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RULE OF LAW AND HUMAN RIGHTS: OPINION

JANUARY 2006

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ACRONYMS AND ABBREVIATIONS

ADB	Asian Development Bank
ADRM	Alternative Dispute Resolution Mechanisms
CWE	Chief Wage Earner
DK/CS	Do Not Know/Cannot Say
HMG/N	His Majesty's Government/Nepal
MC	Municipal Committees
MHI	Monthly Household Income
NGO	Non Governmental Organization
NHRC	National Human Rights Commission
NR	Nepalese Rupees
PPS	Probability Proportionate to Size
PSU	Primary Sampling Unit
SLC	School Leaving Certificate
VDC	Village Development Council
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

- **Research Objective:** The overall objective of the survey was to assess Nepalese general knowledge, attitudes, and practices about the Nepalese judiciary, as well as their expectation of changes needed to improve transparency, awareness, corruption, and performance.
- **Methodology and Coverage:** The primary survey was conducted by sampling the general population in urban areas, rural areas, village development committees (VDCs), urban wards and various development zones and ecological regions. The total sample size for the survey was 3045 households. One thousand nine hundred and ninety-seven households were from rural/VDCs in 25 districts and the remaining 1048 households were from 11 MCs.
- **Demographic Profile:** The survey covered all prominent castes (the largest percentage being Brahmin, at 22%) and religions (89% Hindu), as well as different educational backgrounds, occupations, and monthly household incomes. Respondents with occupations in agriculture made up 53.1% of the group, and those with education up to SLC level or who had attended school for 5 to 9 years made up 53%.
- **Basic Fundamental Rights:** A significant proportion (40%) of the 3045 respondents reported being somewhat familiar with their basic fundamental rights. Respondents with higher education levels and in the occupations of servicemen and officers (60%) were the most aware of these rights. The highest level of awareness was in Kathmandu Valley (64%).
- **Criminal Justice under Part 3 of the Constitution:** Close to half of the respondents (47%) were completely unaware of this issue, and this unawareness was highest in rural areas (77%). In urban areas, 61% of the people were unaware of the issue.
- **Basic Legal and Human Rights:** Almost 71% of the total respondents were aware to some extent of their basic legal and human rights, and this awareness was highest in Kathmandu (83%). Respondents having higher education levels and in the occupations of servicemen and officers (17.7%) were the most aware. Sixty-two percent of respondents were unaware of the right to have a lawyer appointed by the court. Among those who were aware of their right, the highest percentage was among respondents from Kathmandu Valley (43 %), followed by the rest of the urban group surveyed (37%) and the rural respondents (21%).
- **Violation of Human Rights:** Ninety-four percent of those surveyed were of the opinion that violation of human rights took place in Nepal, and 80% felt that the level of these violations was very high. Forty-one percent of the respondents believed that the Maoist rebels were the main violators in the country. The second highest group believed to be committing human rights violations were political parties (28.2%).
- **Human Rights:** Over 90% (91.7%) of the respondent believed that violations of human rights had increased over the last five years, but a substantial proportion (14%) believed that violations had decreased over the last year. Over 35% (35.8%) of those surveyed still have faith in the government and were of the opinion that the government has taken steps to improve the human rights situation in Nepal.
- **National Human Rights Commission:** Fewer than half of the respondents (46%) were aware of Nepal's National Human Rights Commission (NHRC). It was noted that awareness of the NHRC was higher among more educated groups and respondents with higher monthly household incomes. Over

70% of the respondents who were aware of the NHRC were very or somewhat satisfied with the NHRC's role. The sampled respondents believed that "promoting peace and increasing awareness of rights" was the most effective means to improving Nepal's human rights situation.

- **Judicial System:** Out of the 3045 respondents, 67% reported never visiting a judicial body. Almost 60% of the respondents were familiar with Nepal's three-tier court system and its jurisdiction. This awareness level was significantly high in the eastern region of the country (44%). It was observed that the majority of respondents were somewhat aware of the role of judges, public prosecutors, and lawyers. Seventy-five percent of those respondents who had used the court to resolve disputes were either very satisfied or somewhat satisfied with the court's decision. Nearly 60% of other respondents mentioned corruption as the cause of the disputes. A higher proportion of those who had personal interactions with the judges and lawyers found this group to be somewhat competent or higher, and three-fifths were of opinion that only a few judges are honest
- **Judicial Reforms:** About 67% of the total respondents answered positively on judicial reforms. However, a larger majority was unaware of the existence of any anticorruption programs and laws or Nepal's Judicial Council (75%). In this regard, awareness was highest in Kathmandu Valley (66%). Another 40% of those surveyed thought that the Judiciary Council was an anticorruption body formed to check for judicial corruption.
- **Courthouse:** Almost 70% of the total respondents reported never visiting their local courthouse. Incidences of going to court were slightly higher in urban areas (34%) than in rural ones.
- **Police Organization:** Eleven percent of the 3045 respondents had been in police custody at least once in the past and, of these, the two groups most often taken into police custody were agriculturists (177) and business traders (77). Those who had been in police custody **said** that they were not informed of their rights. About 50% of the respondents said that the police asked for special favors or payments often or sometimes. It also was noted that most of the respondents seemed to be somewhat satisfied with the police force.

I.0 INTRODUCTION

I.1 BACKGROUND

The last quarter of the twentieth century witnessed the greatest expansion of democratic political systems in modern history. This, coupled with further introduction of market-based economies across the globe, has highlighted the need for good governance and institutional reforms. Without rule of law, governments are less open, lawful, accountable, and responsive and are unable to deliver sustained development. Rule of law is the cornerstone of a democratic government.

An independent judiciary is the custodian of the country's constitution and protects citizens against arbitrary application of the law. The judiciary's role is to interpret the law when questions arise and to apply the law fairly and impartially.

Rule of law is crucial if there is to be investment and economic development. Without the rule of law there is a lack of good governance and resources are diverted from their most efficient use. When resources are not efficiently used, society's productivity and well-being are static and may in some cases deteriorate¹. Without the rule of law, the lack of justice causes the public to lose confidence in the legal system.

The desire for rule of law is gaining momentum throughout the world. Unquestionably, diverse problems ranging from corruption and lack of efficiency to insufficient financial support results in a loss of confidence in the judiciary. Progressive governments will consider and to the extent possible, implement solutions for these judicial problems.

Human right is another issue of great importance throughout the world. There has been a surge in people's understanding of their rights resulting in these rights being slowly recognized by many countries. Human rights, as outlined in the preamble of the Universal Declaration of Human Rights, involve the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family, which forms the foundation of freedom, justice, and peace in the world." Though this Declaration was endorsed by the United Nation's General Assembly in 1948, nations have been slow to implement its provisions. The Universal Declaration of Human Rights is an endorsement of the basic belief that everyone has a right to life, liberty, and security of person because all human beings are born free and equal in dignity and rights².

Although human rights are gradually improving in many parts of the world, other parts suffer deeply from human rights violations. There continues to be discrimination based on race, color, sex, language, religion, political or other opinions, national origin, property, and birth or other status. Although many countries have enacted laws granting citizens legal rights frequently the spirit of human rights laws is ignored. Various national and international organizations have been formed to monitor human rights and implement reforms

¹ Chap I, "Promoting Democratic Governance, " Foreign Aid in the National Interest, USAID Publication, 2002

² Universal Declaration of Human Rights adopted and proclaimed by General Assembly Resolution 217 A (III) of 10 December 1948.

with the goal of better enforcement. However if these reforms are to be successful, they must consider the complex factors that make a country unique³.

Human rights are directly related to the rule of law. Wars and conflicts are the breeding grounds for multiple violations of human rights. In the global context, developing and underdeveloped countries (especially in Latin America, South Asia, Middle East, and Africa) experience more human rights violations than others. These regions have experienced much conflict and are emerging democracies where governance is still weak and there is greater chance for disorder⁴. International organizations like Amnesty International have vigilantly kept governments in check by acting as arbitrators of human rights. Its annual report exposes human rights violations in specific states and regions. The clamp-down on people's freedom in North Korea and Cuba, the lack of women's rights in hard-line Muslim countries, and various acts of genocide in Africa, combined with international and domestic conflicts in many countries, have been reported. In addition, Amnesty International tests the general public's awareness of their rights. Such reports by Amnesty International and other organizations show us why human rights abuses should not be ignored. Millions of people around the world continue to have their rights infringed upon and many live under suppressed conditions due to oppressive regimes. There is a need for global consensus on human rights issues, and immediate steps need to be taken to achieve timely results in these grave circumstances⁵.

1.1.1 Rule of Law and Human Rights in Nepal

Nepal was under autocratic rule for a number of decades. The Nepalese judiciary has endured a rough ride during that period. It has been able to regain much of its independence after the restoration of democracy, but it still faces a variety of problems. The Nepal courts are organized in district courts, appellate courts and a supreme court. The Supreme Court is the highest court and has authority over the other courts. In order to keep the judiciary independent from the executive and legislative groups of government, district court and appellate court judges are appointed on the recommendation the Judicial Council. The Chief Justice of the Supreme Court is appointed by the Constitutional Council. Increasing the capability of the judiciary is essential not only to promoting good governance but also to enhancing the rule of law so that the new challenges of a young democratic state and the expectations of the people can be met.

Questions arise as to how effective the judiciary has been in establishing the rule of law and how well the judges have played their part in protecting citizens' rights and interests. Nepalese attitudes about

- faith in the judiciary,
- whether the judiciary is in fact an independent body,
- whether the judiciary is impartial in its decisions,
- judicial corruption and
- implementation of decisions should be evaluated.

³ "The Variety of Rights," Kenneth Campbell, 1997.

⁴ Chap I, "Promoting Democratic Governance, " Foreign Aid in the National Interest, USAID Publication, 2002

⁵ "Know Your Rights," American Civil Liberties Union, Revised August 2004.

A “National Survey of Public Opinion on the Judiciary in Nepal” conducted by the Nepal Law Society in association with the Asia Foundation was the first attempt to study Nepal’s judicial sector. Although the survey faced various limitations due to conflict in many districts, it was able to bring different issues regarding the judiciary to the fore (see text box).

The human rights situation in Nepal is a major international concern. Nepal, which was once one of the most peaceful countries in the world, is in the midst of a Maoist insurgency that has been plaguing the country for over a decade. Emergency interventions by various governments have resulted in the suspension of Nepali’s basic fundamental rights. Today Nepal has some of the highest disappearances of men and women of any country. With no immediate signs of peace, Nepalese continue to watch their basic rights being violated by the state and by the rebels. Although many cases continue to be registered with the National Human Rights Commission (NHRC), this has not been effective in checking human rights violations. Innocent people are still subjected to torture or to cruel, inhuman, or degrading treatment and the State continues to subject its citizens to arbitrary arrest, detention, and exile. Nepalese’ awareness of their rights is important if rights abuses are to be reduced and information programs to improve awareness of citizen’s rights is a major factor in improving awareness and reducing violations.

National Survey of Public Opinion on the Judiciary in Nepal

Some of the illustrative findings of the survey were that only about 15% of the people had used the courts to resolve their disputes, and that tendencies of going to court was not the same for the whole country. Corruption was perceived to be less prevalent among judges but much worse in court officials. Enforcement of court decrees was also found to be unsatisfactory. Lack of efficiency and work delays were other core problems with the judicial system. Many of those surveyed were unsure whether the judges made decisions based on a person’s economic and social status. Alternative dispute resolution mechanisms (ADRM) were found to be attractive to the people in rural areas, because of lower costs and faster decisions.

1.2 RESEARCH OBJECTIVES

The major issues covered by the primary survey were:

- Administration of justice in the courts
- Transparency in the judiciary sector
- Perceptions of the court, prosecutors, and public defense organizations
- Corruption in the judiciary
- Awareness of government’s anticorruption efforts
- Performance of players in the anticorruption sector
- Awareness of basic legal rights
- Status of minority rights
- Access to justice for poor and marginalized sections
- Views on special courts and law enforcement commissions
- Ethics and disciplinary proceedings
- Views on judicial sector reforms

I.3 RESEARCH METHODOLOGY

The assignment was conducted in two phases. The first phase was comprised of a secondary data review, where existing documents, reports, and published articles in various media were collected from various sources to understand the current scenario of law and human rights in the country.

The second part of the assignment was a primary survey among the general population to assess their knowledge, attitude, and perceptions related to the stipulated research objectives. The research approach ensured due representation of opinion from both urban and rural areas as well as from different development regions and ecological zones in the country. For this purpose, village development committees (VDCs) and urban wards were taken as primary sampling units (PSU) in the rural and urban areas, respectively. The PSUs were selected using a probability proportionate to size (PPS) sampling technique, where stipulated numbers of households was selected in the sample.

A total of 3045 households were sampled for the survey. Out of this, 1997 households were from rural areas/VDCs from 25 districts representing various development regions and ecological zones. A total of 1048 urban households drawn from 11 municipalities were taken in the sample. The primary contacts were the heads of selected households with the help of a structured questionnaire. The questionnaire was pre-tested and finalized in consultation with ARD's Rule of Law project officials. The data captured from the primary survey, prior to detailed analysis, was weighted⁶ according to the HMG/N demographic census of 2001. This weighting was performed along the parameters of urban-rural population break-up.

The subsequent sections present the critical findings from the opinion poll.

⁶ The weighting exercise aligns the sample characteristics to population parameters.

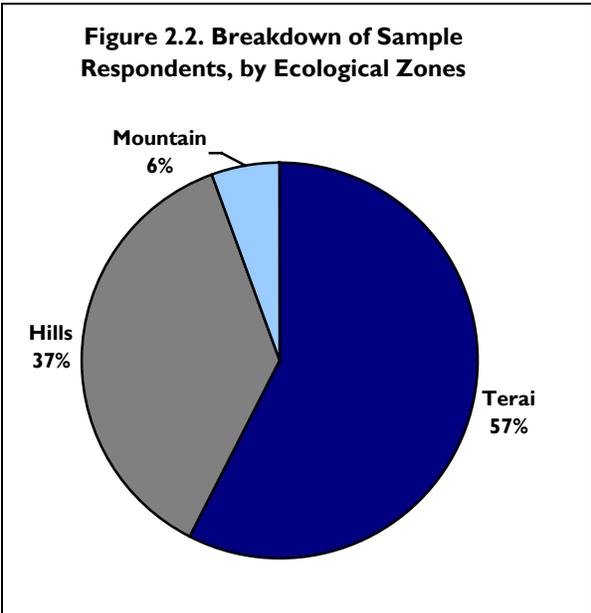
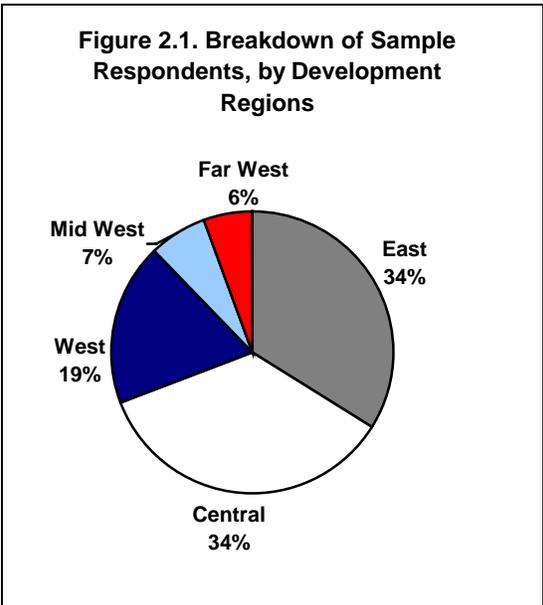
2.0 DEMOGRAPHIC PROFILE OF RESPONDENTS

As discussed in the introduction, chief wage earners (CWEs) from 3045 sampled households were considered as respondents for this survey. CWEs were chosen as the source for the sample because in Nepal it is mostly the CWEs who are active outside the home. Therefore, they are more likely to be more aware than other family members of human rights issues and rule of law issues.

The demographic characteristics of the respondents, i.e., residence, ethnicity, gender, education, occupation, and monthly household income (MHI) are in this section for easy reference.

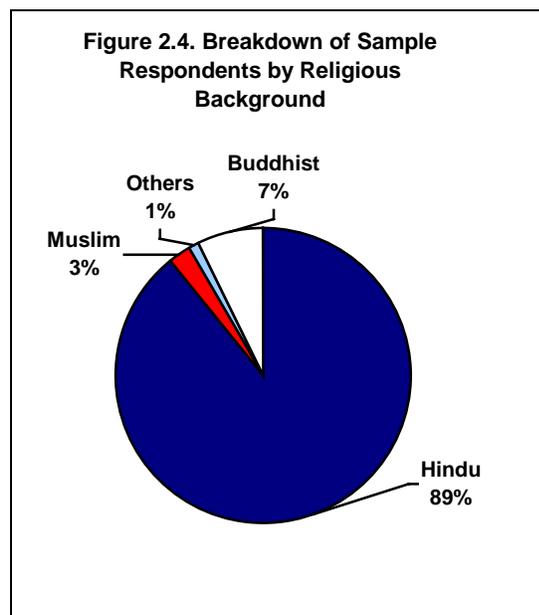
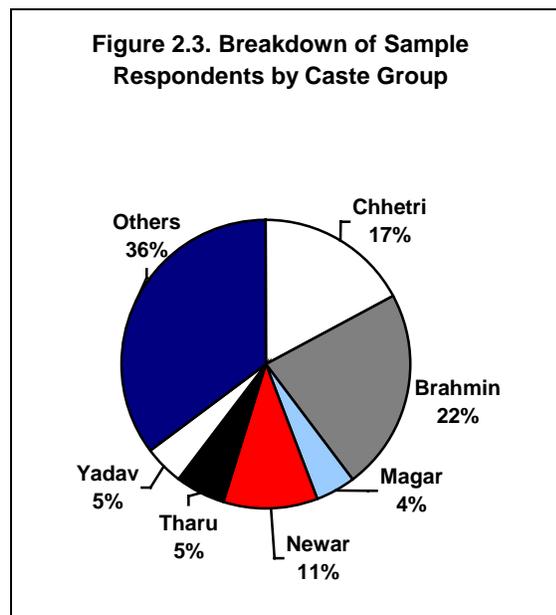
2.1 PLACE OF RESIDENCE

The breakdown of the weighted sample by development regions and ecological zones is shown in Figures 2.1 and 2.2 respectively. As the two figures show, the sample represents the demographic characteristics of Nepal.



2.2 ETHNIC COMPOSITION

The breakdown of the weighted sample by caste group and religious background is shown in Figure 2.3 and Figure 2.4, respectively, and includes the major castes and religions.



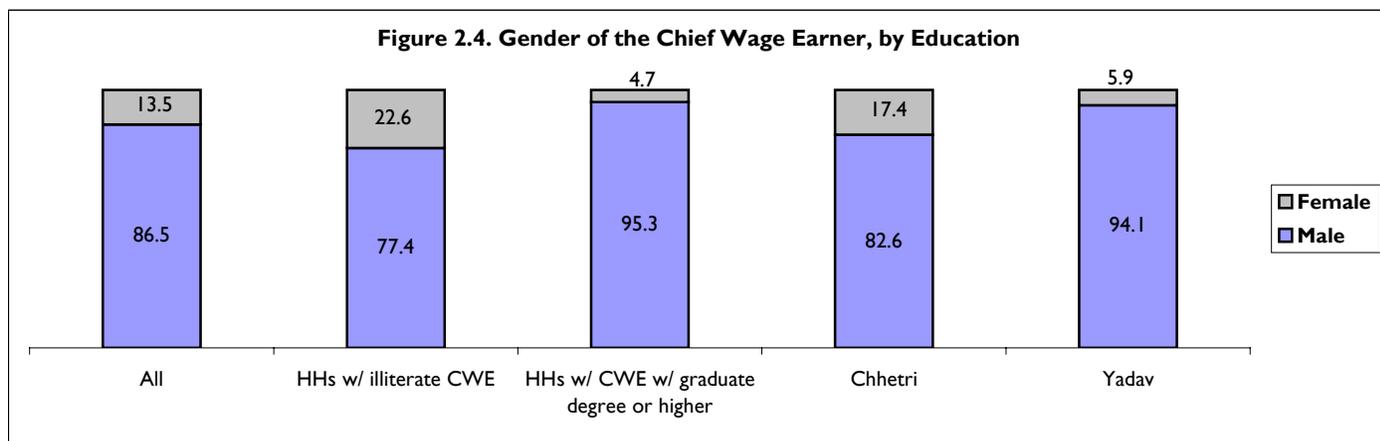
A cross-tabulation of the caste groups with place of residence suggests that Chhetris, Brahmins, and Tharus were scattered across all five regions, with a relatively low presence in the mid and far western regions. On the other hand, there was a high concentration of Tharus in the western part of the country. There were few Newar or Yadav households from the mid and far western regions represented in the sample (refer to Table 2.1).

TABLE 2.1 CASTE GROUP COMPOSITION, BY PLACE OF RESIDENCE

REGION/CASTE	CHHETRI	BRAMHIN	MAGAR	NEWAR	THARU	YADAV	OTHERS
Base (all respondents)	526	685	130	329	163	142	1070
Eastern	30.7%	30.7%	24.6%	27.2%	34.8%	30.3%	41.2%
Central	29.3%	33.8%	15.4%	55.8%	18.7%	55.5%	34.8%
Western	19.9%	24.6%	47.5%	16.2%	21.3%	9.2%	12.1%
Mid western	11.1%	3.5%	10.5%	0.8%	12.4%	5%	7.4%
Far western	9%	7.3%	2%	—	12.9%	—	4.4%

2.3 GENDER

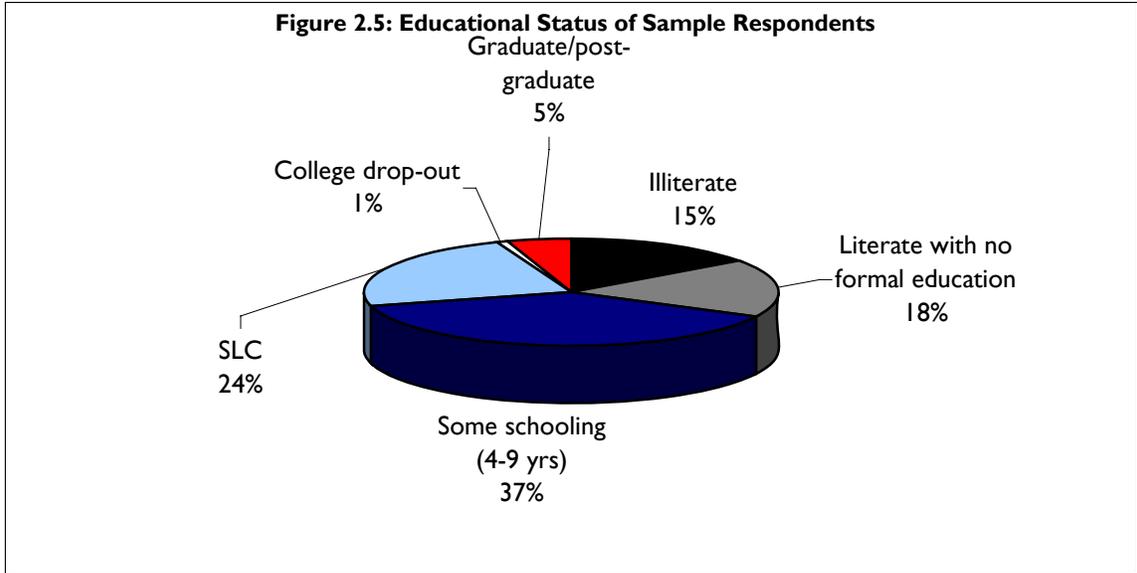
Due to the existing social patterns in the Kingdom, the CWEs are predominantly male. This pattern is reflected in the survey where almost nine out of every 10 respondents were males. However, the percentage of households having a female head was comparatively higher among Chhetri and Magar caste groups, where every sixth sample household had a woman CWE. On the other hand, 94% of the Yadav households in the sample were headed by men. In over 95% of the households where the CWE had a graduate degree or higher education, that CWE was male.



2.4 EDUCATIONAL STATUS

Sixty-two percent of the respondents had either attended school for between 4 and 9 years or had a school leaving certificate (Class 10); 18% were literate without any formal education. Almost fifteen percent (14.9%) of the survey respondents were illiterate. This number was observed to be higher in rural Nepal (16.2%) than in urban areas (6.6%).

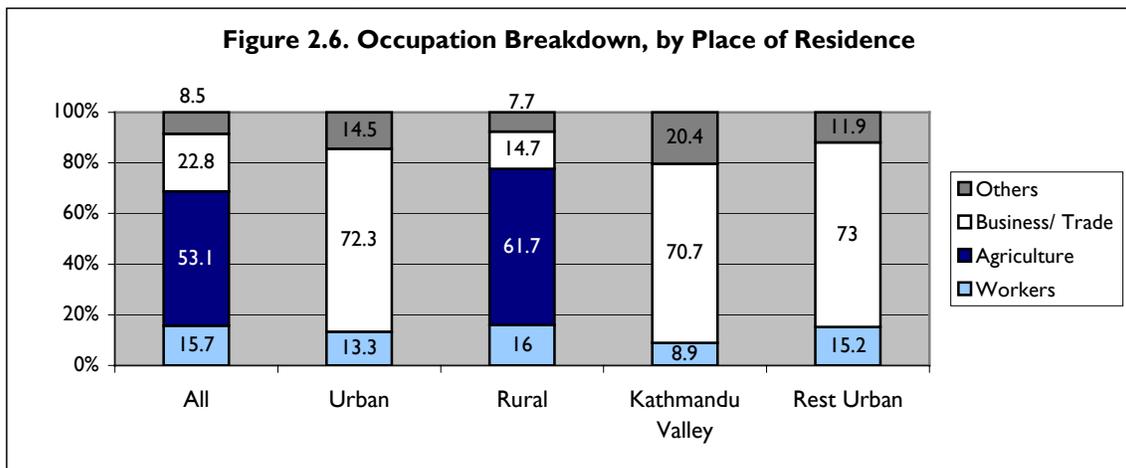
The number of respondents having a school leaving certificate (SLC) was highest in Kathmandu (45.9%), followed by other urban areas (31.7%) and rural areas (21.5%). Only 3.1% of the respondents from Kathmandu were illiterate.



2.5 OCCUPATION

With regard to occupation, it was observed that over half of the total respondents were agriculturists tilling their own land. However, the percentage of agriculturists in the hill and mountain ecological zones was comparatively higher. In the mountain zone, two-thirds of the sample households indicated that their primary occupation was in agriculture.

In the urban areas, the most common occupation was running a shop or petty trade—over 70% of the urban respondents claimed this as the key household occupation. In the Kathmandu Valley, every fifth sample household had service as main occupation.

