

# Lawyers and Human Rights Defenders

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## Abstract

*In a democracy, the role of advocates as guardians of justice cannot be overstated. Lawyers are recognized as the professional in the field of law. They argue for the cause of another person in front of any judicial authority. A fearless legal profession is the cornerstone of a thriving democracy. They serve as the backbone of the judicial system, tirelessly advocating for the rights of their clients and upholding the principles of fairness and equality before the law. In the pursuit of justice, lawyers are the first line of defense for human rights. However, in many parts of the world, including Nepal, these legal professionals often find themselves subjected to threats, intimidation, attacks, which hindering their ability to perform duties effectively. This article delves into the pressing need for an Advocate Protection Law in Nepal, drawing inspiration from the Advocates Protection Act of India. Examining the challenges faced by Nepalese advocates and analyzing the Indian legislation, it underscores the urgency for a comprehensive legal framework to safeguard the interests of those who defend justice. Additionally, the article calls upon the Nepalese parliament and the Nepal Bar Council to undertake proactive measures in drafting and enacting such a law, ensuring that the guardians of justice are shielded from undue interference and can carry out their noble duties without fear or favor.*

**Keywords:** Lawyers, Rights, Justice, Advocacy, Protection

## I. Introduction:

Lawyers are the backbone of the human rights movement. Their safety and security are essential for advancing our cause. Justice is the cornerstone of a civilized society, and the role of advocates in upholding this fundamental tenet cannot be understated. They are the guardians of justice, the champions of legal rights, and the voices that resonate through the halls of courtrooms, advocating for the fair and impartial application of the law. However, in many parts of the world, including Nepal, these legal professionals often find themselves in a precarious position, facing threats, intimidation, and even physical attacks that undermine their ability to perform their duties effectively. The Nepalese legal system, like many others, relies heavily on the dedication and professionalism of its advocates. They are the crucial link between the judicial system and the

public, ensuring that the rights of individuals are protected and that the principles of due process and equal treatment under the law are upheld. Unfortunately, instances of advocates being subjected to harassment, intimidation, and violence have become increasingly prevalent, casting a shadow over the integrity of the legal profession and the administration of justice itself.

## II. Methodology:

The methodology employed in this article primarily utilizes the doctrinal research method, complemented by comparative analysis and case study approaches

## III. The Plight of Nepalese Advocates:

### *Defenders Also Need Defenders, Protecting Those Who Protect.*<sup>1</sup>

**When lawyers are targeted, the entire justice system is undermined**<sup>2</sup>. In recent years, reports of advocates in Asian more overall in India seems to state that lawyers are facing threats, intimidation, and violence have become increasingly common. These incidents not only undermine the legal profession but also erode public confidence in the judicial system and the rule of law. In the context of Nepal, One of the most prominent cases that highlighted the vulnerability of advocates in Nepal was the, Nepal human right lawyer and environmental activist Gopal Siwakoti, was physically assaulted in Nepal on January 17th, 2001 (United Nations, 2001). He suffered serious injuries, including a fractured knee and head wounds. A police report was filed, but no investigation has been conducted. Numerous other advocates have reported receiving threats, being subjected to harassment, and even facing physical violence in retaliation for their work. In some cases, these attacks have been linked to powerful individuals or groups seeking to influence the outcome of legal proceedings or to silence those who challenge their interests. The consequences of such attacks are far-reaching and detrimental to the entire legal system. Advocates who feel threatened or intimidated may become reluctant to take on certain cases, particularly those involving powerful or influential parties. This can lead to a chilling effect on the legal profession, compromising the principles of equal access to justice and the fair administration of the law.

1 The phrase "Defenders also need defenders: Protecting Those Who Protect" is a common theme in the discourse on human rights advocacy.

2 This statement emphasizes the critical role lawyers play in upholding the justice system. When lawyers face threats or attacks, it doesn't just affect them individually, but compromises the entire legal process. Lawyers are essential for ensuring fair trials, protecting rights, and maintaining the rule of law. If they are intimidated or harmed, it can lead to a chilling effect where lawyers may be reluctant to take on certain cases or vigorously defend their clients. This, in turn, weakens the overall justice system by reducing access to legal representation and potentially allowing injustices to go unchallenged. The statement underscores that protecting lawyers is not just about individual safety, but about preserving the integrity and effectiveness of the justice system as a whole.

