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An Overview of Legal Provisions regarding Legal Literacy in Nepal

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Abstract: This paper analyzes the legal provisions pertaining to legal literacy in Nepal. In order to practice existing laws and retain the rule of law in the state, basic understanding of law among people is crucial. In the context of Nepal, the rights and obligations granted by the constitution are still unrealized by its people. Moreover, people are intimidated and alienated from law knowingly or ignorantly. In the same

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Introduction

The rule of law in any state considerably relies upon the legal understanding of its citizens. Legal knowledge helps individuals to acknowledge their rights and obligations, and prevent the arbitrariness of authorities as well. None can escape from the legal liability with an excuse of ignorance of law. Thomas Jefferson proclaims, "Ignorance of law is no excuse." This statement of Jefferson is considered as one of the most prominent legal principles. In the same manner, The National Civil (Code) Act,

way, access to justice for the ordinary populace seems unachievable. Similarly, service deliveries trends of state are often being experienced partial and discriminatory. Lack of legal knowledge could be the significant reason behind all these challenges. Thus, the researcher argues that, until and unless the state makes a specific provision regarding legal literacy and executes them practically, the attainment of rule of law is unthinkable. In this paper, the existing constitution and its legal provisions, programs and policies related to legal practice and legal literacy have been examined to ascertain the state's attempt regarding legal literacy. The researcher concludes that legal awareness is an indispensable part of rule of law, which contributes to developing the self-realization among individuals and further enables them to participate in the governance process.

2017 (2074) of Nepal mentions, “Ignorance of law not to be excused: The ignorance of law shall not be excused. Every one shall be presumed to have the knowledge of law” (chapter 2, General Principles of Civil Law). In this context, this paper sets an objective to discern the attempt of the state towards the prevention of ignorance of law. Concerning this, it scrutinizes what sorts of legal provisions are created to extend legal awareness.

Legal Literacy as a Tool to acknowledge Law

Basic knowledge of law is elemental for all citizens from ruled to ruler. Brain Z Tamanaha (2012) states, “Law must be generally known and understood. The requirements imposed by the law cannot be impossible for people to meet. The laws must be applied equally to everyone according to their terms. There must be mechanisms or institutions that enforce the legal rules when they are breached” (p. 233). The provision related to practice of law and legal literacy is required to be ensured by the government itself. According to Archie Zariski (2014), “Legal literacy provides techniques to meet the challenges of litigation without a lawyer. These tools are taught to lawyers, but they may also be learned by non-lawyers who wish to gain a critical understanding of law and to work toward justice within the legal system” (13). People generally tend to think that only lawyers can practice law. Notwithstanding, anyone can be a lawyer on a basic level. Ordinary people can handle so many legal cases themselves on the grounds of basic legal understanding. Furthermore, they can protect their rights, obey their duties and prevent possible harm. Regarding legal literacy, Lila Devi Gadtaula (2021), secretary of Nepal Law Commission defines legal awareness as, “having knowledge, awareness and general knowledge about your legal rights” (p. 11). Furthermore, she asserts that awareness makes citizens aware and it plays a significant role in the effective implementation of the law (p. 111-112). Indeed, legal awareness is such a tool that contributes to people being acknowledged and practicing law.

The concept of “Legal Literacy” is a global issue. American Bar Association (1989) defines legal understanding as, “The ability to make critical judgments about the substance of the law, the legal process, and available legal resources and to effectively utilize the legal system and articulate strategies to improve it” (p. 5). Similarly, Canadian Bar Association (1992), recognizes legal awareness as, “The ability to understand words used in a legal context, to draw conclusions from them, and then to use those conclusions to take action” (p.23). Both these organizations commonly perceive legal literacy as developing skills about how to read, write and analyze law for

realization of own rights and additionally for improvement of the legal system. Nepal Law Commission (2077) observes legal awareness as a general knowledge of law (p. 2). This commission asserts that legal awareness promotes legal literacy and makes citizens aware about the legal system. Furthermore, it writes that legal awareness and literacy enable citizens to demand justice, accountability and adequate legal redress and further it motivates the general public to abide by the law. (p. 2)

