



Judicial Trust in Nepal: Demand- and Supply-Side Perspectives

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ABSTRACT

Public trust and confidence in the judiciary are essential to its legitimacy and effectiveness; however, unlike other public institutions reinforced through free and fair elections, the judiciary lacks a direct electoral connection with the public, making institutional trust particularly critical. This study explores both the demand (the people who seek justice – community members and lawyers) and supply (those who are responsible for delivering justice – judiciary and judges) sides of trust in the judicial system of Nepal, drawing on qualitative data from semi-structured interviews and focus group discussions conducted in 2019 with key stakeholders from both demand and supply sides of the justice system. Through a thematic analysis, the research identifies patterns and concerns that shape perceptions of judicial trust. This article analyses and identifies patterns and concerns that shape perceptions of judicial trust and confidence. The findings reveal a significant trust deficit, with both cohorts – judicial actors and community members – highlighting critical issues. On the supply side, judicial actors identify political interference in judicial appointments and decision-making as major contributors undermining institutional credibility and public trust. On the demand side, community members emphasize barriers to fair access, citing lack of independence due to unfair judicial appointments, lack of transparency, and inadequate outreach, all of which contribute to perceptions of judicial ineffectiveness and partiality. For marginalized groups, including Dalits, Madhesi, Indigenous Peoples, Persons with Disabilities, and women in rural

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areas, reported feeling especially excluded from the justice system, describing the judiciary as distant, formalistic, and inaccessible. This study underscores the urgent need for judicial reforms that would address the concerns of both sides of the justice system. To build trust, the judiciary must prioritize greater transparency, accountability, and inclusivity. Ensuring equitable access to justice, promoting independence in judicial appointments, and improving public engagement are critical steps in restoring public confidence and ensuring the judiciary's effectiveness in delivering fair and impartial justice for all.

1. INTRODUCTION

Access to an independent and impartial judiciary stands as a cornerstone of Nepal's democracy and rule of law. The Constitution, as the supreme law of the land, unequivocally guarantees fair and equal justice facilitated by a competent and independent judiciary for all citizens.¹ However, despite the formal establishment of Nepal's judicial system over seven decades ago, the practical reality of access to justice remains far from this constitutional ideal. National and international assessments on rule of law consistently show that a significant portion of the population continue to face systematic barriers in accessing justice.² These challenges are deeply intertwined with Nepal's broader political and socio-economic landscape, where factors such as governance structures, legal awareness, and economic inequalities shape judicial accessibility. Gender, ethnicity, and socio-economic status, in particular, remain critical variables influencing justice outcomes, exacerbating disparities in access and eroding trust in legal institutions.

Nepal's legal system operates within a historically and politically complex environment, where repeated transitions and centralized administrative practices have shaped institutional operations. Despite the formal shift to a federal structure, the judiciary continues to function under a unitary model, with the Supreme Court's Constitutional Bench addressing federal disputes. Political instability, coupled with high-profile judicial controversies, has increased public skepticism regarding judicial integrity and independence. While democratic institutions gain legitimacy through electoral accountability, the judiciary – lacking direct public engagement – must establish credibility through transparency, impartiality, and responsiveness. However,

¹ Government of Nepal, *Constitution of Nepal*, 2015, Kathmandu: Government of Nepal, 2015.

² Law Society, *A National Survey of Public Opinion* (2002); Ministry of Law and Justice, *Baseline Study of Crime in Nepal* (2016); National Judicial Academy, *Strategic Plan for Judicial Capacity Building* (2015); Supreme Court of Nepal, *Report of a Committee to Study Irregularities and Corruption in the Judiciary* (2015); Supreme Court of Nepal, *Report on Irregularities, Malpractices, or Corruption in the Judiciary* (2021); United States Department of State, *2020 Country Reports on Human Rights Practices: Nepal* (2020); Mahesh Puri et. al., *A study on Advancing Justice Sector Reform to Address Discrimination and Violence against Women in Four Selected Districts of Nepal* (Ministry of Women, Children and Social Welfare Council and CREHPA 2013); Kathmandu University, Inter-Disciplinary Analysts & The Asia Foundation, *A Survey of the Nepal People in 2022* (2022); UKaid and DanidaHUGOU, *Access to Security, Justice and Rule of Law in Nepal* (2011); The International Security Sector Advisory Team and Geneva Centre for the Democratic Control of Armed Forces, *Nepal Justice Sector Assessment* (2017).