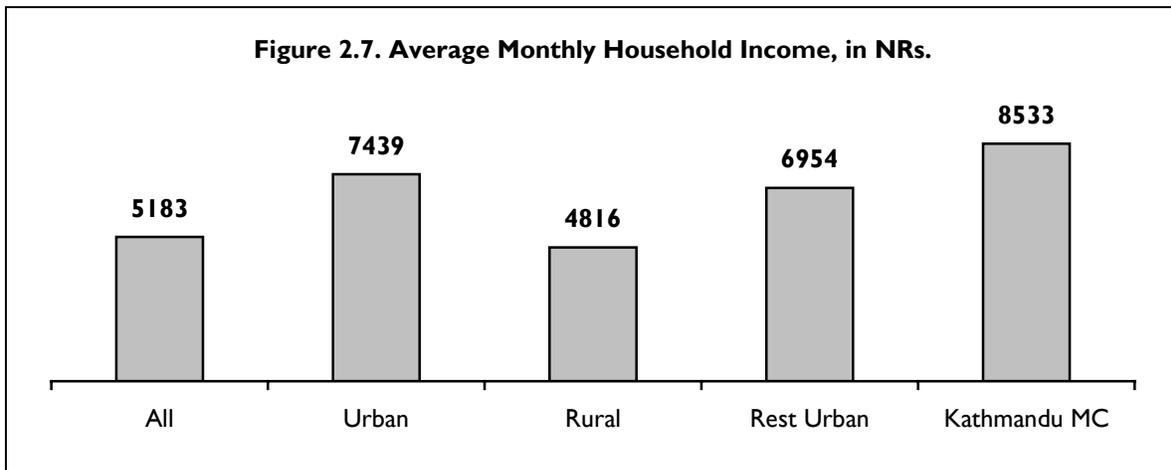


2.6 MONTHLY HOUSEHOLD INCOME (MHI)

The average MHI of the sample of respondents was NRs. 5,183, with the highest MHI in Kathmandu (NRs. 8,533), followed by urban (NRs. 6,954) and rural (NRs. 4,816). Over four-fifths of the sample households

reported a monthly income of less than NRs. 7,000⁷. As many as 27% of the households had a MHI range of NRs. 3,501 to 5,000, followed by 19% with a range of 5,001 to 7,000.

The average MHI for a household involved in business/trade was NRs 5,720, which was slightly higher than the average for an agriculturist household at NRs 5,350. However, it is interesting to note that 44% of the households that were engaged in business/trade reportedly earned less than NRs 3,500 (US\$50), while 27% of the agriculturist households earned less than this per month. The average MHI was NRs 3,268 for those in unskilled labor.



⁷ At the time of this report, NRs. 7000 were equivalent to US\$100.

3.0 HUMAN AND LEGAL RIGHTS

Nepal has been in the grip of a human rights crisis for a number of years; many people throughout the country have reported human rights abuses arising from the long-standing conflict between the Communist (Maoist) Party of Nepal insurgents and the government security forces.

Although the recent royal proclamation and suspension of certain constitutional freedoms have drawn global attention to the situation in Nepal, it is the on-going violence and terror inflicted on ordinary communities across the country that is the greatest and most serious human rights concern in Nepal. The conflict has eroded the security and human rights of all Nepalese.

In this context, the poll aimed to capture awareness levels of basic fundamental rights as well as other rights guaranteed by the Constitution of the Kingdom of Nepal. Overall perceptions of human rights in Nepal were explored with questions on:

- Who the public sees as actors/violators.
- How the public views the situation over the last five years (i.e., better or worse).
- The public’s awareness and degree of satisfaction with the government.
- NHRC as protectors of human rights, and incidences of human rights violations at the grassroots level.

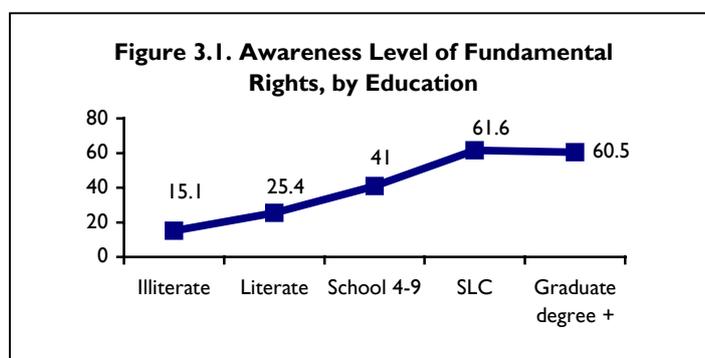
Awareness of rights under various international treaties was also studied.

3.1 FAMILIARITY WITH FUNDAMENTAL RIGHTS

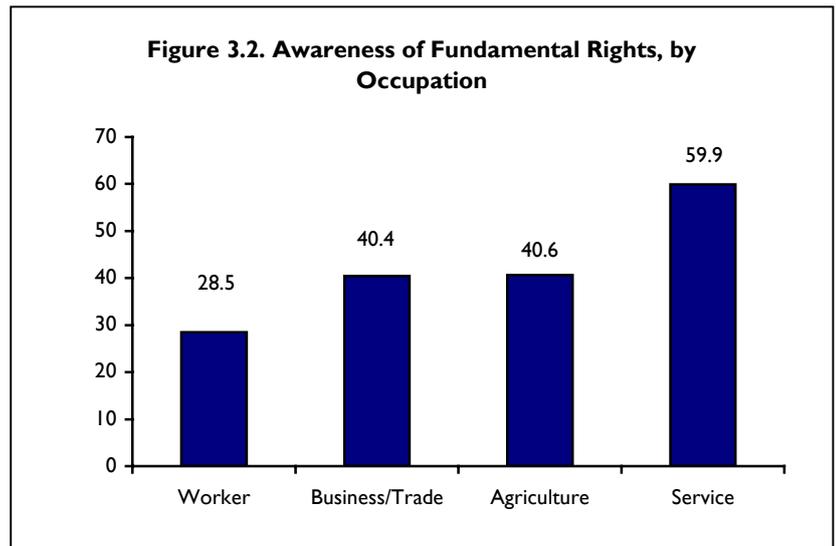
In a democracy, citizens should be aware of their fundamental rights as well as their obligations. In this regard, the survey made an effort to measure public awareness of the fundamental rights granted Nepalese by the Constitution of Nepal.

When this question was posed to each of the sample respondents, a significant proportion (40%) reported being “somewhat familiar” with their basic rights. In other words, a larger percentage (51%) of the respondents acknowledged that they were “somewhat unfamiliar” in this regard. Only 5% of the respondents in the sample were “quite familiar” with their fundamental rights.

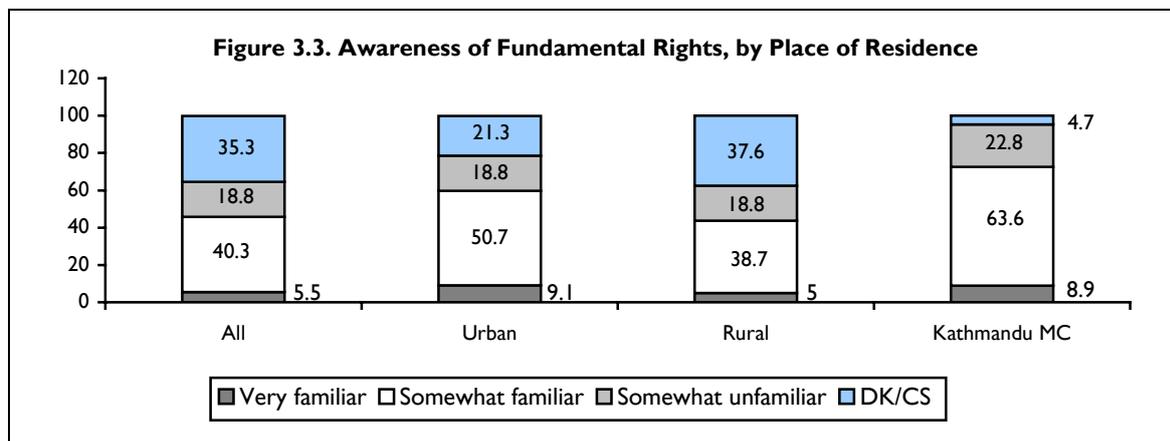
When comparing fundamental rights and education levels, the survey shows awareness levels increasing as level of education increases. See Figure 3.1.



Among the respondents engaged in different occupations, Figure 3.2 shows that service men and officers were the most aware of fundamental rights (60%), agriculturists and businessmen/traders were equal (40% each). Workers were the most unaware group, with 340 out of 476 surveyed being largely unaware of their basic fundamental rights⁸.



Analysis by region indicates that people from the central region were relatively more aware, with 45% of the respondents confirming this fact. There was not much difference in awareness between the east (37%) and west (32%). The highest number of aware respondents was from the Kathmandu Valley, with 64%, followed by 45% in other urban areas. Rural respondents were the least aware with 1000 out of 2619 respondents unaware of their fundamental rights.



3.2 AWARENESS OF BASIC FUNDAMENTAL RIGHTS

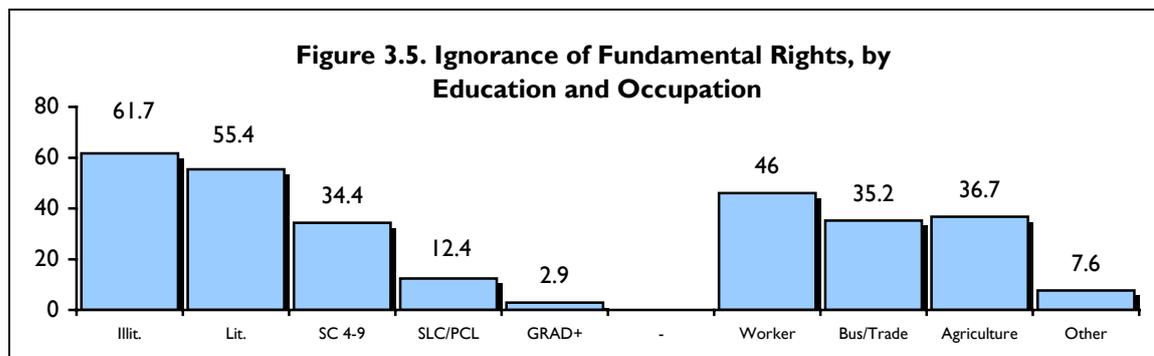
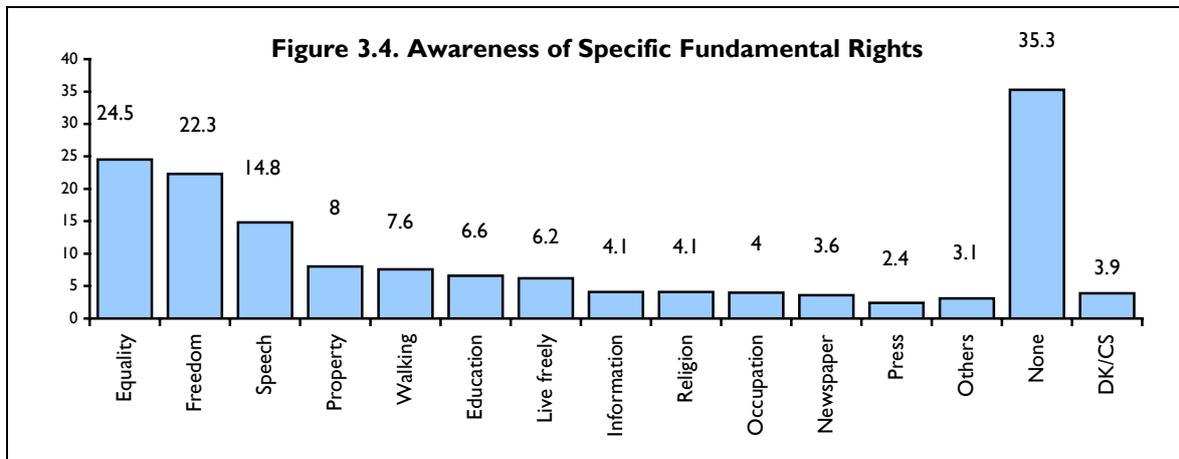
Of the 1970 survey respondents who admitted to being aware of basic fundamental rights in varying degrees, almost 25 % of the respondents reported being aware of a “right to equality.” This was followed by 22% percent of those surveyed reporting awareness of the “right to freedom.”

Awareness of other fundamental rights was remarkably lower. A considerable number of respondents were aware of the right, to speech, property, walking (movement?), education, and to live freely (is this the same as freedom?).

Significantly, a large number of those surveyed, 1074 (35%), were unaware of even one fundamental right granted by the Constitution of the Kingdom of Nepal. However, in Kathmandu Valley more than 95% of the respondents were aware of at least one fundamental constitutional right.

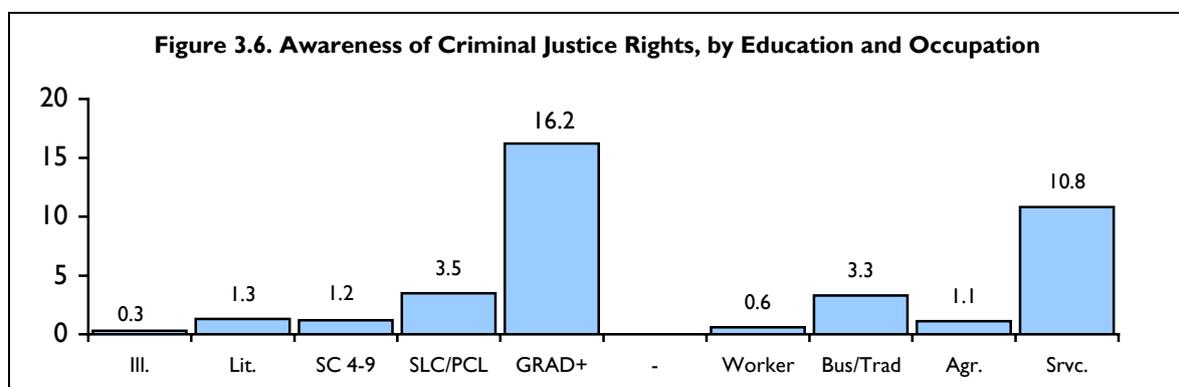
⁸ Interpretations are of those “somewhat aware.” Those “highly aware” have not been taken into account, since the number of respondents stating high level of awareness was insignificant.

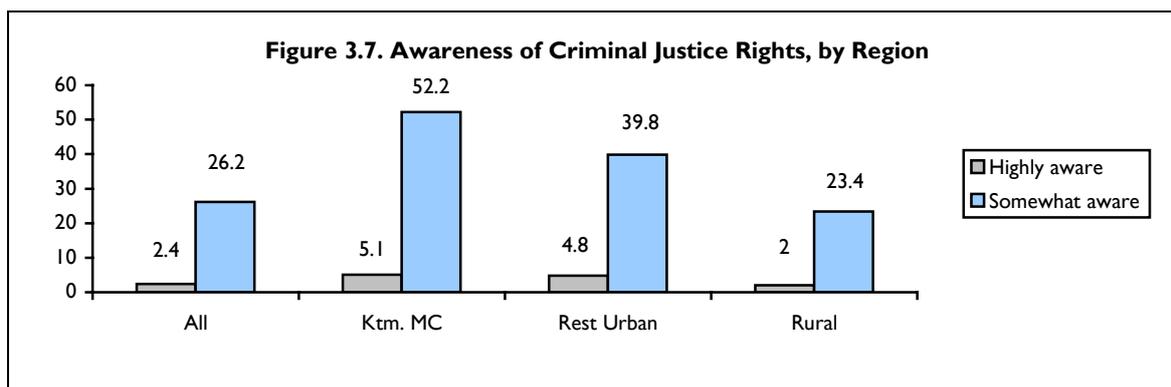
As shown in Figure 3.5 respondents with the highest levels of education (graduate degree and higher) were observed to be the most aware of fundamental rights. Illiterate respondents were the least aware. By occupation, workers were the least aware and those in service the most aware.



3.3 AWARENESS OF CRIMINAL JUSTICE RIGHTS UNDER PART 3 OF THE CONSTITUTION

Close to half of the respondents (47%) were either “highly unaware” or completely unaware of criminal justice rights. Fifty percent of the respondents were aware to some extent of criminal justice rights. Over half of the respondents from Kathmandu Valley (52%) were aware of these rights, followed by 39% from other urban areas and 23% from the rural areas.





3.4 AWARENESS OF BASIC LEGAL AND HUMAN RIGHTS

As shown in Table 3.1, almost 80% of the total respondents were aware to some extent of their basic legal and human rights. Awareness was the highest in Kathmandu (83%).

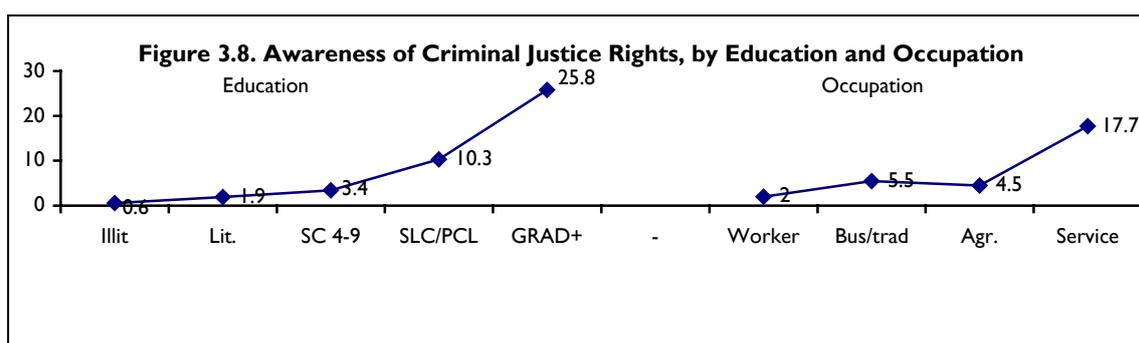
TABLE 3.1 AWARENESS REGARDING BASIC LEGAL AND HUMAN RIGHTS

	All	Kathmandu Valley
	3045	131
Highly aware (%)	5.5	7.1
Somewhat aware (%)	70.9	83.3
Somewhat unaware (%)	9.5	3
Highly unaware (%)	6.2	3.9
Do not know/ Cannot say (%)	8	2.8

However, very few surveyed reported a high level of awareness. The level of awareness was highest for those with graduate degrees and higher, of whom a quarter of the total respondents expressed a high level of awareness. Only three out of the 453 illiterate respondents were “highly aware.” Awareness levels by education are shown in Figure 3.8.

Analysis of awareness of human and legal rights by occupation showed that the number of respondents who were “highly aware” was

remarkably low across all categories (see Figure 3.8).

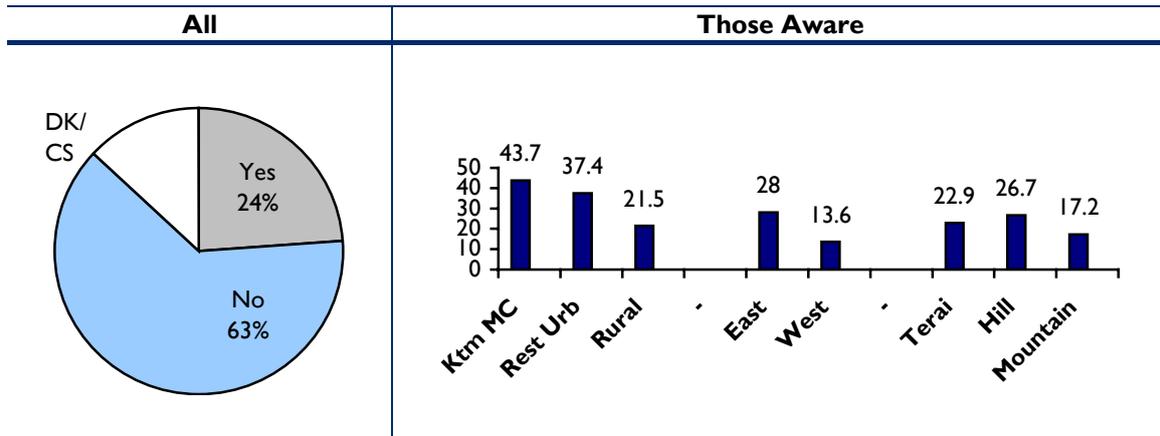


3.5 AWARENESS OF THE RIGHT TO HAVE A LAWYER APPOINTED BY THE COURT

When asked about awareness of the right to have a lawyer appointed by the court, 63% of the survey respondents were unaware of this right. Among those who were aware, awareness was highest in Kathmandu MC (43%), followed by rest urban (37%) and rural (21%) areas.

Analysis of the responses by region shows that people from the mid west, far west, and west were comparatively less aware than their counterparts from the east.

FIGURE 3.9. AWARENESS OF THE RIGHT TO HAVE A LAWYER APPOINTED BY THE COURT



However, as shown in Table 3.2, it was observed that awareness seemed to increase with respondents' educational status as well as their household income.

TABLE 3.2 AWARENESS OF THE RIGHT TO HAVE A LAWYER APPOINTED BY THE COURT

	Illiterate	Literate	SC 4-9	SLC/PCL	GRAD+	<Rs. 5000	Rs. 5-10,000	>Rs. 10,000
Base : Those Aware	453	537	1165	742	148	1904	936	205
Percentage	7.1	19.6	20.3	37.4	53.1	20.2	28.9	36.7

3.6 PERCEPTIONS OF HUMAN RIGHTS VIOLATIONS

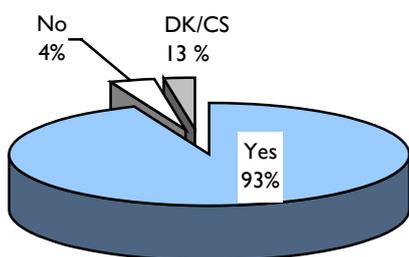
As noticed earlier, approximately 46% of the 3045 sample respondents were found to be familiar with fundamental rights endorsed by the Nepalese Constitution. On the other hand, a large majority (94%) of respondents believed that violations of human rights were taking place in the country. Eight-five percent of the illiterate respondents were of the opinion that there were violations of human rights compared to the higher percentages in the other categories. Respondents in all regions and ecological zones, across all educational levels and in all occupations were of the opinion that there were violations of human rights in Nepal. These figures were also consistent across all caste groups and religions, with over 90% of these respondents expressing their view that human rights violations were occurring in Nepal. Nine-eight percent of the Brahmin respondents expressed the view that human rights violations were occurring

3.7 VIOLATION OF HUMAN RIGHTS

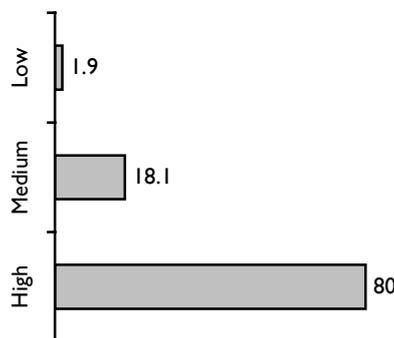
Not only did a large majority of respondents believe that violations of human rights were taking place, 80% of these respondents felt that the degree of violations was "very high." Respondents from all regions and ecological zones in Nepal felt that the level of human right violation was high in the present context.

Figure 3.10. Perceptions of Human Rights Violations

Do you think there are violations of human rights in the country?

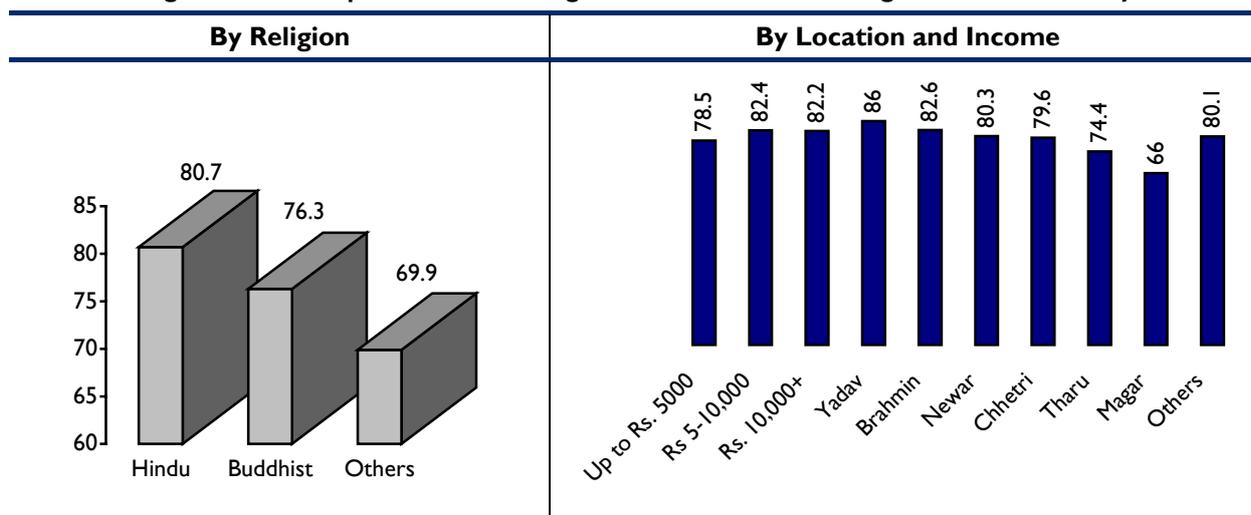


What do you think is the degree of human rights violation in the country? (93% of total respondents)



Although the perception was strong across respondents from all religious backgrounds, it was strongest among Hindus (81%), followed by Buddhists (76.3%). Seventy percent of respondents from other religions and respondents with monthly household incomes of more than NRs. 10,000 (82%) were of the opinion that the level of human rights violation in Nepal was high. Respondents from Yadav (86%), Brahmin (82.6%), and Newar (80.3%) castes were of the same opinion.

Figure 3.11. Perceptions of Human Rights Violations Levels Taking Place in the Country



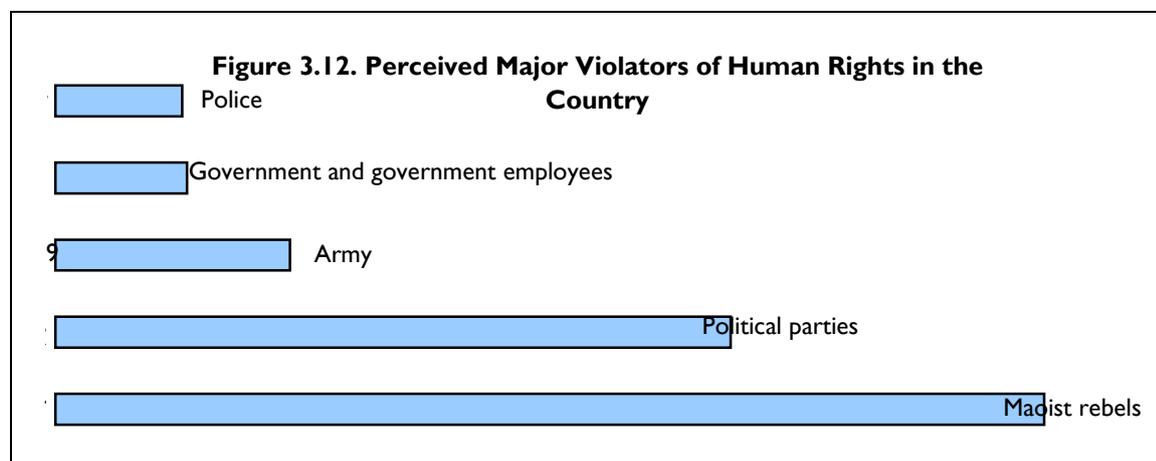
3.8 VIOLATION OF HUMAN RIGHTS BY PERSONAL EXPERIENCE

Based on their overall assessment of Nepal's present condition, almost 94% of the respondents felt that there were violations of human rights in Nepal. However, only one among every four (26%) reported personally experiencing a violation of their rights. Surprisingly, every second respondent from Kathmandu reported personally experiencing violations. The percentage was lower in other urban and rural areas (29% and 25%, respectively). Respondents from mid (64%) and far western (74%) regions reported experiencing a higher level of human rights violations compared to other regions.

