

## DISPUTE SETTLEMENT AT LOCAL BODY OF FEDERAL NEPAL

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### ABSTRACT

Following the Local Government Operation Act of 2017, Nepal formally adopted the practice of using judicial committees to handle disputes at the local level. However, the judicial committee practice began in 2018. In Nepal, the use of JC at the local level is quite new. By concentrating on the judicial committee, the degree of satisfaction among the populace may be used to gauge how well the judicial committee's services are delivered and implemented, as well as to examine the context of Godawari Municipality in the Lalitpur district. In addition to addressing service delivery, this study highlights the problems and difficulties faced by local government in delivering justice and making judicial decisions. This study is mainly based on descriptive research design. Stakeholder's level of satisfaction was analyzed based on three independent variables namely (a) timely provide service, (b) efficiently and effective service delivery, and (c) cost less or economic background. It was found that the judicial committee, mediators and clients accepted mediation as the most effective approach to dispute settlement than other approaches as per their experiences, as well as it could be implemented very short time.

**Keywords:** Judicial Committee, Negotiation, Mediation, Disputes, Justice.

### 1.0 BACKGROUND OF THE STUDY

The goal of dispute settlement is to resolve conflicts between two parties in a methodical and structured manner. Depending on the interests of the parties and the type of dispute, negotiation, mediation, arbitration, or litigation are typically employed. Dispute resolution procedures aim to reduce possible harm, maintain relationships, and reach a fair and acceptable resolution. The constitution mandates the establishment of one judicial committee in each of the 753 municipalities across the country, including rural areas, to remedy the flaws of the official legal system and bridge the gap between formal and informal justice. Judicial committees aim to act as the first line of defense by putting people in touch with various justice providers, including the district's lowest court and ward-level mediation facilities. Under Nepal's system of government, during the Kirant, Paltumyai Lichhavi, and Malla periods (Panchasamuchchaya, Panchali, and Panchasabha), Parmasan and Panchasabha had the power to make local court decisions. Under the Civil Act of 1910, an individual or organization, like a local panchayat or Mukhiya, had a legal procedure to hear disputes and make decisions. According to Article 48 of the Government of Nepal Statutory Law, 2004, the Gram Panchayat has the power to consider civil and criminal matters within the parameters set by the Act and

the Village Panchayat Act of 2006. The Village Development Committee Act of 2048 and the Municipalities Act of 2048 have granted local governments the power to perform judicial functions.

Following the Second People's Movement of 2062–2063 B.S., which was historically successful, the Nepalese Constitution was ratified on October 3, 2072. The Local Government Management Act of 2074 allowed for the merger of 3,912 Village Development Committees into 6 municipalities and 11 sub- metropolitan municipalities. As a result, a total of 753 local level structures—276 municipalities and 460 rural villages—are currently functioning under the framework of local government. According to Article 217 of the Nepalese Constitution, each rural municipality and municipality shall establish a two-member judicial committee, coordinated by the vice president and deputy chief of each rural municipality, to settle disputes within their jurisdiction in accordance with the law. This study mainly focus on godawari municipality of Lalitpur district in Nepal.

## **2.0 STATEMENT OF THE PROBLEM**

Justice is believed to be served by cases and disputes being heard in a timely manner. It is believed that the postponed trial did not provide justice. From Nepal's perspective, rulings are mostly made by the District Court, High Court, and Supreme Court. Due to the large number of cases in the courts and the drawn-out, costly, and complex legal process, justice is out of reach for many people for a variety of reasons. Article 217 of the Nepalese constitution establishes the Judicial Committee in both rural and city municipalities to assist in the resolution of disputes and to offer access to the courts. In Nepal, public dissatisfaction with the formal justice system is increasing as a result of the adversary system, docket congestion, delays, fees, and time and effort expenditure.

- What are the major focuses on disputes settlement at local body of federal Nepal?
- What is the status of dispute settlement at local body of federal Nepal?

## **3.0 OBJECTIVE OF THE STUDY**

The general objective of the study is practice of disputes settlement of local judicial committee especially local government level. The specific objectives are as follows:-

- To analyzed the major focuses on disputes settlement at local body of federal Nepal.
- To find out the status of dispute settlement at local body of federal Nepal.

## **4.0 LITERATURE REVIEW**

Literatures are reviewed which are most related to the study. For example, concept of dispute settlement, dispute settlement principle, method of dispute settlement resolution and concept and meaning of mediation.

