

Research: Baseline Assessment on Community Mediation “Strengthening Mediation Capacity for Rebuilding Peaceful and Harmonious Community”
Funding Partner: Japan International Cooperation Agency (JICA)

Summary of the Assessment

A two-person IGD BLA team made a quick assessment of the target BLA district in the first week of September 2009. Cases of disputes/conflicts discussed below are obtained from the records and discussion with the personnel/staff of organizations like District Court (DC), District Police Office (DPO), District Administration Office (DAO), District Land Revenue Office (DLRO), District Topography Office (DTO), Kamalamai Municipality, Informal Service Centre (INSEC) District Offices, Women Development Office (WDO), and District Forest Office (DFO). The specific district-level cases of disputes filed in the law enforcement and other related organizations are mentioned hereunder

The objectives of the study were

- To collect preliminary information on disputes in the target districts
- To make a quick assessment of the target districts on cases of disputes/conflicts

Major key Findings

The Assessment under the following headings:

- **Cases of Disputes/Conflicts in Sindhuli**

In the last fiscal year, a total of 105 cases were filed in the DC. Of the total 95 cases sampled, 23 were related to forgery followed by 21 in partition of properties, 7 in land encroachment, 5 in divorce, 4 each in registration cancelling, murder, attempt to murder, rape, looting and exchanges, 3 each in brawling and beating others, and one each in dacoit, illegal harvest of forest product, cancelling of court decision, and robbery. Kamalamai Municipality, Sirthauli, Bahuntipung, Hatpate, Dudhauri, Tandi, Jhangjholi Ratamata were the VDCs from which higher number of cases were reported/filed.

A total of 40 cases were filed in DPO in the last fiscal year. Of them, 12 cases were in suicide by hanging followed by 6 in attempt to murder, 5 each in accidents and suicide by poisoning, and public crimes. Other cases were rape, beating, attempt to rape, and attempt to murder. Similarly, a total of 15 public cases were reported/filed in DAO in the last fiscal year.

Some cases related to land partition, transfer of property (esp. land), tenancy right, land right was reported in DLRO. Cases reported in Municipality Office number 50-60 per year in an average which were found related to land encroachment especially from ward 4,6,7 and 9.

Staff/personnel from INSEC Sindhuli reported that anarchism has accelerated the cases of violence of human rights, rape, forceful donation, impertinence, and undisciplined conducts among the youths. Similarly, WDO staff stated that polygyny (making co-wife), domestic violence like wife-battering, separation during menstruation were the common problems reported in the office.

The DFO reported that there were disputes based on internal personality clash among the members of user groups, disputes on leadership and financial matters, forest resource

distribution, forest boundary, and discriminatory behavior of DFO staff. There were dozens of such cases reported per year on an average.

- [Cases of Disputes/Conflicts in Mahottari](#)

In the last fiscal year, a total of 1518 cases were filed in the DC. Of the total 322 cases sampled, 161 in exchange (especially money), followed by cases like 44 in property partition (land) registration, 43 in looting/beating, 25 in forgery, and 9 in registration cancelling. Other cases were related to murder, attempt to murder, rape, brawling and beating others, dacoit, illegal harvest of forest product, cancelling of court decision, and robbery. Jaleswor Municipality, Mahadaiya Tapanpur, Sanda, Matihani, Sonama, Damhi Madai, Raghunathpur, Gonarpur, Kisannagar, Khaibanni, Ekrahiya, Basbitti were the places from which higher number of cases were reported/filed.

A total of 209 cases were filed in DPO in the last fiscal year. Of them, 24 cases were in suicide by poisoning followed by 22 in accidental death, 15 each in traffic accidents and some public crimes, 14 each in murder, and suicide by hanging. Other cases were rape, beating, attempt to rape, and attempt to murder. Similarly, some public cases on exchange, dowry, witch accusation, land encroachment, forgery, beating, rape, cheating, and divorce were reported/filed in DAO in the last fiscal year.

Some cases related to land partition, transfer of property (esp. land), tenancy right, land right were reported in DLRO. Cases reported in Municipality Office number 50-60 per year on an average. Staff/personnel from INSEC Mahottari reported that anarchism has accelerated the cases of violence of human rights, underground groups' rebellion, forceful migration of hill people, regular bandh and strikes, rape, forceful donation, impertinence, and undisciplined conducts among the youths.

- [Effect of Armed Conflict in the Target Districts](#)

People were affected directly and indirectly by the armed conflict. The proportion of households affected by the conflict is highest in Sindhuli. The impact of the conflict ranges from deaths in family to victims of abduction, wrongfully imprisoned, physically, and mentally tortured and displaced members of the communities.

The victims of conflict have similar reaction to their condition during the conflict tolerating their situation without any resistance and doing whatever they were asked to do. They were either forced to leave their houses or were voluntarily displaced. The period of displacement ranged from one month to five years. Out of the people displaced, some members have returned to their home place. Some victims were disabled due to armed conflict.

- [Domestic Conflict/Disputes](#)

Feeling of high level of stress from family members over issues such as division of property and dowry is common. People quarrel with their family members due to gender discrimination, polygamy, alcoholism, and gambling.

- [Community Level Conflict/Disputes](#)

Community level conflicts are mostly based on issues of use of common property/resources (forest, drinking water, and irrigation water), encroachment of land boundary, crop damage by animals and birds, gender and caste discrimination, and monetary transaction.

- Coping Strategies

During the conflict, people had to cope with several vulnerabilities such as damage or loss of property, serious illness/ injury or death of family members, scarcity of money and food, loss of job, imprisonment, and loss of their assets like animals, tools and grains. They had to cope with those problems through short term migration from their villages,

- Dispute Resolution at Local/Community Level

In most cases, for domestic disputes/conflicts, the tendency is to resolve family level problems within the family. If the problems are not resolved within the family, they then approach community elders to resolve them. People generally are not inclined to consult outside institutions or people like village development committees, police, or lawyers. For instance, even complex and financially important issues like those of property inheritance are primarily resolved at the community level through local mediators without involving any public or private service providers. Furthermore, some communities have indigenous conflict resolution systems like that of the Dom community in Mahottari where locals resolve the family and community level problems themselves as far as practicable.