Moreover, the lack of legal protection for advocates can deter talented individuals from pursuing a career in the legal field, further exacerbating the shortage of qualified legal professionals in Nepal. This, in turn, can have ripple effects on the efficiency and effectiveness of the judicial system, ultimately undermining the rule of law and the protection of fundamental rights.

#### **IV. The Indian Advocates Protection Act: A Step of Hope**

##### ***General Law of India related with Advocate:***

The Advocates Act, 1961 is a pivotal legislation that governs the legal profession in India. Enacted after India gained independence, it was a much-needed move to unify the disparate classes of legal practitioners like advocates, lawyers and barristers that existed under the previous Legal Practitioners Act of 1879. A key aspect of the Act is the establishment of the statutory Bar Council of India and State Bar Councils to regulate and oversee the conduct of advocates across the country. These bodies play a vital role by setting standards for enrollment, drafting rules of professional ethics, and maintaining a roll of advocates. The Act lays down clear eligibility criteria for enrollment as an advocate. This includes stipulations on minimum age, educational qualifications like a law degree, as well as clearing the All India Bar Examination conducted by the Bar Councils. For instance, a person convicted of an offence involving moral turpitude cannot be admitted as an advocate until a waiting period, as held in the Mahipal Singh Rana vs State of UP case (Mahipal Singh Rana Vs State of UP). Once enrolled, advocates are conferred specific rights and privileges under the Act. This includes the exclusive right to practice law by representing clients before any court, tribunal or authority. They can plead and act on behalf of clients. Additionally, advocates have the distinct privilege of being designated as 'senior' by virtue of experience, specialization or other criteria laid down by the respective High Courts, as per the T.N. Raghupathy case (Shri T N Raghupathy Vs The High Court of Karnataka 2020).

The Act puts in place a comprehensive disciplinary mechanism by setting up dedicated committees to inquire into allegations of professional misconduct by advocates. Based on the findings, it empowers these bodies to take punitive action ranging from issuing warnings and suspensions to permanently striking off an advocate's name from the rolls, thus terminating their right to practice. Recognizing the importance of quality legal education, the Act enables the Bar Council to establish law universities and prescribe curricula standards. It can also grant accreditation to law colleges based on compliance with specified norms. This exercise of regulating legal pedagogy aims to equip future advocates with the requisite skills and ethics training. In today's age of commercialization, the Act prohibits advocates from advertising their services through any mode

except as permitted under Bar Council rules. This is to maintain the decorum and integrity of the noble profession. Similarly, the Bar can prescribe fee schedules delineating minimum/maximum chargeable amounts for various legal services to prevent exploitation. The Act acknowledges the significance of ensuring access to justice for all by provisioning legal aid programs and schemes that State Bar Councils can promote and sponsor. This helps underprivileged sections of society in availing quality legal representation. While conferring extensive statutory rights, the Act also imposes various obligations and a strict code of conduct on advocates to uphold professional ethics and probity. Any violation renders them liable for disciplinary proceedings before the concerned Bar Councils. An interesting feature is enabling foreign lawyers and law firms to render professional services in India on a reciprocal basis and adhering to prescribed conditions. This allows the exchange of best practices while strengthening India's position as an international arbitration hub. The Act has witnessed several landmark judgments from the Supreme Court that have interpreted and settled contentious provisions over the decades. One such ruling in Pratap Chandra Mehta's case <sup>3</sup> reiterated the requirement of the Bar Council of India's approval for regulations framed by State Bar Councils to become enforceable. The establishing uniform standards, the Advocates Act ensures a robust regulatory framework governing India's legal fraternity. While criticisms exist around potential misuse and enforcement gaps, the Act undoubtedly plays a crucial role in preserving the integrity, accountability and independence of the country's legal system.