despite substantial institutional reforms aimed at making the judicial system “worthy of public trust,”³ persistent evidence suggests widespread public distrust in judicial competency and autonomy.⁴

Judicial reforms in Nepal is inextricably linked to its broader political and socio-economic realities. Although the country has undergone significant constitutional and legal transformations, challenges persist in ensuring an independent, transparent, and accessible judiciary. Political interference, procedural irregularities, and resource limitations continue to undermine judicial effectiveness, contributing to persistent public distrust. These systematic constraints are further compounded by socio-economic disparities, which disproportionately affect access to justice for women, Dalits, persons with disabilities, and other marginalized groups. Federal restructuring has introduced new complexities in judicial administration, necessitating better coordination across local, provincial, and federal levels. While constitutional provisions safeguard judicial independence, weak enforcement mechanisms and institutional inefficiencies often compromise these protections.

Quantitative studies underscore growing public perceptions of dissatisfaction with the judicial administration. A study conducted by the National Judicial Academy found 40% of the population faced significant obstacles in accessing justice, with only 25% aware of accessing the judicial institutions and 76.1% identifying cumbersome legal procedures as a major hindrance.⁵ Similarly, a national baseline perception survey further revealed that only 26.7% of respondents believed justice actors were responsive,⁶ while a mere 5% expressed satisfaction with court services.⁷ The 2022 Nepal Demographic Health Survey reported that 72% of women who experienced sexual violence did not seek legal recourse.⁸ While this figure highlights a significant gap in access to justice, it pertains specifically to sexual violence and may not reflect broader trends across other of gender-based injustice. Without comparative data, it remains unclear whether this indicates a decline in trust or a persistent lack of confidence in the judiciary. Collectively, these findings highlight the judiciary’s ongoing struggle to demonstrate accessibility and responsiveness to the communities it is meant to serve.

Ongoing judicial reform efforts predominantly adopt an “inward-looking approach,”⁹ focusing on procedural efficiency – particularly the acceleration of case resolution

³ Supreme Court of Nepal, *Second Five-Year Strategic Plan of the Nepal Judiciary 2009/10–2013/14* (2009): ii.

⁴ Mahesh Puri et. al., *A study on Advancing Justice Sector Reform to Address Discrimination and Violence against Women in Four Selected Districts of Nepal* (Ministry of Women, Children and Social Welfare Council and CREHPA 2013); Kathmandu University, Inter-Disciplinary Analysts & The Asia Foundation, *A Survey of the Nepal People in 2022* (2022); UKaid and Danida HUGOU, *Access to Security, Justice and Rule of Law in Nepal* (2011); The International Security Sector Advisory Team and Geneva Centre for the Democratic Control of Armed Forces, *Nepal Justice Sector Assessment* (2017).

⁵ National Judicial Academy, *Study Report on Women Access to Justice*, 2015.

⁶ In this context, “responsive” refers to the extent to which justice actors listen to, acknowledge, and act upon the concerns and needs of citizens in a timely and effective manner.

⁷ Ministry of Law and Justice, *Baseline Study of Crime in Nepal*, 2016.

⁸ Ministry of Health of the Government of Nepal, *Nepal Demographic and Health Survey 2022* (2022), 447.

⁹ Mahan K. Karna, “Including the Community in Judicial Reform: An Initiative for Improving Women’s Access to Justice in Nepal,” *NJA Law Journal*, Special Issue (2012): 171.

timelines – over broader engagement with public concerns.¹⁰ While improving efficiency is a legitimate and potentially trust-building goal, such reforms often operate on the implicit assumption that the justice-seekers are familiar with and confident in the legal procedures as they exist in written law. This assumption risks overlooking a critical dimension: fair and equal access to justice is not merely a procedural ideal but a fundamental element in fostering public trust.