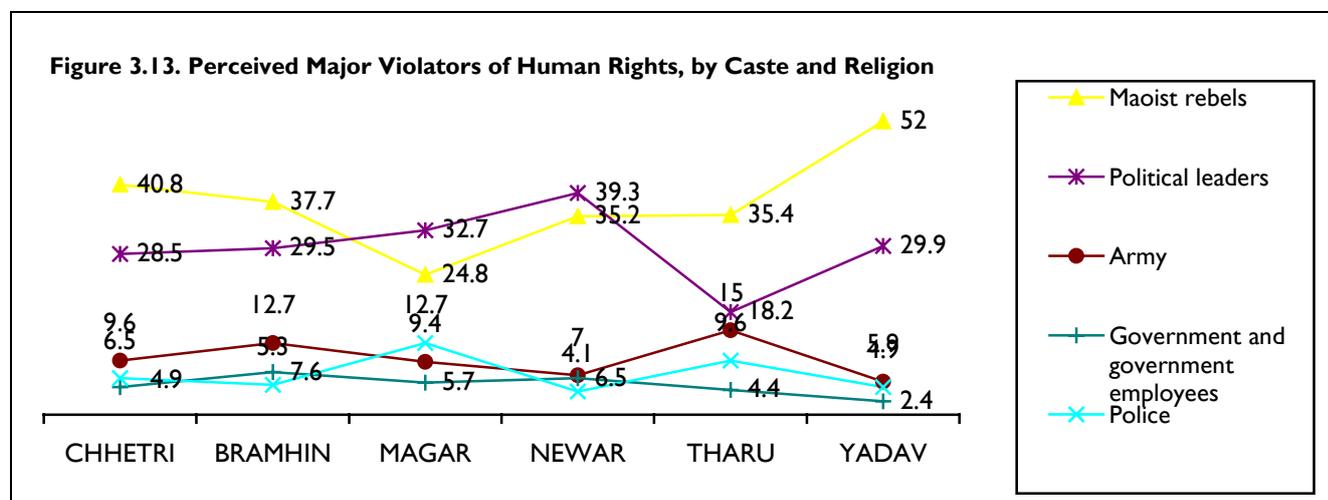
Of the respondents who had either a graduate or higher degree, 42% reported experiencing human rights violations, as compared to less-educated respondents. The percentage of illiterate respondents experiencing violations was almost half that amount (23%). A possible explanation for this phenomenon could be the correlation between level of education and awareness. It is more likely that respondents with a higher education would understand the meaning of human and legal rights than those with lesser education.

3.9 VIOLATORS OF HUMAN RIGHTS

Overall, Maoist rebels were perceived as the main violators of human rights in Nepal (41.3) followed by political leaders (28.2%). As shown in Figure 3.12, the army, government and police were the three other institutions blamed for human rights violations.



As shown in Figure 3.13, consistency in responses was observed across respondents from all religious and caste backgrounds.



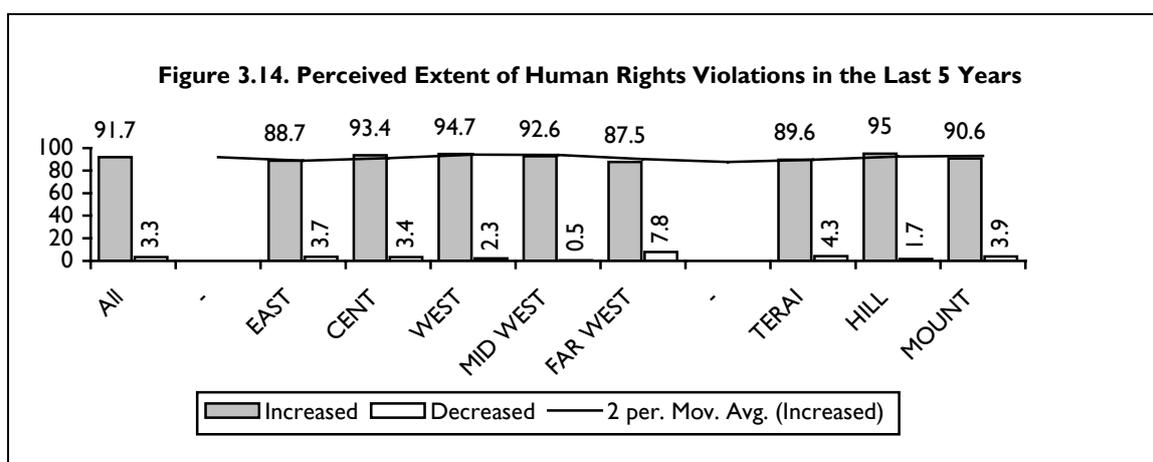
As shown in Table 3.3, Newar is perceived political leaders as the worst violators of human rights violations, followed by Maoist rebels (35.2%), the army (7%) and government and government employees (6.5 %).

TABLE 3.3 PERCEIVED MAJOR VIOLATORS OF HUMAN RIGHTS IN THE VIEW FROM NEWAR COMMUNITY

	Kathmandu Valley
Base : Newar	508
Political leaders	39.3%
Maoist rebels	35.2%
Army	7%
Government and government employees	6.5%
Police	4.1%
Army and Maoists	2.9%
Both government and rebels	1.3%
Civil society	0.9%
Upper class people	0.3%
Everyone in the higher level	0.3%
DK/CS	2.2%

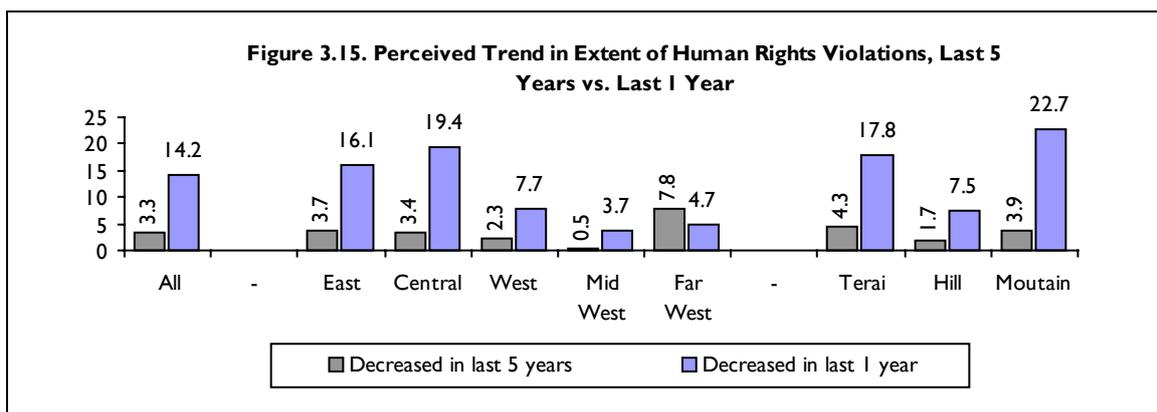
3.10 SITUATION OF HUMAN RIGHTS OVER THE LAST FIVE YEARS

A clear majority (91.7%) of the respondents felt that human rights violation had increased over the last five years. There were no contradictions to this from respondents by regions, ecological zone, and rural and urban regions (see Figure 3.14).



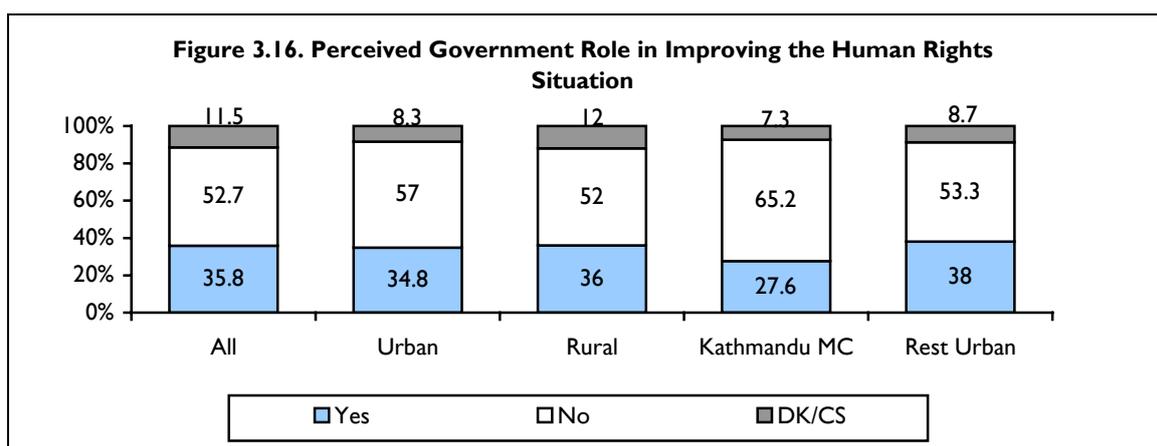
3.11 SITUATION OF HUMAN RIGHTS OVER THE LAST ONE YEAR

Figure 3.15 shows that 14.2% of sample respondents believe that human rights violation decreased more in the last one year than in the last five years (3.3%). However respondents in the central region (19.4%), the eastern regions (16.1%), and the mountain regions (22.7%) seemed to have a stronger perception that human violations decreased more in the last one year than the last five years. However, respondents in the far west regions were of the opinion that human rights violations decreased by 7.8% over the last five years.



3.12 ROLE OF GOVERNMENT IN IMPROVING THE HUMAN RIGHTS SITUATION IN NEPAL

Faith in the Nepali government still exists! One thousand ninety of the survey's 3045 respondents were of the opinion that the government had taken steps to improve the human rights situation in Nepal. On the other hand, a majority of survey respondents (53%) expressed the view that the government has not taken any specific steps to reduce violations of human rights in Nepal.

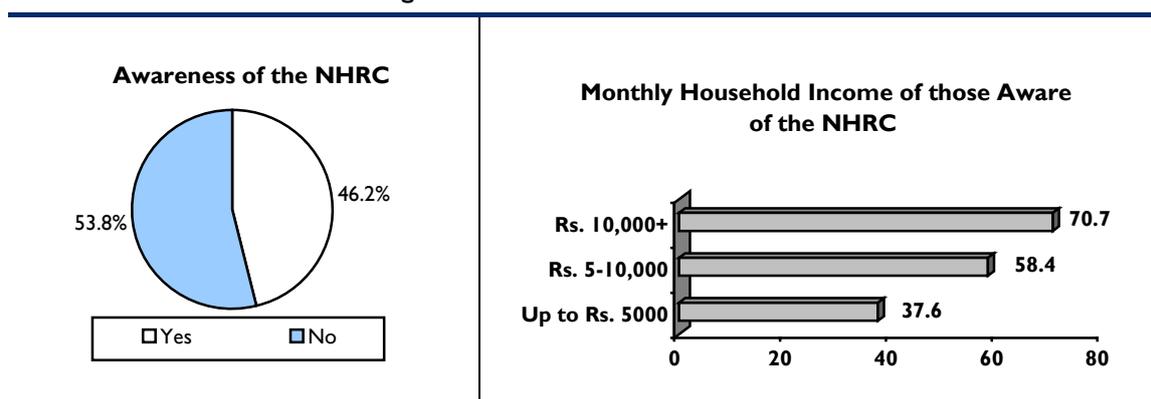


3.13 NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

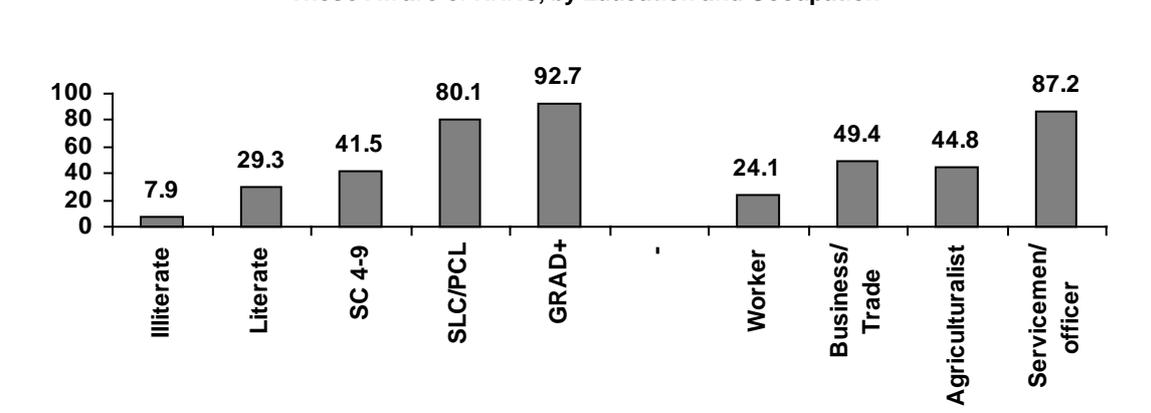
Overall, fewer than half of the respondents (46%) were aware of the NHRC in Nepal. As shown in Figure 3.17, awareness of the NHRC was significantly lower in the mid west (33.7%) and the mountain zones (32.8%).

Awareness of the NHRC was highest in the more highly-educated groups and decline significantly in the less-educated groups. Ninety-three percent of the respondents with a graduate degree or higher were aware of the NHRC compared to only 8% in the illiterate group. Awareness levels increased as MHI increased. A breakdown by occupation shows that servicemen were more aware than the other occupations (see Figure 3.17).

Figure 3.17. Awareness of the NHRC



Those Aware of NHRC, by Education and Occupation



3.14 SATISFACTION WITH THE NHRC IN CHECKING HUMAN RIGHTS VIOLATIONS

The sample respondents who were aware of the NHRC were further surveyed on their satisfaction with its role in checking human rights violations in Nepal. As shown in Table 3.4, more than 70% of the respondents were very or somewhat satisfied with NHRC’s role. This level of satisfaction was observed across regions, ecological zones, and urban and rural areas.

TABLE 3.4 SATISFACTION WITH THE NHRC IN CHECKING HUMAN RIGHTS VIOLATIONS, BY REGION, EDUCATION, AND OCCUPATION

CATEGORIES	ALL	KATHMANDU MC	REST URBAN	RURAL	ILLITERATE	LITERATE	SC 4-9	SLC/PCL	GRAD+	WORKER	BUSINESS/TRADE	AGRICULTURE	OTHERS
Very satisfied (%)	8.2	2.5	9.6	8.4	6.8	7.4	8.6	8.1	8.5	13.3	8.1	7.1	9.3
Somewhat satisfied (%)	64.5	61.3	62.3	65.2	65.8	62.2	65.2	64.4	64.8	64.6	59.9	65.8	67.6
Somewhat dissatisfied (%)	14	23.7	13.5	13.3	11.2	15	13.3	14.8	12.5	11.5	18.4	13.4	10.7
Very dissatisfied (%)	7.8	7.9	7.6	7.8	3.7	7	5	9.6	11.9	3.4	6.6	8.2	10.7
DK/CS (%)	5.5	4.5	7	5.3	12.6	8.4	7.8	3.1	2.3	7.1	7	5.6	1.7

3.15 SOLUTION TO IMPROVE NEPAL'S HUMAN RIGHTS RECORD

Asked about possible actions that the NHRC should take to improve human rights in Nepal, respondents stated that “promoting peace” would be the most effective followed by “increasing awareness about people’s rights.” Following these were “appointing people of great integrity to positions that control human rights,” and the need to bring violators of human rights to justice.

The opinion that promotion of peace would result in an improved human rights record was strongly observed across the board.

4.0 JUDICIAL SYSTEM

The promulgation of a democratic constitution in Nepal in the aftermath of the Spring Movement for Democracy in 1990 heralded a new phase of growth in the nation's judiciary. The Constitution of Nepal stipulates objectives for the state to promote welfare in the country and protect the lives, property, and liberty of fellow countrymen. Towards this end, provisions have been made for the establishment of an independent judiciary to transform the concept of rule of law into reality.

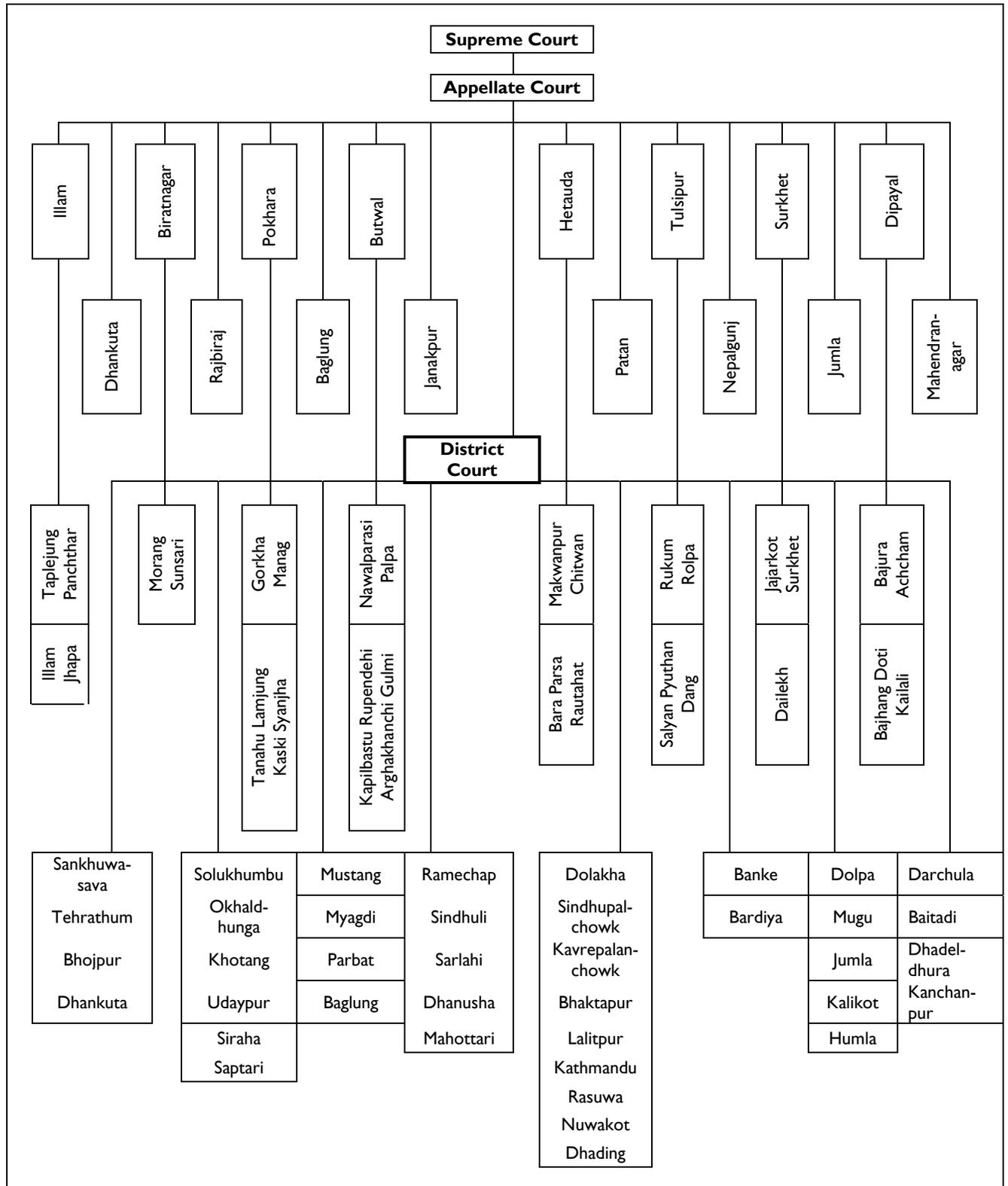
The mandate for good governance asks for enhancement to the rule of law as well as increased capacity in the judiciary to cope with the people's expectations. The judiciary, while playing the role of a custodian of the Constitution and protecting the people against arbitrary application of the law, must also present itself as an example of impartiality, responsibility, and guardianship of the law of the land.

The Constitution of Nepal establishes a three-tier court system. Currently, Nepal has

- 75 districts courts which are the first instance courts,
- 16 appellate courts which hear appeals from the district courts, and
- One Supreme Court which is the highest court.

The three-tier judicial structure in Nepal is presented in Figure 4.1.

Figure 4.1 Nepal's Three-tier Judicial Structure



This study has attempted to determine whether Nepali citizens are satisfied with the Nepali judiciary and its decisions and activities. It examines whether or not there is any discrimination in judicial decisions towards caste or economic status. The study also sheds light on the nature of the dispute that takes a common man to the courts; issues related to access and rights of information; perceptions about various service providers in the courtroom, including the judges; and the time consumed in the judicial process. The study also examines the popularity of the courts versus ADRMs for the settlement of disputes.

4.1 AWARENESS AND USAGE OF RULE OF LAW

4.1.1 Visit to Judicial Bodies

Personal experience with the courts is a major factor in evaluating respondents' perceptions of courts and judges. In surveying respondents on their perceptions of the courts and judges, respondents were first asked to give their personal experience with judicial bodies. Of the 3045 survey respondents, over two-thirds (67%) reported that they had never visited a judicial body. Among the sample respondents from Kathmandu Valley, one-fourth (27%) had visited a judicial body. The spatial cross-tabulation suggests that the respondents from the eastern region had the maximum interaction with the judicial bodies, with almost 40% affirming a visit to a judicial body. However, only one out of five respondents from the western and far western regions had ever visited a judicial body.

Among those who had attained higher education (graduate degree or higher) and those having monthly household incomes of over NRs. 10,000, every second respondent reported visiting a judicial body. Among the castes, Yadavs had the highest (57%) interface with the judiciary. Respondents from the Magar caste (13%) and those from a Buddhist religious background (16%) had minimum instances of judicial visits.

4.1.2 Use of Court as a Medium to Settle Disputes

When asked about visiting a judicial body to resolve a dispute, the numbers declined further. Nine hundred and sixty-two respondents out of 3045 (31.6%) used a judicial body to resolve a dispute.⁹ The tendency to resolve disputes in a court was higher among respondents with graduate degrees or higher (26%) and with MHIs of NRs. 10,000+ (31%).

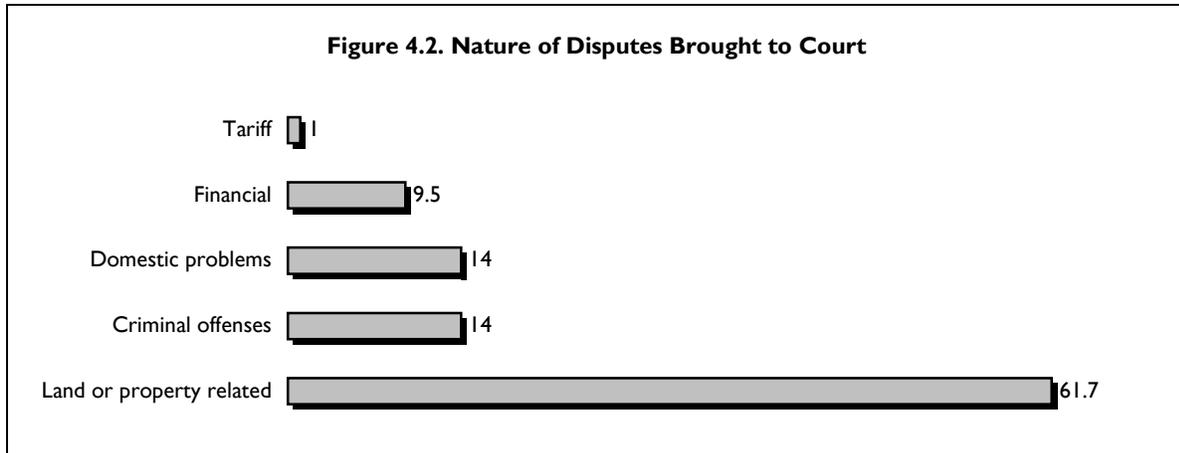
Here again, the Magars (8%) and Tharus (14%) had the lowest incidences of dispute resolution through the courts. It is interesting to note that there was a high degree of ADRM use, especially in the VDCs, among these communities (see Section 4.9). On the other hand, every third Yadav respondent had visited the courts for dispute resolution.

⁹ In response to the same question in the earlier national survey on public opinion, commissioned by the Nepal Law Society, those who had taken their dispute to court was lower (15.4%), with 775 respondents out of 5037 responding in the affirmative.

4.1.3 Nature of Disputes

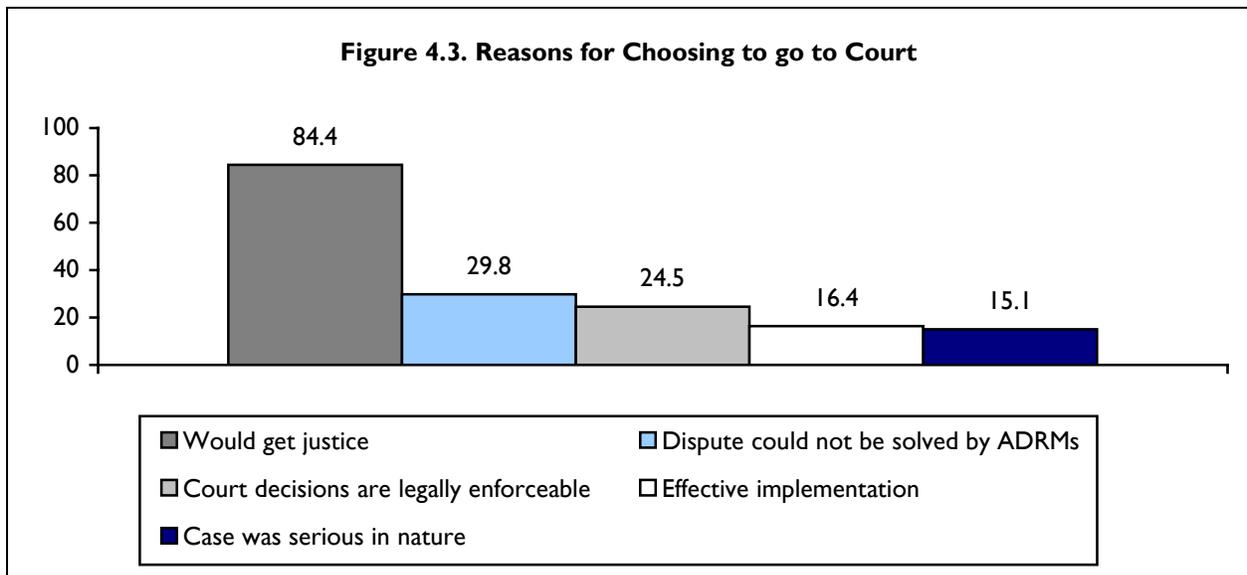
The study also explored the types of disputes that were submitted to courts for decision. Five hundred ninety-two of the 3045 survey respondents had asked a court to resolve a dispute. Sixty-two percent of the 592, had gone to the court for resolution of a land or property-related dispute. Criminal offences and domestic problems (14% each) were tied as the second most frequent type of cases in the courts.

The western development region (49%) and the mountain ecological zone (52%) had the fewest land-related disputes, the central region and terai zone (66% each) had the most land-related disputes. The percentage of respondents seeking a judicial remedy for domestic problems was highest (20%) in the graduate degree or higher category of respondents.



4.1.4 Reasons for Choosing the Court as a Dispute Resolution Mechanism

It is interesting to note that the number of those surveyed who believed that courts were a better dispute resolution mechanism gradually declined with an increase in educational levels and MHIs. Approximately 30% of those surveyed said they took the matter to court because they were not able to reach a solution through ADRM.