### **i. Concept of Dispute Settlement**

According to Article 217 of the 2015 Nepalese Constitution, certain disputes may be resolved locally through the establishment of a justice committee (Pokharel, 2020). The Local

Government Operation Act of 2017 is presently operative. The local government's judicial committee will have three members and be chaired by the deputy mayor in the case of a municipality or the vice chairman in the case of a village body, in order to settle disputes under their respective jurisdictions in accordance with the law (Nepal Ain Khanda 17, Ministry of law and justice and parliamentary Affairs, 2015). Members of the Village Assembly shall select the two members of the judicial committee under section (1) if the dispute is straightforward, inevitable, and irreversible. It is essential to the existence of humans. Conflict and the longing for peace are unavoidable in our lives. Despite the fact that everyone wants to live in harmony, disagreements arise often. Conflicts arise when individuals get together to achieve objectives that are demonstrably inappropriate or unsuitable. Disputes are a fact of life and are not always incorrect, odd, or unhealthy. The terms "conflict" and "dispute" can refer to disagreements, struggles, clashes, or incompatibilities. As an interrogative verb, they can also refer to fights, struggles, crashes, or the clashing of opposing principles. Disagreement can be defined differently based on these interpretations. Therefore, it is useless to request a rejection about the definition of disagreement or conflict. (Rijal, 2013). The municipal judicial committee now has the power to arbitrate and resolve conflicts thanks to the municipal Government Operation Act of 2017. Clause 49 of the Act outlines the process for carrying out justice. A formal legal procedure has been adopted in its subclause (1). The Judicial Committee will forward the supporting documents to the appropriate party upon registration of the disagreement petition. Likewise, the Act prioritized mediations in its subclause (2). While prosecuting and resolving the dispute that has been brought before it, the Judicial Committee shall, to the extent that is practicable, encourage mediation and mediate with the consent of both parties. If mediation was not successful in resolving the parties' differences, the judicial committee ought to look into and make a decision. The administration of justice is the state's main responsibility. The most significant venue for resolving disputes is through the legal system. Adjudication has been used by judicial groups other than the judiciary to settle disputes. To distribute justice, they use rigorous formal law and principle application together with formal rules of procedure. This is how justice is distributed under a formal justice system, also referred to as justice by law. The judiciary should have sole authority to decide whether any matter brought to the table for consideration is within the legally defined jurisdiction of the court. This authority extends to all matters of a judicial nature. (Ohchr, 1995).

However, the legal system has been the target of criticism lately. Numerous sources have harshly criticized the tribunals for their known shortcomings in a number of areas. It is said that the unintelligible procedures are the product of judges who profit from obscurity and complexity, making it hard for the average person to access the courts without the help of an expert. Due to the general increase in litigation in the community, we currently have an excessively crowded docket and lengthy trial delays. When people interact with the system, they are usually let down by the way justice is carried out.

This is usually not the judge's fault; rather, it is only one result of the frustration that comes with waiting and the general lack of clarity and complexity, rendering the layperson incapable of pursuing legal action in the courts without the assistance of a professional. The community at large has grown increasingly litigious, which means we now have to deal with an overly full docket and protracted trial delays. Those who do engage with the system are frequently disappointed with the justice administered. This usually is not the fault of any judge, but is simply one consequence of the frustration caused by delay and of the relatively rigid methods

of relief that can be granted by a court, and of course, each judicial system remains virtually inaccessible to a large segment of the society because they simply cannot afford the expense of litigation (Cooke, 1983).

The most conventional approach to dispute resolution is through the legal system. This is a very methodical process where the parties engage in adversarial debate and use technology to settle their differences. Using the legal system to resolve disputes is the most traditional method. This is a very deliberate process where the parties argue against each other and reach a decision with the help of an impartial third party representing the state. Today's cases often mimic the dancing marathons of the 1930s, where participants—partners, or opponents, in this case—move as slowly as they can to the music, never stopping (Singhvi, 1995). third group that the state formally represents. Today's cases frequently resemble the dancing marathons from the 1930s, in which partners—or, in this case, adversaries—move as slowly as they can to the music without ever pausing. (Singhvi , 1995).