The Second Strategic Plan of the Nepali Judiciary acknowledges that “justice is not only slow and cumbersome but also expensive,”¹¹ reflecting institutional awareness of systemic shortcomings. However, the translation of this self-assessment into concrete, people-centered reforms remain limited. Without visible efforts to address barriers such as affordability, complexity, and public engagement, efficiency-driven reforms may fall short of improving perceptions of judicial accessibility. Rather than being competing priorities, procedural efficiency and equitable access should be pursued in tandem to ensure meaningful justice delivery. The lack of integration between internal reflection and external reform contributes to persistent public perceptions of the judiciary as inaccessible, biased, and disconnected from everyday realities—though further evidence is needed to establish this as a primary driver of public distrust.

The resulting ‘trust deficit’¹² is largely attributed to concerns over judicial independence and accountability. While trust and confidence in the judiciary are often seen as indicators of institutional performance, it is crucial to examine the specific concerns and expectations of both the demand side (justice seekers) and the supply side (judicial actors).¹³ This article provides an empirical assessment of Nepal’s judicial ‘trust deficit,’ drawing on qualitative fieldwork conducted in 2019.¹⁴ Through semi-structured interviews and interactions through Focus Group Discussions (FGDs) with key stakeholders, it explores how different actors perceive, interpret, and define the judiciary based on their lived experiences. By analyzing the barriers to trust and confidence in the judicial system, this article contributes to the broader discourse on governance, legal accessibility, and institutional accountability. It further situates Nepal’s judicial challenges within its socio-political context, providing a comprehensive understanding of the systemic reforms needed to bridge the gap between constitutional promises and the lived realities of justice in Nepal.

¹⁰ Bidhya Chapagain, “Law and Development: SDG Goal 16 – Approach to Achieve Equal Access to Justice for all in Nepal,” *NJA Law Journal* 15 (2021): 267.

¹¹ Supreme Court of Nepal, *Second Five-Year Strategic Plan*, (2009), 67.

¹² This emerged primarily from fieldwork data gathered in Nepal where I worked among judges, government and private lawyers, academia, NGO and community workers, and court service seekers.

¹³ Livingston Armytage, “Imperative to Realign the Rule of Law to Promote Justice,” *NJA Law Journal*, Special Issue (2012), 132. Livingston Armytage, *Reforming Justice: A Journey of Fairness in Asia*, (Cambridge: Cambridge University Press, 2012); Bidhya Chapagain, “Constitutional reform of the judiciary in Nepal: Achievements, disappointments and emerging issues,” *The Informal: South Asian Journal of Human Rights and Social Justice*, 1(1) (2024), 1.

¹⁴ Between June and September 2019, 22 interviews with lawyers, judges, and judicial staff in Kathmandu and three focus group discussions in three districts with community organizations were conducted for the author’s PhD thesis.

2. THE DATA: DEMAND AND SUPPLY SIDE OF JUSTICE

This study utilized a purposive sampling approach to capture diverse perspectives from both the demand and supply sides of the judicial system. 52 individuals participated, representing justice seekers (demand side) and those administering justice (supply side). The selection process was driven by two key objectives:

1. Exploring public knowledge, needs, and expectations regarding judges and the judiciary.
2. Examining how judicial actors perceive the system's value, envision an effective judiciary, and identify challenges related to access to justice.

Participants were chosen based on their direct or indirect engagement with the judicial system to ensure a balanced representation of experiences. 30 community members, each with varying degrees of engagement with the judiciary as a justice seekers, participated in three FGDs held across different rural districts. These locations were purposefully selected to reflect regional disparities in access to justice and levels public trust in legal institutions.

Additionally, 22 judicial professionals – including judges, judicial staffs, and lawyers – participated in semi-structured interviews. Their participation provided insights into systemic challenges, institutional constraints, and judicial perspectives on public trust and accessibility.

Efforts were made to ensure diversity across gender, education level, profession, community roles, and geographical locations. However, purposive sampling presents limitations. The sample may have disproportionately included individuals already familiar with legal institutions, potentially overlooking those entirely excluded due to socioeconomic or cultural barriers. While the selection process aimed for inclusivity, it carries inherent biases. Since participation was voluntary, individuals with extreme experiences – either highly positive or negative – may have been more inclined to engage, potentially skewing the findings toward polarized views. Additionally, rural participants were engaged through focus groups, while judicial professionals were interviewed individually. This distinction in data collection methods might have influenced the depth and nature of responses.