Nepal Law Commission observes the issue of legal literacy intensely and has developed its own conviction. According to this commission, legal literacy serves the some purposes as: to make the public aware of the law, to enable the citizens to exercise their rights and make them aware of their rights and obligations, to facilitate the implementation of the law, to reduce the violation of the law, to give priority to matters of public concern, to increase the law and order and to ensure the rights of the victims of violence, the disabled and the disenfranchised, to ensure efficient, people-oriented, economical and effective government service delivery and guarantee of good governance (p. 2-3). In the same way, Anoop Kumar (2013) comprehends legal literacy as the largest part of democracy which serves the people with the tool of power and self-realization and a tool to fight injustices as well (p. 9-11). Kumar writes,

To ensure justice for all, safeguard popular rights, and promote legal empowerment of the society, need is always felt for making the public aware about their rights and entitlements. With the same token, such awareness can be credited for facilitating the aggrieved person to quickly take resort to channels available for the redressal of grievances, through agencies like the police, the executive and the judiciary. Further the awareness of one's legal rights paves the way for participation of the masses in the decision-making process. It is due to this situation, that legal literacy has been recognized as a tool of qualitative change at the basic level as it provides them with the adequate knowledge of their rights. (10)

Based on the above-mentioned different perspectives on legal literacy, it can be said that legal literacy simply refers to being "literate in law" or being capable of being acknowledged with the existing laws. It helps to enable individuals to be self-realized, empowered, confident and self-determined. Moreover, it assists the marginalized or underprivileged groups to fight against injustices. Such type of development derived from legal understanding may also contribute to increasing public participation in the governance process.

State of People's Right and Obligation in the Constitution of Nepal 2072

Any state is obliged to protect their citizens and ensure human rights. Therefore, the state makes laws and enforces them. Law is such a mighty mechanism that regulates every structure of the state and humans' act. Archie Zariski (2014) writes, "Law is expected to bring order and predictability to society by requiring people to act in specific, lawful ways, and prohibiting them from acting outside of the defined norms (unlawfully) (p. 9)". To ensure a safe and a peaceful society, the role of law is crucial. Over time, Nepal has been enforcing different laws and regulations according to requirements and circumstances. Currently, the constitution of Nepal 2072 has been promulgated as the fundamental law (Article 1) and the sovereignty and state authority are vested in Nepali people (Article 2). Its preamble includes sovereign right of people, right to autonomy, self-rule, end of all forms of discrimination, equality, freedom, the concept of rule of law, development, good governance etc. and further it aims to accomplish these aspirations.

The constitution of Nepal 2072 has offered prominent space to legal rights and obligations. The part three of the constitution has provisioned fundamental rights and duties including right to live with dignity, right to freedom, right to equality, right to communication, right relating to justice, right of a victim of a crime, right against torture, right against preventive detention, right against untouchability and discrimination, right relating to property, right to religious freedom, right to information, right to privacy, right against exploitation, right to clean environment, right to education, right to language and culture, right to employment, right to labor, right to health, right to food, right to shelter, right of women, right of children, right of Dalits, right of senior citizen, right to social justice, right to social security, right of consumer, and right against banishment (Article 16-45). Indeed, these rights are provisioned in order to make them realized among people and maintain rule of law in the state.

Along with rights, citizens are required to carry out duties towards the nation. "Good citizens endorse their obligations alongside their respective rights" (Karara and Jacobs-Matab, 2016, p. 15). Indeed, the state and its citizens are interconnected in terms of rights and obligations. We often hear a common saying, "rights and duties are the two parts of the same coin". In order to maintain the rule of law in the state, citizen's performance is equally substantial as the state is responsible. The constitution of Nepal has also dispensed the duties of citizens. Article 48 of the same constitution, points out

mainly four duties such as a) duties to safeguard the nationality, sovereignty and integrity of Nepal, while being loyal to the nation b) to abide by the Constitution and law, c) to render compulsory service as and when the State so requires and (d) to protect and preserve public property.