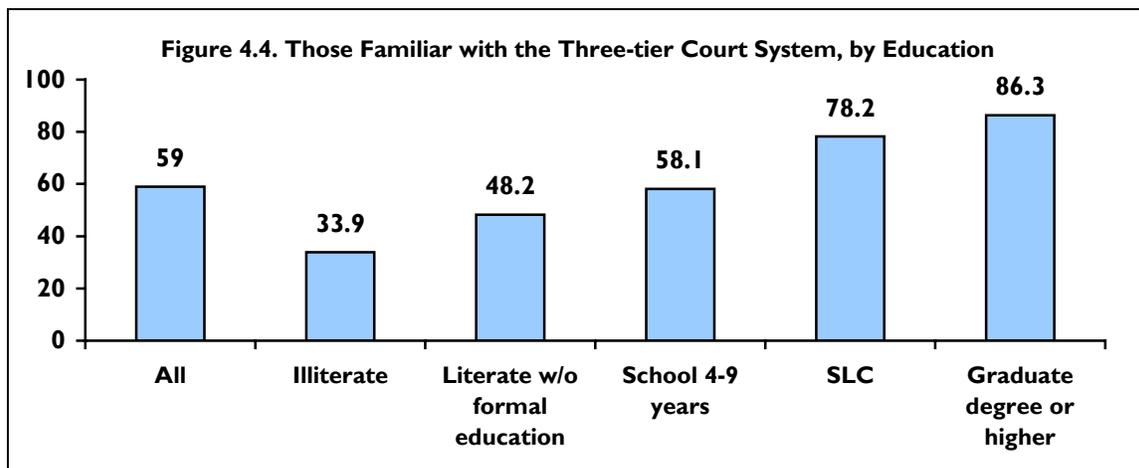


4.2 AWARENESS OF THE JUDICIAL SYSTEM AND ROLE OF THE PROVIDERS

4.2.1 Familiarity with the Three-tier Court System and its Jurisdiction in Nepal

Almost 60% of the survey respondents stated that they were familiar with Nepal’s three-tier court system and their jurisdictions. This awareness level was significantly higher in eastern (71%) and far western (72%) regions, while quite low among respondents in the mountain zone (44%).

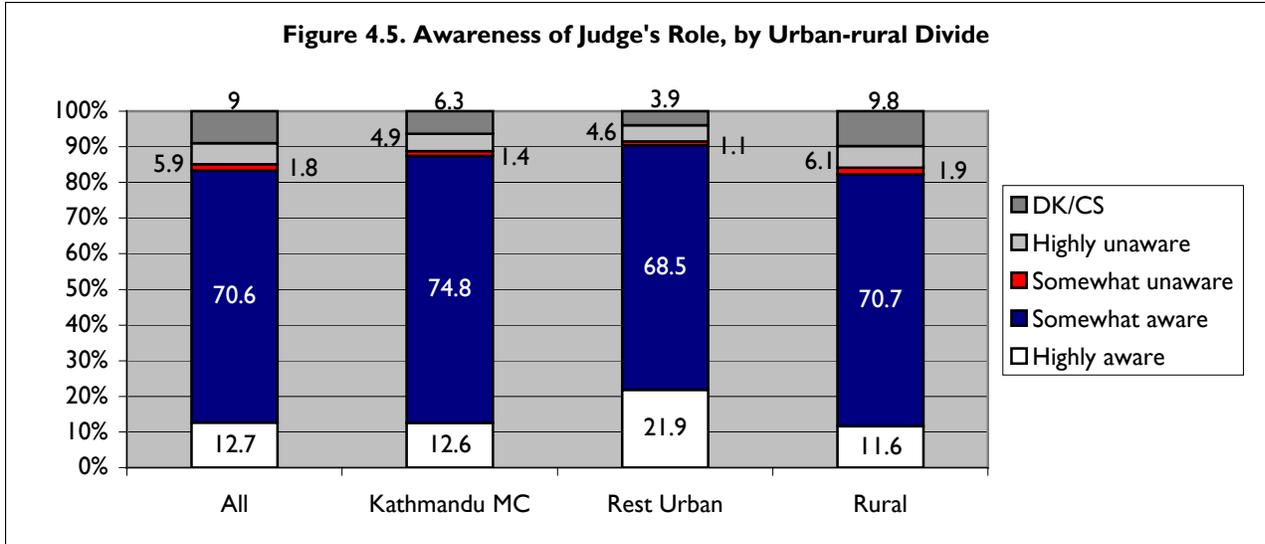
Figure 4.4 shows the awareness level of the three-tier judicial system increases with respondents’ educational levels. Similarly across the ecological zones, people from the Terai were observed to be the most familiar with the hierarchy of courts in the country (62.1%), followed by those from the hill (56.4%) and mountain regions (44.5%).



4.2.2 Awareness of the Judge’s Role

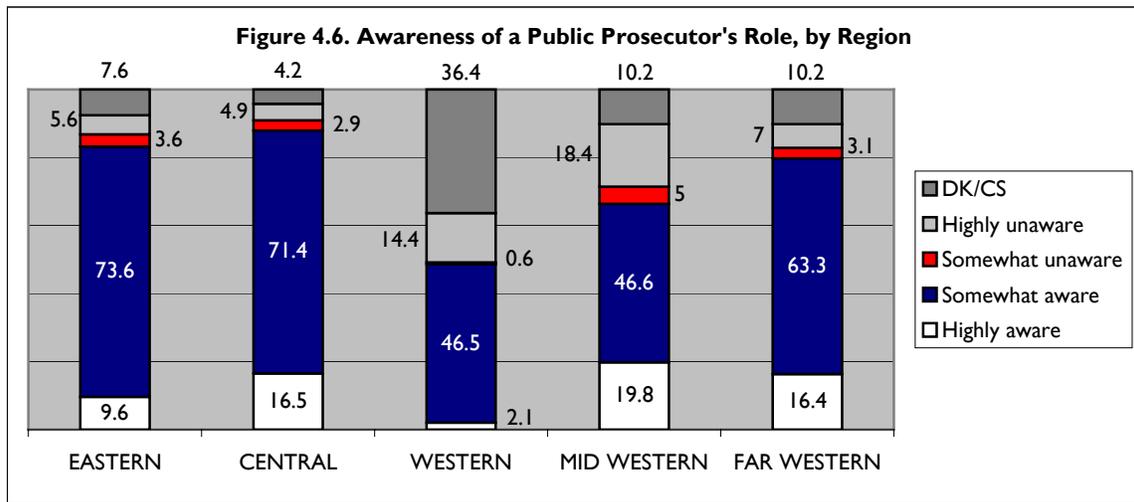
Respondents were asked if they were aware of the role of a judge in a court of law. Their responses are shown in Figure 4.5. Thirteen percent were found to be “highly aware,” with a majority of 70% stating that they were “somewhat aware” of a judge’s role.

Almost 15% of the respondents were “highly unaware” or opted for the “do not know or cannot say” option. The same trend was observed across all regions and ecological zones. The figure below depicts the extent of awareness across the urban-rural divide.



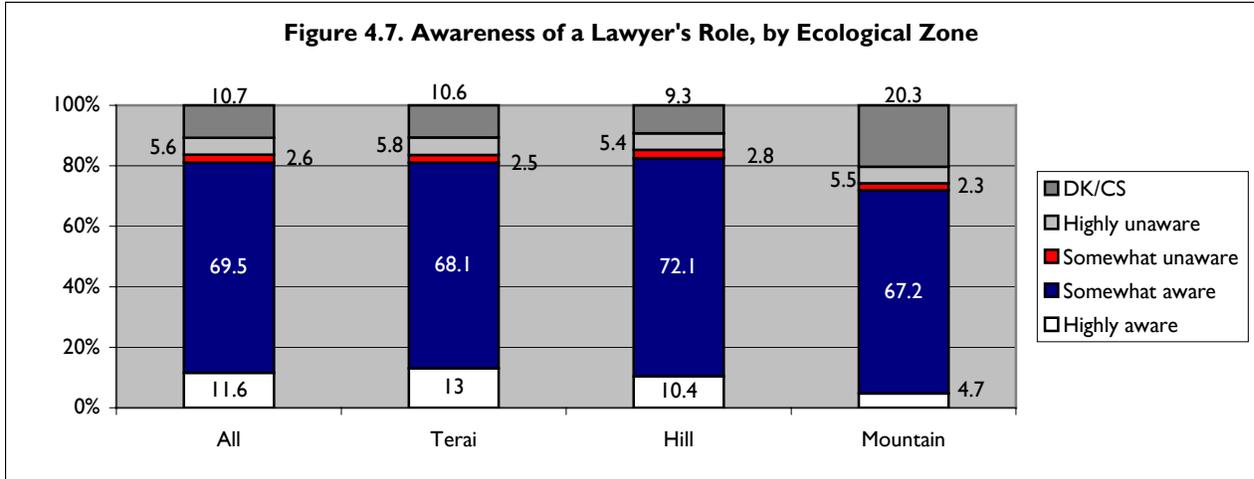
4.2.3 Awareness of a Public Prosecutor's Role

Responses on awareness of a public prosecutor's role followed the same trend as awareness of the judge's role, with a majority of responses (65.4%) falling under "somewhat aware," 11.7% were "highly aware," and 8% were "highly unaware." Every eighth respondents answered "do not know/cannot say."



4.2.4 Awareness of a Lawyer's Role

When asked about awareness of the lawyer's role, majorities (close to 70%) were "somewhat aware," 11.6% were "highly aware," and 5.6% were "highly unaware." Awareness levels were highest in the Terai ecological zone.



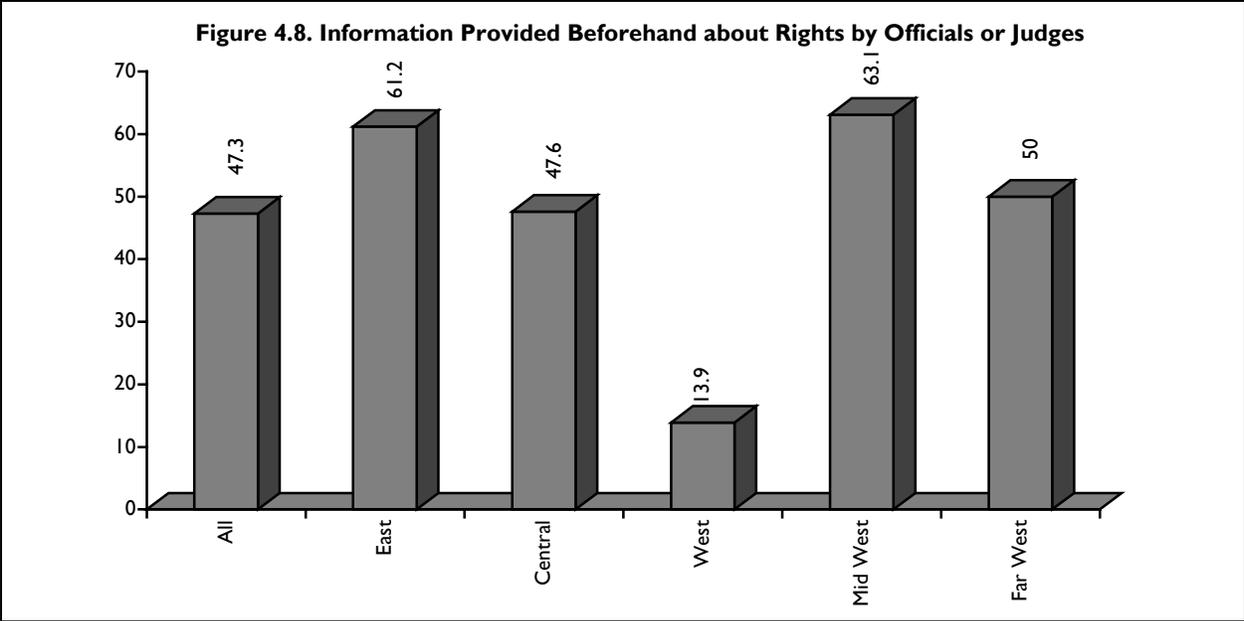
4.3 AWARENESS AND INFORMATION ABOUT BASIC RIGHTS AND COURT FEES

Equity and fairness dictate that litigants and parties, when necessary, should be informed of their basic legal rights including procedures for protecting those basic legal rights. Sample respondents who had been in a court as either a party or a litigant were asked about assistance given by court officials. The study asked this filtered section of respondents about court fees and whether or not they had been given information about their rights and the procedures for protecting those rights. This section analyzes the responses of those respondents who reported using a court to resolve a dispute.

4.3.1 Information Provided Beforehand about Rights by Officials or Judges

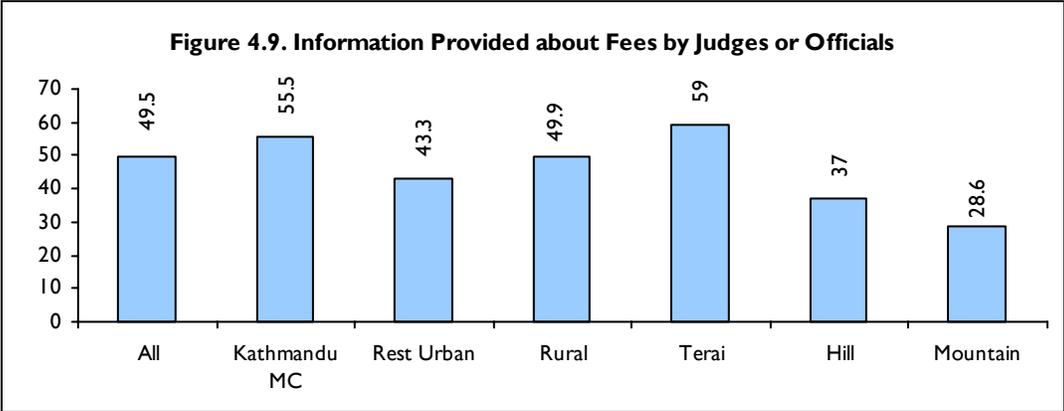
Those who reported visiting a court were asked if they were advised of their legal rights, court procedures and assistance which could be obtained from court officials and staff. As shown in Figure 4.8, there was a near-even split between respondents who stated that judges or officials provided information about rights beforehand and those who had not received this information.

From the west, 86.1% of respondents claimed that they were not informed of their rights, followed by people from the hill (64.8%) and mountain (61.9%) regions. Interestingly, a higher percentage of illiterate respondents (55%) and a lower percentage (42%) of agriculturists were informed of their legal rights by court officials or judges.



4.3.2 Information Provided about Court Fees

There was a split between respondents who reported receiving information about the required court fee information and those who did not.

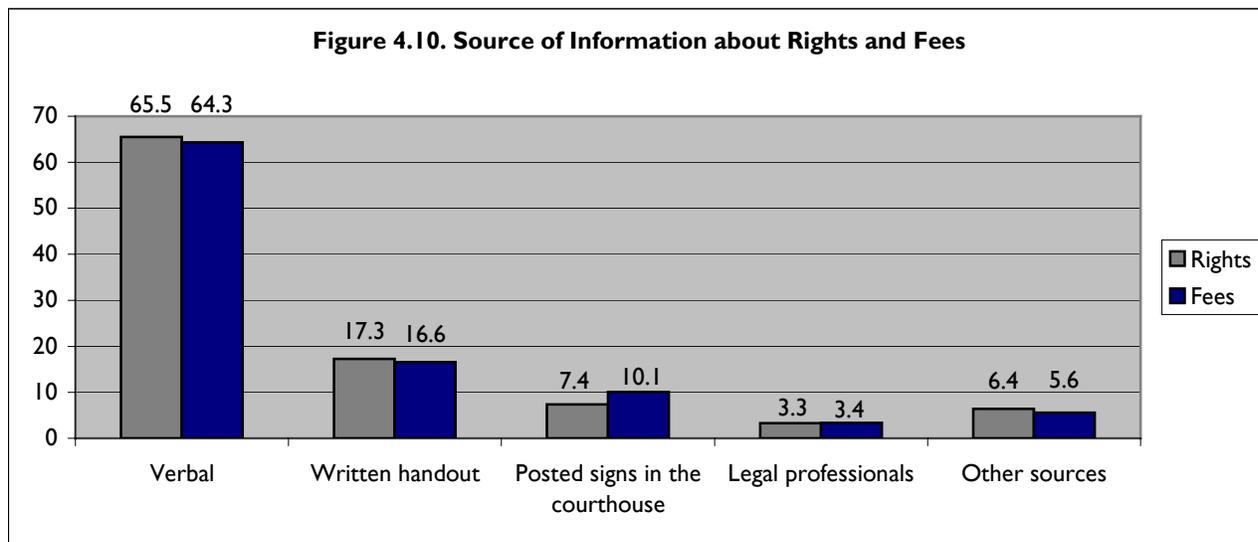


4.3.3 Perception on Fees Charged by the Court

A majority of the respondents who had been in a court believed that the court fees were reasonable. Figure 4.10 shows that 65% of the target segment termed the chargeable court fees as very or somewhat reasonable. Seventy-four percent of respondents in urban areas felt the fees to be within reasonable limits compared to 63% in the rural areas. An even higher proportion (four-fifths) of the target respondents from Kathmandu Valley believed the court fees to be reasonable.

4.3.4 Source of Information about Rights and Fees

As shown in Figure 4.10, word of mouth seemed to be the main source of information about basic legal rights and court fees. Written handouts were important to a certain extent, with every sixth survey respondent confirming this.



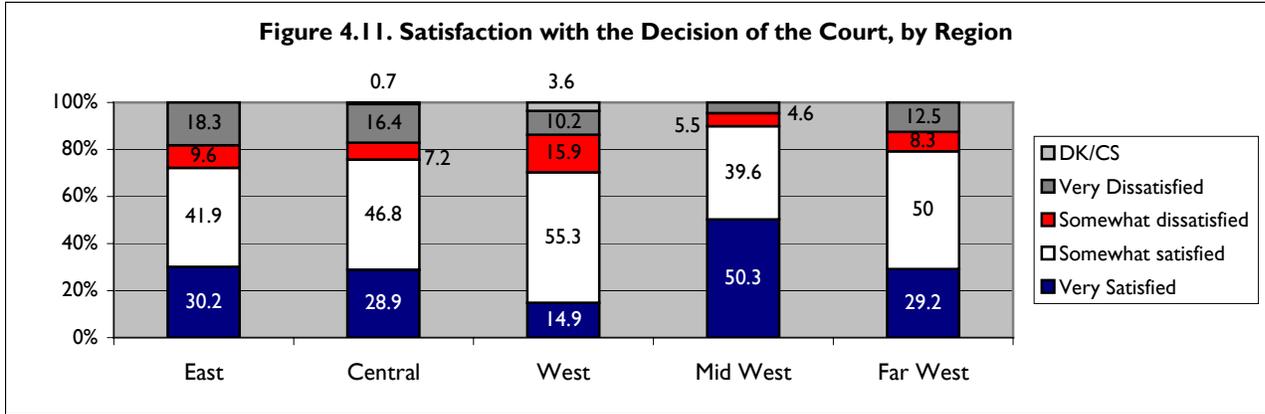
4.4 SATISFACTION WITH THE DECISION OF THE COURT

Common perceptions of courts decisions in general were assessed during the study. Only those who had been to a court for resolving a dispute were asked about their level of satisfaction. Those who were not satisfied with the court’s decision were asked to specify the reasons for the dissatisfaction.

4.4.1 Level of Satisfaction with the Decision of the Court

As shown in Figure 4.11 respondents were largely satisfied with the court’s decisions. A little more than 75% of the total respondents who had asked the court to resolve a dispute were either “very satisfied” or “somewhat satisfied” with the decision. Levels of dissatisfaction were relatively low. However, only two of every three of the more highly educated respondents reported being satisfied with court decisions.

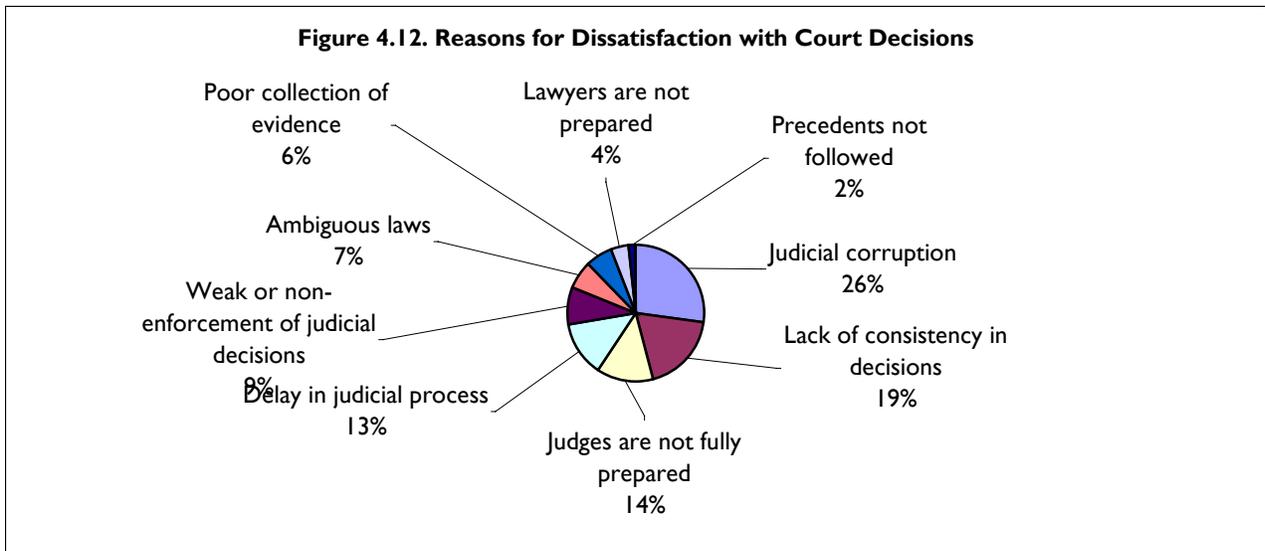
Figure 4.11 shows levels of satisfaction with court decisions among survey respondents across the different regions of the country.



4.4.2 Reasons for Dissatisfaction with Court Decisions

The respondents who expressed dissatisfaction with a court’s decision were further questioned on the reasons for the dissatisfaction. The reasons given for dissatisfaction were

- Corruption in the judicial system (approximately 60%)
- Lack of consistency in decisions (40.3%)
- Lack of preparation by judges (29.3%)
- Delay in the judicial process (27.8%)
- Weak or non-enforcement of judicial decisions (19.4%)
- Ambiguous laws (14.4%)
- Poor collection of evidence (14%)



4.5 CORRUPTION AND DISCRIMINATION IN THE JUDICIARY

Corruption and discrimination against caste and class are allegations frequently made against the Nepal judiciary. Therefore, this survey attempted to obtain information about corruption in and discrimination by the judiciary.

4.5.1 Level of Corruption in the Judiciary

When asked about levels of corruption in the judiciary, a sweeping majority of the survey respondents (82.2%) was of the opinion that there were either high or medium levels of corruption in the system. Nearly half (48%) of the 3045 sample respondents believe that there is a high level of corruption in the judiciary. However, a slightly lower percentage (40%) of the urban respondents believe that there is corruption in judiciary.

4.5.2 Personal Experience of Corruption

Although a majority of the public perceive the judiciary to be corrupt, there were very few people who have personally experienced corruption in the judiciary. On the whole, only 10% of the sample respondents (3045) had personally experienced corruption in the judiciary.

However, as we move from illiterate to more highly educated respondents or from lower to higher MHI respondents, exposure towards corruption increases (7.8% of illiterates, as opposed to 13.4% among respondents with a graduate degree and higher ; and 9% of respondents with <5,000 MHI vs. 12.3% with 10,000+ MHI).

TABLE 4.1 COMMON FORMS OF JUDICIAL CORRUPTION, BY MHI AND OCCUPATION

	ALL	UP TO RS. 5000	RS. 5–10,000	RS. 10,000+	WORKER	BUSINESS/ TRADE	AGRICULTURE	OTHERS
Base: Ever experienced acts of corruption	592	325	203	64	64	139	338	51
Bribing court officials to expedite the work (%)	6.4	5.8	7.2	7.2	5.3	5.5	7.1	5.7
Paying more than stated fees for other special favors (%)	4.5	3.8	5.4	6.9	4.2	4	4.7	5.3
Bribing both judges and court officials (%)	2.6	1.8	3.9	4.5	0.6	2.1	3.2	3.7
Bribing judges for a favorable decision (%)	1.8	1.8	1.7	2.1	1.7	1.3	1.8	3.3

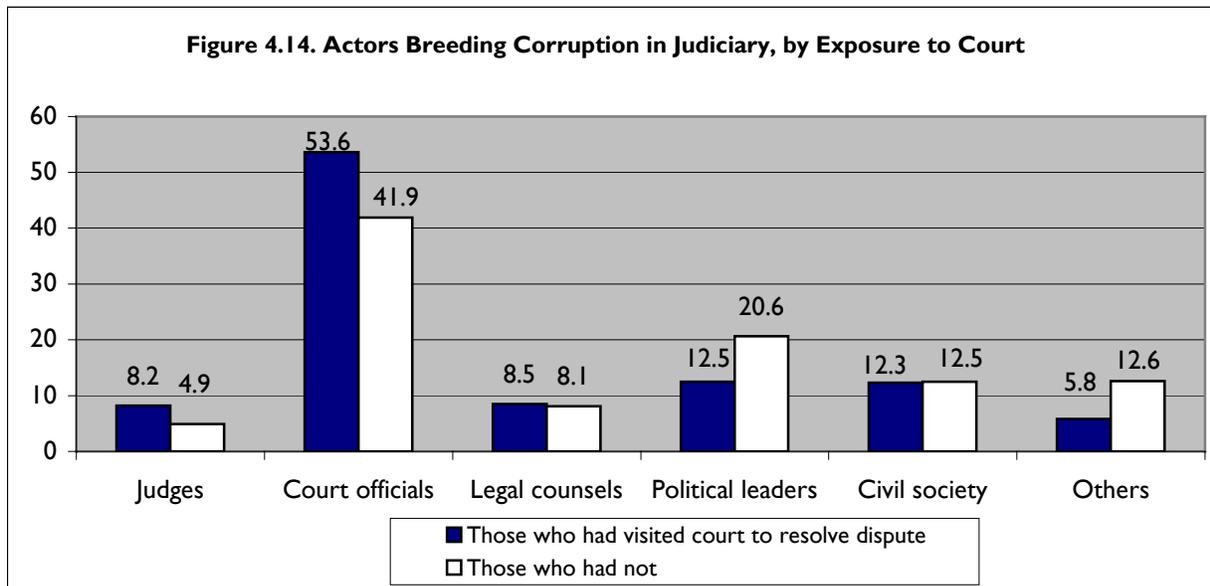
If we analyze the data from those respondents who confirmed personal exposure to the courts, the percentage of respondents who reported experiencing corruption in the courts is greater than in the overall population. Among those respondents who had visited a court, 26% reported witnessing corruption in contrast to 10% for the total sample. Further, approximately two-fifths (39%) of those respondents who had submitted a dispute to a court for resolution reported experiencing corruption.