***Special Advocate Protection Act of India passed by State Rajasthan:***

On March 21, 2023, Shanti Kumar Dhariwal, the Law and Legal Affairs Minister of Rajasthan, stated that the Rajasthan state assembly had approved the Rajasthan Advocates Protection, 2023<sup>4</sup>, 2023 in an amended form. The aim of this bill is to prevent violence against lawyers. The minister mentioned that important suggestions provided by advocates were incorporated into the amended bill. Rajasthan is the first state where such a law has been brought in the direction of protection of advocates. For the welfare of the advocates, every year Rs 5 crore is given by the State Government to the Bar Council (Dhariwal, 2023).

3 Pratap Chandra Mehta vs State Bar Council Of M.P. & Ors on 9 August, 2011

4 On 22nd March 2023, the Rajasthan State Assembly passed the Advocate Protection Bill, 2023, and the Bill was approved by voice vote in the Rajasthan Assembly.

Some Key Features of Act (Times now News, 2023):

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| Section 3  | Any act of assault, grievous hurt, criminal force and criminal intimidation against an advocate will be deemed to be an offence under the Act if such an act is in connection with the discharge of duties of the advocate in court premises. |
| Section 4  | If an advocate complains to the police regarding any act mentioned in Section 3, the police is to provide the lawyer with protection, if deemed fit.  |
| Section 5  | 5(1) - Assault or criminal force against an advocate would lead to a maximum of two years imprisonment, along with a fine of up to ₹25,000.   |
|            | 5(2) - Act of voluntarily causing grievous hurt to an advocate would lead to a maximum of seven years imprisonment and a fine of up to ₹50,000.   |
|            | 5(3) - Voluntary commission of the offence of criminal intimidation against an advocate would result in maximum of two years imprisonment and a fine of up to ₹10,000.  |
| Section 6  | All offences under the bill have been made cognizable. A cognizable offence enables the police to make an arrest without a warrant or prior permission of the court.  |
| Section 11 | If any provisions of the act are misused, the guilty party would be punishable by upto 2 years of imprisonment.   |

## V. The Need for an Advocate Protection Law in Nepal:

Inspired by the Indian Advocates Protection Act passed by Rajasthan, as India all state has grown the demand to pass such Act in there state also so in this way, Nepal must recognize the need to enact a similar legal framework to safeguard the interests of its legal professionals. Like there is words which is: Prevention is better than cure, so it is necessary to Nepal also to recognize such laws and Act in Nepal. The challenges faced by Nepalese advocates, coupled with the growing instances of threats and attacks, demand a robust and comprehensive response from the government and the legal community. An Advocate Protection Law in Nepal would serve as a powerful deterrent against those who seek to undermine the legal profession and the administration of justice. Clearly defining offenses against advocates and prescribing severe penalties for such actions, the law would send a strong message that any attempts to intimidate or harm legal professionals will not be tolerated. Furthermore, the establishment of a dedicated tribunal or oversight body to investigate complaints and impose penalties would provide a much-needed avenue for advocates to seek redress and ensure that their concerns are addressed promptly and effectively. The law could also

mandate the provision of adequate security measures for advocates, such as police protection or the establishment of special units within law enforcement agencies to handle cases involving threats or attacks against legal professionals. This would not only enhance the safety of advocates but also bolster public confidence in the legal system's ability to protect its guardians. Moreover, an Advocate Protection Law in Nepal could incorporate provisions for legal aid and support services for advocates who have been subjected to threats or attacks. This could include financial assistance, counseling, and other resources to help them cope with the psychological and emotional trauma associated with such incidents. Importantly, the drafting and enactment of an Advocate Protection Law in Nepal should not be a unilateral endeavor. It must involve extensive consultation and collaboration between the government, the Nepalese parliament, the Nepal Bar Council, and other stakeholders within the legal community. This inclusive approach would ensure that the law addresses the specific needs and concerns of Nepalese advocates while drawing upon best practices from other jurisdictions.

#### ***A Case Study: Physical Assault on a Lawyer in Nepal (News Staff, 2024)***

On March 23, 2081, Advocate Laxmi (Nani) Thapa was physically assaulted by a police officer within the Kathmandu District Court premises. This brazen act of violence against a legal practitioner while on duty sent shockwaves through the legal community. The Kathmandu District Bar Association issued a strong condemnation of the incident, characterizing it as a direct attack on the independence of the judiciary.