In addition to the recognition of rights and duties, the citizens should have basic knowledge about the legal remedies. The citizens must know how to take legal procedure in case of the violation of fundamental rights. Article 8 of the Universal Declaration of Human Rights states, “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law”. It is the responsibility of every state to protect the rights of its citizens and right to legal remedy. Article 46 of the constitution of Nepal has provisioned right to constitutional remedies as, “There shall be a right to obtain constitutional remedies in the manner set forth in Article 133 or 144 for the enforcement of the rights conferred by this Part”. Furthermore, different acts and regulations do exist to extend and accomplish laws. Similarly, Nepal has mainly two acts related to legal procedure including The National Civil Procedure (Code) Act, 2017 and The National Criminal Procedure (Code) Act, 2017. The National Civil Procedure (Code) is related to civil cases and its procedures on filing, proceeding and hearing. Secondly, the National Criminal Procedure (Code) Act is associated with the legal procedure of criminal cases. The Constitution of Nepal has explicitly ensured the rights of citizens inclusively, their duties and legal remedies as well. However, a critical issue is whether people are well informed about these legal provisions or not? Are people capable of taking legal action? Otherwise, only written laws make no sense without its practice and adequate dissemination of legal awareness.

Right to information should be accessible to all impartially. It appears that right to information and legal awareness are interconnected. In article 27 of the constitution of Nepal, there is a provision of right to information as one of the fundamental rights. It has been stated, “Every citizen shall have the right to seek information on any matters of concern to her/him or the public. Provided that nothing shall be deemed to compel any person to provide information about which confidentiality is to be maintained according to law”. In the same way, Right to Information Act, 2064 (2007) clarifies, “Right to Information” as the right to ask for and obtain information of public importance held in the Public Bodies (9e). However, this act is limited to written document, material, or information related to the functions, proceedings thereof or

decision of public importance made by a Public Body. Moreover, the process of obtaining information is not easy. A Nepali citizen, who is interested to obtain any information under this Act, shall submit an application before the concerned Information Officer by stating reason to receive such information (7, 1) and pay a certain fee (8,1). As a consequence, ordinary people seem disoriented. Moreover, it has created a delusion that law is prejudiced. In addition, the rule of law has been largely challenged in the absence of strong mechanisms related to the right to legal information.

State of Legal Provisions in Nepal to attain Rule of Law and disseminate Legal Awareness

Rule of law is such a crucial practice that determines the efficiency of the state and its performance. It is one of the most important tools for strengthening the state and for the protection of human rights. The rule of law entails that government officials and citizens are bound by and abide the law (Tamanaha, p. 233). It connotes that all are equal before the eye of law. The rule of law and democracy are interlinked. Jan Eliasson (2014) writes, “The rule of law is based on key democratic principles, such as equality before the law, accountability to the law, separation of powers and participants in decision making. Like democracy, the rule of law is a principle of governance anchored in participatory and consultative processes” (V). Like Eliasson stated, rule of law observes both authority and ordinary people so that they can equally participate in democratic processes and sustainable development. Admittedly, the concept of rule of law is correlated with the statement of the Universal Declaration of Human Rights (1948), “All are equal before the law and are entitled without any discrimination to equal protection of the law” (Article 7). UDHR endorses law as a supreme force and equality as inalienable human rights. Assuredly, UDHR promotes rule of law. But an important issue is that laws are required to be strictly and honestly followed by both parties in order to attain the rule of law. Regarding this, understanding of law is vital for either side.

The constitution of Nepal is committed to effectuate rule of law as it imbibes the supremacy of law. It recognizes the concept “equality before law” as fundamental. In Article 18, of the constitution, Right to Equality has been mentioned. It states, “1) All citizens shall be equal before law, 2) No person shall be denied the equal protection of law, and 3) No discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, condition of

health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds". To meet these objectives, the same constitution has attempted to address all groups inclusively including woman, children, indigenous, Dalit, Muslim, older citizens, marginalized/ disadvantaged people and other so called socially excluded people. Extending the rights and empowerment of these groups distinct commissions and acts in Nepal have been established National Women Commission, National Human Rights Commission, National Dalit Commission, National Inclusion Commission, National Muslim Commission etc. at national level. These commissions have been working to empower and strengthen their own communities. As a matter of fact, these concerned commissions should be responsible to make their communities legally aware.