By contrast, more than 60% of the respondents who had submitted a dispute to a court for resolution said that they had not personally experienced corruption. That 80% of the 3045 survey respondents believe that there is a very or a reasonably high level of corruption in Nepal's judicial is an indication that the judiciary's reputation for corruption is worse than the reality.

4.5.3 Actors who Breed Corruption

In order to understand the reasons for the general perception that the judicial system is corrupt, the survey asked respondents which members of the legal system are primarily responsible for corruption. Figure 4.13 shows that 44% of the surveys respondents believe that court officials are the most corrupt. Political leaders (19%) and the civil society (13%) were also cited as the other major participants in corrupt activity.

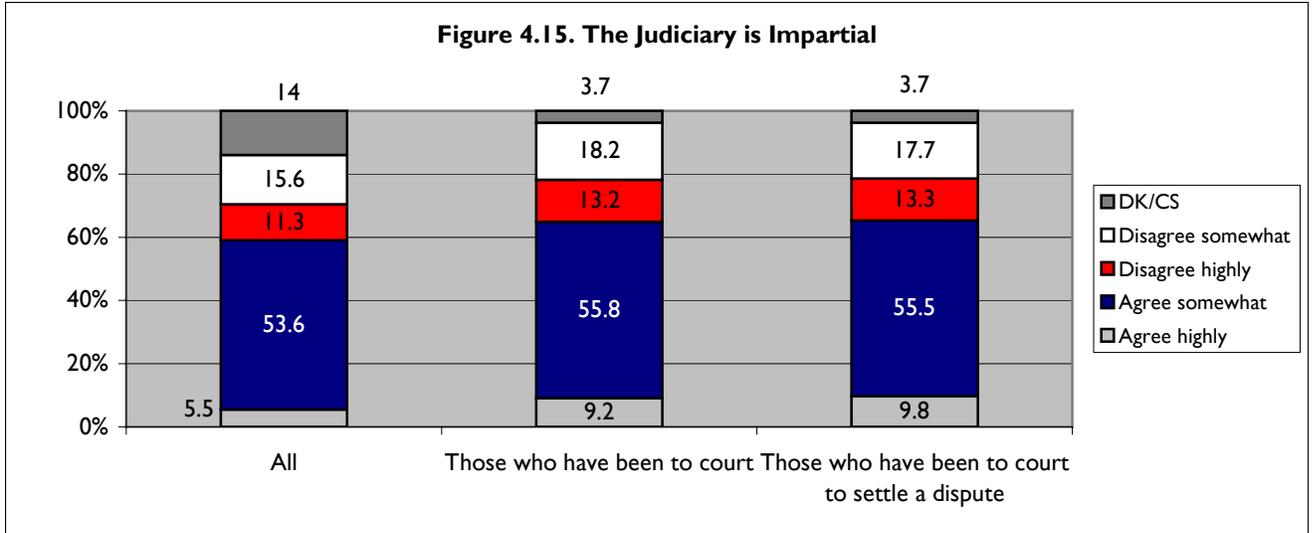
Analyzing the responses of the respondents who have had personal exposure to the judiciary versus those who have not, Figure 4.14 suggests that, although the responses are somewhat similar, respondents who had not visited a court were less likely to perceive judges and court officials as corrupt but more likely to perceive political leaders as corrupt.



4.5.3 Impartiality in the Delivery of Justice

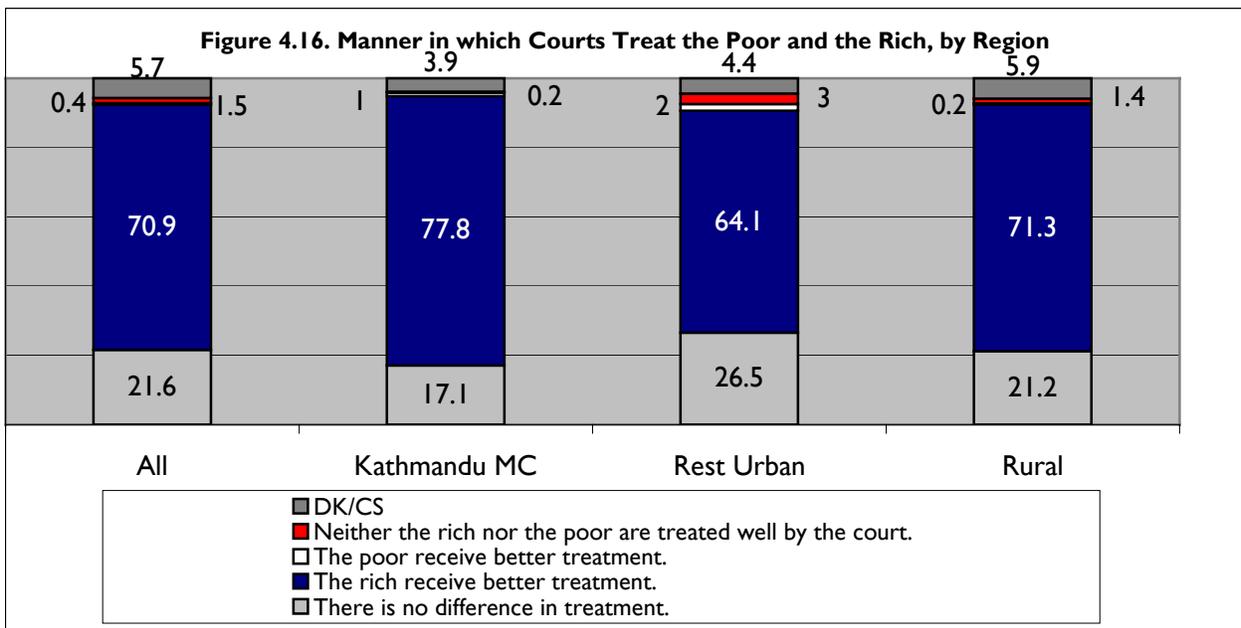
Public perception of judicial impartiality is important when evaluating the judiciary and judicial independence. The study asked the 3045 sample respondents' for their opinion of the judiciary's impartiality. Approximately 60% of the survey respondents believe that the judiciary is impartial when deciding cases. However, 16% "disagreed somewhat" and 11.3% "highly disagreed" that the Nepal judiciary is impartial. Fourteen percent of the sample respondents chose the "do not know/cannot say" option.

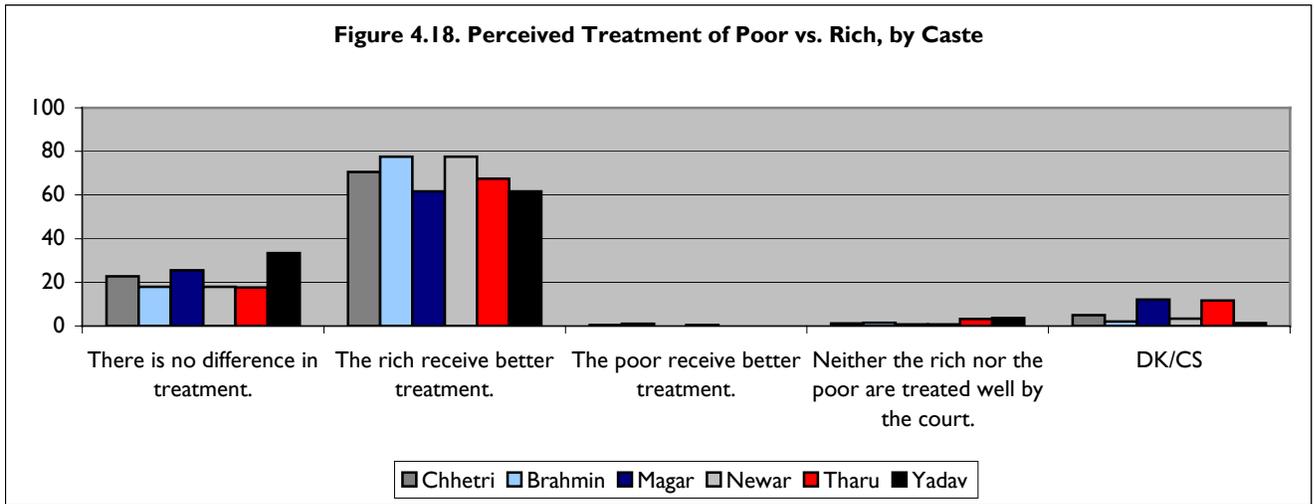
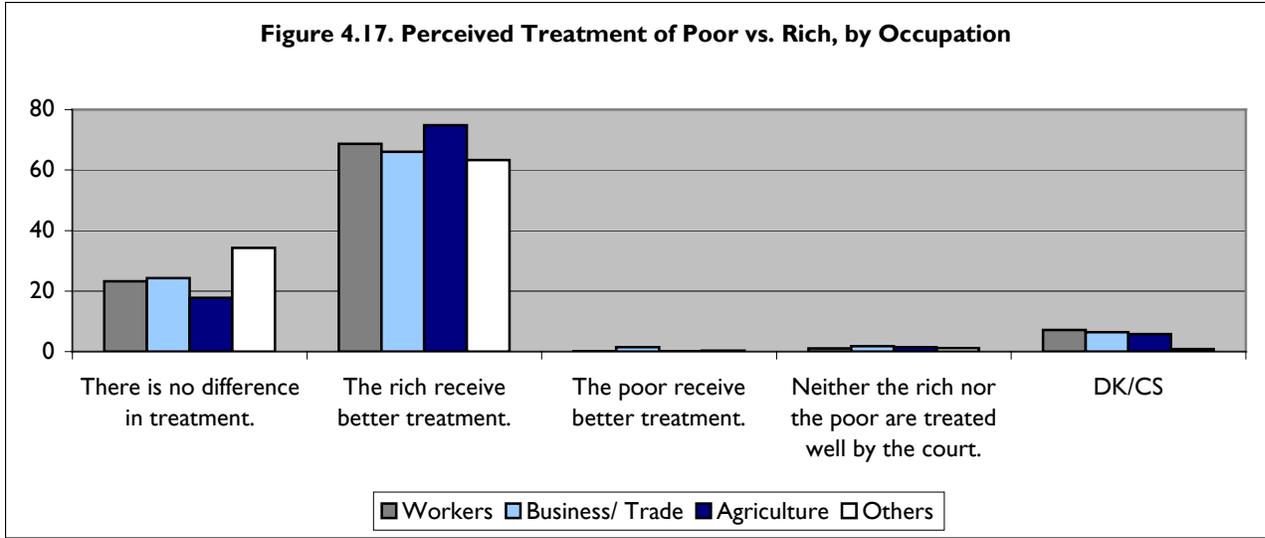
Figure 4.15 compares the responses of the sample respondents who had visited the courts with those who had been to court to settle a dispute. It is evident from the figure that the percentage of respondents believing in judicial impartiality is highest in the group that had been to courts. As expected, those opting for "do not know/cannot say" significantly decreases among those groups with personal exposure to courts.



4.5.5 Manner in which Courts Treat the Poor and the Rich

In order to explore whether the poor and rich are treated differently, the following question was asked: “Which of these best reflects your view on the treatment of poor and rich by the courts?” Respondents had five options (see Figure 4.16). The respondents’ responses indicate that the general public probably believes that the rich receive better treatment by the courts; 80% of those surveyed were of this opinion. However, a significant proportion (22%) were of the opinion that there is no difference in treatment between the poor and the rich.





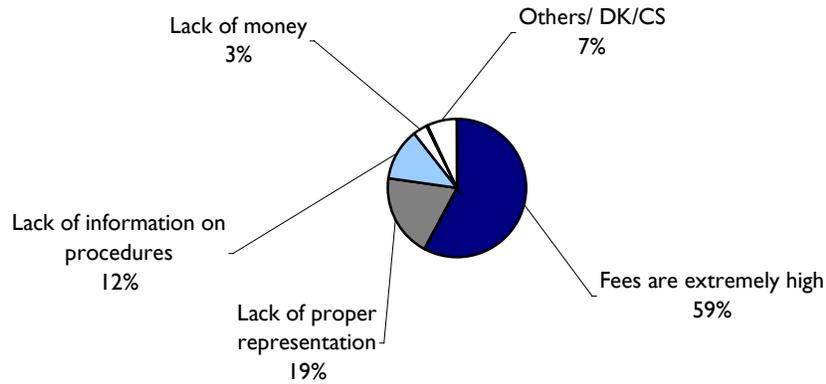
4.5.6 Problems Facing Poor and Marginalized Litigants

The 3045 sample respondents were asked about the problems faced by poor and marginalized litigants. The main problems cited were

- high fees (59%),
- lack of proper representation (19.2%), and
- lack of information on procedures (12.4%).

The same trend was noticed across all regions, zones, and rural and urban areas.

Plate 4.19. Problems Facing Poor and Marginalized Litigants



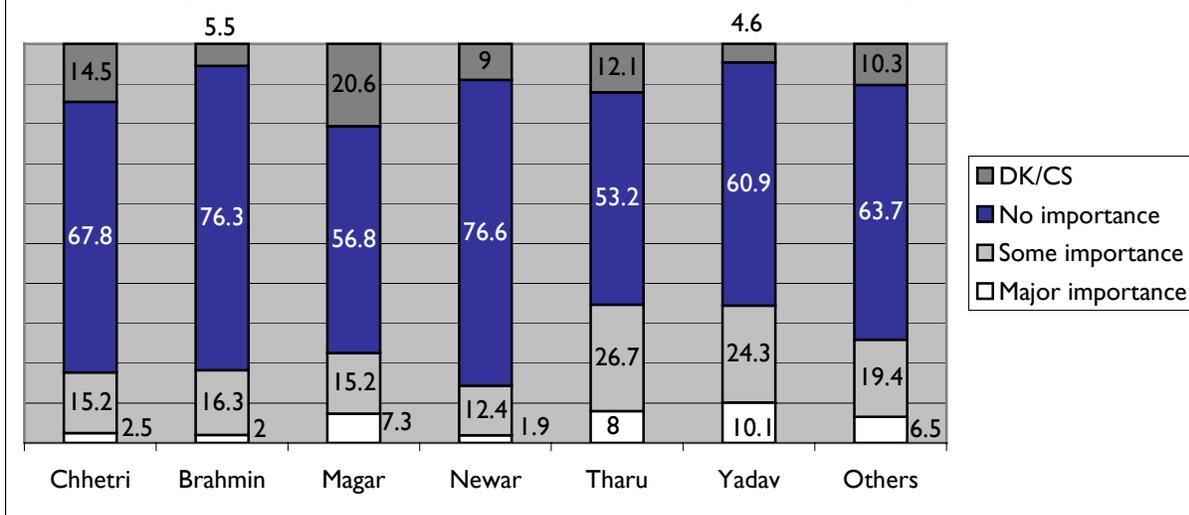
4.5.7 Importance Given to Caste while Decision-making

Caste-based discrimination is believed to exist throughout Nepal and in all levels of society, and the judiciary is believed to be no exception. To determine the extent of caste-based discrimination, the study asked the 3045 respondents whether judges’ decisions are influenced by the litigant’s caste.

Sixty-eight percent of the 3045 respondents felt that caste was not an important factor in a judge’s decision. Among the respondents who had visited a court, the percentage was even higher with 73% believing that caste was not an important factor. Nearly 18% thought that the litigant’s caste was considered by a judge in arriving at his/her decision.

Figure 4.20 shows opinion by caste on the issue of caste discrimination as a factor in judicial decisions. It is observed that every third Tharu and Yadav believe that caste was of either some or a major importance in judges’ decisions. On the other hand, over three-fourths of the Newars and Brahmins surveyed believe that caste played no role in a judge’s decision.

Figure 4.20. Importance Given to Caste while Decision-making, by Caste



4.6 TIME FACTOR

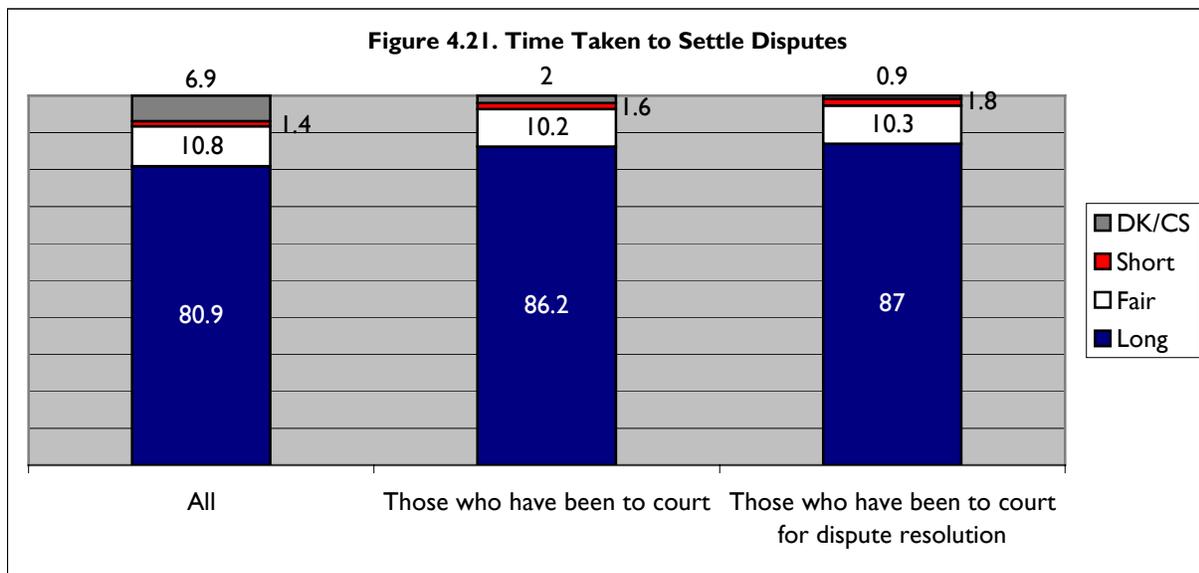
It is generally believed that “Justice delayed is justice denied.” Consequently, this survey included questions on the issue of delayed justice.

4.6.1 Delay as an Issue

The 3045 survey respondents were asked if delay in the Nepali judicial process is a major issue. A large majority of all the respondents (89%) stated that delay in the judicial process is a major issue. When the same question was asked of respondents who had been to a court, an even larger majority (93%) of the target respondents believe delay in justice is a major issue.

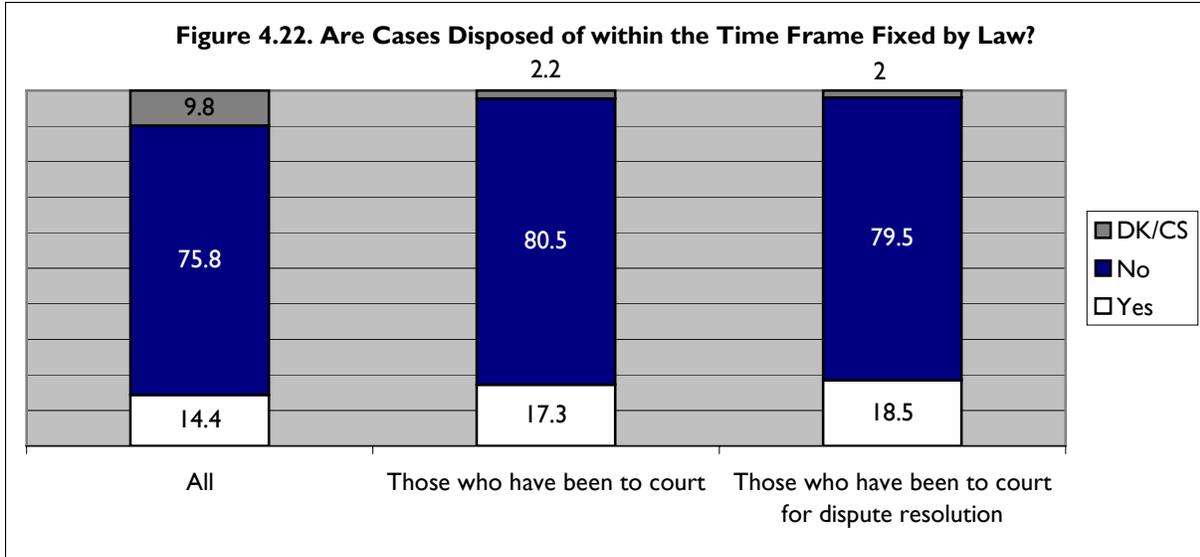
4.6.2 Time Taken to Settle Disputes

In order to verify the responses on delay in justices, the respondents were asked whether the dispute settlement process in the courts was fair, long or short. The respondents confirmed their earlier opinion that that time taken to settle disputes was long. As shown in Figure 4.21 more than 95% of those who have either been to court or have been to court for dispute resolution believe that Nepali courts take too long to decide cases.



4.6.3 Disposal of Cases Within the Time Limit Fixed by Law

In further refinement of the time issues, the respondents were asked “Are cases disposed of within the time frame fixed by law?” As shown in Figure 4.22, three-fourths (76%) of the respondents put forward their view that cases are not decided within time limit fixed by law. More than four-fifths of the respondents who had personal experience with the courts felt that cases do not get disposed of within the legal time.

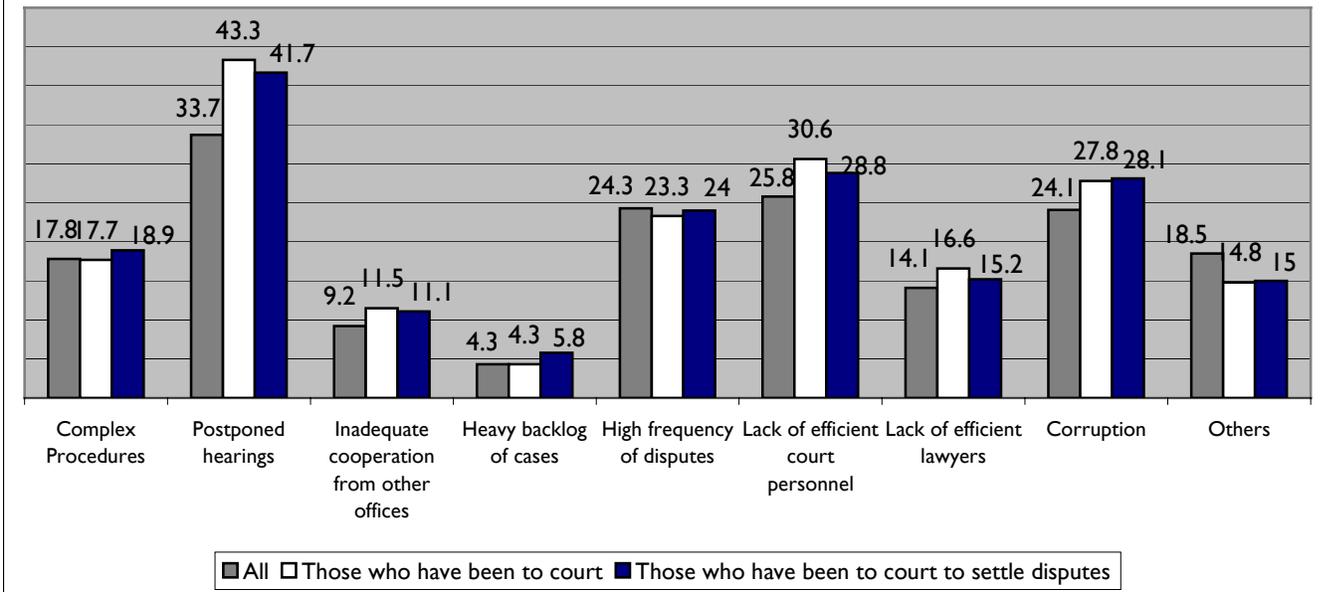


4.6.4 Reasons for Delay in Justice

The sample respondents were asked for their opinion for the reasons for the delay by Nepali courts in deciding cases. Figure 4.23 contrasts the response of the 3045 survey respondents with those of the respondents who have either been to court or have been to court to settle a dispute. The top five reasons cited for delay in justice were:

- Multiple hearings due to postponed dates (34%),
- Lack of efficient court personnel (26%),
- A high frequency of disputes (24%),
- Corruption (24%),
- Complex legal procedures (18%).

Figure 4.23. Reasons for Delay in Justice

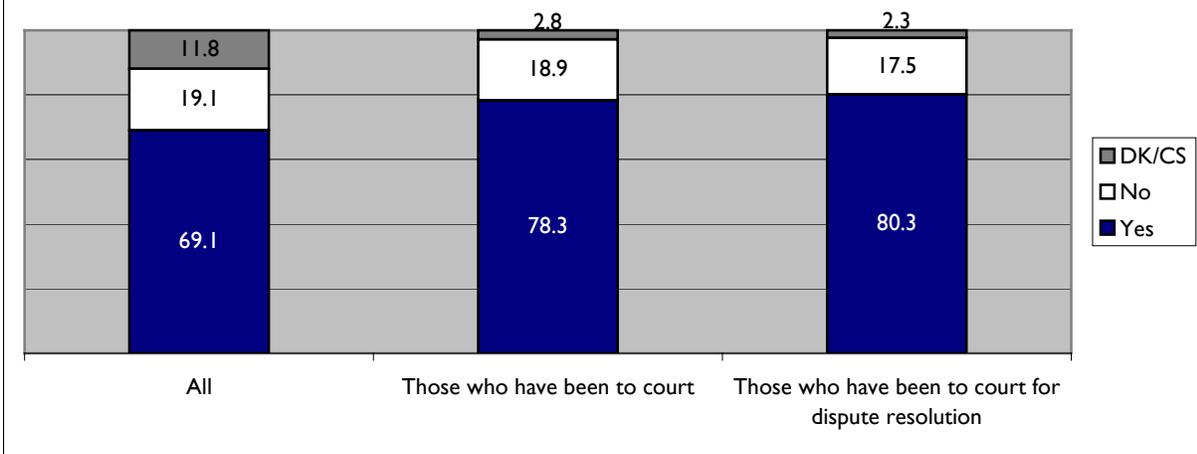


4.6.5 Enforcement of Court Orders

It is generally believed that the court orders are often not enforced due to lack of resources, bureaucratic will or political compulsions. Survey respondents were asked for their opinion on enforcement of court orders.

As shown in the Figure 4.24, almost 70% of the total respondents believed that court orders were properly enforced. It is interesting to note that the respondents that had personal exposure to the courts had a stronger feeling that orders were being enforced—in this category, only one in every five respondents believed that court orders do not get properly enforced.

Figure 4.24. Are Court Orders Enforced?