Another limitation is social desirability bias. Judges and legal professionals may have presented an idealized view of judicial effectiveness while justice seekers may have emphasized grievances from negative experiences. Future studies could mitigate these biases by incorporating anonymous surveys alongside qualitative interviews.

Data collection combined FGDs and semi-structured interviews, ensuring flexibility while maintaining consistency in key themes.

Three FGDs with justice demand sides were conducted in rural districts, each with approximately 10 participants. Discussions explored: awareness of judicial procedures and institutions; perceived fairness and accessibility of the legal system; barriers to seeking justice (e.g., financial, procedural, cultural); trust in judicial authorities and perceptions of corruption; and expectations for an effective and just legal system. To promote inclusivity, participants were selected from diverse socioeconomic backgrounds, including women, marginalized ethnic groups, and individuals with disabilities. The semi-structured discussion format allowed participants to express concerns beyond predefined topics. The professional background of the supply side interviewees required a structured yet open-ended approach to ensure candid responses while maintaining confidentiality.

Interviews with 22 judicial actors in Kathmandu provided insights into institutional perspectives. Key topics included: challenges in delivering justice, judicial independence and political influences, effective case management and procedural bottlenecks, public trust and confidence in the judiciary, and proposed reforms for improving judicial accessibility and integrity.

The interviews and discussions were recorded (with consent) and transcribed for thematic analysis.¹⁵

3. DEMAND SIDE TAKE ON TRUST AND CONFIDENCE

The demand side's trust in judicial institutions is shaped by individuals' experiences and perceptions of fairness, efficiency, and independence. These perceptions do not merely reflect attitudes – they actively influence institutional accountability and competence. When the public views the judiciary as fair and responsive, they are more likely to engage with legal processes, comply with rulings, and report misconduct, thereby reinforcing institutional legitimacy.¹⁶ Conversely, widespread distrust can lead to disengagement, reduced case filings, and pressure for reform, prompting institutions to improve transparency, responsiveness, and performance. In this way, public perception functions both as a mirror of institutional behavior and a catalyst for change. The complexity of these interactions directly affects public confidence in the justice system. To understand these dynamics, community engagements¹⁷ were conducted to explore public perceptions of justice, their personal experiences with the judiciary, and their assessment of its competence and integrity in delivering fair and accessible legal services.

3.1. DEMAND SIDE UNDERSTANDING OF JUSTICE AND THE JUDICIAL SYSTEM

This description below underscores the challenges faced by the public in accessing justice in Nepal, particularly among marginalized communities. The sentiment that “nothing happens for the poor and marginalized” reflects a perceived disconnect between legal principles and their real-world application.

A key barrier identified is a lack of awareness and understanding of legal procedures, which discourages individuals from seeking justice. The perception that financial status influences judicial outcomes further erodes trust in the system. Additionally, inadequate outreach efforts from justice institutions have left communities uninformed about their rights and available legal support, highlighting the need for improved engagement and information dissemination.¹⁸

¹⁵ This study employed thematic analysis – a qualitative method for systematically identifying, organizing, and interpreting patterns of meaning within qualitative data – to explore recurring themes of judicial competence, values such as independence and accountability, and judicial accessibility and integrity.

¹⁶ Kathy Mack, Sharyn R. Anleu and Jordan Tutton, “The Judiciary and the Public: Judicial Perceptions,” *Adelaide Law Review* 39(1) (2018).

¹⁷ In this context, community engagement refers to both formal and informal interactions related to access to the judiciary, alongside initiatives aimed at enhancing public understanding of the judiciary's role. These efforts include public forums, outreach programs, and structured dialogues with legal professionals and community workers.

¹⁸ Participant, Focus Group Discussion, 26 August 2019.