Rule of Law and Decentralization in Nepal

In order to attain the rule of law, decentralization and public involvement in the governance process is essential. In order to make the public realize the rule of law and their role, the state should prioritize public participation. Public participation is remarkably leading for decision making about policies, plans and programs in the governance process or may help to achieve good governance. Sam Agere (2000) expresses, "Good governance is therefore the highest state of development and management of a nation's affairs. it is good that a democratic form of government is in place, that people participate in the decision-making process, that services are delivered efficiently, that human rights are respected, and that the government is transparent, accountable and productive" (p. 5). Good governance aims at protection and promotion of rights, welfare and well-being of the citizens through legitimized democratic governance under rule of law (Lamichhane, 2021, p. 21). In order to ensure good governance, Nepal has introduced a new federal structure into three levels as the Federation, the Province and the Local level to exercise the state power in accordance with this Constitution and law. Additionally, the local level is categorized into Rural Municipality, Municipality and District Assembly (Part 5, 56). Currently we have 753 local governments, seven provinces. Moreover, we have Local Governance Operation Act 2074, to implement local level rights in accordance with the Constitution. Hence, being an integral part of the local government, the public are required to know why federal structures are established and what local laws exist. Otherwise stated, the public should be aware about the governance structure as well and their role in local

government so that they can promote rule of law, prevent the arbitrariness of authorities and increase their participation in the governance process.

Laws and Policies concerning Access to Justice in Nepal

It is the responsibility of any state to ensure access to justice. In other words, each individual should be adequately accessible to justice without any discrimination. UNDP (2004) defines Access to Justice as a basic human right as well as an indispensable means to combat poverty, prevent and resolve conflict (p. 3). Further it elaborates,

Access to Justice is also closely linked to poverty reduction since being poor and marginalized means being poor and marginalized means being deprived of choices, opportunities, access to basic resources and a voice in decision-making. Lack of access to justice limits the effectiveness of poverty reduction and democratic governance programmes by limiting participation, transparency and accountability. (p. 3)

Access to justice is considered as a basic principle of rule of law. If there is no access to justice, people become unable to exercise their rights and have their voice heard. Therefore, the state should guarantee the right to justice and practice it effectively. The Constitution of Nepal 2072 also ensures rights relating to justice as one of the fundamental rights (Article 20). However, the public is required to be informed about the laws, policies and programs offered by the local units about right to justice. Here some the attempts of the government of Nepal regarding right to justice has been described shortly:

Judicial Committees: A Provision in Local Level to Resolve Local Litigation

People should have access to justice at the local level. Therefore, the local government should have delegated power by the central government so that the public can realize their rights and justice without any unnecessary difficulties. In order to settle local disputes at local level, the constitution of Nepal 2072 has provisioned judicial committees in every municipality and rural municipality. These judicial committees consist of three members and are coordinated by its Vice-Chairperson in the case of a rural municipality and by its Deputy Mayor in the case of a Municipality, in order to settle disputes under their respective jurisdictions in accordance with law (Article 217). Til Prasad Shrestha and Namit Wagle (2019) write,

The Constitution mandates the establishment of one judicial committee in each of the country's 753 municipalities and rural municipalities to mitigate the

inefficiencies of the formal legal system and bridge the formal/informal justice divide. Judicial committees are envisioned as the first line of justice that can link individuals to various justice providers like mediation centers at the ward level, the lowest level court at the district level, the police, government legal departments, and other relevant justice/social service providers. (p. 2)

Judicial committees hold delegated power and are obliged to deliver legal service to people at local level in speedy, uncomplicated and affordable manner.

Local Government Operations Act 2017 extends the functions of the Judicial Committee. As per Clause 47 (1) and (2) of Local Government Operations Act 2017, judicial committees are mandated to settle certain types of disputes, and to refer others to either the district court for formal adjudication or to community mediation centers for mediation (p. 2). The judicial committees mainly concern thirteen specific disputes including property boundary disputes, canals, dams, ditches or allocation of water and encroachment on roads, disputes about compensation for damage to crops, disputes about wages, disputes about lost and found cattle, and other disputes designated by federal and provincial laws. Accordingly, the Judicial Committee has the right to settle disputes through mediation only in eleven types of debates like encroachment of private lands, divorce, theft, robbery, assault and abuse that attract a prison sentence of up to a year (Clause 47, 1 and 2). Assuredly, the government of Nepal has attempted to maintain good governance and make easy legal access to the public at local level. However, the public needs to be informed about the judicial committee and its service-delivery. Therefore, the local government should impart the legal awareness program or legal literacy classes in the community to increase the efficiency and effectiveness of the justice delivery unit of the local government and make significant public involvement in this system.