Dissatisfaction with the formal justice system increased as a result of these litigation methods. Thus, humans looked for and developed these litigation strategies led to a rise in dissatisfaction with the formal judicial system. People searched for and developed new, less formal, quick, efficient, effective, and just dispute resolution processes in order to avoid going to court. As a result, the system in question is called the Alternative Dispute Settlement System (ADS), and arbitration, mediation, and negotiation are its main constituents. There is a growing trend of offering a personal choice to allow disputing parties to settle their disagreements amicably. The most popular of these techniques is mediation. Nevertheless, mediation has been used since before kings ruled. It was not institutionalized, though, and the legal system did not acknowledge it. Mediation offers a fundamental break from the legal system and arbitration. The mediation process is noteworthy for its commitment to the self-interest of the parties involved. Developed a new, less formal, expedient, efficient, effective, and just means of resolving disputes as an alternative to litigation. Thus, the system in question is known as the Alternative Dispute Settlement System (ADS), and its primary components are arbitration, mediation, and negotiation. More and more attempts are being made to provide a personal option so that disagreeing parties can resolve their differences on their own. Mediation is one of these procedures that is most widely used. Nonetheless, mediation has been practiced since before the reign of monarchs. However, it was not recognized by the legal system and was not institutionalized. A radical departure from arbitration and the legal system is provided by mediation.

The commitment of mediation to the parties' self-resolution of their disagreement is one of its most notable features. In that they do not hear testimony, the mediator differs from the judge and the negotiator. Rather, the mediator helps the parties identify areas of agreement and dispute, promotes communication, and then tries to bring the parties to a settlement—one that is decided upon and determined by the parties themselves. Since ancient times, mediation and other ADS procedures have been used in Nepal. In various communities throughout Nepal, mediation—also known by different names—has long been used as an informal method by which village/local headman or local committee (Panchayat) settle minor social, familial, and other local issues. Even today, there are still certain restrictions on the use of community mediation and other indigenous dispute resolution techniques comparable to mediation. It hasn't institutionalized, though, and it's not legally recognized. Currently, mediation is

recognized as a dispute resolution process under certain laws. The 1990 Kingdom of Nepal Constitution's treasured objective is easy access to justice for everyone. Our legal system is insufficient, though. It has a lot of issues with being combative, expensive, procedurally driven, time-consuming, and laborious. The backlog of cases in the courts is overwhelming. Access to justice is compromised as a result. The public's faith in the legal system is eroding. Thus, a sizable portion of the populace does not pursue formal justice (Law society in Nepal, 2002).

The stability of our society, government, rule of law, and law and order are all at risk under such circumstances. Thus, it is imperative to find speedy solutions to these issues and fulfill the public's need for justice. Similarly, Nepal's entry into the WTO, the influence of globalism, and ongoing international economic relations have all moved the legal system to keep up with sophisticated, modern, efficient, and easily accessible dispute resolution procedures. We would not be able to successfully draw in the desired amount of foreign investment without a swift and efficient dispute resolution system. We incorporated court-referred mediation based on the District Court Rules, 1995, in this particular circumstance. (Nepal Gazette, 2003). The judicial committee shall also oversee its mediators who have received training and designate them in its roster for the purpose of mediating cases that have been documented. In its subclause (3), the Judicial Committee states that it will use the mediators the committee has joined to carry out mediation in accordance with subclause (2). (Y.R., 2020).

In the current environment, it is a new movement of localized formal legal system conflict settlement. In the perspective of the local legal system, it is a young child's stage. What is the state of the local judicial system in relation to the provisions of the constitution and current laws? Do local judicial committees provide legal services? Has the local government established centers for mediation and other required infrastructure to provide mediation services locally? Do they use the dispute resolution process? My internal misgivings and inquiries drove me to conduct research on the state of conflict settlement today and how it is applied in the local legal system.

## **ii. Dispute Settlement Principles**

There isn't a single optimum method for handling disagreements. Which technique of conflict settlement is best will mostly depend on the nature of the issue and the parties involved. The nature of the parties' ongoing relationship, the financial circumstances of the conflict, their desire for privacy and control over the dispute resolution process, and the urgency of finding a solution are some of the factors that can indicate one strategy over another. Although it's a widely held belief, litigation isn't always definitive, and mediation isn't always less expensive than taking a matter all the way to trial. Furthermore, any form of dispute settlement could have unforeseen repercussions that change its desirability depending on the situation. Comparing different dispute resolution techniques therefore brings up difficult questions. There are several important standards that can be used to evaluate a conflict settlement process. Disputants must be able to access it. This implies that the dispute resolution venue should be both physically and financially accessible to those involved, as well as easily available during regular business hours. Parties should feel at ease and that the forum is attentive to their needs; it must also uphold the rights of those involved in disputes. This might not be an issue in situations when there is equality of power, influence, and expertise. However, if one side is disadvantaged, their rights can be compromised by the forum of choice; for example, the less wealthy plaintiff might



not have the resources to pay for comprehensive discovery, an expert witness, etc. Similar to this, a side may unintentionally give up rights in mediation if they don't have legal representation. Mediation should be quick and inexpensive, thus it might need to be customized based on the specifics of the case. In many cases, time is of the essence, and the venue for settlement should take this requirement into consideration. For example, it is evident that prompt resolution of disputes is crucial for the senior population.