Many participants perceived the judicial system as a “highly structured yet inaccessible institution.” They expressed concerns about the lack of emotional connection, stating, “The judiciary does not feel like our institution due to its operational design and the way judges and courts interact with the people. We do not feel acknowledged or valued.”¹⁹ This sentiment was echoed in multiple FGDs, where individuals described experiences such as struggling to navigate complex procedures without legal assistance, or feeling intimidated by formal courtroom settings. For instance, a woman from a rural district recounted how her repeated attempts to file a domestic violence complaint were met with bureaucratic delays and indifference, leading her to abandon the process entirely. These accounts underscore how the judicial system often appears distant from society, particularly overlooking the needs of poor, marginalized, and vulnerable individuals. Such perceived detachment highlights the need for a judiciary that is more inclusive, responsive, and engaged with communities, so that people feel their concerns are acknowledged and their rights are meaningfully protected.

These insights highlight key aspects of public perceptions of justice and the judicial system, shedding light on how communities engage with courts and legal processes. They provide valuable perspectives on access to justice and evolving public expectations of judicial institutions. While some participants noted challenges such as geographical barriers, procedural complexity, and legal language, their concerns emphasize opportunities for the judiciary to enhance accessibility and efficiency. Despite varied experiences, participants expressed a strong belief in the judiciary’s potential to deliver justice. Their perspectives highlight the need for greater community engagement, transparency, and responsiveness to strengthen public trust and confidence in the system.

3.2. DEMAND SIDE PERCEPTIONS OF JUDICIAL COMPETENCY AND INTEGRITY

Judicial competency, in this context, refers not only to technical legal expertise but also the ability of judicial actors to uphold ethical standards, manage caseloads efficiently, and deliver reasoned, impartial decisions.²⁰ Deficiencies in these areas – whether due to inadequate training, lack of accountability, or politicized appointments – can significantly erode public trust in the judiciary.

This analysis highlights the pressing concerns regarding the efficiency, fairness, and impartiality of Nepal’s judicial system. Participants emphasized the urgent need for reforms to ensure speedier and more transparent judicial processes, with particular attention to the growing backlog of cases. For example, according to the annual report 2022/23 of the Supreme Court, approximately 165,000 cases are backlogged across all three tiers of the judiciary.²¹ Notably, the Supreme Court only disposed of 17% of the cases received in the fiscal year, leaving an overwhelming backlog of

¹⁹ Participant, Focus Group Discussion, 17 July 2019.

²⁰ The 2021 High-Level Probe Commission’s Report of the Supreme Court acknowledges the importance of judicial competency, integrity, and ongoing irregularities, reinforcing the judiciary’s commitment to reforms that enhance its legitimacy and public confidence. Addressing these gaps through targeted capacity-building, transparent recruitment processes, and performance monitoring is therefore essential to strengthening institutional credibility and ensuring the judiciary fulfills its Constitutional mandate.

²¹ Supreme Court of Nepal, *Annual Report (2078–79) (2022)*, 5.

more than 27,000 cases.²² The current centralized judiciary structure concentrates authority at the apex level while leaving lower courts underutilized. As it emerges from this research, this can be seen as a fundamental problem requiring comprehensive restructuring.

A major concern is the perceived political influence in judicial appointments. Many participants expressed skepticism about the judges' impartiality, believing that political affiliations and favoritism undermine judicial integrity.²³ The notion that judges are more loyal to political parties than to the law has eroded public trust, with concerns that judicial decisions are often predictable based on political connections rather than legal merit.

Additionally, issues of judicial ethics and accountability were raised, including allegations of judges engaging in conflicts of interest, case manipulation, and unethical conduct. Instances of corruption, mismanagement, and scandals have further deepened public distrust. Instances of judicial scandals related to appointments, corruption, mismanagement, and unethical behavior – such as the furnishing of false academic and citizenship certificates for the position of Chief Justice, visiting political party offices, and delivering decisions against the law and constitution – have severely undermined the rule of law. Some participants expressed concern that the procedure and process for handling individual cases are significantly influenced by “who the victim or the accused is” and “what connection they have with whom [be it political parties, social elite or judges]”. They believed that based on the composition of the bench, the public could already make assumptions about the potential decision in a case.

These responses underscore the public perception that judges and courts are more influenced by political parties than by the laws and the Constitution. Frequently used terms such as “unfair”, “unjust”, “lack of transparency”, “guided”, “influenced”, and “inclined” reveal the perceived integrity and competency. The public insists that authorities prioritize the rule of law and judicial principles, being mindful of their impact on public trust. This reflects a persistent tension due to the perceived “political-judicial partnership,” which is seen to undermine judicial integrity, accountability, and transparency. Public confidence in Nepal's judiciary has been adversely affected by perceptions of politically motivated appointments and recurring reports of procedural irregularities. The perception that judicial outcomes are influenced by an individual's political or social connections rather than legal principles underscores the urgency of restoring judicial credibility.

