

Mediation as Constitutional Mandate: Legal provisions and Empirical Performance in Federal Nepal

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Abstract

Federal restructuring of Nepal after the constitution of 2015 and the following acts and regulations established local government level Judicial Committees (Nyayik Samiti), constitutionally mandating the resolution of local disputes through mediation (melmilap) rather than adversarial adjudication. Unlike conventional alternative dispute resolution frameworks, in which mediation supplements formal adjudication, Nepal's Judicial Committees position mediation as their primary and constitutionally mandated operational philosophy. This study analyzes the legal and institutional framework underpinning these committees, providing the first comprehensive legal-analytical account of the structured seven-stage mediation process, examining the multifaceted ethical roles of mediators, and evaluating the alignment of mediation outcomes with Nepal's socio-cultural traditions of community harmony. Illustration on doctrinal legal analysis, comparative institutional comparison, and longitudinal empirical data from a Judicial Committee in Hetauda Sub-Metropolitan City spanning fiscal years 2074/75 to 2081/82, the article assesses the operational dimensions of local mediation within the context of persistent challenges in traditional court-based litigation. The doctrinal analysis confirms that tripartite legal architecture of Nepal provides a constitutionally mandated, comparatively robust framework for localized mediation. Of the 1,083 mediation attempts documented, 78.5% resulted in successful settlements, representing 850 cases resolved through mediation out of 1,409 total registered disputes. Seven interconnected systemic barriers were identified, including inadequate mediator training, public confusion between mediation and adjudication, weak enforcement of mediated agreements, political interference in mediator appointments, absence of standardized procedural protocols, infrastructure deficits, and gender and social inclusion gaps. The study contributes the first comprehensive account of the seven-stage mediation model linked to global mediation theory, the most detailed empirical analysis of Judicial Committee operations available, and documentation of a constitutionally required, institutionally embedded mediation model with no clear parallel in the comparator jurisdictions analyzed.

Keywords: Mediation, Judicial Committee (Nyayik Samiti), Local Government, Nepal, Access to Justice, Melmilap, Federalism, Community-Based Dispute Resolution, Restorative Justice

Introduction

Globally, governance reform, has been decisively shaped by the principle of decentralization, whereby the devolution of administrative and judicial authority to subnational units is regarded as foundational to democratic legitimacy and equitable service delivery (Faguet, 2014). In this context, the localization of justice delivery that is, the institutional transfer of dispute-resolution authority from the centralized courts to community-level bodies has emerged as a critical, however comparatively underexamined, dimension of decentralization theory and practice. The central scholarly question stimulating this literature concerns whether the devolution of justice functions enhances access, legitimacy, and social cohesion, or whether it reproduces existing inequalities under a layer of participatory governance. This article engages that question through the empirical and analytical lens of Nepal's post-federalization Judicial Committees (*Nyayik Samiti*), institutions that constitutionally mandate mediation rather than judgement, as the primary mode of local dispute resolution.

The decentralization of governance in Nepal, as envisioned by the Constitution of Nepal, 2015, has redefined the landscape of local administration and justice delivery. A key outcome of this restructuring is the establishment of Judicial Committees (*Nyayik Samiti*) at the municipal and rural municipal levels, mandated to resolve local disputes and enhance citizens' access to justice (Ghimire, 2023). These committees symbolize Nepal's broader commitment to bringing justice closer to the people, reducing dependency on overburdened formal courts, and promoting participatory, community-centered governance. Within this institutional framework, mediation (*Melmilap*) emerges not as an auxiliary mechanism but as the central operational tool for dispute resolution in local bodies (Chaudhary, 2020).

The conceptual and cultural foundations of this institutional design are significant. Mediation,

derives from the Latin root *mediare* ("to be in the middle"), reflecting the mediator's role as a neutral facilitator who assists parties in reaching a voluntary, mutually acceptable agreement without imposing a binding determination (Bush & Folger, 2004). In socio-cultural contexts, mediation is characterized as a structured, dialogue-based process led by an impartial third party in Nepal. It is neither adversarial nor judgmental; instead, it emphasizes communication, understanding, and the restoration of social harmony. This aligns strongly with Nepal's socio-cultural fabric, a society historically rooted in values of coexistence, mutual respect, and communal harmony. Traditional village mechanisms such as *Badghar*, *Bhalmansa*, *Mukhiyas*, and *Ama Samuha* have long practiced informal mediation to resolve disputes and maintain social order. The deliberate constitutional enshrinement of mediation thus represents not merely a procedural preference but a normative commitment to a restorative justice philosophy grounded in local cultural legitimacy, one that privileges social harmony and community reintegration over the adversarial, win-lose logic characteristic of formal court-based adjudication.

Despite this culturally grounded rationale and an apparently robust legislative architecture, significant tensions exist between the normative aspirations of Nepal's decentralized justice framework and its operational dimension. The formal court system continues to be characterized by protracted timelines, prohibitive costs, procedural complexity, and geographical inaccessibility, barriers that disproportionately affect rural, indigenous, Dalit, Madhesi, and economically marginalized populations. Meanwhile, preliminary evidence suggests that Judicial Committees themselves face systemic impediments such as, inadequate and infrequent mediator training, persistent public confusion between mediation and adjudication, weak enforcement mechanisms for mediated agreements, politically motivated mediator appointments, and the absence of standardized procedural protocols across municipalities (Yadav,

2024). These gaps raise a fundamental question: to what extent are Nepal's Judicial Committees fulfilling their constitutional mandate as mediation-centered justice bodies, and what institutional reforms are necessary to narrow the gap between legislative intent and ground-level practice?

This study addresses these questions through a doctrinal legal analysis and case study approach, complemented by an examination of institutional practices and longitudinal empirical data from the committee's operational history between 2018 and 2025. The study is guided by four interrelated research questions:

- (i) What is the effectiveness of Judicial Committees in implementing mediation as the main means of local dispute resolution in Federal Nepal?
- (ii) What kinds of laws and institutions regulate the structure and function of Judicial Committees?
- (iii) What are the local institutional, procedural and socio-cultural challenges to the delivery of mediation-based justice?
- (iv) How can Judicial Committees as mediation-centred justice bodies be strengthened in terms of its capacity and credibility?

In addressing these research questions, the article makes three contributions to the existing literature. First, it provides the pioneer comprehensive legal-analytical account of the seven-stage mediation model as institutionalized within Nepal's Judicial Committees, linking it to both global mediation theory and local practice. Second, it systematically identifies the operational challenges confronting these bodies using longitudinal empirical data spanning eight fiscal years. Third, it advances contextually grounded, evidence-based policy recommendations for institutional reform responsive to Nepal's evolving federal governance context.