Factional disputes may be resolved more quickly, but some disputes—especially those involving highly charged emotional issues—may take longer to resolve. A resolution must be just and fair to all parties involved, take into account the circumstances of the dispute, and, when weighed against society's standards of justice, ensure that the decision is final and enforceable. The main factor in finality, notwithstanding the mechanism's potential to deter appeals, can be the disputant's perception of the fairness of the process; hence, it must be believable. The forum must be acknowledged by the parties, their attorneys, and other representatives as a valid component of the legal system. Those that use the alternatives need to be responsible, capable, and well-trained. Society should express its sense of justice by establishing and disseminating norms and guidelines, which will discourage violators and encourage disputants to resolve their differences on their own. Society has too much faith in the alternative and acknowledges its legitimacy.

People are therefore free to select any forum for resolving disputes. Generally speaking, a court cannot stop parties from resolving their own problems. Nonetheless, in certain kinds of circumstances, litigation could be more beneficial to the public interest than other ADR procedures. The ADR method is improper when sanctions are required or the defendant's actions pose a risk to the public.

### **iii. Methods of Dispute Settlement / Resolution**

Conflict and dispute are universal occurrences. due to the constant presence of conflict and the financial, psychological, and bodily toll that disagreements frequently take. Humans have long looked south for a means of settling their disputes. Conflict-affected individuals in society have a range of options for settling their differences. Any official and informal approaches, procedures, and strategies used to settle disputes inside or outside of the legal system are all included in conflict resolution. Dispute settlement techniques fall under the following categories:

#### **(a) By the Use of Force**

It is a conventional, one-sided method of resolving conflicts. Fight, force, or coercion are all included. The win-lose viewpoint on conflict resolution is the product of these reactions. Force is frequently substituted with the flight or avoidance mechanism. However, in most cases, ignoring the disagreement means that it won't be resolved. Self-help refers to an activity made unilaterally by one party in an attempt to bring about a resolution. There is no requirement for third party engagement or contact between the two parties in order to trigger such events. Using a self-help technique may possibly result in unlawful actions. Self-help can include violent or threatening acts, thievery, picketing, striking, protesting, and remover mongering. (Khadka, 2004).

However, these means are not included for the purposes of this study.

### **(b) The settlement of Disputes by Peaceful Means**

It is a two-way dispute resolution process. It is contemporary and a part of society. Litigation, arbitration, mediation, conciliation, and negotiation are all included. These kinds of mechanisms have been created to uphold social harmony, foster cordial neighborly connections, and instill democratic principles and expectations. Negotiation is the most widely used method of resolving conflicts. Negotiation has the advantage of allowing third parties to influence the process and the outcome when compared to third-party processes. The parties give up some control over the process but not necessarily control over the resolution if they are unable to resolve the disagreement amicably and choose to involve a third party. There are two kinds of third-party procedures: in one, the neutral can decide or enforce a resolution; in the other, the neutral can simply direct or assist the parties in reaching a mutually agreeable resolution. A court or a private adjudicator, sometimes referred to as an arbitrator or private judge, may make the decision. In general, all forms of nonviolent conflict resolution can be divided into two categories.

- Court adjudication
- Alternative dispute resolution or settlement processes
- Court adjudication

Adjudication in court is a procedure of litigation. The process of pursuing a lawsuit is known as litigation. It is the procedure of filing a lawsuit to uphold one's legal rights. The judicial system that is funded and run by the government and follows official rules and procedures is known as litigation. A judge or jury renders a decision in a lawsuit that is final and enforceable against the other party. A court's decision is made during litigation, which takes place in public. Therefore, the most official and conclusive method of resolving disputes is court adjudication. It is consistently a good substitute for other alternative conflict resolution procedures. The courts reach a decision by applying the law to the circumstances. These days, the courts and other institutions carry out the state's basic duty, which is the administration of justice. Therefore, the courts handle most disputes. An official process for resolving disputes is court adjudication. The court adjudication process involves highly regulated and institutionalized procedures that are characterized by a multitude of compliance mechanisms and specific guidelines.

