

Chapter 4: Free legal counseling camp: a Report

Current interim constitution-2063 has provided a right to get legal counsel by an individual whenever they want. On 2054 BS legal counsel act came in to force and the act defines that a person having net income less than 40000 has right to get legal counsel. Despite of having offices of district legal counsel committee in the entire district, the reality of less accessibility among people cannot be ignored.

Nepal Bar Association with the help of Norwegian Bar Association has been providing free legal counsel, legal camp, legal education, legal training & other human right training from last 24 years. But these programs have not provided relief to the concerned person who needs to quick counseling. Our practices, structure of nation, formation of our society are the bitter truth of violence. Due to lack of proper implementation of law and policy, women are getting affected and violated socially, economically and culturally. Rural women who are the victim from violence should get legal provision. To know the process and provision for justice should be the right of women.

Due to the increasing violence in the country is making the most of the women vulnerable to domestic violence. Those who make domestic violence have get the punishment according to the Section 20 of interim constitution of 2063. The law has come on to force from 2065 under criminal and punishment act. But the numbers of women who usually raise such complain for justice are very low.

In current context, Prerana; secretariat of Mahila Adhikar Manch with the help of Actionaid Nepal a legal camp has been conducted for counseling and providing legal services to the people of 4 district of Nepal.

Objective

- To support the women who are deprived from justice. We expect this legal camp will provide them legal counsel and help them to prepare legal document.
- This camp will explore the issues of rural women. This could lead rural women to prepare strategy for the justified campaign.
- The legal awareness among rural women will be increased.

The legal camp has been conducted at Udayapur, Siraha & Saptari District from 2067/8/1 to 6 and at Bara district from 29/8/2067 to 1/9/2067. Free legal counsel conducted in each district for victim women. Six legal advocates; 3 advocates were from supreme bar association, two from concerned district's bar association and one was gender discrimination specialist have provided counseling to the local people.

Total 160 people took legal-counseling. Out 160 who had taken counseling were registered the case in court for the justice.

Legal camp has provided legal-counseling on following cases:

| S.N | Types of cases raised during counseling | | Running cases on police station and court |
|-----|--|--------|---|
| | Cases | Number | |
| 1 | Case regarding property right | 6 | 2 |
| 2 | Domestic violence | 37 | 3 |
| 3 | Physical violence | 5 | 1 |
| 4 | Poly gamy | 23 | 3 |
| 5 | Property | 6 | 1 |
| 6 | Regarding land | 21 | 1 |
| 7 | Defamation of morality | 1 | |
| 8 | Rape | 9 | 5 |
| 9 | Regarding relationship | 5 | |
| 10 | Defame | 14 | 3 |
| 11 | Peoples deprived form relief whose husband were killed during war. | 1 | |
| 12 | Murder | 6 | |
| 13 | Dowry | 3 | 2 |
| 14 | Regarding mohi | 3 | 2 |
| 15 | Killing after rape | 1 | |
| 16 | Peace and security | 1 | 1 |
| 17 | Debate in road | 2 | |
| 18 | Human trafficking | 1 | |
| 19 | Husband kidnapping | 1 | |
| 20 | Third person property right | 1 | |
| 21 | Financial support | 1 | |
| 22 | House damaging | 1 | |
| 23 | Single women deprived from relief | 1 | |
| 24 | Problem in getting Citizenship | 1 | |
| 25 | Not getting elder allowances | 4 | |
| 26 | Regarding urchin children | 2 | |
| 27 | Disability services and relief packages | 1 | |
| 28 | Excluded form VDC | 1 | |
| | Total | 160 | 24 |

Varied sensitive as well as sad cases were received during legal counseling. Some of them were domestic violence, physical torture from their own drunk husband, defamation, blaming widow women as a witch, rape, sexual harassment and cases of polygamy. But still after having such panic torture some of the women were afraid to take counseling because their family could know about it. One cases where a mother of 1.5 years old children was kicked off from her husband house after the death of her husband and went to their paternal house. After knowing that she is infected by HIV aids, she got torture from her parents as well. In such difficult condition she came to the legal camp for counseling. How is

Arunima (Name changed) living alive? This incident could make distressing who possess humanity within them.

Three Lawyers from Supreme Bar involved in legal business claim that “It was the first in history that has provided free legal counseling and was very effective and pragmatic approach as well”. This approach was fruitful approach so it should be extended in upcoming days.