Against this backdrop, this article advances a three-part argument. First, the tripartite legal

architecture, comprising the Constitution of Nepal, 2015, the Local Government Operation Act, 2017, and the Mediation Act, 2011 which establishes a constitutionally mandated, comparatively distinctive framework in which mediation functions not as an optional supplement to adjudication but as the primary and obligatory mode of local dispute resolution. Second, the structured seven-stage mediation model adopted by Judicial Committees, when implemented faithfully, aligns with both the facilitative mediation paradigm articulated in the global theoretical literature and Nepal's indigenous traditions of consensual conflict resolution. Third, however, a persistent implementation gap, manifest in inadequate mediator training, political interference in appointments, weak enforcement mechanisms, and exclusionary dynamics which constrains the committees' capacity to fulfill their constitutional mandate. The article contends that addressing this gap through targeted institutional reforms is essential to realizing the federal promise of accessible, inclusive, and restorative grassroots justice.

Literature Review

The localization of justice delivery, defined as the institutional transfer of dispute-resolution authority from centralized courts to community-level bodies, has attracted growing scholarly attention as a critical but comparatively less explored dimension of decentralization theory and practice. This section reviews the relevant literature across four thematic domains: the theory of decentralization and justice devolution; the theoretical foundations of mediation; comparative models of community conciliation; and Nepal's specific legal and institutional landscape. The section concludes by synthesizing the theoretical and empirical gaps this study addresses and articulating the theoretical framework that guides the analysis.

Decentralization and the Devolution of Justice

The transfer of planning, financing, and management responsibility from central government

to local or regional entities are the principle of decentralization which has been widely endorsed as a mechanism for improving democratic governance, administrative efficiency, and equitable service delivery (Faguet, 2014). The World Bank (2019) identifies decentralization as a central element of governance reform across developing nations, particularly in post-conflict and federalizing states where centralized institutions have historically failed to reach marginalized populations. Scholars have distinguished between deconcentration (the transfer of authority to lower-level agents of the central state), delegation (the transfer of specific functions to semi-autonomous local bodies), and devolution (the transfer of authority to democratically elected local governments with fiscal autonomy) (Faguet, 2014). Nepal's model of local governance, in which Judicial Committees are established within elected municipal and rural-municipal governments, most closely approximates the devolution model, as these bodies derive their authority from constitutionally elected local governments rather than from central state directives. In South Asia, the literature on decentralization has focused predominantly on administrative and fiscal devolution, with comparatively limited attention to the decentralization of justice functions.

Among the few scholars who have examined the localization of justice delivery, Gillingham and Palmer (2008) argue that the devolution of dispute resolution to community-level institutions carries both transformative potential and significant risk: while it can enhance accessibility, cultural legitimacy, and social cohesion, it may also reproduce existing power hierarchies and inequalities under a participatory veneer. In Nepalese context, observing that formal court-based justice remains characterized by procedural complexity, prohibitive costs, and geographical inaccessibility which are the major barriers that disproportionately happens additional burden to rural, indigenous, Dalit, Madhesi, and economically

marginalized populations. Against this backdrop, the establishment of Judicial Committees at the local level represents a distinctive institutional response to the longstanding crisis of access to justice in Nepal, one whose effectiveness merits systematic scholarly examination.

Theoretical Foundations of Mediation

In its broadest sense, mediation is a structured negotiation in which a neutral third party assists the parties to the dispute in negotiating a settlement without making a decision for them (Moore, 2014). There are several mediation models, each with different assumptions concerning the role of the mediator, the aim of the process, and the desired result, that are described in the theoretical literature (Sherman & Momani, 2025; Wang, 2014).

In the most commonly used model of institutional mediation, the mediator assumes the role of a neutral process facilitator who is able to help parties communicate, understand their interests, and work together to develop mutually agreeable solutions, but does not provide substantive views about the merits of the controversy (Moore, 2014). A mediator's power in this model comes from his or her process management, not from his or her substantive skills or evaluation. Based on the theoretical premise that, with the help of a structured communicative process, the parties to a dispute can reach solutions that better meet their interests than a third-party adjudicator, the facilitative model is the one that has been adopted. The facilitative model is based on the theoretical proposition that when the parties to a dispute are given a structured environment for communicating, they can design their own solutions that better serve their interests than a solution designed by a third-party adjudicator (Bush & Folger, 2004). Evaluative mediation allows the mediator to express opinions about the facts of the parties' cases, the potential of litigation, and the legal principles relevant to the case, which can help parties to reach settlements that are "realistic" in light of those opinions (Riskin, 2018). Some

scholars have criticized this model as moving the mediator from the role of a process facilitator to that of a quasi-adjudicator, which may be detrimental to party autonomy and re-establish the power imbalance typical of a formal legal process (Riskin, 2018; VanderWeele, 2016).

The focus of transformative mediation is empowerment and recognition, rather than just final resolution of the present conflict; the intent is not to simply solve the problem at hand, but to empower both parties to be able to see themselves as they see themselves (rather than as the other party sees them) and to see the other party as he or she sees him or herself (Bush & Folger, 2004). The theoretical importance of the transformative model in the context of Nepal lies in its emphasis on relational repair in the context of a dispute, as opposed to contractual settlement, in a context where the community is close-knit.

Judicial Committees in Nepal are a mix of all three models, but most closely resemble the 'facilitative' approach with some elements of the 'transformative' approach. Voluntary and mutual understanding, as well as the restoration of social harmony, are key concepts in the statutory emphasis, which also fits the facilitative paradigm of party self-determination and process neutrality (Moore, 2014). The stated aim of the legislation, however, is to restore social harmony and community relationships, adding a transformative aspect to the narrower focus of the facilitative model of interest-based settlement. The impact of the evaluative model is not so visible in the statutory provisions but, mediators in practice sometimes provide substantive evaluations of rights and interests in practice, especially in cases of property and family disputes, thus adding evaluative aspects to the formal framework which are not expressly granted.

There are also major issues with the mediation process, which are relevant to the Nepal context, identified in the theoretical literature. Some authors, however, suggest that the mediation process in the

community may not recognize the structural imbalance of power and that consensus and social harmony over substantive justice may be emphasized, effectively pressuring those who are weaker to settle for less in the name of building social harmony. However, Scholar has argued that mediation in the community may be 'confusing' the recognition of structural power imbalances and may be emphasizing consensus and social harmony over substantive justice, which may actually pressure weaker parties to settle for less in order to enhance social harmony. (Mnookin & Kornhauser, 1978) prove that mediation is not in a vacuum; parties' negotiating stances are affected by what they believe will happen in court, so mediation is in the "shadow of the law," which is influenced by the formal legal system it intends to supplement. These critical perspectives are analytically relevant to Nepal's Judicial Committees where the mediators have limited training in law and may be unable to provide an accurate assessment of the shadow of the law, and where community pressure to reach, agreement may lead to inequitable formal allocation of outcomes, especially for women, Dalits and other economically marginalized groups, who may be better able to achieve more desirable outcomes through formal adjudication.