### **iv. Alternative Dispute Resolution or Settlement Processes**

The phrase "alternative dispute resolution" refers to a collection of procedures used to settle disagreements, conflicts, and lawsuits outside of the official court system. Private judging, case evaluation methods, arbitration, mediation, and negotiation are all part of the ADS process. It is the process for resolving a disagreement by mediation or arbitration, two alternatives to going to court. ADS is the legal term for any alternative permissible dispute resolution procedures save litigation. ADS is an acronym that broadly refers to dispute resolution procedures other than going to court, like mediation, discussion, mini-trials, and summary jury trials (Nolan-Haley, 1992).

ADS outlines procedures for resolving conflicts without official adjudication and decision-making by a state office, whether they occur inside or outside of the established legal system. The idea that different types of conflicts may call for different types of legal or dispute resolution procedures is expressed by the term "appropriate dispute resolution," which refers to a single legal or dispute resolution procedure that can handle all types of human disputing. These days, the term "ADS processes" refers to a wide range of conflict resolution procedures, including as arbitration, mediation, negotiation, mini-trials, summary jury trials, and required settlement conferences. Since they settle disagreements without involving a full court trial, all of these procedures are regarded as alternatives. They are all seen to differ from adjudication in at least a few ways, but they all share certain characteristics in common. These include the emphasis on compromise to reach a resolution, the relaxation of procedural formalities for privacy, and the absence of substantive legal principles.

#### **v. Concept and Meaning of Mediation**

The bargaining process is extended through mediation. Parties engaged in conflict but unable to resolve it alone turn to an impartial third party for help in coming to a resolution. In mediation, a third party helps the disputants apply their values to the facts and seek a resolution, in contrast to the adjudication process where a third party applies law to the facts to obtain a conclusion. The rule of law, justice, morality, religious convictions, and ethical considerations are a few examples of these principles. Mediation is unique in that the disputing parties select the rules that will shape the outcome of their disputes, as opposed to a third-party neutral. The Latin word *mediare*, which meaning to be in the midst, is the source of the English word *mediate*. The mediator is undoubtedly thrown into the heart of a conflict. However, mediation entails much more than just the mediator's location. The term "mediation" has multiple definitions. Although opinions on these definitions vary, most individuals concur that the process's goals are to help parties resolve conflicts or disputes voluntarily.

Negotiation that is done with a third party's support is called mediation. Unlike arbitration or a judge, the mediator cannot force a resolution on parties in dispute. It is an informal method, nevertheless, and differs greatly from negotiating. Similar to negotiating, mediation does not adhere to strict guidelines or legal precepts. In contrast to mediation, it entails the active involvement of a third party—a mediator who is chosen and compensated by the parties. Although the mediator cannot force the parties to agree on a legally binding settlement, they can help each other come to a solution. A successful mediation spares the parties the inconveniences, expenses, and time and effort expenditures that come with a lawsuit. Above all, mediation is a non-binding process. This implies that parties are not required to carry out the mediation process beyond the first meeting, even when they have consented to submit a dispute to mediation. In these respects, mediation is always under the parties' authority. Their continued acceptance of the process is necessary for it to continue. A resolution cannot be forced upon the parties due to mediation's non-binding character. Any solution can only be reached if all parties willingly agree to accept it. The mediation process is private. By reassuring the parties that any admissions, proposals, or settlement offers would not have any repercussions outside of the mediation process, confidentiality helps to promote candor and transparency throughout the process. Generally speaking, they cannot be utilized in ensuing legal proceedings or arbitrations. In a relaxed, confidential setting (often without the presence



of attorneys), it helps people identify important issues and concerns. A written agreement that takes into account the demands of all parties is the aim.

We can summarize the features of mediation based on the previously given discussion: The parties are free to select a mediator or other natural third party to help them. The mediator may be substituted by the parties. It is a less formal, more affordable, and more effective method of resolving disputes. It is also one of the newest and fastest-growing dispute resolution processes in the world. A mediator can be any individual, group, or institution. The mediator does not make decisions regarding cases; instead, he or she helps parties exchange information and negotiate, creates options, and encourages parties to compromise. If the mediation is successful, the parties are free to proceed with regular court proceedings. It stays out of the national court system's backlog. It is reasonably quick and affordable.

## **5.0 RESEARCH METHODOLOGY**

Research methodology is overall guideline for the study. In this study mainly the research methodology covers research design, source of data, population and sample, Data collection Method. This study mainly based on primary and secondary data. Research is a systematized effort of any branch of knowledge. It is movement from unknown to known and vice-versa also continuous process. This study based on descriptive research design. Descriptive statistics is used to describe the data in this study (Shahi, 2020).

