be benefited much.
- ☞ Awareness campaign should be conducted at VDC and ward level at the large scale so that common people should be aware about basic law, human rights and mediation.
- ☞ Member of PLC need more basic and refresh training of basic law, human rights and mediation skill as well as regular monitoring and evaluation of ward and VDC level mediation process.
- ☞ There is a lack of coordination between VDCs and ward level PLC and with local NGOs and formal justice institute, so active networking is compulsory for the promotion of PLC.
- ☞ To provide access of justice all people, PLC should be communicated all over the district.

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## Annex-1

### Format of Application

Application for dispute settlement:

Date...

Subject: - Request for Paralegal Committee:

Details of disputes (in short):

Named and address of second parties:

Applicant...

Signature: ...

Name...

Address...

Date...

Annex-2

Invitation Letter

Date...

Subject: mediating dispute

Mr/Mrs -----  
-----

On the above mentioned subject resident of -----  
-----Mr/Mrs. -----had put and application for PLC. It  
is requested to mediate the above mentioned dispute between the two  
parties involving both of them. An original copy of the request letter for  
mediation is attached hare with.

-----  
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**Paralegal Committee**

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**Annex-3**  
**Establishment the Program Based on Community Security System**

Municipality Level PLC Training

Name:-  
Address:-  
Date:-

Donor

-----  
UNICEF, Nepal  
Regional office  
Biratnagar

Organizer

-----  
Community Legal Research Center  
(CLRC)  
Inaruwa-3, Sunsari