4. SUPPLY SIDE TAKE ON TRUST

The supply side perspective focuses on the judiciary's view of the public perception of judicial trustworthiness. Interviews explored broad themes to gain deeper insights into the experiences and views of those working within the justice system. These discussions examined court functions, judicial values, and systemic challenges while identifying gaps for meaningful reform. This section provides insight into how justice officials define ‘justice for the public’ and why their experiences and reform priorities may differ from publicly articulated promises.

²² Supreme Court of Nepal, *Annual Report of the Supreme Court 2022* (2023).

²³ Participant, Focus Group Discussion, 6 August 2019.

4.1. PERCEPTIONS OF JUSTICE AND THE ROLE OF THE JUDICIAL SYSTEM

Interviewees acknowledged the crucial role of the judiciary in upholding justice and fostering a stronger connection with the public. They emphasized that public trust in the judiciary is shaped by “how” effective information is communicated. Ensuring transparency in judicial proceedings, clearly explaining decisions, and enhancing public engagement were highlighted as key priorities. Strengthening judicial communication can improve legal awareness, build public confidence, and affirm the judiciary’s commitment to fair and equitable justice.

These perspectives align with the 2008 and 2022 Mid-term Review of the Strategic Plan of the Supreme Court, which recognizes the importance of increasing public knowledge and understanding of judicial functions and performance.²⁴ This reflects the judiciary’s commitment to a people-focused justice system and the necessity for proactive outreach to foster trust and accountability.

Interviewees observed that while judicial reform efforts are well-intended, they often focus on technical and instrumental aspects rather than direct engagement with the public. They emphasized the importance of making justice more accessible, inclusive, and transparent. Strengthening judicial visibility within communities and creating opportunities for interaction can help bridge the gap between legal institutions and society. Some interviewees pointed out that the judiciary and judges often remain confined to courtrooms, highlighting the need for “looking outward” to increase engagement beyond formal proceedings to enhance public trust. This perceived separation from the public reinforces a mindset within the judiciary that favors institutional insulation over public engagement, potentially limiting opportunities to build trust and responsiveness through direct interaction.

The Judiciary’s Strategic Plan explicitly acknowledges the need to enhance public trust, singling a shift toward more inclusive and transparent governance.²⁵ Judicial reform, as guided by these strategic plans, calls for coordinated action among justice sector stakeholders to build a justice system that is more accessible, transparent, and trusted by the public. This shared recognition reflects the judiciary’s commitment to continuous improvement and meaningful reform. By emphasizing collaboration and stakeholder engagement, the strategic plans advocate for a reform process that strengthens institutional legitimacy and fosters public confidence.

4.2. PERCEPTIONS OF JUDICIAL COMPETENCY AND VALUES

The interviewees highlighted two fundamental aspects essential to building public trust in the judiciary: ‘the ability of the institution’ and ‘the character of its members’. A retired judge emphasized the responsibility of the judiciary to convey a clear message through its actions and behavior, noting that such conduct plays a critical role in shaping public perceptions. Determining integrity, impartiality, and professionalism

²⁴ Supreme Court of Nepal, *Strategic Plan of The Nepali Judiciary, 2004/5–2008/9, Mid-Term Review Report 2008*, (2008); Supreme Court of Nepal, *Strategic Plan of The Nepali Judiciary, 2019/20–2023/24, Mid-Term Review Report 2022* (2023).

²⁵ Supreme Court of Nepal, *Second Five-Year Strategic Plan*; Supreme Court of Nepal, *Third Five-Year Strategic Plan of the Nepali Judiciary* (2014); Supreme Court of Nepal, *Fourth Five-Year Strategic Plan of the Nepali Judiciary* (2019).

would foster public confidence in the judiciary's ability to deliver fair and unbiased decisions. Public trust, he noted, should be built by the judiciary itself, rather than placing a burden on the public to verify adherence to legal and judicial principles. Similarly, another judge observed a shift in priorities from upholding judicial values to focusing on status, power, and financial gains.