### **i. Research Design**

Kerlinger 1986, cited in Shahi 2023, defined research design as a plan, structure, and strategy of investigation to obtain answers to research questions and to control variances.

Descriptive research design describes situation of certain things. Descriptive research is used for fact finding process. In the university mainly descriptive research design is used for the study. Descriptive research design needs simple statistical tools such as percentage, frequency, mean, median, mode. Standard deviation and variance (Shahi, 2023).

### **ii. Source of Data**

Data are basic requirement for the study. Both primary and secondary are used in this study.

Primary data are gathered from members of the Judicial Committee and Ward Mediation Centers by filling questionnaires. Primary data for this study are gathered from questionnaires and discussion.

Secondary data are gather from both published and unpublished sources. Consideration will be given to the Godawari Municipality's annual reports, prospectus, and bulletin of the judicial committee, as well as other pertinent judiciary reports, newspapers, periodicals, journals, government documents, books, and other statistics.

### **iii. Population and Sample**

Population is total object under discussion. Population is define total element under certain area. Population is changeable due to time period. Sample is the sub set of population or part of the population. Population study is not possible therefore, sample is taken as basic unit for the study (Shahi, 2023). Of the 38 employees of Godawari Municipality's Judicial Committee and Ward Mediation Centers by convinance sampling.

#### iv Data Collection Method

The goal of gathering data is to learn about people's opinions and perceptions about JC's service delivery at Godawari Municipality. In any field of study, data gathering is a necessary component of research, and there is always a focus on ensuring honest and accurate collection. The process of systematically obtaining and evaluating data on specific variables inside a preexisting system is known as data collection. Which subsequently makes it possible to assess results and respond to pertinent questions?

Data are gathered by the questationnairemehtod and discussion with the respondents. These data are summarizred, tabulated and presented clearly in the study. The data are described using descriptive statistical tools.

### 6.0 DATA PRESENTATION AND ANALYSIS

Original, first-hand information gathered by the researcher directly or by their observations and experiments is referred to as a main source of data in research. These resources offer firsthand accounts or concrete proof of the topic under study. Surveys, questionnaires, interviews, observations, official documents, photographs, audio and video recordings, personal journals, and tangible artifacts are a few examples. Because they provide unprocessed, raw data that may be accurately analyzed and interpreted to answer the research question, these primary sources are valuable.

#### i. Gender of the Respondents

Generally male and female are nearly equal in population census of Nepal. But Nepali culture is based on Hindu culture. Therefore, government job is mainly occuppies by the male. The category of gender of 25 respondents are summarized and tabulate below as:-

**Table 1: Gender of the Respondents**

Respondents	Male	Female	Total	Percentage
Judicial Committee Members	1	2	3	12
Ward Mediation committee members	10	5	15	60
Legal advisor	4	0	4	16
Other Judicial committee staff member	2	1	3	12
Total	17	8	25	100

**Source:** Field survey, 2024

Above table showed that 60% of the total respondents, the Ward Mediation Committee is the largest group of respondents. 68 percent of the respondents are male. This showed that male are more than female in local body of Nepal.

**ii. Age of the Respondents**

Government job of Nepal’s eligibility starts from 18 years and the retirement age is 58 year. The age of 25 respondents are summarized and tabulated below as:-

**Table 2: Age of the Respondents**

Age of Respondents (years)	Male	Female	Total	Percentage
18-30	3	1	4	16
30-42	6	4	10	40
42-52	5	1	6	24
52 Above	3	2	5	20
Total	17	8	25	100

**Source:** Field survey, 2024

Above table showed that 40 percent of the respondent age is 30-42 years. Only 16 percent of the respondent age is 18-30.

**iii. Position of Respondents**

Government of Nepal categorized government job is office helper to secretary. In local level executive officer is appointed as a chief of the office under municipality mayor for the special task .different committee are formulated in the local body. In different category the position of 25 respondents are summarized and tabulated below as:-

**Table 3: Position of Respondent**

Respondents	Male	Female	Total	Percentage
Judicial Committee Coordinator	0	1	1	4
Members of Judicial Committee	1	1	2	8
Member Secretary	1	0	1	4
Legal Advisor	3	0	3	12
Conciliators/ Mediation Persons	12	6	18	72
Total	17	8	25	100

**Source:** Field survey, 2024

Above table showed that 72 percent of the respondents involved in conciliators/Mediation Persons. Only 4 percent of the respondent’s involved in judicial committee coordinator.