The bar association's statement highlighted the deteriorating security situation for legal professionals and emphasized the urgent need for measures to protect lawyers while carrying out their professional duties. The incident has sparked widespread concern over the erosion of the rule of law and the implications for access to justice. This case underscores the critical importance of a safe and secure environment for lawyers to practice their profession without fear of violence or intimidation. The incident also highlights the urgent need for comprehensive legal frameworks to protect lawyers from physical harm and to ensure accountability for perpetrators of such attacks. The assault on Advocate Laxmi (Nani) Thapa is a stark reminder of the challenges faced by legal professionals in Nepal. It serves as a catalyst for advocating for stronger legal protections for lawyers, essential for upholding the rule of law and ensuring access to justice for all.

#### **VI. The Role of the Nepal Bar Council:**

The Nepal Bar Council, as the statutory body responsible for regulating and safeguarding the legal profession in the country, has a pivotal role to play in advocating for an Advocate Protection

Law. the Present Law of Nepal Bar Council Act has certain provision which indirectly also provides protection to the advocates as like, the Act states that states that one, of the functions and duties of the Nepal Bar Council is “To protect the prestige, dignity, security, rights, welfare and facilities of Legal Practitioners” (Government of Nepal, 2050).

Likewise it also states that no legal practitioner shall be arrested in a civil case concerning any claimed amount or penalty when they are on their way to present, plead and argue in a case on behalf of a party (Government of Nepal, 2050). No petition may be filed against a legal practitioner on slander on the basis of what they have said during the course of argument. It also allows the Nepal Bar Council to frame Rules regarding the “Professional Code of Conduct of Legal Practitioners” which can help protect their rights and dignity (Government of Nepal, 2050). While there is no dedicated section solely focused on advocate protection, Sections 8(1)(h), 24 and 27(2)(a) do provide some provisions aimed at protecting the prestige, dignity, security, rights and welfare of legal practitioners in Nepal.

.As the collective voice of Nepalese advocates, the Bar Council should more leverage its influence and actively engage with the government and the parliament to ensure that this crucial legislation is given the attention and priority it deserves.

## **VII. The Role of Human Right commission of Nepal:**

The Human Rights Commission of Nepal holds a pivotal role in safeguarding the rights of advocates. As a constitutional body mandated to protect, promote, and enforce human rights, the Commission is uniquely positioned to address the challenges faced by legal professionals. Its responsibilities encompass investigating human rights violations, monitoring the state of human rights, and recommending necessary measures for their protection. In the context of advocate rights, the Commission can play a crucial role by investigating incidents of violence against lawyers, documenting patterns of intimidation and harassment, and advocating for the implementation of comprehensive advocate protection laws. Furthermore, the Commission can provide legal aid and support to lawyers facing threats and reprisals, and engage in public awareness campaigns to highlight the importance of an independent legal profession for a just society.

### ***Commission’s Role in the Absence of a Specific Advocate Protection Law:***

In the absence of a dedicated advocate protection law, the Human Rights Commission assumes an even more critical role. The Commission can utilize its investigative powers to probe incidents of violence against lawyers, gather evidence, and issue recommendations for



accountability. Through its monitoring and reporting functions, the Commission can document the prevailing threats to the legal profession and advocate for policy reforms. Additionally, the Commission can leverage its authority to engage in public advocacy, raising awareness about the challenges faced by lawyers and mobilizing support for their protection. Issuing advisory opinions and guidelines, the Commission can contribute to the development of a protective legal framework, even in the absence of formal legislation. Ultimately, the Commission's proactive engagement can help to mitigate the risks faced by lawyers and create a more conducive environment for the administration of justice.