Access to Justice (A2J) Project: An Attempt to promote Legal Empowerment

The concept of “Access to justice” has appeared as a global concern. Addressing this issue, UNDP is committed to using a human rights-based approach in its programming, guided by international human rights standards and principles (UNDP, 2004, p. 3). It supports access to justice, particularly for the poor and disadvantaged, including women, children, minorities, persons living with HIV/AIDS and disabilities (p. 3). In Nepal, this project began in 2008, intending to support the Government of Nepal to carry out a comprehensive programme to strengthen the justice system and to support the peace process. Recently, UNDP completed Enhancing Access to Justice through

Institutional Reform (2018-2020) with the support of Nepal Ministry of Law, Justice and Parliamentary Affairs which was aimed at enhancing access to justice for women, poor and vulnerable groups in Nepal. That project was executed with an expectation, “By 2022, inclusive, democratic, accountable and transparent institutions are further strengthened towards ensuring rule of law, social justice and human rights for all particularly for vulnerable people” (p.2). This project was mainly focused on empowerment of women and vulnerable groups through the realization of their rights and legal services. In addition, it worked to enhance the performance of Judicial Committees (p. 5). Currently, the second phase project “Enhancing Access to Justice through Institutional Reform Project II (A2J II)” for the period from 2021 till 2026 on 2 December. It aims to enhance access to justice of women and marginalized communities in Nepal through institutional support to the Government of Nepal for the effective implementation of integrated legal aid policies (UNDP, 2021).

Legal Aid Act, 2054

In order to promote legal awareness among the public and ensure access to justice, the government needs to make and enforce specific schemes. In the context of our neighbor country India, the first National Legal Literacy Mission (NLLM) was launched in 2005 for a period of five years (2005-2009) to ensure legal empowerment of all sections of society. The mission was aimed at educating minority communities, especially downtrodden citizens and women, through awareness so that they could understand laws and judgments. In addition, it offered free legal aid. The motto of the mission was to lead ignorance to legal empowerment and simplify the legal language so that anyone would be able to understand it (DNIS News Network, 2005). India has also provisioned “The Legal Services Act, 1987,” which is related to an act to constitute legal services authorities to provide free and competent legal services to the weaker section of the society (Chapter 2, p. 3). Under this act, different State’s legal services Authorities organize legal awareness programs like camps, legal literacy class for women, seminars, documentaries, cultural programs, distribute books related to law etc. Moreover, different programs related to legal education like painting, essay writing, debates, quiz etc are often organized at school level (nalsa.gov.in). But in the context of Nepal, such types of provisions related to legal awareness are lacking. However, the Legal Aid Act, 2054 exists. In its preamble, it has been stated “It is expedient to make legal provisions regarding legal aid for those persons who are unable to protect their legal rights due to financial and social reasons to provide for equal justice to all

according to the Principle of Rule of Law” (p. 1). This act focuses on the legal assistance to the disadvantaged and underprivileged people. Apart from this, there is a provision of the district legal aid committee (chapter 4, p. 6). Certainly, the government has made some attempt in the concept of access to justice. But the important issue is that, public is aware of such provisions or not.

Integrated Legal Aid Policy, 2076

Highlighting the ineffectiveness and inadequacy of the existing Legal Aid Act, 2054 which has adopted a policy to provide free legal aid to women, children and persons with disabilities, senior citizens and conflict victims of domestic and gender based violence and realizing a need for comprehensive policy reforms in this area to improve the existing system of providing free legal aid and to develop an integrated and effective free legal aid system to ensure equal access to justice for the socially and economically disabled, Integrated Legal Aid Policy, 2076 has been introduced by Ministry of Law, Justice and Parliamentary Affairs (p. 4). This policy has set a goal as, “To increase access to justice for those who are unable to protect their legal rights due to economic and social reasons by providing quality free legal aid in an integrated manner in civil and criminal matters in collaboration with government and non-government sectors” (p. 7).