**iv. Method of Dispute Settlement**

Dispute settlement is a process by which conflicts or disagreements between parties are resolved. The 25 respondent's response method of dispute settlement is summarized and tabulated below as:-

**Table 4: Method of Dispute Settlement**

Respondents	Male	Female	Total	Percentage
To development staff capacity	3	2	5	20
To trained the mediator	5	1	6	24
To development the mediation centers	5	2	7	28
Policy formulation and implementation	4	3	7	28
Total	17	8	25	100

**Source:** Field survey, 2024

Above table showed that 28 percent of the respondents demanded of method of dispute settlement are to development the mediation center and policy formation and implementation. Only 20 percent of the respondents response to needs of two development staff capacity.

#### v. Cases Solved by JC

The Constitution of Nepal (2015), a three-member judicial committee to be coordinated by its Vice-Chairperson or Deputy Mayor of a Village Body and a Municipality, in order to settle disputes under their respective jurisdictions in accordance with the law. In Nepali society many kind of cases are registered in JC. The case solved by JC 25 respondent's response are summarized and tabulated below as:-

**Table 5: Cases Solved by Jc**

Respondents' answers	Male	Female	Total	Percentage
Yes	4	3	7	28
No	13	5	18	72
Total	17	8	25	100

**Source:** Field survey, 2024

Above table showed that 72 percent of the respondent's response judicial committee does not always resolve cases. Only 28 percent of the respondents believed in the judicial committee's capacity to decide every issue.

#### vi. Threat by Political Pressure

The growing threat to liberal democracy worldwide is, in many ways, a political party threat. In Nepali society political pressure is the main issue in every sector. Therefore, stakeholder do not work effectively and freedomly. The 25 respondent's response threat by political pressure are summarized and tabulated below as:-

**Table 6: Threat by Political Pressure**

Respondents' answers	Male	Female	Total	Percentage
Yes	6	2	8	32
No	11	6	17	68
Total	17	8	25	100

Source: Field survey, 2024

Above tables showed that 68 percent of the respondents do not perceive political pressure. Only 32 percent of the respondents perceive political pressures.

### vii. Working Environment

In government sector of Nepal the working environment is very challenging. Many kinds of pressure, interested group pressure are faced by the employee. People have so many expectation, need from the government office. Government service are systematized by the rule and regulation. But many people do not accept these rule and regulation. They only focus on own expectation and needs. 25 respondents have highlighted the challenging of the work place is summarized and tabulated below:-

Table 7: Working Environment

Respondents answer	Male	Female	Total	Percentage
Fair play	9	6	15	60
Social Pressure	2	0	2	8
Pressure from the political sector	3	1	4	16
Effect the interest and pressure group	3	1	4	16
Total	17	8	25	100

Source: Field Study, 2024

Above table showed that 60 percent of the respondents says fair play working environment. Only 8 percent of the respondents says working environment is pressure by social pressure.

### viii. Status of Quality Services

The Godawari Municipality's judicial committee has played a crucial role in delivering efficient services by addressing a variety of disputes in an open, unbiased, tidy, and effective manner without showing bias. There are a number of important aspects that contribute to this committee's effectiveness. The committee is made up of extremely knowledgeable members and coordinators whose experience greatly raises the caliber of services offered. The effectiveness of junior advisers in the committee is also very important because of their skill in managing cases, which guarantees fair and prompt decisions. The judicial committee's resources are another important consideration. Sufficient resources facilitate the committee's optimal operation, allowing it to handle and settle issues effectively. This covers having access to the facilities, legal resources, and paperwork required to support the legal system. The committee's operating environment promotes an impartial and equitable handling of matters. An atmosphere where both sides to a conflict can freely speak and come to agreements on their issues characterizes this setting. The public's confidence in the legal system is increased when



such a supportive atmosphere guarantees that justice is not only done but also seen to be done. Another big plus is the availability of specialists in certain case studies. The committee receives vital knowledge and insights from these specialists, which helps them make well-informed judgments. Their involvement improves the quality of justice provided by ensuring that even the most difficult cases are handled with the necessary skill. The judicial committee's dedication to unbiased judicial resolution is a fundamental component of its efficacy. It is crucial that the committee be able to decide cases without giving in to political, social, or economic pressure. By ensuring that each case is evaluated exclusively on its merits, this impartiality upholds the concepts of justice and fairness. The existence of an active reconciliation centre within the municipality further underscores the effectiveness of the judicial committee. This centre plays a crucial role in mediating conflicts and fostering amicable solutions, thereby reducing the burden on the judicial system. Its operation across all 14 wards of the municipality ensures that residents have accessible and equitable means to resolve their disputes. In conclusion, the judicial committee of Godawari Municipality exemplifies how a well-structured and resourced judicial body can effectively administer justice. The committee's exceptional performance is a result of a number of factors, including its experience, the effectiveness of its advisors, the resources at its disposal, the favorable climate for case settlement, the involvement of experts, its dedication to objectivity, and the active reconciliation center. Together, these components guarantee that the judicial committee can offer the citizens of the municipality excellent services, promoting an equitable and just society.