The cultural dimension is also important. The concept of mediation is embedded in traditional Nepali practices of interpersonal and communal conflict resolution, such as the Badghar (headman), Bhalmansa (mediator-arbitrator), Mukhyas (village leaders), and Ama Samuha (mothers' groups) who historically resolved conflicts through consensual relationships. This cultural congruence means that the dispute resolution mechanism has "social legitimacy", which is defined in the literature on legal pluralism as the sense that a process is justifiable, suitable, and is acceptable in terms of the locally shared norms and expectations. Nevertheless, traditional mediation processes do not necessarily reflect a fair or inclusive approach as lower castes and women are often marginalized from

processes that do not truly give them a voice in government. The constitutional requirements of inclusiveness and fairness in mediation, however, have not been met by traditional approaches to mediation, nor will they fully be addressed by traditional mediation approaches. The constitutional recognition of mediation thus reflects more than just a preference for the process; it also reflects a normative commitment to a philosophy of restorative justice that draws inspiration from local cultural legitimacy (that is, the ability to accord social legitimacy to the process by emphasizing the importance of social harmony and community reintegration over the win-lose logic of formal court-based adjudication and its exclusionary tendencies).

Comparative Models of Community Conciliation

The institutionalization of mediation at the local governance level is not unique to Nepal. The comparative literature reveals significant variation in how different jurisdictions have designed and implemented community-based dispute resolution mechanisms.

India provides the most prominent regional comparison. The Lok Adalat system, established under the Legal Services Authorities Act, 1987, and the Mediation Act, 2023, provide comprehensive statutory frameworks for accessible dispute resolution. However, scholars note that India's mediation infrastructure remains court-initiated and judicially dependent, with the Gram Nyayalayas Act, 2008, implemented in only a fraction of designated locations. Bangladesh enacted the Village Court Act, 2006, establishing village courts at the union level, though scholars observe that adjudication rather than mediation serves as the primary mode of resolution. The Shalish tradition retains cultural significance but has not been formally institutionalized within the governance structure to the extent observed in Nepal.

Rwanda offers the closest structural parallel to Nepal's Judicial Committees through its Abunzi mediation committees. Scholars note that the system

draws on the Gacaca court tradition, providing deep cultural embeddedness, though the Abunzi system permits parties to reject mediated outcomes and proceed to formal courts.

South Africa enacted its Mediation Act in 2017, though scholars observe that the framework remains primarily court-referred and market-driven, with community-based mediation largely driven by non-governmental organizations.

This comparative analysis reveals that Nepal's legal architecture is distinctive in two key respects. First, the constitutional, rather than merely statutory, mandate for localized mediation, and second, the institutional embedding of mediation within elected local governance bodies rather than the judicial hierarchy or legal aid services. While Rwanda's Abunzi system offers the closest structural parallel, and India's Lok Adalat system shares the objective of accessible community justice, Nepal's framework represents a comparatively more integrated model of localized, mediation-centered dispute resolution.

Nepal's Legal Architecture for Judicial Committee Mediation

The institutionalization of mediation within Nepal's Judicial Committees rests on a tripartite legal foundation. The Constitution of Nepal, 2015, confers the constitutional mandate by recognizing access to justice as a fundamental right and empowering municipalities and rural municipalities to form Judicial Committees responsible for settling specified categories of civil and minor criminal disputes. These committees, chaired by the Deputy Mayor or Vice-Chairperson, are mandated to facilitate justice at the community level.

The Local Government Operation Act (LGOA), 2017, operationalizes this mandate by delineating the committee's composition, jurisdiction, and procedural obligations (Nepal Law Commission, 2017). Critically, the Act stipulates that the Judicial Committee must prioritize mediation before considering any formal adjudicatory decision,

authorizes the maintenance of a roster of trained mediators, and grants legal validity to authenticated settlement agreements.

The Mediation Act, 2011, and the District Court Rules, 2018, formalize the procedural and ethical standards governing mediation practice, including mediator appointment criteria, confidentiality protections, and the enforceability of mediated settlements (Nepal Law Commission, 2011; Nepal Law Commission, 2018). Together, these instruments elevate mediation from a culturally rooted informal practice to a formal, legally recognized dispute resolution mechanism.

Despite this ostensibly robust legal architecture, the literature identifies several systemic challenges. Previous researches documented inadequate and infrequent mediator training, persistent public confusion between mediation and adjudication, and weak enforcement mechanisms for mediated agreements. (Yadav, 2024) notes the absence of standardized procedural protocols across municipalities and politically motivated mediator appointments. Research highlights gender-based power imbalances in mediation settings and the limited participation of marginalized communities. These documented challenges suggest significant gaps between legislative intent and operational reality.

Research Gap and Contribution

The existing literature provides valuable insights into Nepal's legal framework for Judicial Committees and the cultural legitimacy of mediation. However, three significant gaps persist. First, no study has provided a comprehensive legal-analytical account of the seven-stage mediation model as institutionalized within Nepal's Judicial Committees, linking the prescribed process to both global mediation theory and local practice. Second, while individual challenges have been documented, no study has systematically synthesized the operational barriers confronting these bodies using longitudinal empirical evidence. Third, the literature

lacks a focused set of evidence-based policy recommendations that directly connect identified challenges to targeted institutional reforms.

This article addresses these gaps by: (i) providing a comprehensive analysis of the seven-stage mediation model through the lens of facilitative and transformative mediation theory; (ii) synthesizing operational challenges using longitudinal case data spanning 2018 to 2025; and (iii) advancing contextually grounded, evidence-based recommendations for systemic reform. In doing so, the study contributes to both the Nepali legal literature and the broader comparative literature on decentralized justice delivery in federalizing states.

Methodology

This study employs a doctrinal legal research design combined with an instrumental case study approach, a methodology appropriate for examining the interaction between statutory frameworks, institutional practices, and operational outcomes within a defined legal system (Hutchinson & Duncan, 2012; Yin, 2018). Doctrinal legal research involves the systematic analysis and synthesis of legal rules, principles, and authorities to identify coherence, contradictions, and gaps within a given body of law. The case study component enables the researcher to assess how statutory provisions are operationalized within specific institutional settings, moving beyond abstract legal interpretation to examine ground-level practice (Argyrou, 2017).

This combined design is adopted for three reasons. First, the study's central object, the role of mediation within Nepal's Judicial Committees, is governed by a body of constitutional and statutory provisions whose interpretation requires rigorous legal analysis. Second, the effectiveness of these provisions cannot be assessed solely through doctrinal examination; it requires engagement with institutional practices of the committees themselves. Third, the limited availability of large-scale quantitative data on Judicial Committee operations in Nepal necessitates an approach that triangulates

legal analysis with available institutional evidence rather than relying exclusively on statistical methods. The study is positioned within an interpretivist epistemological framework, which acknowledges that legal provisions acquire meaning through their application in specific socio-cultural and institutional contexts (Van Hoecke, 2011).