Integrated Legal Aid Policy, 2076 has some objectives as below:

1. In order to effectively implement the fundamental right to free legal aid, to provide quality free legal aid to those who are unable to protect their legal rights due to economic and social reasons.
2. To develop an integrated socio-legal aid system by expanding the scope and scope of free legal aid (p. 3)

To meet the objectives, it has set some policies and strategies. Among them, Policy no. 3 is related to providing legal education or awareness and psychosocial counseling services as per requirement in coordination with the local judicial committee at the local level. It mentions that

1. The District Legal Aid Committee will coordinate and cooperate with the local judicial committee in the district to conduct legal education awareness, psychosocial counseling and other necessary service-related activities.
2. To mobilize students studying law at the university, concerned ministries or offices of the Government of Nepal and the state government, local level social

workers or volunteers for legal education awareness, psychosocial counseling and other necessary services,

3. To conduct legal education awareness campaign targeting school level students and local community,

4. To conduct mobile legal aid camps to provide legal aid (p. 6)

It demonstrates that Integrated Legal Aid Policy, 2076 has put forward an ambitious mission. Moreover, it has challenged the existing Legal Aid Act, 2054. However, the issue of concern is whether it is implemented effectively or not.

The Provisions regarding Women Rights in Nepal and their Access to Justice

In the context of rising the voice of women against their gender-based discrimination and injustices, women rights are occupying prominent space globally. In Nepal, discrimination against women and girls is highly prevalent. Women and girls are facing different forms of violence in different places like home, street, workplace etc. UN Women (2020) defines Gender Based Violence against Women and Girl as, “one of the most global, widespread and systematic form of discrimination and violation of human rights worldwide. It has immediate and long-term physical, sexual, psychological and economic consequences for women and girls, preventing them from fully participating in society” (p. 11). Women are more likely to be victims of domestic violence, witchcraft and dowry cases (National Women Commission, 2078). In order to create a gender friendly society, the constitution of Nepal has included the Right of women in Article 38. It includes equal lineage right without gender based discrimination, right to safe motherhood and reproductive health, No physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds, right to compensation, right to participate in all bodies of the State on the basis of the principle of proportional inclusion, right to obtain special opportunity in education, health, employment and social security, on the basis of positive discrimination, equal right to property and family affairs (p. 24-25). It demonstrates that the constitution of Nepal has highly prioritized women.

National Women Commission and Access to Justice

In order to protect and promote the rights and interest of women; and to ensure gender justice through the empowerment of women, the National Women Commission has been established (National Women Commission Act 2074). The victim or anyone on

behalf of the victim may file or make a complaint to this commission (Chapter 3, 8). Moreover, the National Women Commission has been operating 24 hours helpline services since 2017 to provide services to the survivors after the incident and to prevent the incident from happening as well (National Women Commission, 2020). Moreover, National Women Commission Act 2074, National Women Commission Regulation, 2078 and Fifteen Five Year Planning 2076/77 - 2080/81 has been implemented (National Women Commission, 2077, p. 24).

Besides the Women Commission, there is provision of Province level Social Development Ministry, Department of Women Development in 753 units, Free Legal Aid from Bar Association, Rehabilitation center for victims of Human Trafficking and Domestic Violence and others. In addition, the Ministry of Law, Justice and Parliamentary Affairs is contributing to access to justice through legal awareness through T.V., radio and other media. It also organizes legal awareness programs in academic institutions and for the members of judicial committees as well. Similarly, the Ministry of Women, Children and Senior Citizens focuses on gender-based violence. To minimize such type of gender-based violence, it organizes the programs related to Chhaupadi, 16 days of Activism-Gender Based Violence, dowry and child marriage etc. To impart information, it coordinates with radio and TV (National Women Commission, 2077).