#### **ix. Suggestion by Respondent to Improve**

A number of important changes can be made to the Godawari Municipality's judicial committee. First, the committee will be better equipped to handle complicated legal issues if it has more knowledgeable staff members. Second, giving the judicial committee additional authority will allow it to operate with greater independence and make decisions that have a significant impact. Third, giving the judicial committee a separate physical space will guarantee that it functions in a structured and businesslike manner. Fourth, the committee will remain current on legal and environmental expertise by holding frequent training sessions for the development of natural resources relevant to the judiciary. Last but not least, granting the ward office additional power and responsibility will enable improved localized judicial activity coordination and implementation. The judicial committee can be greatly enhanced by putting these strategies into practice, which will result in more effective and efficient judicial procedures inside the municipality.

### **7.0 FINDINGS OF THE STUDY**

**The major finding of this study are as follows:-**

- This study showed that 60% of the total respondents, the Ward Mediation Committee is the largest group of respondents. 68 percent of the respondents are male.
- This showed that male are more than female in local body of Nepal.
- This study showed that 40 percent of the respondent age is 30-42 years. Only 16 percent of the responden age is 18-30.

- This study showed that 72 percent of the respondents involved in conciliators/Mediation Persons. Only 4 percent of the respondent's involved in judicial committee coordinator.
- This study showed that 28 percent of the respondents demanded of method of dispute settlement are to development the mediation center and policy formation and implementation. Only 20 percent of the respondents response to needs of to development staff capacity.
- This study showed that 72 percent of the respondent's response judicial committee does not always resolve cases. Only 28 percent of the respondents believed in the judicial committee's capacity to decide every issue.
- This study showed that 68 percent of the respondents do not perceive political pressure. Only 32 percent of the respondents perceive political pressures.
- This study showed that 60 percent of the respondents says fair play working environment. Only 8 percent of the respondents says working environment is pressure by social pressure.

## 8.0 CONCLUSION

There are both areas that require improvement and places where the Judicial Committee (JC) of Godawari Municipality, Lalitpur, Nepal, is good at resolving disputes. By using a systematic and organized approach that strives for just and peaceful resolutions, the JC successfully handles a wide range of conflicts, including minor criminal cases and civil problems like property and family disputes. The majority of respondents expressed satisfaction with the quality of service, and the data shows a moderate level of public awareness about the JC and its services. Nonetheless, prompt case resolution continues to be a difficult task because delays might un The Godawari Municipality's (Lalitpur, Nepal) Judicial Committee (JC) is adept at settling conflicts in some areas, but there are also areas that need development. A wide range of conflicts, including minor criminal cases and civil issues like property and family disputes, are successfully handled by the JC because of its methodical and planned approach, which aims for just and peaceful outcomes. The data indicates a moderate amount of public awareness about the JC and its services, and the majority of respondents indicated satisfaction with the quality of the services. Even as delays might damage public trust, expeditious case resolution remains a significant obstacle. In order to ensure efficient and timely dispute resolution, the research highlights the need for capacity building and more wise resource allocation. Public confidence was undermined by political pressure, which became a major problem. The report emphasizes the necessity of strengthening capacity and allocating resources more effectively in order to guarantee prompt and effective dispute settlement. Political pressure surfaced as a significant worry, with many respondents thinking that such meddling jeopardizes the JC's objectivity and efficacy. To ensure that the conflict resolution process remains impartial, it is imperative that these pressures are addressed with strong policies, improved training, and assistance for JC members. Despite these problems, the JC is essential to resolving conflicts locally. The Juvenile Court (JC) can enhance its efficacy and public trust by increasing public knowledge, improving service timeliness, and protecting against political influence. This would enable the JC to achieve its purpose of providing fair and efficient local conflict resolution. In conclusion, the Godawari Municipality's Judicial Committee is essential to local conflict resolution and advances the larger objective of just and accessible communal justice. The JC can retain public confidence, improve efficiency, and uphold justice by addressing challenges and implementing recommended actions.

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