### ***A Case Study: The Philippines and Extrajudicial Killings of Lawyers:***

The Philippines provides a stark example of the challenges faced by lawyers in a context of human rights abuses. The extrajudicial killings of numerous lawyers, particularly those involved in human rights and criminal cases, have raised significant concerns about the safety of the legal profession. The Philippine Commission on Human Rights (CHR) has been at the forefront of documenting and condemning these killings. The Commission has conducted investigations, issued reports, and advocated for accountability. Despite facing challenges, including threats and intimidation, the CHR has persisted in its efforts to protect human rights defenders, including lawyers (International Bar Association, 2022).

### **VIII. The Call for Legislative Action:**

The enactment of an Advocate Protection Law in Nepal is not merely a matter of legal reform; it is a necessary step toward upholding the principles of justice, fairness, and the rule of law. It is a call to action for the Nepalese parliament to recognize the pivotal role that advocates play in safeguarding the rights of citizens and ensuring the proper functioning of the judicial system.

Legislators must understand that an attack on an advocate is an attack on the very foundations of justice itself. When legal professionals are subjected to threats, intimidation, or violence, it erodes public confidence in the legal system and creates an environment of fear and uncertainty. This, in turn, can discourage individuals from seeking legal recourse, perpetuating a cycle of injustice and undermining the principles of equality and due process. Taking decisive action and enacting a comprehensive Advocate Protection Law, the Nepalese parliament would send a powerful message that the safety and well-being of legal professionals are of paramount importance. It would demonstrate a firm commitment to upholding the rule of law and ensuring that the guardians of justice can perform their duties without fear of reprisal. The enactment of such a law would align Nepal with international standards and best practices regarding the protection



of legal professionals. It would place the country among the ranks of nations that have taken proactive measures to safeguard the integrity of their legal systems and uphold the fundamental rights of their citizens. The drafting process of the Advocate Protection Law should be inclusive and transparent, involving extensive consultations with stakeholders from the legal community, civil society organizations, and relevant government agencies. This collaborative approach would ensure that the law addresses the specific needs and concerns of Nepalese advocates while drawing upon best practices from other jurisdictions.

## **IX. Key Components of an Effective Advocate Protection Law:**

To be truly effective, an Advocate Protection Law in Nepal must incorporate several key components that address the multifaceted challenges faced by legal professionals. These components should include, but not be limited to, the following:

- a. **Clear definition of offenses against advocates:** The law should clearly define and categorize offenses against advocates, such as criminal intimidation, assault, interference with the discharge of professional duties, and any other acts that impede the fair administration of justice. This clarity would ensure that there is no ambiguity regarding what constitutes a violation and would provide a solid legal basis for prosecuting offenders.
- b. **Enhanced penalties for offenses against advocates:** To serve as an effective deterrent, the law should prescribe enhanced penalties for offenses committed against advocates. These penalties should be proportionate to the severity of the offense and should take into account the critical role that advocates play in upholding the rule of law. Severe punishments, including substantial fines and imprisonment, would send a strong message that any attempts to undermine the legal profession will not be tolerated.
- c. **Establishment of a dedicated tribunal or oversight body:** The law should mandate the establishment of a dedicated tribunal or oversight body to investigate complaints filed by advocates who have been subjected to threats, intimidation, or violence. This body should have the authority to conduct thorough investigations, collect evidence, and impose appropriate penalties on those found guilty of violating the provisions of the law.
- d. **Provision of security measures and protection:** To ensure the safety and well-being of advocates, the law should include provisions for adequate security measures, such as police protection, the establishment of special units within law enforcement agencies to handle cases involving threats or attacks against legal professionals, and the implementation of security protocols in courtrooms and legal premises.

- e. **Legal aid and support services:** The law should incorporate measures to provide legal aid and support services to advocates who have been victims of threats, intimidation, or violence. This could include financial assistance, counseling services, and other resources to help them cope with the psychological and emotional trauma associated with such incidents.
- f. **Awareness and training programs:** To ensure effective implementation, the law should mandate the development of awareness and training programs for all stakeholders involved, including law enforcement agencies, judicial officials, and members of the legal community. These programs would promote a better understanding of the law's provisions, the importance of protecting legal professionals, and the procedures for reporting and addressing incidents of threats or attacks.
- g. **Regular monitoring and evaluation:** The law should establish mechanisms for regular monitoring and evaluation of its implementation and effectiveness. This could involve periodic reports, external audits, and consultations with stakeholders to identify areas for improvement and ensure that the law remains relevant and responsive to the evolving challenges faced by advocates incorporating these key components, an Advocate Protection Law in Nepal would not only provide a robust legal framework for safeguarding the interests of legal professionals but also promote a culture of respect and appreciation for the crucial role they play in upholding the rule of law and protecting the rights of citizens.