Data Sources

The study draws on three categories of data. Primary legal sources include the Constitution of Nepal, 2015, the Local Government Operation Act, 2017, the Mediation Act, 2011, and the District Court Rules, 2018. These instruments constitute the complete legal architecture governing the establishment, composition, and operational mandate of Judicial Committees and the mediation processes they administer. Secondary scholarly sources were identified through systematic searches of Google Scholar and Nepal Law Library and using key terms including “Judicial Committee” AND “Nepal,” “mediation” AND “local government,” “access to justice” AND “Nepal,” and “community mediation” AND “federalism.” The search covered publications from 2011 to 2025 and incorporated journal articles, policy reports from the World Bank and UNDP, training manuals from the Mediator Society Nepal, and legislative documents. Sources were included if they directly addressed mediation, Judicial Committees, or local dispute resolution in Nepal, or provided comparative analysis of community-based justice systems in comparable jurisdictions. Sources were excluded if they addressed mediation only in the context of court-annexed or private commercial mediation without reference to local governance-level practice. A total of 22 sources met the inclusion criteria; of these, 12 were peer-reviewed journal articles, 2 were policy reports from international organizations, 4 were training manuals or institutional publications, 7 were Nepali legislative or administrative documents, and 4 were comparative studies from comparator jurisdictions.

Empirical evidence consists of longitudinal operational records from a Judicial Committee of Hetauda Sub-Metropolitan City, Makwanpur District, Bagmati Province, Nepal, over the fiscal years 2074/75 to 2081/82 (approximately 2018-2025), encompassing annual case registration figures, disposition categories (mediated settlements, adjudicatory judgments, court referrals, and pending cases), and temporal trends across the period.

Analytical Approach

The analysis proceeds in three layers. The first layer involves doctrinal analysis of primary legal sources to identify the specific provisions governing Judicial Committee establishment, composition, jurisdiction, mediator appointment, and settlement enforceability, as well as gaps or ambiguities within and across the statutory instruments. The second layer compares the prescribed mediation process and mediator competencies against both the seven-stage model adopted in training materials and global best practices articulated in the transformative mediation literature and the International Mediation Institute competency framework (Coy & Hedeem, 2005). This comparison enables identification of areas where institutional practice conforms to, deviates from, or falls short of prescribed standards. The third layer involves empirical trend analysis of the longitudinal case data, calculating mediation success rates, adoption rates, court referral rates, adjudication rates, and annual backlog ratios, and tracking these metrics across the eight-year period to identify trends and systemic patterns. The three layers are synthesized through a convergence analysis in which findings from legal, institutional, and empirical sources are compared to identify areas of alignment, divergence, and absence.

A comparative dimension contextualizes Nepal’s framework within four jurisdictions India (Lok Adalat system; Mediation Act, 2023), Bangladesh (Village Court Act, 2006), South Africa (Mediation Act, 2017), and Rwanda (Abunzi mediation

committees), selected for their structural relevance to Nepal's model of community-based dispute resolution. The comparison does not aim to evaluate which system is superior but to illuminate the distinctive features and potential vulnerabilities of Nepal's approach.

Legal Framework Analysis

This section presents the findings of the doctrinal analysis of Nepal's tripartite legal architecture governing Judicial Committee mediation. The analysis proceeds by examining each instrument in turn, identifying specific provisions, their operational implications, and any gaps or ambiguities that affect implementation.

Constitutional Provisions

The Constitution of Nepal (2015) establishes two foundational principles relevant to Judicial Committees. First, Article 31 recognizes access to justice as a fundamental right, guaranteeing that no person shall be denied justice due to discrimination, undue delay, or financial hardship. Second, Article 210 empowers municipalities and rural municipalities to form Judicial Committees (Nyayik Samiti) responsible for settling specified categories of civil and minor criminal disputes. The committees are chaired by the Deputy Mayor or Vice-Chairperson and comprise two additional members appointed from among elected ward chairs.

The constitutional text is unambiguous in its mediation-first orientation, mandating conciliation and mediation as the primary mode of dispute resolution rather than an optional supplement to adjudication. Article 51(d) further directs the state to pursue policies aimed at making justice accessible to all citizens through institutional mechanisms at the local level. Together, these provisions create a normative framework in which Judicial Committees are constitutionally mandated institutions for grassroots justice delivery, not peripheral appendages to the formal court system.

This constitutional positioning is analytically significant because it elevates mediation beyond ordinary legislative discretion. Local governments that fail to establish or operationalize Judicial Committees are not merely neglecting a policy directive but potentially violating a constitutional obligation. However, the Constitution does not prescribe specific procedural standards, mediator qualification criteria, or enforcement mechanisms, leaving these details to subordinate legislation. This delegation creates a structural gap in which the constitutional mandate lacks the procedural specificity necessary for uniform implementation across Nepal's 1,494 local units.

Local Government Operation Act, 2017

The Local Government Operation Act (LGOA), 2017 operationalizes the constitutional mandate by defining the committee's composition, jurisdiction, and procedural obligations. The Act establishes that the Judicial Committee is a dedicated mechanism for local dispute resolution with authority over minor civil disputes, family and property matters, community conflicts, and cases referred by other bodies.

The Act provides a stronger institutional foundation than comparable legislation in South Asia, particularly in its explicit requirement under Section 47 that committees prioritize mediation before considering any formal adjudicatory decision. The Act further authorizes the maintenance of a roster of trained mediators, supervision of the mediation process, and authentication of settlement agreements. Section 47(4) specifically provides that mediated settlements, once authenticated by the Judicial Committee coordinator, acquire legal enforceability equivalent to a judgment of the district court.

The analysis identifies two significant ambiguities in the Act. First, the Act does not define a minimum standard of training or competency required for listed mediators. This absence creates the conditions for the quality-versus-quantity

problem documented in the empirical data, where local governments prioritize meeting numerical targets for listed mediators rather than ensuring professional competence. Second, while the Act grants legal validity to authenticated settlements, it does not specify the mechanisms through which non-compliance with mediated agreements is addressed. The absence of enforcement protocols, sanctions frameworks, or dedicated registries for monitoring compliance leaves this critical function dependent on local-level improvisation.

Mediation Act, 2011 and District Court Rules, 2018

The Mediation Act, 2011 and the District Court Rules, 2018 provide the most detailed procedural and ethical framework governing mediation practice in Nepal. The Mediation Act defines a mediator as an impartial individual appointed to facilitate dialogue between disputing parties, create an environment conducive to negotiation, and support them in reaching a mutually acceptable settlement. The Act establishes criteria for mediator appointment, which may include individuals listed by the District Court, local governments, or other authorized bodies.

The Act articulates five core ethical principles: neutrality and impartiality, requiring mediators to refrain from favoritism or bias; confidentiality, prohibiting disclosure of information revealed during sessions without both parties' consent; voluntary participation, ensuring parties engage freely and retain control over outcomes; prohibition of coercion, preventing mediators from pressuring

parties into agreements; and professional conduct, requiring mediators to maintain decorum and promote respectful communication.

The District Court Rules, 2018 complement the Mediation Act by detailing procedural standards for initiating mediation, maintaining case records, conducting sessions, and validating agreements. However, the analysis identifies one notable gap: the enforceability standards in the District Court Rules were designed primarily for court-referred mediation and have not been fully adapted to the local government context, where the Judicial Committee, rather than the District Court, serves as the authenticating authority. This mismatch creates procedural uncertainty regarding the admissibility and enforcement of Judicial Committee-mediated agreements in formal court proceedings.