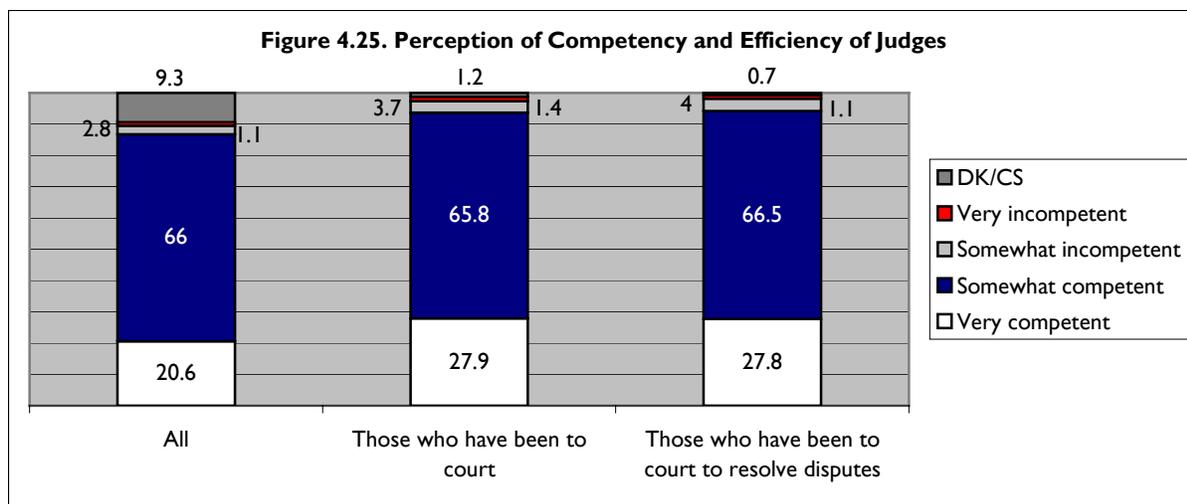


4.7 COMPETENCY AND INTEGRITY OF JUDGES

Competency of judicial service providers, i.e., prosecutors, lawyers, court officials, and judges, plays a big role in the judicial system’s effectiveness. At the same time, integrity on the part of these service providers adds significantly to a robust and efficient judiciary. Respondents were asked about their perception of the competency and integrity of judicial service providers. Their responses are presented in this section.

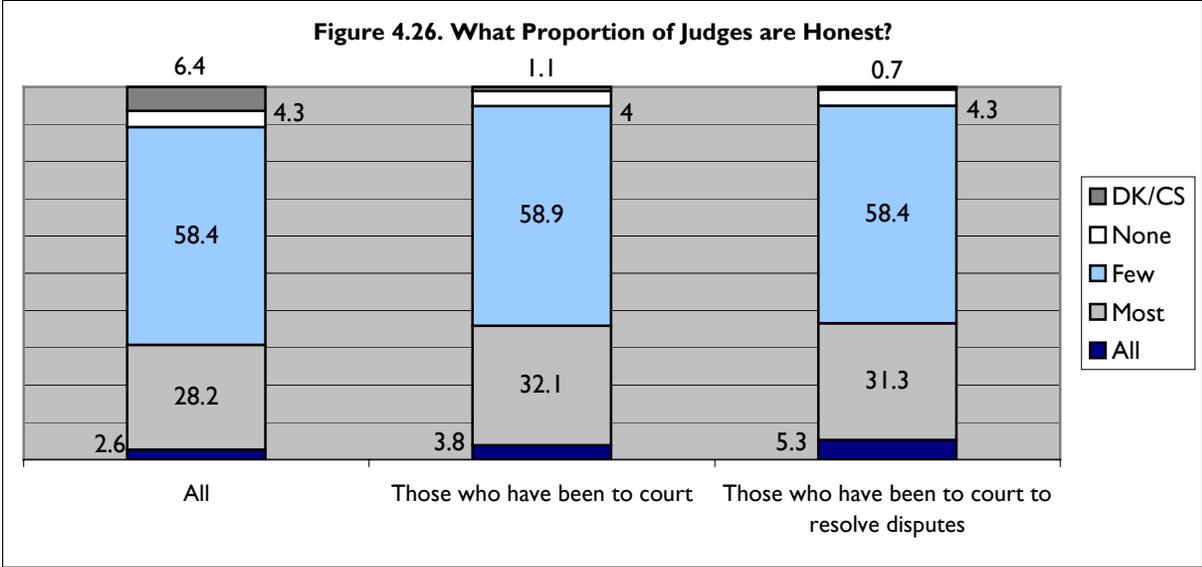
4.7.1 Perception of Competency and Efficiency of Judges

Slightly over one-fifth of the 3045 respondents believe that Nepali judges are “very competent”; another two-thirds believe Nepali judges to be “somewhat competent.” A higher proportion of those with personal experience with judges in courts found the group to be somewhat or more competent. However, around 5% of the respondents believe Nepali judges are incompetent.



4.7.2 Honesty of the Judges

In addition to competency, survey respondents were asked for their opinion about the honesty and integrity of Nepali judges. In comparison to competency, respondents have a rather unfavorable opinion of judicial integrity. Figure 4.26 shows that over three-fifths of the sample respondents are of the opinion that there are only a few Nepali judges who are honest. Only 28% of the 3045 respondents believe that most of the judges are honest. However, a higher percentage (36%) of respondents who had personal experience with courts believe Nepali judges are honest.

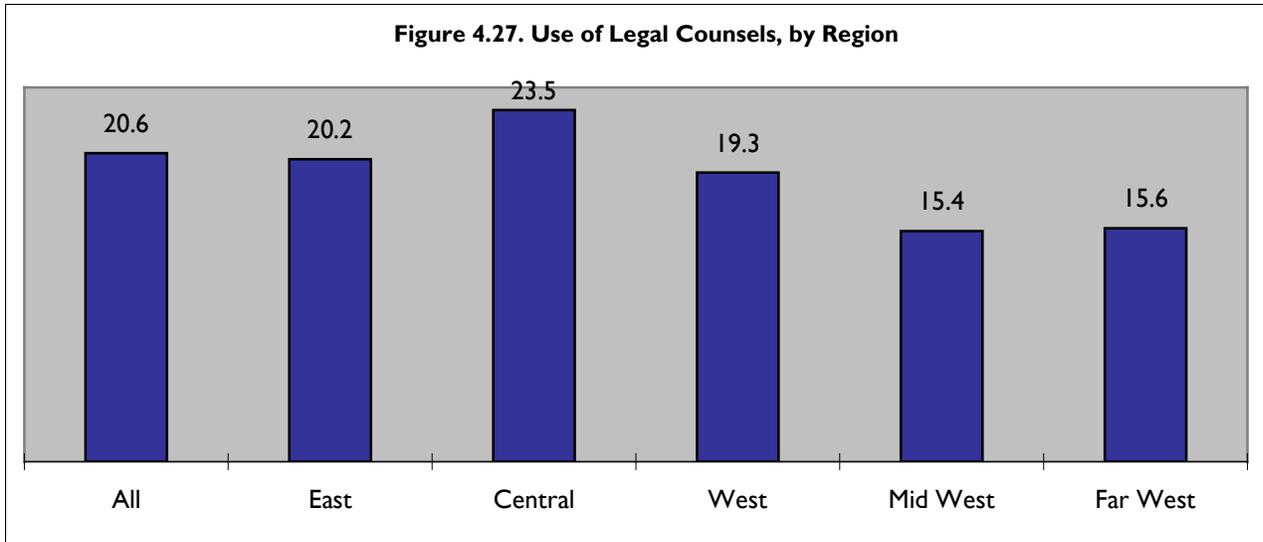


4.8 USE OF LEGAL COUNSELORS AND ASSOCIATED PERCEPTIONS

By virtue of providing legal representation to litigants, legal counselors are key players in the judicial system. The survey respondents were asked questions about legal counsel in general and in particular those pleading cases in court on behalf of the government. The government attorneys are also popularly known as public prosecutors and are assigned by the government to different courts.

4.8.1 Use of Legal Counsel (Government Attorneys and Private Lawyers)

The respondents were first asked about any professional interaction with government attorneys or lawyers. As Figure 4.27 suggests close to 80% of the 3045 respondents had never been represented in court by legal counsel. Among the 21% who reported using legal counsel, the percentage was highest in Kathmandu, where every third person (31%) surveyed had used legal counsel. In the rural areas, every fifth respondent confirmed having used legal counsel.



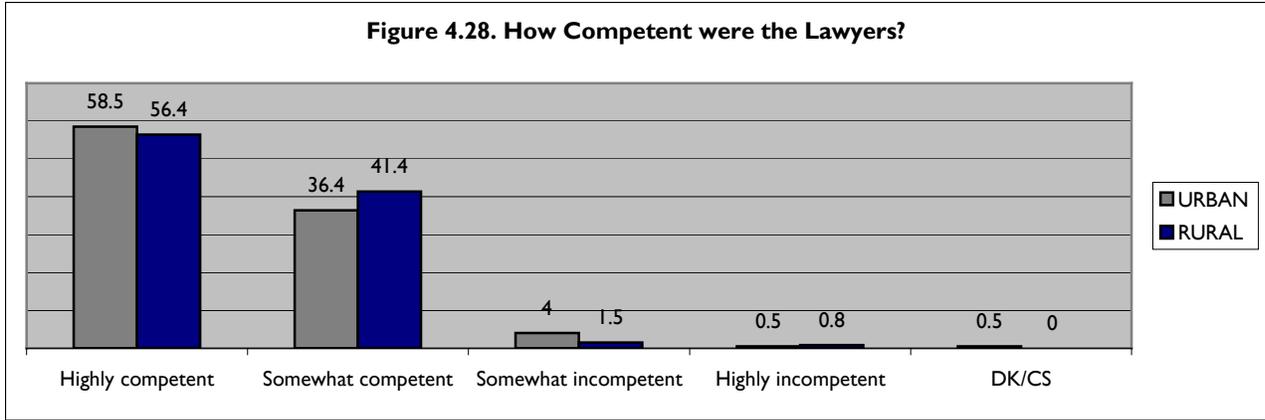
Among the respondents who had been to court for settling a dispute, 83% had been represented by legal counsel. The remainder (17%) were either lawyers or individuals who had pleaded their own cases, i.e., without a lawyer.

The respondents who admitted to having used the services of legal counselors were further asked about their experience. Some of the issues explored were

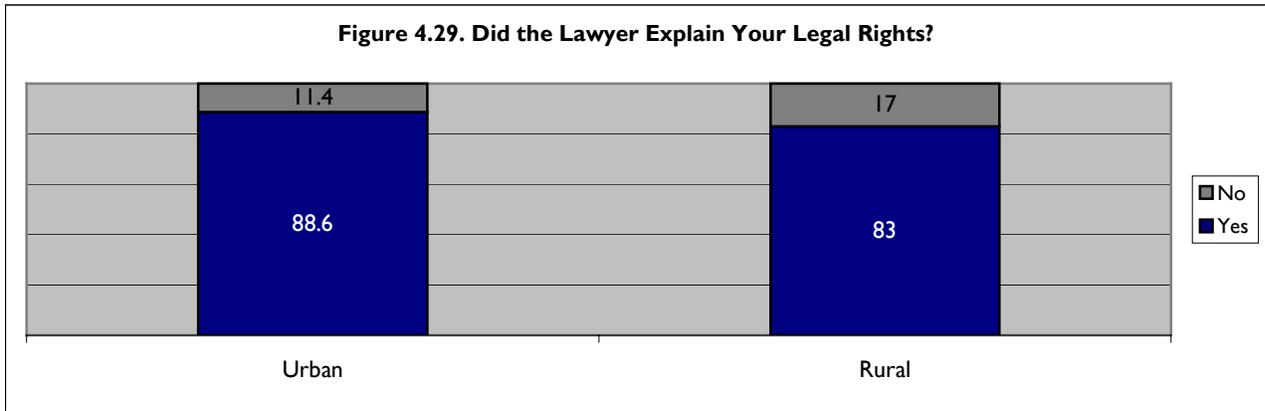
- explanations of relevant legal rights,
- feelings of discrimination,
- demands for undue favor (fees); and
- overall satisfaction with the services.

4.8.2 Competence of the Lawyer Counselor

Only those respondents who had used the services of a lawyer were asked for their opinion about the competence of the lawyers representing them. Figure 4.28 shows the responses by the urban-rural base of the respondent and shows that the respondents were more or less satisfied with their lawyer's competence.

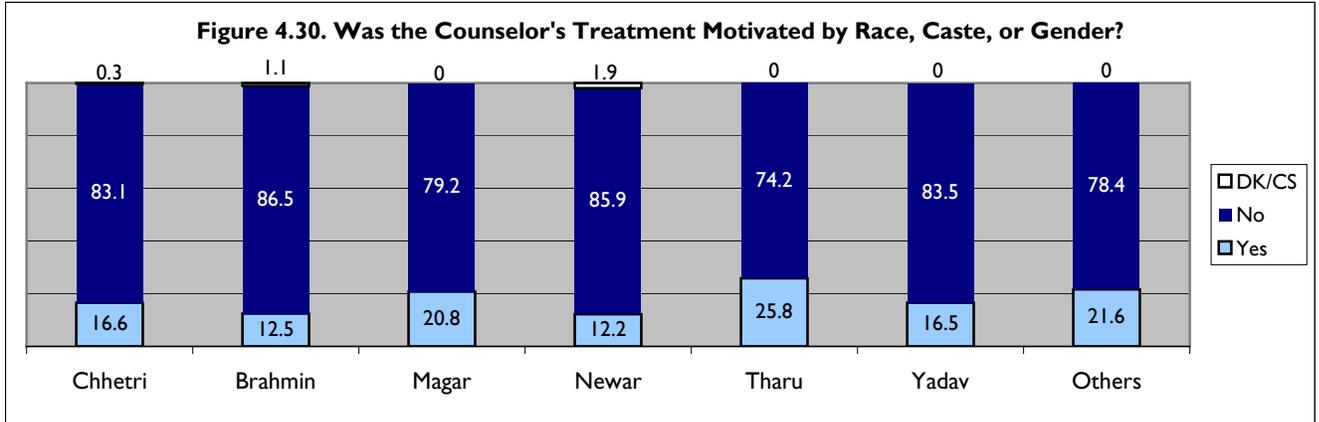


A clear majority (84%) of those having used legal counsel (government attorney or private lawyer) answered that the legal counselor explained the basic legal rights that applied to their case. As shown in Figure 4.29, respondents from urban areas were more satisfied than their rural counterparts with their lawyer’s explanation of their legal rights.



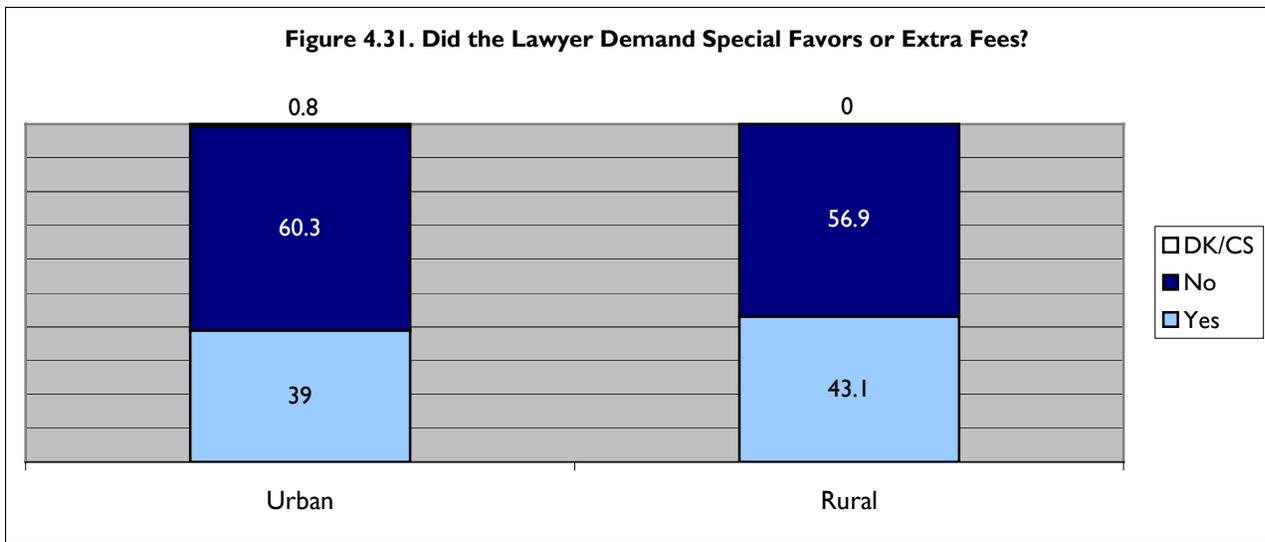
4.8.3 Counselor’s Treatment Motivated by Race, Caste, or Gender

In order to gain insight into discrimination in the courts, respondents were asked if legal counselors discriminated on the basis of race, caste, or gender. A large majority (83%) of the respondents answered that legal counselors are not influenced by these factors. Figure 4.30 which shows responses by caste shows every fourth Tharu and every fifth Magar respondent believe there is discrimination.



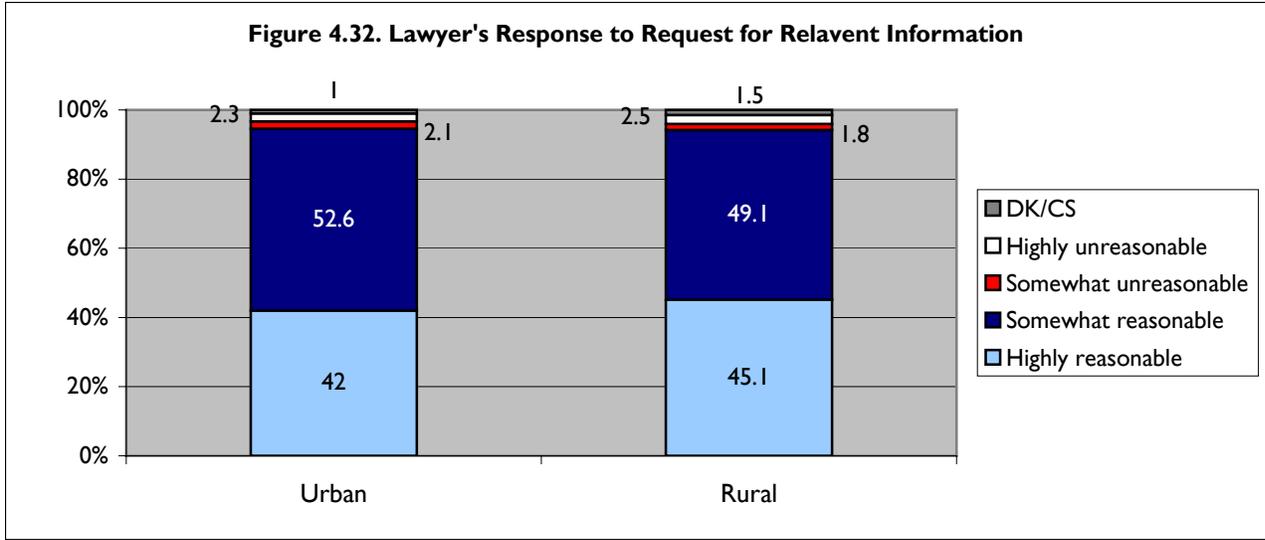
4.8.4 Special Favors or Extra Fees Demanded by Counselors

Although legal counselors fared admirably well on explaining legal rights and nondiscriminatory behavior, a significant percentage (42%) of respondents recalled counselors asking for special favors or extra fees. As shown in Figure 4.31 below instances of special favors or extra fees were more prevalent in the rural areas.



4.8.5 Lawyer Response to Request for Relevant Information

Another yardstick with which to measure the quality of service from a lawyer is whether he/she provides reasonable answers to the case- or law-related queries sought by the client.

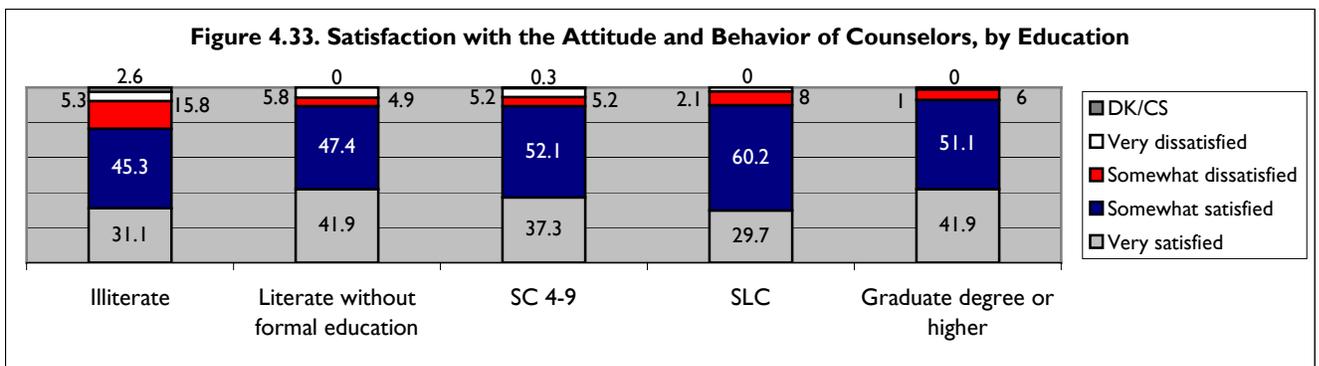


When this issue was cross-checked with the respondents who had used the services of a lawyer, more than two-fifths confirmed that their lawyer's responses to their queries were "highly reasonable." A majority of the remainder believed that their lawyer's responses were "somewhat reasonable." Figure 4.32 compares the responses of target respondents by urban and rural areas.

4.8.6 Satisfaction with the Attitude and Behavior of Counselors

Satisfaction with the attitude and behavior of counselors was high, with almost 90% of those individuals who had used legal counsels being either "somewhat satisfied" or "very satisfied." Only 73 of the 3045 respondents expressed dissatisfaction with counselors.

Satisfaction with attitude and behavior is shown by respondent's educational status in Figure 4.33. There appears to be no specific pattern of satisfaction across educational levels. However, the illiterate class was the most dissatisfied with lawyer attitudes and behavior.



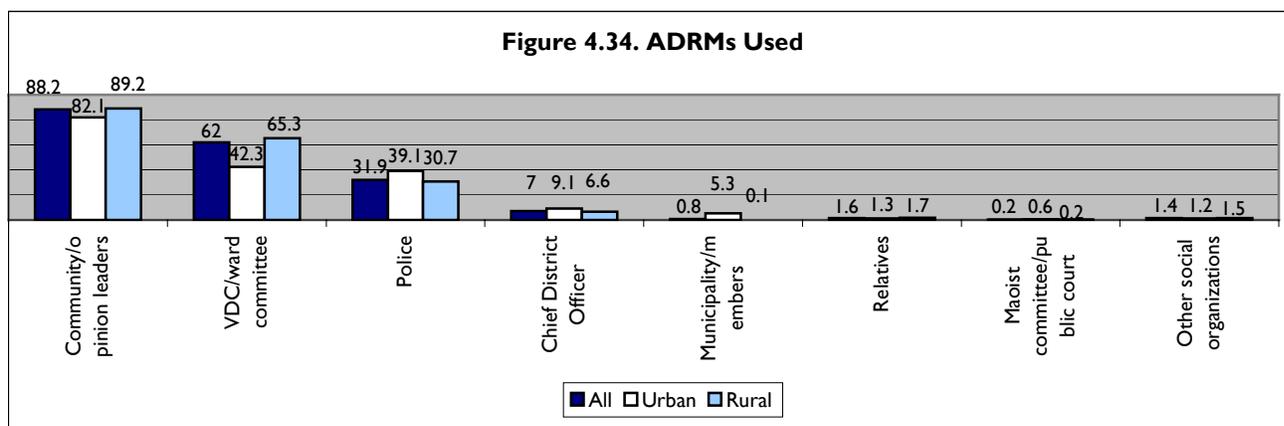
4.9 ALTERNATE DISPUTE RESOLUTION MECHANISMS

In Nepal, issues of availability and access to legal recourse are prominent. This issue becomes more significant when we consider that first instance courts are only available at district headquarters, a general lack of public transportation, literacy, and disposable income. Given these limitations, the role of alternate dispute

resolution mechanisms (ADRM) becomes more important. The survey evaluated the use of ADRMs and the reasons the public chooses ADRMs.

4.9.1 Most Popular ADRMs

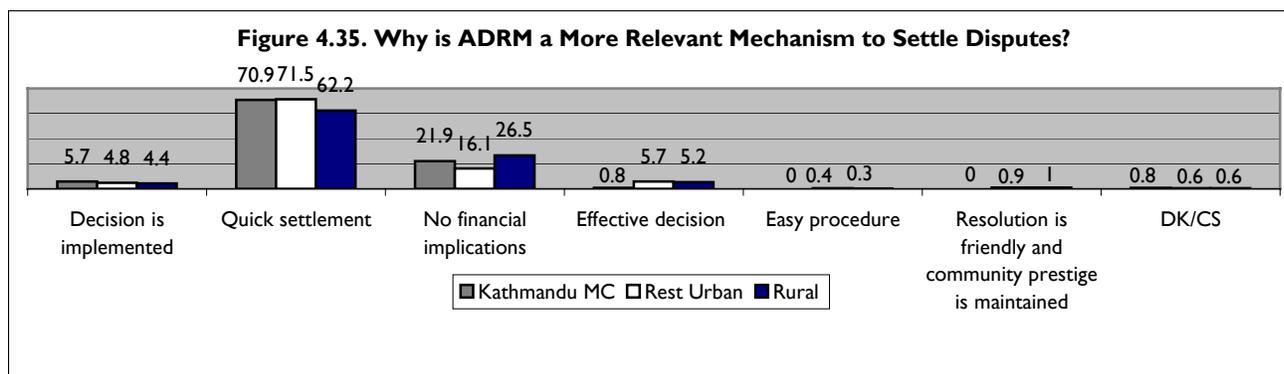
All 3045 sample respondents were asked which ADRMs they used. The data has been analyzed for the whole group, and by rural and urban residents. The data is a result of multiple response (i.e., a respondent was allowed to indicate more than one ADRM) and is presented in Figure 4.34.



It is significant to note that community/opinion leaders were the most popular ADRM, followed by the elected representatives in the VDC or ward committees, the latter being more popular in the rural areas. Police were also a very popular ADRM for dispute resolution.

4.9.2 Reasons for Choosing ADRMs

The previous section shows that ADRMs are popular across Nepal. To determine the reasons for ADRM popularity and usage, the 3045 sample respondents were asked their reasons for choosing ADRM. The majority of respondents (more than 60%) gave as their reason “a quick settlement.” One-fourth of the respondents claimed that their main reason for choosing ADRMs was “no financial implications.”



Another critical point that emerged, though in a subtle way, was that in ADRMs the disputes are generally resolved in a friendly manner and the prestige of disputing parties in particular and the community (e.g., village) in general remains intact.

4.10 JUDICIAL REFORMS

4.10.1 GENERAL OUTLOOK ABOUT THE NEPALESE JUDICIARY

When asked the question, “What is your general outlook of the judicial mechanism in Nepal?” a majority of the survey respondents (67%) answered “somewhat positive.” This trend was evident when the answers were separated by educational level, occupation and caste. Although only 19% held a highly positive view of the judiciary, a smaller percentage (around 5%) holds a negative impression of the judiciary. Analysis of the positive responses by education, occupation, and caste is presented in Table 4.2

TABLE 4.2. GENERAL OUTLOOK ABOUT THE JUDICIARY MECHANISM EXISTENT IN NEPAL

PARTICULARS	ALL	EDUCATIONAL LEVEL					OCCUPATION				CASTE						
		ILLITERATE	LITERATE W/O FORMAL EDU	SOME SCHOOLING	SLC	GRADUATE+	WORKER	BUSINESS/ TRADE	AGRICULTURE	SERVICEMEN	CHHETRI	BRAMHIN	MAGAR	NEWAR	THARU	YADAV	OTHERS
Base: All responses	3045	453	537	1165	742	148	476	689	1617	262	526	685	130	329	163	142	1070
Highly positive (%)	19.4	18.8	16.5	21.2	18.4	21.9	17	21.1	19	21.3	15.7	18.4	32	7.6	21.1	38.5	21
Somewhat positive (%)	67.8	59	69.7	66.8	73.4	68.2	69.2	63.8	68.8	70.4	72.6	72.1	50.4	74.5	62.8	52.8	65.6

4.10.2 Awareness of Anticorruption Programs and Laws

As shown in Figure 4.36, respondents were largely unaware of any anticorruption programs and laws in Nepal. Awareness seemed to be higher in urban areas compared to rural areas. Respondents from Kathmandu were the most aware at 50.4%, followed by the rest of the urban areas at 40.7%. and the rural areas at 23.2%. Respondents from the west, mid west, and far west were less aware than their counterparts from east and central Nepal.