Discussions on judicial procedures and behavior underscored the importance of competency, accountability, and trust. One judge linked the appointment of capable judges to the judiciary's role in strengthening public awareness of judicial values and ethics. An interviewee emphasized the need for a people-centric judiciary, advocating for judicial reform that prioritizes fairness and equality over purely procedural or instrumental aspects:²⁶

"Courts should stand as firm advocates for the rule of law and justice, ensuring that the public trusts in the impartiality of judicial decisions. However, in Nepal, 'access to justice' is often limited to physical and financial entry to courts. Broader factors – such as judicial independence, perceptions of politicization, concerns about fairness and corruption, and the public's reliance on alternative dispute resolution – directly influence perceptions of judicial impartiality and credibility, thereby affecting public trust in the judicial system."

These perspectives reflect an opportunity for strengthening judicial credibility and public trust. Concerns about judicial access, perceived political influence, and fairness highlight the need for institutional improvements. The report of the Supreme Court acknowledges the importance of judicial competency, integrity, and ongoing irregularities, reinforcing the judiciary's commitment to reforms that enhance its legitimacy and public confidence.²⁷ Weak implementation of laws, along with nepotism, favoritism, and the absence of robust accountability mechanism, fosters judicial misconduct and undermines both public trust and equitable access to justice. Addressing these challenges by enhancing legal enforcement, institutionalizing merit-based appointments, and reinforcing accountability structures is essential to building a justice system grounded in fairness, impartiality, and public confidence.

5. THE FUTURE OF JUSTICE: PUBLIC TRUST AND CONFIDENCE

The experiences and perspectives shared by both the demand and supply sides of the judicial system reflect broader challenges observed in other developing nations with historical socio-economic disparities and fragile institutional trust. Across South Asia,²⁸

²⁶ Interview, Kathmandu, 30 August 2019.

²⁷ Supreme Court of Nepal, *Annual Report 2001* (2002).

²⁸ In India and Bangladesh, marginalized communities encounter difficulties navigating the legal system due to excessive bureaucracy and prolonged case resolutions. The intricate legal procedures and delays discourage individuals from seeking legal redress, perpetuating a cycle of disenfranchisement. See, United Nations Development Program (UNDP), *Enabling Access to Justice for All in Bangladesh* (New York: UNDP, 2024); Ajay Pandey, Shireen Moti and Sharin Shajahan Naomi, "Educating for Social Justice Lawyering and Community Legal Empowerment: Learnings from India and Bangladesh," *Asian Journal of Legal Education* 12, no.1 (2024).

South America,²⁹ and Africa,³⁰ access to justice is often hindered by procedural complexities, legal illiteracy, and economic barriers, creating a significant gap between constitutional commitments and the reality of judicial service delivery. In many democracies, including the United States and India, public trust in the judiciary has been shaped by concerns regarding fairness, impartiality, and external influence.³¹ Participants in this study expressed similar apprehensions, pointing to judicial bias, political interference in appointments, and a perceived lack of accountability – factors that have contributed to growing skepticism about the integrity of the judiciary in Nepal. Addressing these concerns, as seen in other legal systems, is essential for fostering trust and ensuring equitable justice.

Public confidence in the judiciary is closely linked to an institution's transparency, procedural fairness, and ability to communicate legitimacy.³² For example, in the United Kingdom, procedural legitimacy is reinforced through rigorous appointment processes and public engagement, strengthening confidence in judicial impartiality.³³ Germany upholds trust through strict judicial accountability mechanisms that ensure adherence to ethical standards.³⁴ Conversely, in countries facing judicial politicization, such as Hungary and Poland, trust has eroded due to perceived government influence over court decisions.³⁵ These international examples highlight the necessity of ensuring independent judicial appointments, effective court management, and strong accountability measures to enhance public confidence in Nepal's judiciary.