Strengths and Gaps in the Legal Framework

The overall pattern revealed by this analysis is of a legal framework that is internally coherent in its normative aspirations but marked by notable implementation deficits. The constitutional mandate establishes the obligation to mediate, the LGOA provides the institutional architecture, the Mediation Act sets the ethical and procedural standards. However, the absence of minimum training requirements, the lack of enforcement protocols for non-compliance, and the incomplete adaptation of court-focused provisions to the local government context collectively create a gap between legislative intent and operational capacity. These gaps are examined in relation to empirical evidence.

Table 1:

Summary of Key Legal Provisions Governing Judicial Committees

Legal Instrument	Key Provisions	Identified Strengths	Identified Gaps
Constitution of Nepal, 2015	Access to justice as fundamental right; local government empowerment; Judicial Committee establishment	Constitutional elevation of mediation; unambiguous mandate	No procedural specificity; no qualification criteria for mediators

Legal Instrument	Key Provisions	Identified Strengths	Identified Gaps
LGOA, 2017	Committee composition; jurisdiction; mediation-first mandate; mediator roster; agreement authentication	Strongest institutional architecture in South Asia; mediation as primary mode	No minimum training standards; weak enforcement mechanisms for non-compliance
Mediation Act, 2011	Mediator definition; appointment criteria; confidentiality; voluntariness; non-coercion	Detailed ethical framework; enforceability upon authentication	Court-focused provisions not fully adapted to local government context
District Court Rules, 2018	Case record procedures; session conduct; agreement validation	Procedural consistency for court-referred mediation	Limited applicability to Judicial Committee proceedings

Results and Discussion

This section presents the study's findings organized across five subsections. The analysis synthesizes results from the doctrinal legal examination presented in Section 4, the institutional assessment of mediation practices, and the empirical longitudinal data spanning fiscal years 2074/75 to 2081/82.

Operationalization of the Seven-Stage Mediation Model

The analysis of the seven-stage mediation model adopted by Nepal's Judicial Committees reveals a structured process that, when implemented faithfully, aligns with both the facilitative mediation model described in the theoretical literature (Coy & Hedeem, 2005; Schaubroeck, Shen, & Chong, 2017) and Nepal's cultural traditions of consensual dispute resolution (Dahal & Bhatta, 2008).

Welcome and Introduction: stage 1, establishes the procedural framework by introducing the mediator, explaining the purpose and process of mediation, assuring confidentiality, and creating a safe environment for participation. This stage is critical for building initial trust and reducing the power asymmetries that frequently characterize local disputes involving parties of unequal social standing. **Setting Ground Rules:** Stage 2, formalizes

behavioral expectations through mutually agreed-upon guidelines, typically including prohibitions on interruptions, abusive language, and emotional escalation. The collaborative development of these rules reinforces the principle of shared responsibility that underpins the mediation process.

Storytelling and Information Gathering: stage 3, commonly referred to as the ventilation stage, allows each party to present their perspective without interruption, enabling the mediator to identify key facts, underlying needs, and emotional cues. This stage is analytically significant because it constitutes the primary mechanism through which mediators assess the root causes of conflict and identify potential areas of shared interest.

Direct Dialogue Facilitation: stage 4, shifts the process from individual narration to collaborative engagement, with the mediator encouraging clarifying questions, constructive reframing, and issue-focused rather than personality-focused communication.

Private Session: stage 5, introduces private, confidential meetings between the mediator and each party, enabling exploration of concerns that parties may hesitate to voice publicly. This stage is theoretically aligned with the transformative mediation model, as it provides space for parties to reassess their positions, evaluate their

BATNA/WATNA (Best and Worst Alternatives to a Negotiated Agreement), and consider creative solutions.

Exploring Options and Problem-Solving: stage 6, supports joint generation and evaluation of settlement options through brainstorming, with the mediator guiding parties toward mutually beneficial outcomes without imposing solutions.

Reaching and Formalizing Agreement: stage 7, concludes the process with a drafted settlement, read aloud for verification, signed by both parties, and authenticated by the Judicial Committee, thereby conferring legal validity.

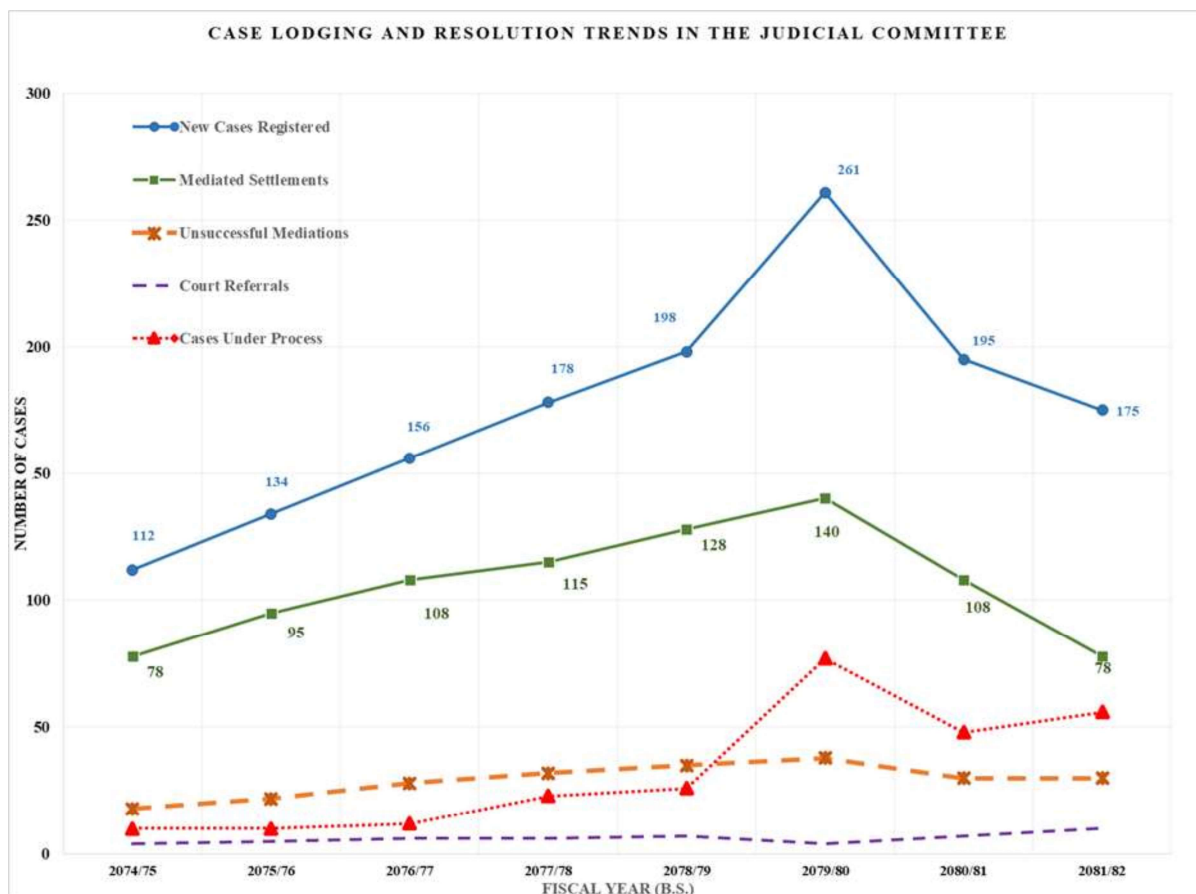
The analysis identifies three observations regarding the operationalization of this model. First, the model's sequential structure provides a critical safeguard against the common problem in local mediation of premature movement toward settlement without adequate exploration of underlying interests. Second, the caucus or private stage, which draws on both facilitative and transformative mediation theory, represents the most analytically sophisticated component of the process and the stage most dependent on mediator skill and training. Third, the model's flexibility, which permits mediators to adapt the sequence to case-specific dynamics, is both a strength and a vulnerability: while it accommodates the diversity of local disputes, it also creates opportunities for procedural shortcuts that may compromise fairness, particularly in cases involving significant power imbalances.