This district level counseling was organized by Prerana, secretariat of Mahile Adhikar Manch and was managed by district level Mahila Adhikar Manch of Udayapur, Saptari and other partner organization. There at Siraha district 7 nongovernmental organizations have managed this legal camp. And camp was inaugurated by CDO of Udayapur district at Udayapur and in Saptari by arbitrator of judge court.

District level details of the participant of legal camp who took legal counseling.

| District | S.N. | | | Cases running at | | Remarks |
|--------------|------|---|--------|------------------|--|---------|
| | | cases | Number | Number | | |
| Udayapur | 1 | Right to property | 1 | | | |
| | 2 | Domestic violence | 2 | | | |
| | 3 | Torture (Social) | 2 | | | |
| | 4 | Polygamy | 6 | 1 | Decided by district level court but need to address by supreme court | |
| | | | | 1 | | |
| | 5 | Property (partial) | 1 | 1 | Land commission office | |
| | 6 | Land | 3 | | Supreme court | |
| | 7 | Defamation | 1 | | | |
| | 8 | Rape | 2 | | | |
| | 9 | Relationship establishment between husband and wife | 1 | | | |
| Total | | | 19 | | | |
| Siraha | 1 | Witchcraft | 10 | 1 | Registered at police station but decision on pending | |
| | 2 | Domestic violence | 22 | 2 | Registered at police station | |
| | 3 | Torture (Social) | 2 | | Registered at police station | |
| | 4 | Defamation | 1 | | | |
| | 5 | Land | 8 | | | |
| | 6 | Death of husband during | 6 | | | |

| | | | | | | |
|----------------|----|-----------------------------------|----|---|---|--|
| | | war | | | | |
| | 7 | Murder | 3 | 1 | Registered at police station but poor investigation | |
| | | | | 1 | Registered at district court | |
| | 8 | Dowry | 3 | | OREC then police and finally registered at court | |
| | 9 | Property (partial) | 5 | | | |
| | 10 | Property | 3 | | Registered at police station but not solved | |
| | 11 | Polygamy | 9 | | | |
| | 12 | Land (Mohi) | 1 | | | |
| | 13 | Relationship | 3 | | | |
| | 14 | Rape | 3 | | Registered at police station and investigation in the process | |
| | 15 | Killing after rape | 1 | | Processing in court | |
| | 16 | Peace & security | 2 | | | |
| | 17 | Road conflict | 1 | | | |
| | 18 | Human trafficking | 1 | | | |
| | 19 | Husband kidnapping | 1 | | | |
| | 20 | Right of Third person on property | 1 | | | |
| | | Total | 86 | | | |
| Saptari | 1 | Polygamy | 6 | 1 | Cases running at court on property-case | |
| | 2 | Witchcraft | 4 | 2 | Cases pending at court | |
| | 3 | Domestic violence | 10 | 1 | Cases registered at court | |
| | 4 | Torture (Social) | 1 | 1 | Cases registered at court | |
| | 5 | Rape | 4 | 2 | Running at court | |
| | | | | 1 | Free from blame of abused by court | |
| | 6 | Property | 1 | | Cases registered at court | |
| | 7 | Relationship | 1 | | | |
| | 8 | Financial support | 1 | | | |
| | 9 | House damaging | 1 | | | |
| | | Total | 29 | | | |

| | | | | | | |
|-------------|--------------|---------------------------------------|----|--|--|--|
| Bara | 1 | Land | 10 | | | |
| | 2 | Single women deprived form services | 1 | | | |
| | 3 | Issues of citizenship | 4 | | | |
| | 4 | Single women deprived form services | 2 | | | |
| | 5 | Elder people deprived from allowances | 3 | | | |
| | 6 | Urchin children | 1 | | | |
| | 7 | Property | 1 | | | |
| | 8 | Polygamy | 2 | | | |
| | 9 | Issues of people with disability | 1 | | | |
| | 10 | Excluded from VDC | 1 | | | |
| | Total | | 26 | | | |

Conclusion:

- All the participant of legal camp expressed that they have got chance to share their sorrow and trouble and fell relieved.
- This legal camp was organized at district level. Further recommendation from district management and participant was that we should extend it entire the country. Now we have to think about the recommendation that we received.
- The participant who got counseling form legal camp was expecting it for some more time. So we have realized that if you could provide a legal advisor in each district to resolve their problem and make them accessible and easier way to be the court, it would be the exemplary because to document the case of participant in written form at the time of legal camp was not possible.
- Those organization, stakeholder and concerned body who are working in the field of issue raising and have been working in the field of right, this legal camp could be the best way to get their goal.
- It is concluded that we should have detail discussion on how to lessen the pain of to participant during the time of counseling.