It was observed that of the 795 respondents who expressed their awareness of anticorruption programs and laws, 60% hold a graduate degree or higher. Awareness levels were lower among less-educated groups. Analysis by occupation showed that over half of the servicemen/officers were aware of these programs and laws, as compared to lower numbers in other occupations. Awareness was higher in the higher income groups. Forty-one percent of those with a MHI over NRs. 10,000 were aware of these laws and programs, followed by 31% in the MHIs of NRs. 5–10,000 category and 22% in respondents with less than NRs 5,000 per month.

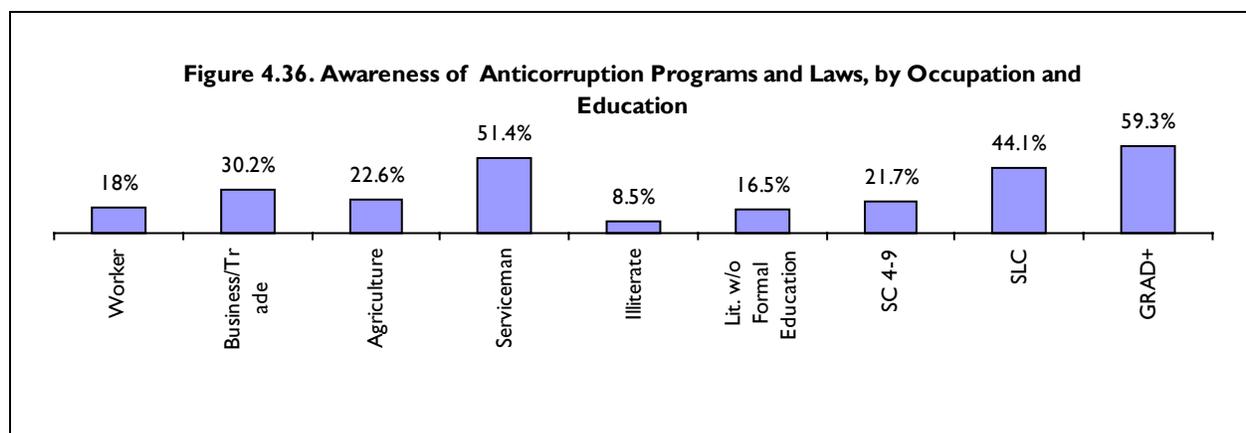


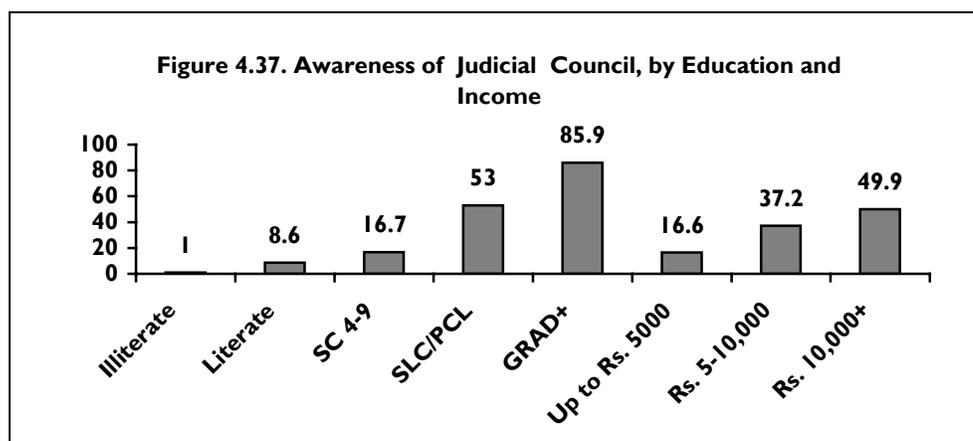
TABLE 4.3. AWARENESS OF ANTICORRUPTION PROGRAMS AND LAWS, BY REGION

	ALL	KATHMANDU	REST URBAN	RURAL	EAST	CENTRAL	WEST	MID WEST	FAR WEST
Base: Unweighted	3045	508	540	1997	929	1359	449	180	128
Base: All respondents	3045	131	295	2619	1035	1071	566	205	168
Yes (%)	26.1	50.4	40.7	23.2	30.8	30	12	27	18.8
No (%)	73.9	49.6	59.3	76.8	69.2	70	88	73	81.2

4.10.3 Awareness of the Judicial Council

A large majority (75%) of survey respondents had no knowledge of Nepal's Judicial Council. However, awareness was remarkably higher in Kathmandu (66%); respondents from the rural areas were the least aware (21%).

There is a direct correlation between education and awareness of the Judicial Council as shown in Figure 4.37. A large majority (86%) of respondents with a graduate degree or higher were aware of the Judicial Council. However, awareness dropped at lower educational levels. Also, large majorities from the servicemen/officers category (72%) were aware compared to awareness by occupations. Awareness levels increased with increase in MHI.



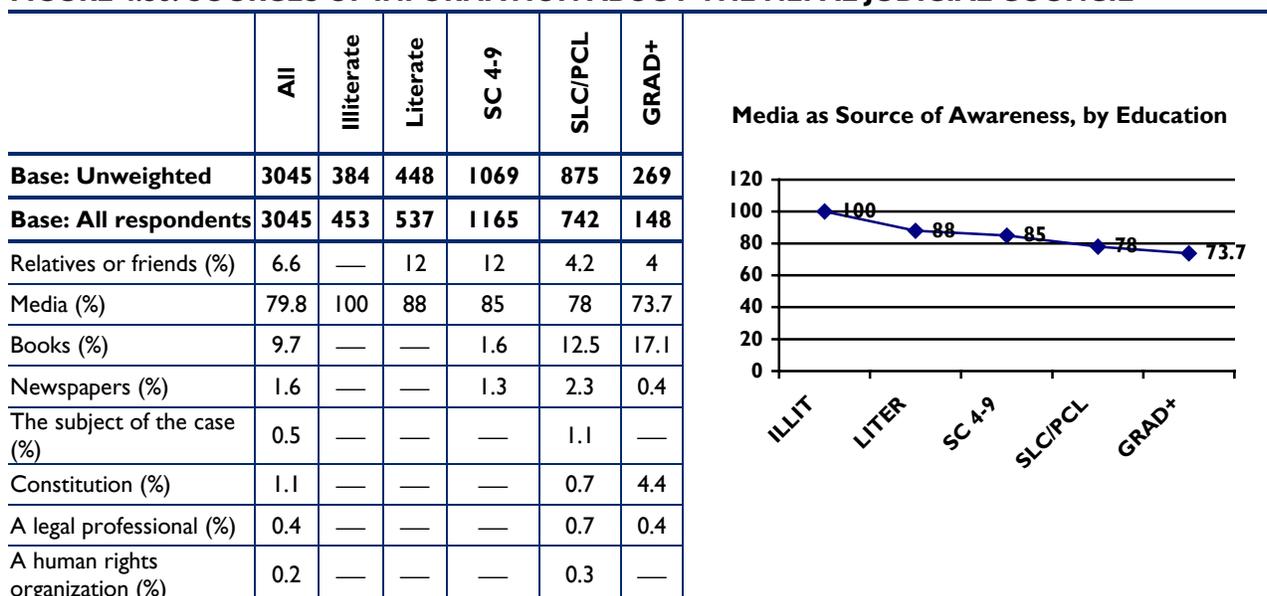
Awareness of the Judicial Council by caste was

- Brahmins were the most aware at 40%
- Newars were very close with 35% awareness
- Chhetri awareness was 28%

4.10.4 Sources of Information about Nepal Judicial Council

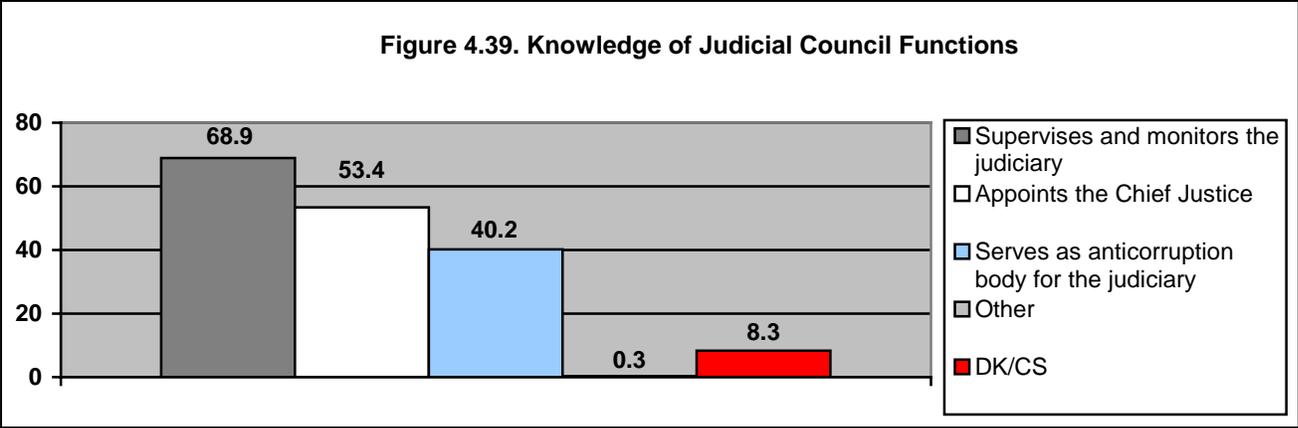
The media was the primary source of information about the Nepal Judicial council across all regions and zones. The media was the only source of information for illiterate respondents. However, as the chart “Media as Source of Awareness by Education” shows, respondents with a graduate degree or higher relied less on the media than the other educational levels. A quarter of the total respondents indicated other sources of information.

FIGURE 4.38. SOURCES OF INFORMATION ABOUT THE NEPAL JUDICIAL COUNCIL



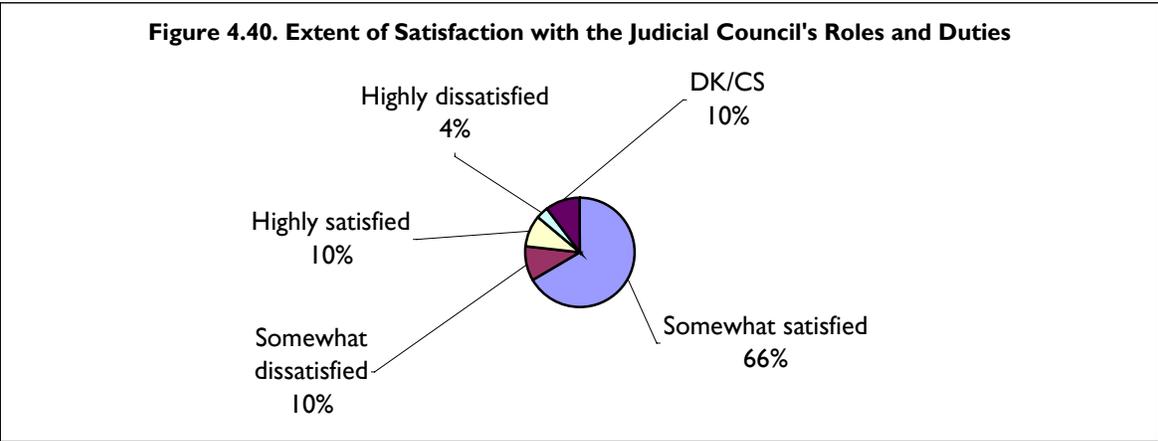
4.10.5 Knowledge about Judicial Council Functions

Almost 70% of the respondents understood that the Judicial Council was responsible for supervising and monitoring the Nepal judiciary. Over half (53%) stated that the Judicial Council appoints the chief justice, and another 40% claimed that its duty was checking corruption in the judiciary.



4.10.6 Extent of Satisfaction with the Judicial Council’s Role and Duties

A majority (66%) of the respondents was satisfied, to a certain extent, with the role and duties of the Judicial Council (see Figure 4.40).



4.10.7 Reforms to Enhance Performance of the Nepalese Judiciary

As shown in Table 4.4, the top priorities for reforming the Nepalese judiciary were

- prompt decisions (65%),
- competent judges and officials (54%), and
- consistency in policies and laws (30%).

TABLE 4.4. MOST ESSENTIAL REFORMS REQUIRED FOR ENHANCING THE PERFORMANCE OF THE JUDICIARY*

PARTICULARS	ALL	EAST	CENTRAL	WEST	MID WEST	FAR WEST
Base: All respondents	3045	1035	1071	566	205	168
Prompt decisions (%)	65.4	76.9	76.4	39.8	40	41.4
Competent judges and officials (%)	54.5	57.3	58.2	62.3	25.7	21.9
Consistency in policy and law (%)	30.6	33.8	29.3	31.1	17.2	32.8
Reform in procedural law (%)	15.7	16.9	13.7	17	16.4	15.6
Active consumer society (%)	13.7	10.1	15	16.1	9.9	24.2
Corruption control (%)	12.7	8.9	23.6	5.4	3.4	2.3
More judges (in proportion to workload) (%)	9.8	15	6.7	9.8	1.8	6.3
Effective implementation of performance evaluation system (%)	9.4	14	4.9	11.5	5.7	7.8
Separate court for industrial/commercial disputes (%)	3.2	5.3	1.1	2	3.1	7
Provision of judicial police (%)	2.5	3.2	1.6	2.3	2.6	4.7
Stronger laws enacted (%)	0.7	0.5	0.8	1.5	0	0
DK/CS (%)	8	9.5	2.3	7.5	22.8	18.8

* Multiple responses allowed

4.11 OPINION ON JUDICIAL HYPOTHESIS

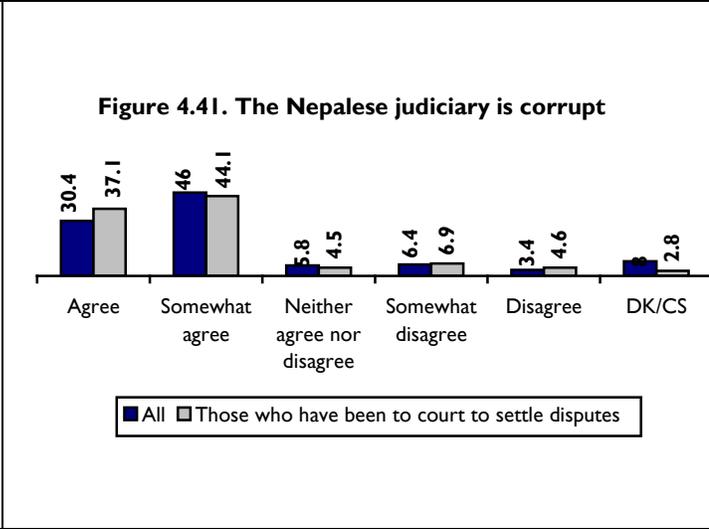
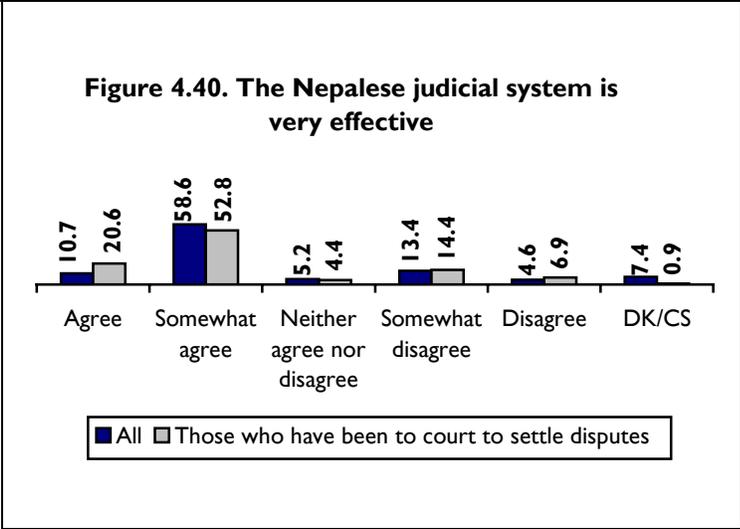
In order to better understand respondents answers to questions about the Nepal judiciary, they were asked about judicial effectiveness, extent of corruption, and the existence of discrimination in the system. Respondents' answer are presented in this section.

4.11.1 Effectiveness of the Judicial System

There were very few respondents who completely agreed with the statement that the “Nepalese judicial system is very effective”; only 326 of the total 3045 respondents believe the system is effective. However, agreement with the statement by respondents who had been to court to settle disputes increased by 10%. Fifty-nine percent of survey respondents (59%) chose “somewhat agree” in response to the statement (see Figure 4.40).

Corruption

When asked about perceptions of corruption in the judiciary, 76% of the total respondents either agreed or agreed somewhat with the statement “The Nepalese judiciary is corrupt.” Variations in responses between those who had been to court to settle disputes and those who had not is shown in Figure 4.41 below.

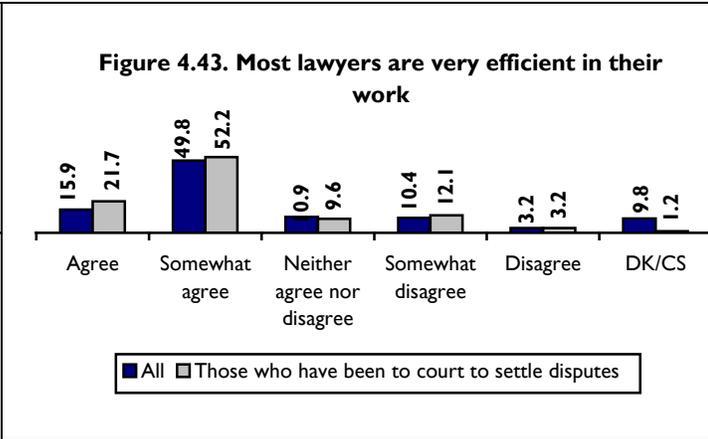
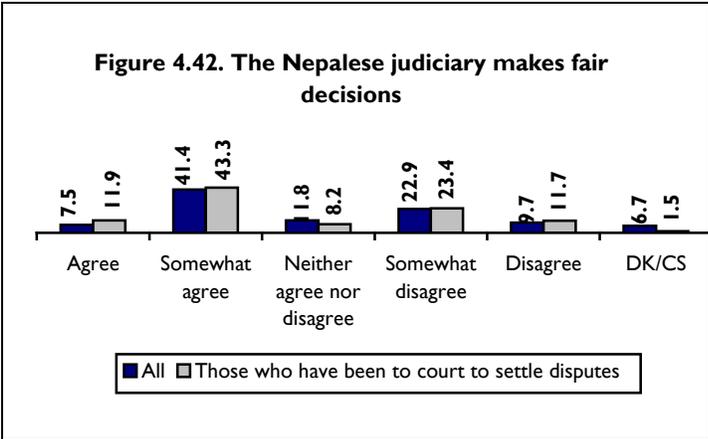


Fair Judicial Decisions

As shown in Figure 4.42, close to half of the total respondents agreed (either completely or partially) that the Nepalese judiciary makes fair decisions, whereas another 40% were of the opinion that the judiciary does not make fair decisions. Ten percent seemed unsure.

Lawyer Efficiency

When respondents were asked whether they agree or disagree with the statement, “most lawyers are very efficient in their work,” a majority (almost 66%) either completely agreed or agreed somewhat (Figure 4.43).

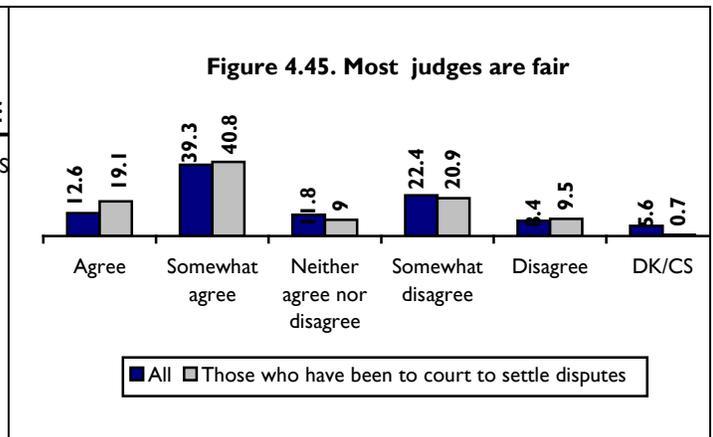
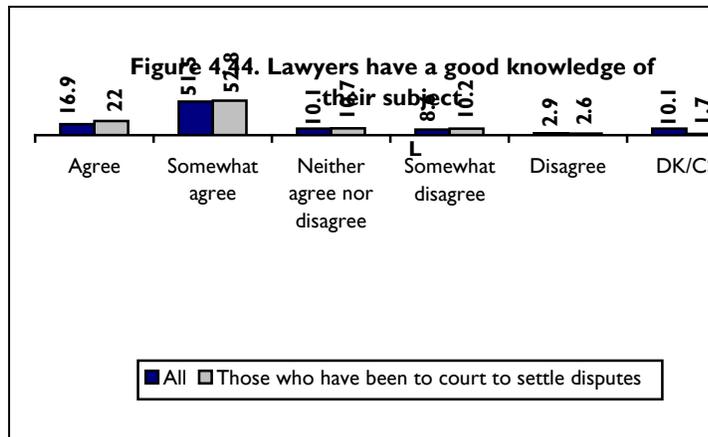


Lawyer Knowledge

As shown in Figure 4.44, 68% of the 3045 respondents showed various levels of agreement with the statement “Lawyers have a good knowledge of their subject.” However, 262 of the 3045 respondents completely disagreed with the statement.

Judicial Fairness

A little over half of the 3045 respondents either agreed or somewhat agreed that “Most judges are fair” (see Figure 4.45). Those who had been to the court to settle disputes agreed with the statement in somewhat greater proportion than those who had not to court. (13% vs. 19%).

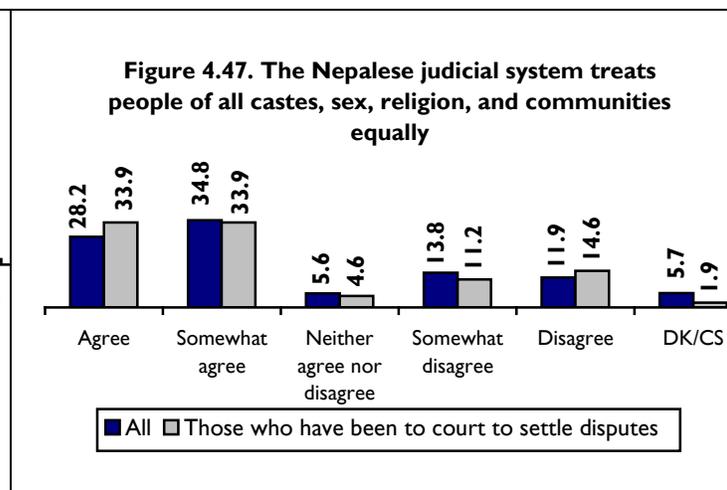
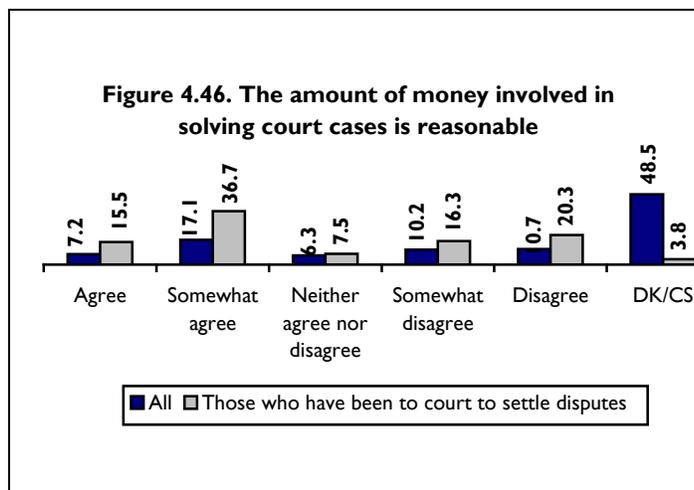


Court Costs

Of the 3045 respondents, only 7% completely agreed with the statement “The amount of money involved in solving court cases is reasonable,” and a 17% “somewhat agreed.” As shown in Figure 4.46, a higher percentage of those who had visited court to settle disputes agreed with the statement.

Discrimination in Court

When the respondents were asked whether the Nepalese judicial system treated people of all castes, sex, religions, and ethnic communities fairly, 68% of those who had visited the court compared to 63% of the 3045 survey respondents (see Figure 4.47) agreed or somewhat agreed that it did. There was not much variation in the responses of those been to the court and those who had not.

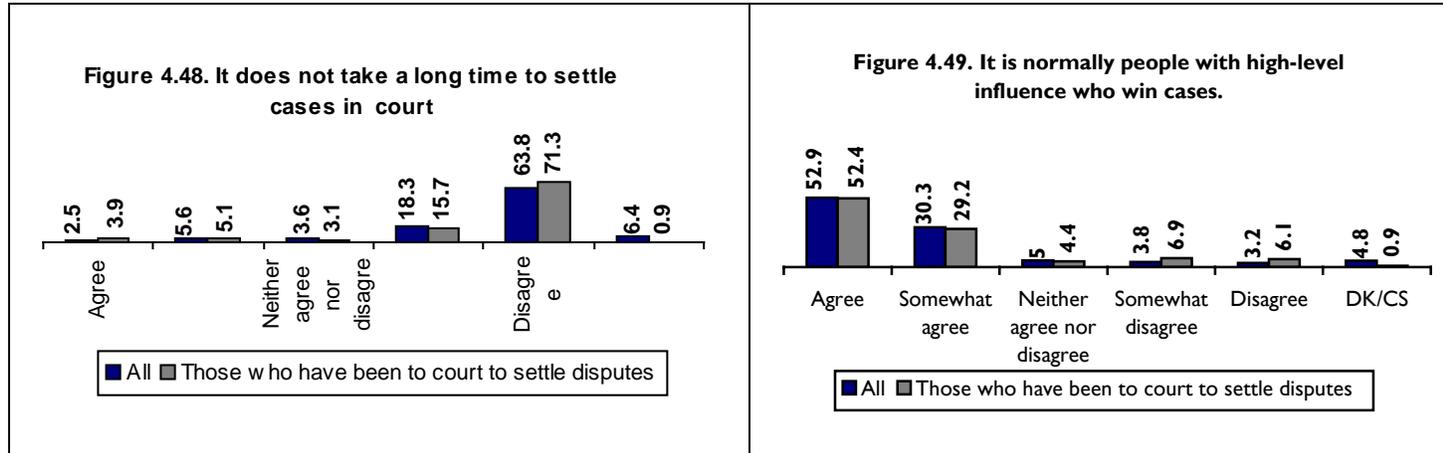


Time to Settle Cases in Court

Of the 3045 respondents, 64% disagreed with the statement “It does not take a long time to settle cases in the court.” Very few respondents (2.5%) completely agreed with the statement (Figure 4.48). While analyzing responses from those who have been to court, it was found that a slightly higher percentage (71%) disagreed with the statement. Only about 4% completely agreed with the statement.