Similarly, one of the goals of Sustainable Development Goals (SDG) is Gender Equality. Nepal has endorsed Sustainable Development Goals (SDG) which is adopted by all members of UNDP. SDG is set with 17 goals, which aims to end poverty, protect the planet and ensure that all people enjoy peace and prosperity by 2030. Goal 5 mentions Gender Equality and further it explains “Ending all discrimination against women and girls is not only a basic human right, it’s crucial for sustainable future, it’s proven that empowering women and girls helps economic growth and development”. Despite different attempts from the government and related institutions, women’s cases are not reduced. Moreover, most of the cases do not get reported.

A survey, operated by the Ministry of Health shows that 66% of women aged 15-49 who have ever experienced violence have never sought help nor told anyone. It demonstrates that those women are unable to get access to justice because of lack of legal knowledge. Regarding the awareness, CEDAW Committee (2018) states, “In Nepal impunity is exacerbated by the low level of awareness among women and girls of the rights and the mechanism available for gaining access to justice and seeking

remedies” (para 10, a). Obviously, awareness about law is the most important for preventing violence and fighting for justice in case an incident happens.

Provision of Formal Legal Education in Nepal

In order to promote the legal understanding and produce legal service providers, formal legal education is vital. The traditional legal education was initiated in Nepal with Shrestha Pathasala, but it was limited to administrative officials. A report published by International Commission of Jurists Nepal Section (1994), clarifies the history of formal legal education in Nepal,

In fact, the history of formal legal education is not long in Nepal. However, the major events are said to be very significant in the development of legal education. The first is the provision of studying the subject of law in Sresta Pathasala which was established in 1970 B.S. The second is the opening of the law college in Nepal in 2011 B.S. under the initiative of the private individuals. The objective of establishing Sresta Pathasala was to produce clerk, scribes and manpower able to handle the legal aspects of civil administration (Muluki Prashashan). (p. 28)

This report shows that only administrative officials were intended for imparting legal education to promote administrative operation. Otherwise stated, the need for legal awareness for common people was not realized in former days.

Nepal does not appear to be able to make significant progress in the field of legal education though it was initiated in 1970 B.S. Still in the present days, legal education is limited to only those individuals who intend to be legal professionals as in the past used to be. As the oldest college of Nepal, Nepal law campus, Faculty of law, Tribhuvan University has been contributing in Legal education since 1972. Highlighting the background of Nepal law campus, a brochure published in 2071, writes,

Traditional legal education system which was imparted by *Shrestha Patshala* was not sufficient to meet the needs of the time. The political changes of the 1950s caused restructuring in every field of the social sector. Consequently, Nepal Law College (present NLC) was established in 1954 to produce necessary human resources for the country in the legal sector. In the year 1971, the National Education System Plan was implemented with the objectives of producing necessary, competent human resources of different levels in different areas to meet the country’s need to achieve its development goals. It

significantly made a great breakthrough in the legal education system as well in the country by incorporating Nepalese laws in the courses of study. (Front page)

Gradually, Tribhuvan University brought two years certificate level (CL) and three years diploma level (B.L) courses in law. Over time, TU, faculty of law introduced the LLB programme in 1996. Currently, this faculty is running LLB of three years, B.A.LLB. of 5 years and masters of laws since 1996. In recent days, TU affiliated some campuses are running LLB courses. Similarly, Kathmandu University and Pokhara University are offering the courses like BBM- LL. B, B.A. LLB and LLM. However, these courses of law specifically focus on promotion of legal professionals or legal career opportunities.

Conclusion

Legal literacy is not only associated with self-realization but also with the existence and welfare of the state. Through legal awareness, an individual not only acknowledges his/her rights and responsibility, but also, they may be motivated and enabled to participate in the decision-making process. Moreover, legal understanding may contribute to the governance process. Indeed, the concept of good governance seems not to be attained without understanding law by each individual. In the same way, the arbitrariness of authorities could not be controlled. Most of all, the aspiration of accomplishing 'Rule of law' could be unattainable. Therefore, it seems required to ensure the right to legal awareness as a fundamental right and develop special provisions and programs at the local level in Nepal. In addition, it would be more effective, if legal education could be included in school level curriculum.

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