## **X. International Perspectives and Best Practices:**

While the Advocates Protection Act of India serves as a valuable reference point, it is essential to examine international perspectives and best practices to ensure that Nepal's Advocate Protection Law aligns with global standards and incorporates the latest developments in this area.

The independence of the legal profession is firmly established as the distinguishing feature of a democratic system by the 1990 Basic Principles on the Role of Lawyers (the "Basic Principles") and the 1993 Vienna Declaration on Human Rights, which were later supported by several states' resolutions at the UN Human Rights Council (UNHRC) and General Assembly (UNGA). According to the United Nations Basic Principles on the Role of Lawyers (UN Basic Principles), the independence of the legal profession is a critical foundation for upholding the rule of law in a democratic society. As per the International Covenant on Civil and Political Rights, harassing legal professionals may lead to infringement of clients' rights, particularly their right to due process (article 14 of the Covenant). Article 16 of The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cuba says that "Governments shall

ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics” (Sharma, 2023).

Article 12 of the Declaration on Human rights defenders also says that States must take all necessary measures to ensure the protection of human rights defenders including lawyers. Principle 7 of the ICJ Geneva Declaration on Upholding the Rule of Law and the Role of Judges and Lawyers in Times of Crisis, 2011 states, “All branches of government must take measures to protect lawyers from violence, threats, retaliation, de facto or de jure discrimination, pressure, and other arbitrary actions.” Principle 12 of UN principles and guidelines on access to legal aid in the criminal justice system published by the United Nations Office on Drugs and Crime (UNODC) also imposes obligations on the state for the Independence and protection of legal aid providers. In order to achieve Sustainable Development Goal 16 of the 2030 Agenda for Sustainable Development, the independence of advocates and the legal profession are undeniably essential components. These many international standards and regulations make it abundantly evident that states have a responsibility to safeguard advocates and the legal profession (Sharma, 2023).

## **XI. Overcoming Challenges and Building Resilience:**

The path to enacting an Advocate Protection Law in Nepal may not be without challenges. There may be resistance from certain quarters, concerns about potential misuse or overreach, and debates surrounding the appropriate balance between protecting advocates and preserving the rights of others. However, these challenges should not deter the pursuit of this crucial legislation. Instead, they should serve as opportunities for constructive dialogue, open discourse, and the refinement of the law to address legitimate concerns while upholding the fundamental principles of justice and the rule of law. One potential challenge may arise from concerns about the law being misused or abused for personal or political gain. To address this, the law should incorporate robust safeguards and mechanisms to prevent frivolous or malicious complaints. This could include provisions for stringent evidentiary requirements, independent oversight, and penalties for false or vexatious claims. Another challenge may stem from apprehensions about the law’s potential impact on the rights of individuals or organizations to express dissent or criticize legal professionals. It is crucial to strike a balance between protecting advocates and preserving the fundamental rights of free speech and expression. The law should clearly delineate the boundaries between legitimate criticism and intimidation or interference with the discharge of professional duties. Overcoming these challenges will require a concerted effort from all stakeholders, including the government, the

legal community, civil society organizations, and the public. It will necessitate open and transparent communication, extensive consultations, and a willingness to listen to diverse perspectives while remaining steadfast in the pursuit of protecting the guardians of justice. Moreover, it is essential to recognize that enacting an Advocate Protection Law is not a panacea but rather a significant step in a broader journey towards strengthening the rule of law and fostering a culture of respect for the legal profession. Complementary measures, such as public awareness campaigns, educational initiatives, and ongoing dialogue between the legal community and the public, will be crucial in building resilience and ensuring the effective implementation of the law.