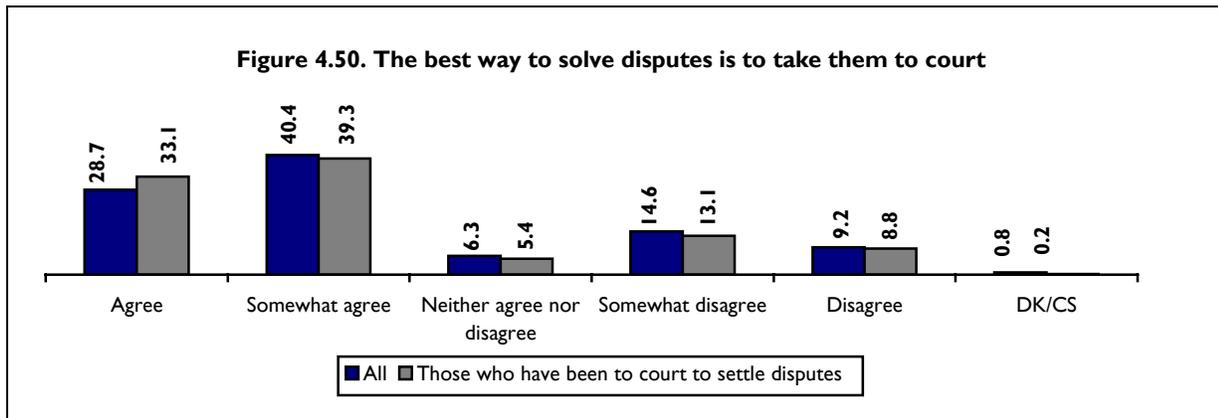
High-level Influence in Winning Cases

When respondents were asked to respond to the statement, “It is normally people with high-level influence who win cases,” there was not much variation in response between those who been to the court and those who had not. As shown in Figure 4.49, about 80% of the respondents agreed or somewhat agreed with the statement.



Best Ways to Solve Disputes

A large majority of the respondents (69.1% of the survey respondents and 72.4% of those respondents who have been to court) agreed or somewhat agreed with the statement “The best way to solve disputes is to take them to court” (see Figure 4.50). About 9% of the respondents completely disagreed with the statement.



5.0 COURTHOUSE

The previous section dealt with specific aspects of Nepal’s judicial system and respondents’ opinion on those aspects. This section deals with Nepali courthouses and respondents’ opinion about the courthouses and services provided by the staff.

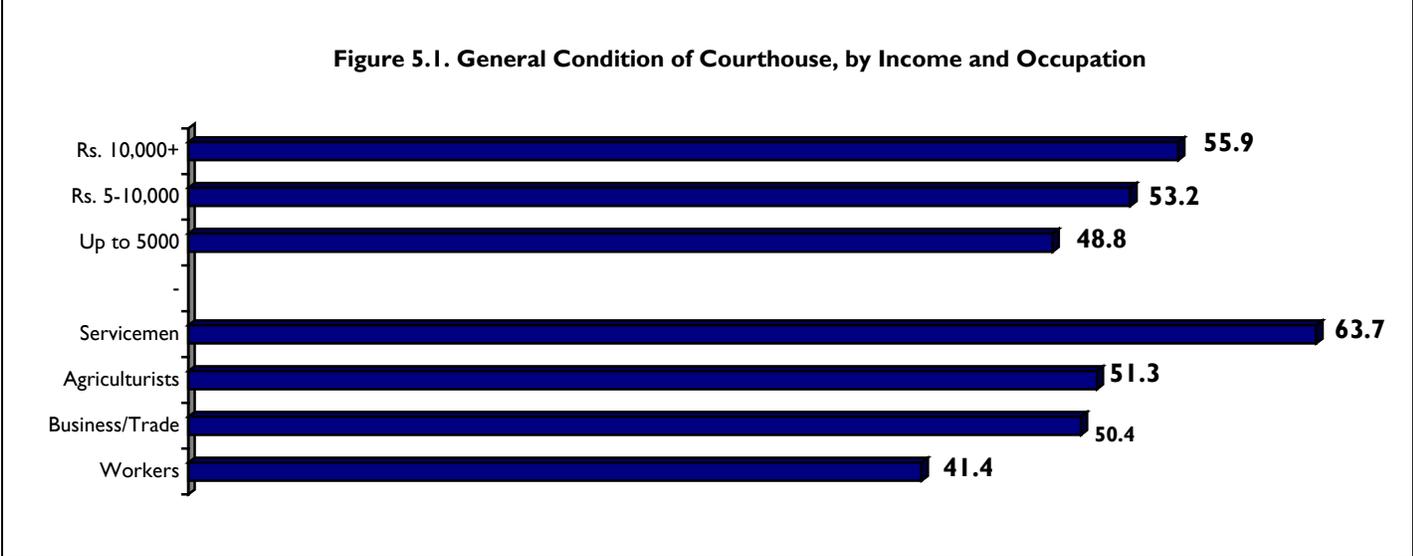
5.1 GENERAL CONDITION OF THE COURTHOUSE

The first question ask for respondents’ opinion about the physical condition of Nepali courthouses. Respondents were evenly split on this issue—a trend that was more or less consistent across all development regions and ecological zones, except in the western region where only one-third of the respondents felt that courthouses were in good condition.

Fifty-one percent of respondents in rural areas claimed that conditions of the local courthouses were good compared to 47% in urban areas. Only 42% of the respondents from Kathmandu thought that courthouses were in good condition, as compared to approximately half of the respondents from rest urban areas.

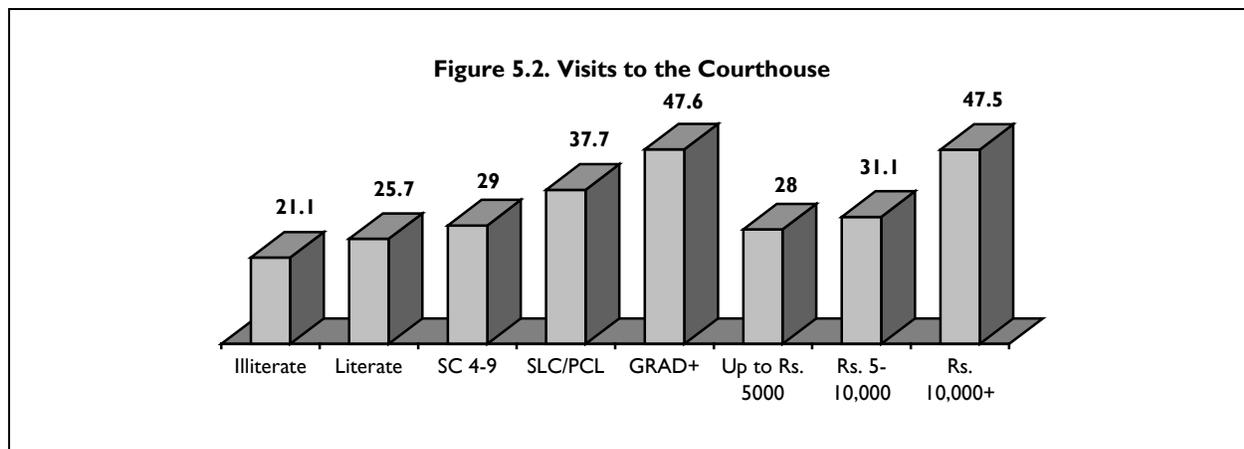
As shown in the Figure 5.1, analysis by occupation suggests that the businessmen/traders and the agriculturists had similar views on the subject, with half from each category finding courthouse conditions to be good. However, a two-thirds majority of servicemen (64%) believed that courthouse conditions were good, while only two-fifths (41%) of workers (skilled and unskilled) held this opinion.

As shown in the figure, it was also observed that the percentage of respondents who found conditions of the courthouse to be good increased with higher incomes.



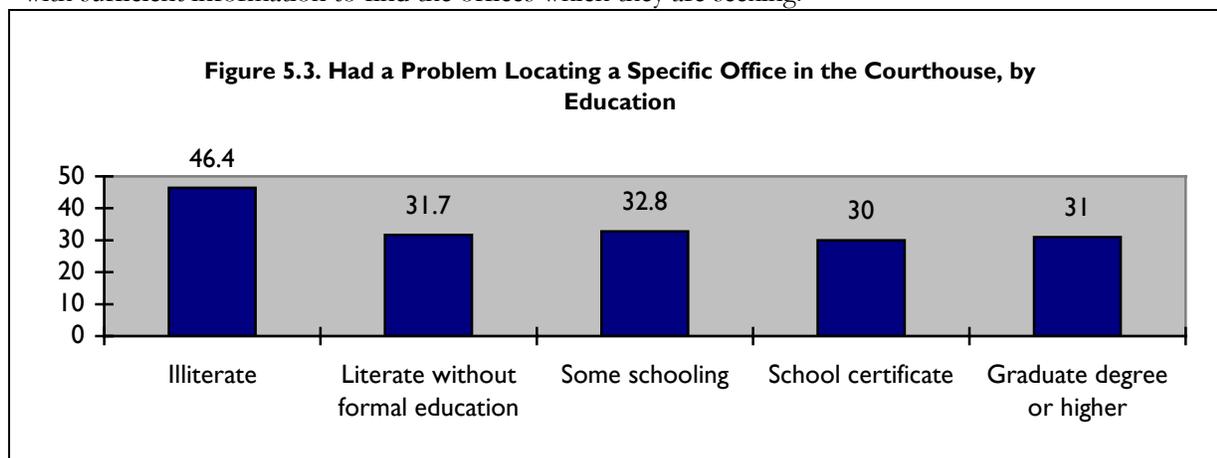
5.2 VISIT TO THE COURTHOUSE

Almost 70% of the 3045 respondents reported that they had never been to the local courthouse. Regional analysis indicates that incidences of visiting courthouses were slightly higher in urban areas (34%) as compared to the rural areas (30%). The number of respondents visiting the local courthouse from west, mid, and far west was also comparatively low. Higher number of respondents from the terai (33%) had visited the courthouse as compared to their counterparts from the hill and mountain ecological zones (26% each). Visits to the courthouse increased as education and income increased (see Figure 5.2).



5.3 EASE IN LOCATING A SPECIFIC OFFICE IN THE COURTHOUSE

A visitor to a courthouse may have difficulty locating a particular office. The difficulty of locating a particular office increases if signage or an information desk is not available. To determine the extent of the difficulty those respondents who had been to a courthouse were asked about their experiences in locating a specific office. Every third respondent reported having some level of difficulty locating the office he/she was seeking. As depicted in Figure 5.3, it was not just the uneducated/illiterate people who had difficulty; regardless of education many respondents experienced the same difficulty. Close to half of the illiterate respondents had difficulty and 31% of the respondents with graduate degrees or higher experienced difficulty finding the office they were seeking. Respondents' answers show that courthouses do not provide visitors with sufficient information to find the offices which they are seeking.



5.4 PROCESS OF LOCATING THE REQUIRED OFFICE

In order to measure the extent to which local courthouses had guidance facilities, information desks, signage, etc., respondents who had visited a courthouse were asked how they located the office they were seeking. “Asking somebody in the courthouse” was the most frequent answer (55%). Signage in the courthouse (40%) was the second most frequent method for locating a required office. Further analysis of these two methods by education and occupation shows that signage was more popular among educated respondents. Those with lower education levels responded that they had asked somebody in the courthouse.

When analyzed by occupation, service men/officers used signage more than the remaining occupational groups who were more likely to have asked individuals in the building (see Table 5.1).

TABLE 5.1. MEANS TO LOCATE THE REQUIRED OFFICE IN THE COURTHOUSE, BY EDUCATIONAL LEVEL AND OCCUPATION

PARTICULARS	SIGNAGE IN THE BUILDING	ASKED SOMEBODY TO HELP	OTHER
All (%)	40.4	55	4.6
Illiterate (%)	5.5	87.7	6.8
Literate w/o formal education (%)	22.9	68.7	8.4
Some schooling (%)	39.6	57.7	2.7
SLC (%)	57.1	37.8	5.1
Graduate degree or more (%)	59.3	39.3	1.4
Workers (%)	30.2	68	1.8
Business/trade (%)	35.6	59.4	5
Agriculturists (%)	39.4	55.3	5.3
Others (%)	67.5	29	3.5

5.5 AVAILABILITY OF INFORMATION DESKS

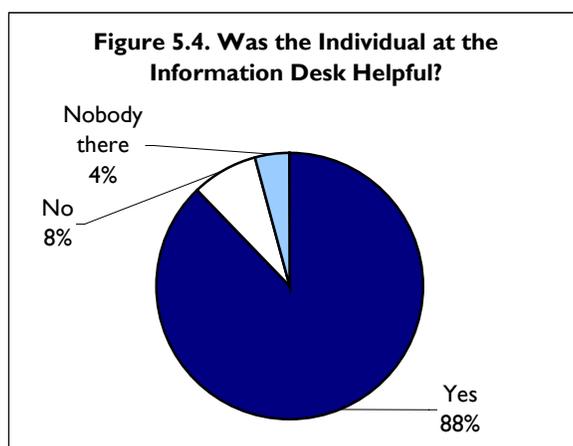
The respondents who had been to a courthouse were asked whether they saw an information or help desk in the court house. Almost 60% of the total respondents believed that courthouses had information desks available. However, a large number (41%) were of the opinion that information desks were not available. A very high number of respondents (87%) from Kathmandu Valley responded that courthouses in the valley had information desks. Only 40% of the respondents from the west responded that courthouses had information desks.

TABLE 5.2. AVAILABILITY OF INFORMATION DESKS

PARTICULARS	ALL	KATHMANDU	REST URBAN	RURAL	EAST	CENTRAL	WEST	MID WEST	FAR WEST	TERAI	HILL	MOUNTAIN
Base: Those who had ever been to court	921	36	109	776	341	362	119	60	39	581	297	43
Yes (%)	58.3	87.1	53.5	57.6	61.7	62.0	39.9	46.9	66.7	57.7	59.9	54.5
No (%)	41.7%	12.9	46.5	42.4	38.3	38	60.1	53.1	33.3	42.3	40.1	45.5

Responses analyzed by occupation were largely consistent. Servicemen/officers were found to have been the most successful in locating help desks (72%), a compared to respondents in other occupations.

Those who reported using the information/help desk in the court were asked whether the person staffing the desk was helpful. Figure 5.4 suggests that the majority of the respondents (88%) found the information desk representative helpful. There were a very small number of respondents (71) who answered that people at the information desks were not helpful.

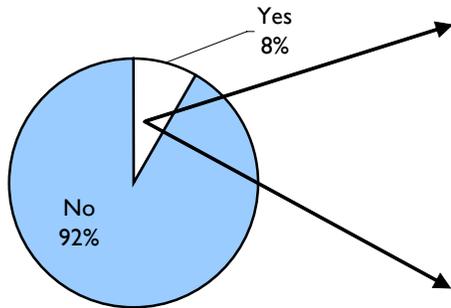


5.6 PHONE CALLS TO THE LOCAL COURTHOUSE

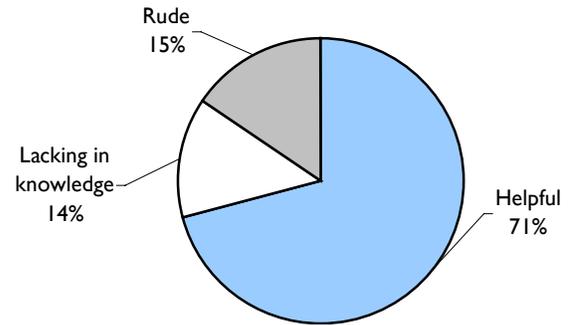
Respondents were also asked whether they had made a phone call to their courthouse for information. The figure below suggests that very few of the respondents (8% of the total 3045) had called a courthouse. As shown in Figure 5.5, 71% of those had called the courthouse said that the person answering the phone was helpful. However, 14% believed that the person lacked information, and 15% found the person to be rude. Seventy-two percent of those who had called were successful in obtaining the information sought.

FIGURE 5.5. PHONE CALLS TO THE LOCAL COURTHOUSE

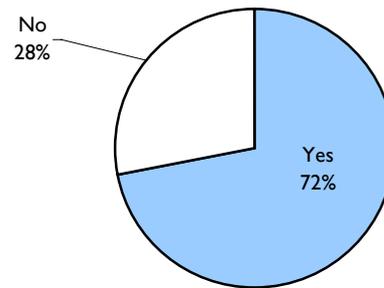
Have you ever made a telephone call to the courthouse?



The individual who answered the phone was...



Did you get the information you were seeking?



6.0 POLICE ORGANIZATION

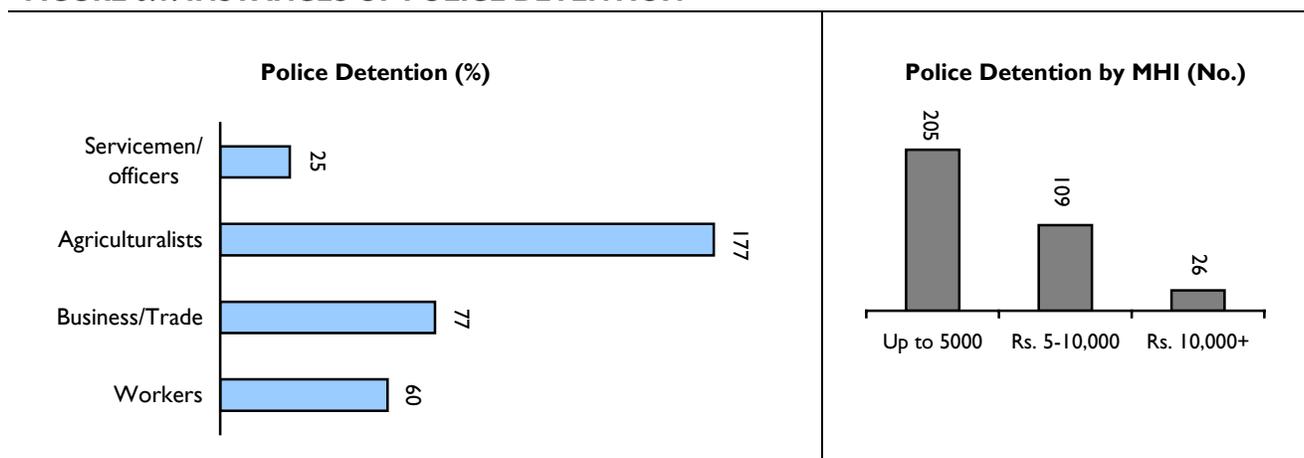
The Nepali police maintain internal security and have wide discretion in maintaining law and order. In the present conflict situation and political instability, the police play a crucial role. This study questioned survey respondents on their opinion about Nepali police. Their opinions are outlined in this section.

6.1 POLICE DETENTION

The first question asked was whether respondents had ever been in police custody. Eleven percent of the 3045 respondents confirmed that they had been in police custody at least once. By occupation, agriculturists had been the most often in police custody (177) followed by businessmen/traders (77).

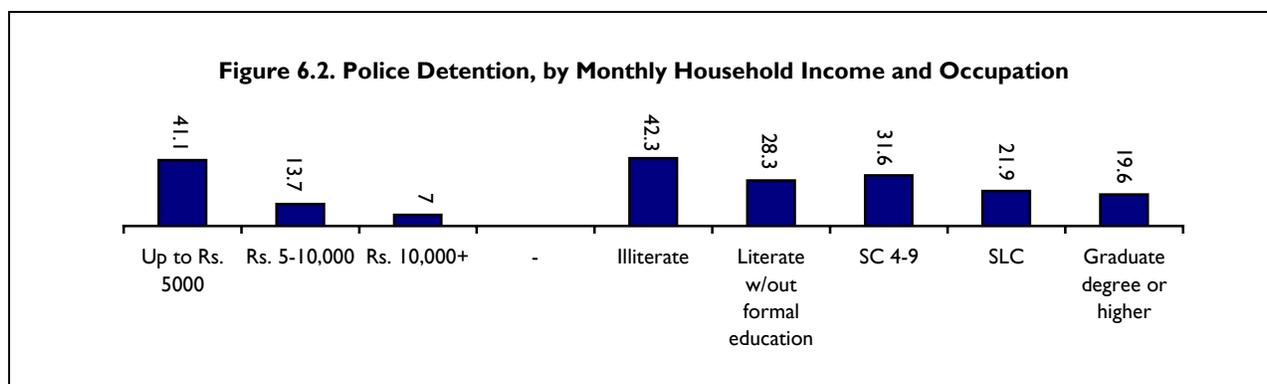
As shown in Figure 6.1, the detention rate was higher in lower income groups compared to groups with higher income. Two hundred and five of the 339 respondents who had been in police custody were from families with MHIs of less than NR. 5000/-.

FIGURE 6.1. INSTANCES OF POLICE DETENTION



6.2 EXPLANATION ABOUT RIGHTS WHILE IN CUSTODY

Almost 70% of those who had been in police custody stated that they were not informed of any of their rights while in custody. Numbers were especially high in the west, mid west, and far west and in the hill and mountain regions. Breakdowns by education and MHI showed an interesting trend as compared to other indicators. That is, a larger percentage of illiterate respondents (42%) compared to the more highly-educated respondents reported that the police explained their rights to them while in custody. Less than one-fifth of those with graduate degrees and higher said that the police explained their rights to them while in custody. A majority of respondents from lower income brackets confirmed that their rights were explained to them as compared to those with higher income (Figure 6.2).



6.3 HELP FROM THE POLICE

The survey respondents were asked whether they had taken any assistance from police. Twenty-two percent of the survey respondents confirmed having taken police assistance. The number of respondents taking police assistance increased with education levels as well as with higher MHI.

6.4 REQUESTS FOR SPECIAL FAVORS/PAYMENTS BY POLICE

As depicted in Table 6.1, of the 678 respondents who had taken help from police, 33.8% stated that the police had not asked for special favors or payments. Of the 678 respondents who had taken help 44.6% were from the literate group. Of the 678 respondent, 20.9% of those taking help were from Kathmandu Valley. Over 25% of the 678 respondents stated that the police often asked for special favors/payments, and 24% said the police sometimes asked for special favors/payments.

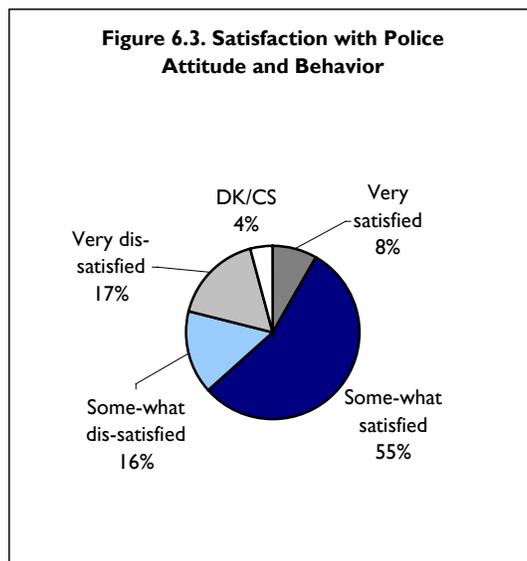
TABLE 6.1. REQUEST FOR SPECIAL FAVORS/PAYMENTS BY POLICE

	ALL	KATHMANDU VALLEY	REST URBAN	RURAL	ILLITERATE	LITERATE	SC 4-9	SLC/PCL	GRAD+	UP TO Rs. 5000	Rs. 5-10,000	Rs. 10,000+
Base: Those who have ever taken help from police	678	28	66	584	453	537	1165	742	148	1904	936	205
Always	8.1	4.5	5.8	8.5	5.8	7.1	7	11.5	6.2	7	10.6	6.9
Often	26.8	40	39.7	24.7	23.1	19.8	26.3	30.2	35.1	22.8	35.5	24
Never	33.8	20.9	34.7	34.4	43.6	44.6	34.1	25.6	30.6	39	25.4	29.7
Sometimes	24	24.5	11.6	25.4	22.8	20.3	25.2	25.4	20.4	23.9	23.5	26.2
DK/CS	7.2	10	8.3	7	4.7	8.2	7.4	7.3	7.8	7.2	5.2	13.3

6.5 SATISFACTION LEVEL WITH THE POLICE

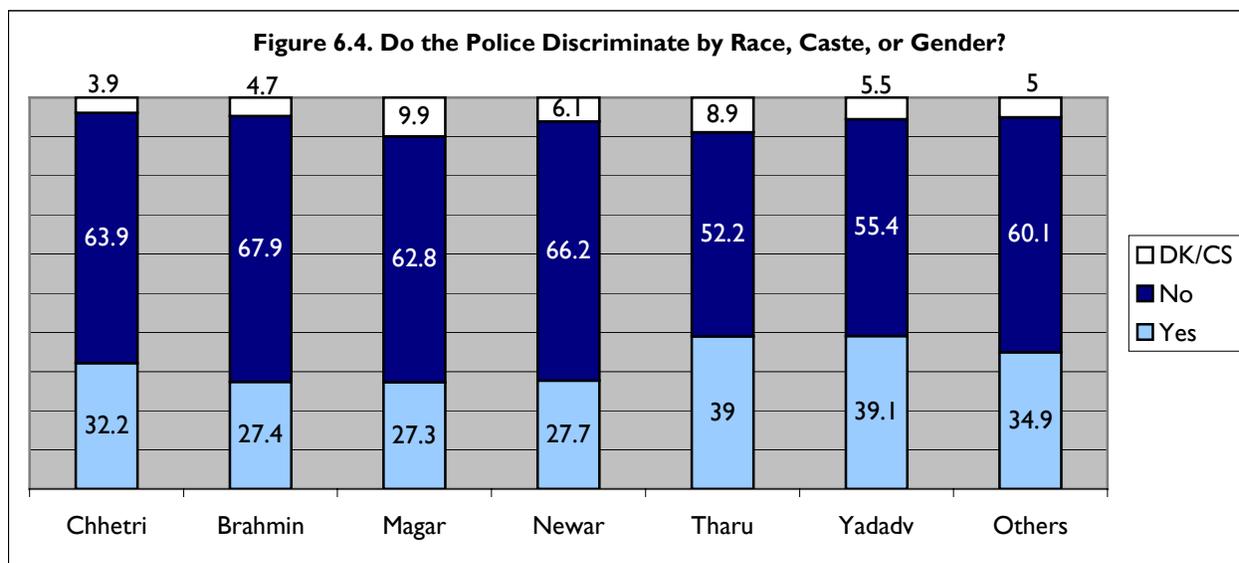
All 3045 sample respondents were asked about their overall satisfaction level with Nepali police attitudes and behavior. Over half of the respondents (55%) reported being “somewhat satisfied” but only 8.2% were “very

satisfied.” It is significant to note that 37% of the survey respondents expressed varying degrees of dissatisfaction with the police. This trend was visible across the education, occupation, and MHI groups.



6.6 DISCRIMINATION BY RACE, CASTE, OR GENDER

Sixty-three percent of the 3045 respondents answered in the negative the question “Do the police discriminate by race, caste, or gender?” There were no significant variations across regions, ecological zones or urban vs. rural areas in this respect. However, some variation was noted across the different caste groups. Figure 6.4 suggests that while a higher proportion of Yadavs (39%) reported police discrimination more than two-thirds of the Brahmins reported the opposite.



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