The guiding principles embedded in the model, voluntariness, neutrality, impartiality, confidentiality, and mutual respect, are consistent with the core ethical standards articulated in the Mediation Act, 2011, and with the international best practices documented by the International Mediation Institute. The principle of confidentiality, in particular, is reinforced by the statutory prohibition on disclosure of information revealed during mediation sessions, except with the consent of both parties. However, the analysis reveals a persistent tension between the principle of confidentiality and the principle of enforceability: while confidentiality encourages open disclosure, the enforcement of mediated agreements may require disclosure of terms to third parties, creating a potential conflict that the current legal framework does not explicitly resolve.

Empirical Evidence: Case Registration and Disposition

The longitudinal case data from the Judicial Committee spanning eight fiscal years provides quantitative evidence of both the operational strengths and systemic challenges of mediation-based dispute resolution at the local level.

Given figure 1. Case Lodging and Resolution Trends in the Judicial Committee of Hetauda sub-metropolitan city, Bagmati province, Nepal in (FY 2074/75 – FY 2081/82). This figure illustrates the annual volume of registered cases alongside key disposal outcomes, highlighting the consistent use of mediation as the primary resolution mechanism compared to formal adjudication and court referrals.



Note: Figures are compiled from Judicial Committee operational records of FY 2081/82 data is partial.

Case Registration Trends

The total cumulative workload of 1,409 dispute files across eight fiscal years demonstrates sustained and, in the initial period, growing public engagement with the Judicial Committee. Annual case registrations increased steadily from 112 in FY 2074/75 to a peak of 261 in FY 2079/80, representing a 133% increase over six years. This upward trajectory is consistent with the hypothesis that public trust in decentralized dispute resolution mechanisms grows as communities gain experience with the process (Puri, 2025). The subsequent decline to 195 cases in FY 2080/81 and 175 cases in FY 2081/82 warrants further investigation; possible explanations include the displacement of cases to court referrals, a reduction in dispute incidence, or a shift in public confidence toward formal courts for specific case types.

Mediation Success and Failure Rates

Of the 1,083 total mediation attempts documented over the study period, 850 (78.5%) resulted in successful settlements, while 233 (21.5%) were unsuccessful. This success rate compares favorably with mediation completion rates reported in other South Asian jurisdictions, including India's Lok Adalat system, which reports settlement rates of approximately 65–75% depending on the state and case type (Singh, 2024). The 78.5% success rate is particularly noteworthy given the absence of formal mediator qualification standards and the limited training infrastructure documented in the literature.

However, the 21.5% failure rate is analytically significant. The distribution of unsuccessful mediations reveals an upward trend from 18 cases in FY 2074/75 to 38 cases in FY 2079/80 suggesting

that as the caseload increases and disputes become more legally complex, the capacity of grassroots mediators to facilitate successful outcomes diminishes. This pattern is consistent with the theoretical proposition that facilitative mediation is most effective for disputes involving shared interests and moderate power asymmetries but less effective for disputes involving deeply entrenched positions, significant legal complexity, or severe power imbalances (Moore, 2014).

Adjudication and Court Referral Rates

The committee issued only 15 formal adjudicatory judgments across eight years, representing approximately 1.4% of all finalized cases. This remarkably low adjudication rate confirms that the committee is operationalizing its legislative mandate to prioritize mediation over adjudication. It is, however, notable that adjudicatory judgments declined from two per year during FY 2074/75 through FY 2080/81 to one in the partial FY 2081/82 data. While the sample size is too small to identify a trend, this further confirms the committee's consistent prioritization of mediation over adjudication. Court referrals present a more concerning trend. From 4 referrals in FY 2074/75, the figure rose to 18 in FY 2080/81, a more than triple increase. The sharpest decline to 10 occurred in FY 2081/82, when court referrals reached their highest level despite a declining caseload. This trend suggests that as disputes become more legally complex, particularly in property, commercial, and inheritance matters, grassroots mediators lack the technical legal knowledge required to facilitate settlements, necessitating referral to the formal court system. This finding directly supports the call for advanced, specialized mediator training identified in the challenges analysis.

Backlog and Pending Cases

The backlog of cases classified as "under process" reached its peak of 77 cases in FY 2079/80, coinciding with the peak in new registrations. While the backlog declined to 48 in FY 2080/81, it rose

again to 56 in FY 2081/82 despite a reduced caseload. This persistent backlog suggests structural inefficiencies in case scheduling, mediator availability, or committee administrative capacity. The fluctuating pattern indicates that the committee's ability to manage its caseload is reactive rather than systematic, responding to volume pressures rather than operating according to an institutionalized case management protocol.

Mediator Competencies in Practice

The analysis of mediator qualities, ethical standards, and multifaceted roles reveals a significant gap between the competencies prescribed in training materials and the competencies observed in practice.

Essential Qualities. The training framework for Nepal's Judicial Committees identifies four core mediator qualities: diligence (exemplified by the ant analogy), patience (the owl), perceptiveness (the eagle), and trustworthiness (the dog). While these cultural analogies serve an effective pedagogical function in local training settings, the analysis reveals that the more analytically relevant qualities, including emotional intelligence, cultural sensitivity, capacity for managing power imbalances, and ability to navigate gender and caste dynamics, receive insufficient emphasis in current training curricula. The absence of these higher-order competencies from the training framework helps explain the 21.5% mediation failure rate documented in the empirical data, as mediators may lack the skills required to manage complex interpersonal and structural dynamics.