## **XII. Conclusion:**

Lawyers in Nepal are more than legal practitioners; they are guardians of our fundamental rights. Protecting them is not just a moral imperative but a strategic necessity for a just and equitable society. Nepal's journey towards a human rights-based society is inextricably linked to the safety and security of its lawyers. It is imperative to create an environment where legal professionals can work without fear of reprisal. The enactment of an Advocate Protection Law in Nepal is not merely a matter of legal reform; it is a moral imperative that strikes at the heart of upholding justice, fairness, and the rule of law. As guardians of justice, advocates play a pivotal role in safeguarding the rights of citizens and ensuring the proper functioning of the judicial system. Yet, they often find themselves subjected to threats, intimidation, and violence, hindering their ability to perform their duties effectively. It is drawing inspiration from the Advocates Protection Act of India and incorporating international best practices, Nepal has an opportunity to create a comprehensive legal framework that shields legal professionals from undue interference and empowers them to carry out their noble duties without fear or favor.

The call to action is clear: the Nepalese parliament and the Nepal Bar Council must take proactive measures to draft and enact an Advocate Protection Law that addresses the specific needs and challenges faced by Nepalese advocates. Ultimately, the enactment of an Advocate Protection Law in Nepal is not just a legal endeavor; it is a moral imperative that reflects the nation's commitment to upholding the principles of justice, fairness, and the rule of law. The safeguarding guardians of justice, Nepal can foster a legal system that inspires confidence, promotes equal access to justice, and upholds the fundamental rights of its citizens. In a world where the role of advocates is increasingly challenged and their safety is often compromised, Nepal has an opportunity to lead by example, setting a precedent for other nations to follow. Through unwavering determination, collaborative efforts, and a shared vision, Nepal can create a lasting legacy of protecting those who tirelessly defend the principles of justice and uphold the sanctity of the law.

## References

- Dhariwal, S.K. (2023). “*Rajasthan Advocates Protection Bill, 2023 Passed in Amended Form,*” Drishti IAS, March 21, 2023, <https://www.drishtiiias.com/state-pcs-current-affairs/rajasthan-advocates-protection-bill-2023-passed-in-amended-form>. Accessed on: May 4 , 2024
- Government of Nepal. (2050). *Nepal Bar Council Act*. Section 8(1h).
- Government of Nepal. (2050). *Nepal Bar Council Act*. Section 24(1).
- Government of Nepal. (2050). *Nepal Bar Council Act*. Section 24(2).
- International Bar Association. (2022, July 12). *Fair Trial Day highlights threats to legal profession in the Philippines*. <https://www.ibanet.org/fair-trial-day-highlights-threats-to-legal-profession-in-the-Philippines> Accessed on Jul 20, 2024
- News staff. (2024, July 8). *Kathmandu Bars’ objection that the advocate was attacked by the security personnel*. <https://ekantipur.com/en/national/2024/07/08/kathmandu-bars-objection-that-the-advocate-was-attacked-by-the-security-personnel-37-11.html>
- Mahipal Singh Rana vs State Of U.P on 5 July, 2016, AIR 2016 SC 3302
- Times Now News, March 22, 2023, *Rajasthan becomes first state to pass bill for safety of lawyers: All about the Advocates Protection Act.*” <https://www.timesnownews.com/india/rajasthan-becomes-first-state-to-pass-bill-for-safety-of-lawyers-all-about-the-advocates-protection-act-article-98903055>. Accessed on: May 4 , 2024
- Sharma, N. (2023). *Advocates Protection Act: Rule of Law, UDHR, ICCPR, UNHRC,*” Live Law <https://www.livelaw.in/lawschool/articles/advocates-protection-act-rule-of-law-udhr-iccpr-unhrc-227638>. Accessed on: May 4 , 2024
- World Organisation Against Torture/OMCT. (2001). *Nepal: Human Rights Lawyer and Environmental Activist Physically Assaulted*. <https://www.omct.org/en/resources/urgent-interventions/nepal-human-rights-lawyer-and-environmental-activist-physically-assaulted>
- United Nations. (2001). *World Organization Against Torture*.