Ethical Standards. The ethical framework prescribed by the Mediation Act, 2011, requires mediators to maintain neutrality, confidentiality, freedom from conflict of interest, non-coercion, and professional conduct. The analysis identifies two areas of ethical vulnerability. First, the prevalence of politically motivated mediator appointments documented in the literature previous findings creates structural risks for neutrality, as mediators

who owe their appointments to local political figures may face implicit or explicit pressure to favor certain parties. Second, the absence of a formal complaint or accountability mechanism for ethical breaches means that violations of confidentiality, conflict of interest, or impartiality standards may go unaddressed, undermining public trust in the mediation process.

Multifaceted Roles. The analysis identifies eight distinct roles that mediators are expected to perform: convener, communication facilitator, equalizer, psychologist, advisor, helper, investigator, and idea stimulator. While the theoretical literature supports this multi-role model, the practical challenge is that mediators are frequently called upon to perform all eight roles simultaneously or in rapid succession, without the advanced training necessary to navigate the competing demands of these roles. The equalizer role, which requires the mediator to actively balance power dynamics between parties of unequal social, economic, or educational standing, is particularly demanding and is the role most frequently compromised in practice, according to the documented challenges (Yadav, 2024).

Consolidated Systemic Barriers

The synthesis of findings across the legal analysis (Section 4), the process assessment (Section 5.1), the empirical data (Section 5.2), and the competency analysis (Section 5.3) reveals seven interconnected challenges that collectively impede the effective delivery of mediation-based justice at the local level.

i. Training Deficiencies: The most pervasive challenge is the inadequacy of mediator training. Current training programs, when conducted, are infrequent, short in duration, and focused on basic procedural orientation rather than advanced mediation skills such as interest-based negotiation, emotional intelligence, power imbalance management, and gender-sensitive practice. The empirical evidence of rising court referrals and a 21.5% mediation failure rate provides quantitative corroboration of this training gap.

ii. Public Confusion Between Mediation and Adjudication: Despite the legal mandate for mediation-first approaches, a significant proportion of citizens continue to perceive Judicial Committees as "mini-courts" rather than mediation forums. This perception leads parties to approach the committee expecting binding decisions rather than facilitated negotiation, creating misaligned expectations that undermine the voluntary, collaborative character of the process.

iii. Weak Enforcement of Mediated Agreements: While the legal framework grants mediated settlements enforceability upon authentication by the Judicial Committee coordinator, the practical mechanisms for enforcing non-compliant agreements remain underdeveloped. The absence of a dedicated enforcement registry, monitoring protocol, or sanctions framework for non-compliance reduces the practical utility of mediated outcomes, particularly in cases involving financial obligations or property division.

iv. Political Interference in Mediator Appointments: The literature documents a pattern of politically motivated mediator appointments that prioritizes party loyalty over professional competence (Yadav, 2024). This pattern compromises the neutrality of the mediation process and erodes public confidence in the committee's impartiality.

v. Absence of Standardized Procedural Protocols: While the seven-stage mediation model provides a general framework, the absence of standardized operational protocols across municipalities creates significant variation in procedural quality. Some committees adhere closely to the prescribed model, while others operate with minimal procedural structure, resulting in inconsistent quality of mediation services across jurisdictions.

vi. Infrastructure and Documentation Deficits: Many municipalities lack dedicated, private mediation rooms, forcing mediation sessions

to be conducted in shared office spaces that compromise confidentiality and the dignified conduct of proceedings. The absence of standardized case registers and digital management systems further undermines the committee's capacity for systematic documentation, monitoring, and evaluation.

vii. Gender and Social Inclusion Gaps: The literature identifies persistent gender-based power imbalances in mediation settings, with women and members of marginalized communities, including Dalits, Janajatis, and Madhesis, facing barriers to equal participation and voice. The absence of mandatory gender sensitivity training for mediators and the lack of disaggregated data on mediation outcomes by gender and caste limit the committee's capacity to address these inclusion deficits.

These seven challenges are not isolated problems but interconnected dimensions of a systemic capacity deficit. Their collective effect is to narrow the gap between the committee's constitutional mandate and its operational reality, reducing the effectiveness, credibility, and inclusiveness of mediation-based justice delivery at the local level. The longitudinal case data from the Judicial Committee spanning eight fiscal years provides quantitative evidence of both the operational

strengths and systemic challenges of mediation-based dispute resolution at the local level.

Comparative Analysis

The preceding sections have documented the legal architecture, operational model, empirical performance, and systemic challenges of Nepal's Judicial Committees. A critical question remains: to what extent are Nepal's institutional design choices and operational challenges distinctive, and to what extent do they reflect broader patterns in community-based dispute resolution across comparable jurisdictions? This subsection addresses that question through a structured comparative analysis of five jurisdictions those are Nepal, India, Bangladesh, South Africa, and Rwanda which were selected for their structural relevance and representation of different approaches to the localization of dispute resolution.

The comparison is organized around five analytical dimensions: (i) the legal basis for local mediation; (ii) the primary legislation governing the mechanism; (iii) the institutional location of mediation; (iv) the status of mediation as a primary or supplementary mode of dispute resolution; and (v) the enforceability of mediated settlements and cultural integration. Table 2 synthesizes the institutional structures across the five jurisdictions.

Table 2:

Comparative Legal and Institutional Frameworks for Local-Level Mediation

Dimension	Nepal	India	Bangladesh	South Africa	Rwanda
Constitutional mandate for local mediation	Yes (Constitution, 2015)	No (Seventh Schedule)	No (Village Court Act, 2006, statutory only)	No (Section 34, court access right)	No (statutory only)
Primary legislation	LGOA 2017; Mediation Act 2011	Lok Adalat Act 1987; Mediation Act 2023	Village Court Act 2006; ADR Act 2006	Mediation Act 2017	Law on Mediation (Abunzi) 2013
Institutional location	Elected local government (municipality/rural municipality)	State legal services authorities; courts	Union-level village courts	Court-referred; private mediation sector	Sector-level mediation committees
Mediation as primary mode	Yes (mandatory first resort)	No (court-referred; Lok	No (adjudication-primary)	No (court-referred)	Yes (compulsory first step)

Dimension	Nepal	India	Bangladesh	South Africa	Rwanda
		Adalat voluntary)			
Enforceability of mediated settlement	Yes (authenticated by Judicial Committee coordinator)	Yes (deemed court decree under Lok Adalat)	Limited	Yes (consent order of court)	Yes (if both parties accept; otherwise, court referral)
Cultural integration	Strong (melmilap, panchayat-bichari traditions)	Moderate (Lok Adalat, Nyaya Panchayat traditions)	Moderate (Shalish tradition)	Moderate (Ubuntu philosophy; customary law)	Strong (Gacaca legacy; Abunzi community embeddedness)

Note: The comparison does not aim to evaluate which system is “superior” however to illuminate the distinctive features and potential vulnerabilities of Nepal’s approach relative to structurally comparable systems have been carried out.

The comparative analysis, synthesized in Table 2, reveals that Nepal’s legal architecture is distinctive in three key respects, each of which carries significant implications for the effectiveness and legitimacy of localized mediation. First, Nepal is the only jurisdiction among the five examined to elevate mediation to a constitutional. In countries like India, Bangladesh, South Africa, and Rwanda, local mediation rests on ordinary legislation or policy directives that can be amended, defunded, or left unimplemented without constitutional consequence. Nepal’s constitutional mandate creates a higher legal threshold for non-compliance where local governments if fails to establish or operationalize Judicial Committees are not merely neglecting a policy directive but potentially violating a constitutional obligation. However, as the legal framework analysis in Section 4.1 demonstrated, this constitutional elevation has not been accompanied by the procedural specificity necessary for uniform implementation across Nepal’s local level governments. The Constitution establishes the obligation to mediate however, does not specify how mediation is to be conducted, who is qualified to mediate, or what happens when mediated agreements are not complied with which were addressed by the subordinate legislation.

Second, Nepal is the only jurisdiction that embeds mediation within elected local governance bodies with direct democratic accountability. In

India, mediation is housed within the judicial hierarchy or state legal services authorities; in Bangladesh, village courts operate under union-level officials; in South Africa, mediation is primarily a private market or court-referred service; in Rwanda, Abunzi committees operate under the Ministry of Local Government. Nepal’s institutional placement within elected municipal governments gives mediation-based justice a democratic legitimacy absents in the other models. However, as the challenges analysis in previous section, this democratic embedding simultaneously exposes mediation to the political dynamics of local electoral competition, including politically motivated mediator appointments (Yadav, 2024) and the risk that committee leadership priorities may shift with changes in local political leadership. The democratic legitimacy that distinguishes Nepal’s model thus carries a corresponding vulnerability, the politicization of a process that depends fundamentally on perceptions of neutrality and impartiality.

Third, Nepal’s framework is distinctive in its limited provision for party rejection of the mediation process. Study reveals that in four of the five jurisdictions, parties retain a clearly defined mechanism for exiting the mediation process and accessing formal adjudication. Nepal’s framework, by contrast, positions mediation as the presumptive first resort without clearly specifying the conditions

under which parties may decline mediation and proceed directly to adjudication. This structural feature creates a tension with the voluntariness principle that is central to mediation theory (Moore, 2014). If parties perceive that they have no genuine alternative to mediation, the process risks becoming compulsory, potentially undermining the voluntary, self-determinative character that distinguishes mediation from adjudication. The empirical evidence of public confusion between mediation and adjudication, documented in Section 4.5, may be partly attributable to this structural ambiguity.

Beyond these distinctive features, the comparative analysis also reveals a shared challenge that transcends national boundaries. The persistent gap between institutional design and operational effectiveness. India's Lok Adalat system handles millions of cases annually but faces persistent criticism regarding mediator quality, voluntariness, and the pressure to settle. Bangladesh's village courts are legally established but operationally underused, with implementation lagging significantly behind legislative intent. Rwanda's Abunzi system achieves high case volumes and deep community embeddedness but faces questions about mediator capacity and the adequacy of procedural safeguards. South Africa's Mediation Act provides a comprehensive regulatory framework but has not significantly increased mediation uptake outside urban commercial centers.

This finding has important implications for the reform recommendations advanced in last section. If the challenges confronting Nepal's Judicial Committees are partly structural which is inherent in the design of community-based mediation systems, then reforms must address not only Nepal-specific deficiencies (such as the gaps in training standards and enforcement protocols however, also the design-level features that characterize all five systems examined here. Nepal's distinctive legal architecture provides a stronger institutional foundation than any of the comparator jurisdictions examined.

Conclusion

This study examined the legal foundations, operational practices, empirical performance, and systemic challenges of mediation within Nepal's Judicial Committees. The doctrinal analysis confirms that the tripartite legal architecture, the Constitution of Nepal, 2015, the Local Government Operation Act, 2017, and the Mediation Act, 2011, provides a constitutionally mandated, comparatively robust framework for localized mediation that is structurally distinctive within the South Asian and African contexts examined. The empirical evidence demonstrates that mediation has been successfully operationalized as the primary dispute resolution mode: of 1,083 mediation attempts over eight fiscal years, 78.5% resulted in successful settlements, while adjudicatory judgments constituted only 1.4% of finalized cases. However, the analysis also identifies a persistent implementation gap manifested in a 21.5% mediation failure rate, court referrals that increased by more than triple over the study period, and seven interconnected systemic barriers, including training deficiencies, political interference in empanelment, weak enforcement mechanisms, and gender inclusion gaps, that collectively constrain the committees' capacity to fulfill their constitutional mandate.

The legal framework is distinctive in two key respects. Nepal's Constitution elevates mediation beyond ordinary legislative discretion, making it a constitutional obligation that local governments cannot circumvent. Comparative analysis reveals that no comparator jurisdiction, India, Bangladesh, South Africa or Rwanda embeds mediation within elected local governance bodies with equivalent constitutional authority. The empirical data confirms that mediation is the operational norm, with a 78.5% success rate and only 1.4% adjudication rate, yet rising court referrals and persistent backlogs indicate that mediator capacity and administrative infrastructure have not kept pace with growing caseloads and increasing case complexity. The seven

systemic barriers identified, training inadequacy, political empanelment, public confusion, weak enforcement, procedural inconsistency, infrastructure deficits, and gender inclusion gaps, constitute an interconnected capacity deficit that narrows the gap between legislative intent and operational reality.

The findings support five evidence-based institutional reforms:

i. Training programs should go beyond orientation and should cover interest-based negotiation, dealing with power imbalance, gender sensitive mediation and drafting of agreements which is being taught with formalized collaboration at regular intervals in the province with National Judicial body and Mediator Society Nepal.

ii. The Local Government Operation Act 2017 ought to stipulate that the parties are physically present at the initial hearing, and that the provisions of the Act must exclude any adjudication-unless there has been a genuine attempt at mediation, and a record of that mediation.

iii. Mediated settlements should be recorded in special local registers and have formal protocols established at the provincial level for non-compliance

iv. Province monitoring and evaluation frameworks to gather disaggregated outcome data and dedicated mediation rooms, standardised case

registers and digital management systems should be in place in all municipalities.

v. Voluntary, collaborative and restorative mediation should be emphasised in the perception of Judicial Committees as adjudicatory bodies in nationwide campaigns in local languages.

The study contributes three elements to the scholarly literature: the first comprehensive account of the seven-stage mediation model that has been linked to the facilitative and transformative mediation theories; the most detailed empirical analysis of the operation of the Judicial Committee, showing its viability and limitations; and documentation of a constitutionally required, institutionally embedded mediation model that has no clear parallel in the comparator jurisdictions analysed.

The limitation of this study is that the empirical data derives from a single Judicial Committee in Hetauda Sub-Metropolitan City, limiting generalizability to the 1,494 local units nationwide; the doctrinal analysis is restricted to available statutes, and the empirical period spans 2018 to 2025. Future research should include comparative multi-site studies across provinces, qualitative investigation of mediation participants' experiences, longitudinal tracking of agreement compliance, and gender-disaggregated outcome analysis.

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