The increasing judicial vulnerability to political influence in Nepal threatens fundamental principles of judicial independence, efficiency, and accessibility. Widespread disappointment with perceived weaknesses in legitimacy and efficiency echoes global trends, where courts, despite their role in protecting rights, struggle to ensure equal access to justice. In South Africa, for example, constitutional safeguards

29 In Guatemala and Honduras, judicial systems face perceptions of inaccessibility stemming from complex legal language, procedural inefficiencies, and a bias favoring the affluent. See, International Commission of Jurists, *The Right of Access to Justice in Guatemala*, Expert Opinion: Ramon Cadena (Geneva: ICJ, 2012); Amnesty International, *The Entire System against Us: Criminalization of women justice operators and Human Rights Defenders in Guatemala* (London: Amnesty International, 2024); Tom Ginsburg and Nuno Garoupa, "Judicial Audiences and Reputation: Perspectives from Comparative Law", *Columbia Journal of Transnational Law* 47, no. 3 (2011): 451–490.

30 Carolyn Logan, "Ambitious SDG Goal Confronts Challenging Realities: Access to Justice Is Still Elusive for Many Africans", *Afrobarometer Policy Paper* No. 39 (2017).

31 Arghya Sengupta, *Independence & Accountability of the Indian Higher Judiciary* (Oxford: Oxford University Press, 2019); James L. Gibson, "The Legitimacy of the U.S. Supreme Court in a Polarized Polity," *Journal of Empirical Legal Studies* 4, no. 3 (2007): 507–538; Logan Cornett and Natalie A. Knowlton, *Public Perspectives on Trust & Confidence in the Courts* (Denver: Institute for the Advancement of the American Legal System, 2020).

32 Anne Wallace and Jane Goodman-Delahunty, "Measuring Trust and Confidence in Courts," *International Journal for Court Administration* 12, no. 3 (2021).

33 John Bell, *Judiciaries within Europe: A Comparative Review*, (Cambridge: Cambridge University Press, 2006); Michael A. Hansen, "Trust in the System? Factors that Impact Citizens' View of Courts in the United Kingdom", *Social Science Quarterly* 98, no.5 (2017): 1503–1517.

34 Stefan Voigt and Jerg Gutmann, "On the Wrong Side of the Law – Causes and Consequences of a Corrupt Judiciary", *International Review of Law and Economics* 34 (2013): 102–115.

35 Laurent Pech and Kim L. Scheppele, "Illiberalism Within: Rule of Law Backsliding in the EU", *Cambridge Yearbook of European Legal Studies* 19 (2017): 3–47; Wojciech Sadurski, *Poland's Constitutional Breakdown*, (Oxford: Oxford University Press, 2019).

uphold judicial independence, but barriers such as high legal costs and case backlogs continue to impede justice and public trust,³⁶ challenges that similarly persist in Nepal.

Engagements with judicial actors – through consultations, training programs, and reform initiatives – reveal persistent concerns regarding procedural delays, unequal treatment, and limited access to justice. These interactions underscore that efficiency and fairness are not just operational ideals but foundational principles essential to strengthening institutional legitimacy and public trust. For example, in Canada, timely justice delivery, financial accessibility, and procedural fairness serve as benchmarks for a high-functioning judicial system.³⁷ Drawing from such judicial practices – particularly by prioritizing ‘fairness and equality’– reinforces the judiciary’s role as a pillar of democratic governance and enhances its credibility within society.

Judiciaries worldwide are leveraging technology and public engagement to strengthen transparency and rebuild confidence. In Australia, former Chief Justice Murray Gleeson emphasized that individuals who fully understand legal procedures are less likely to criticize judicial outcomes.³⁸ Meanwhile, Estonia and Singapore have successfully implemented digital court systems, significantly improving judicial efficiency and public trust.³⁹ Nepal’s judiciary could adopt similar approaches such as expanding digital access to legal information, enhancing public outreach, increasing judicial transparency, and improving communication strategies to foster greater confidence in the system.

Studies within the European Union indicate that public perceptions of judicial trustworthiness are closely linked to procedural legitimacy and accessibility.⁴⁰ Countries like Kenya and Indonesia have introduced reforms to address these gaps – Kenya’s mobile courts bring justice closer to rural communities,⁴¹ while Indonesia’s community legal education programs enhance public understanding of legal rights and processes.⁴² Drawing from these examples, Nepal could introduce similar reforms, including mobile courts, legal literacy initiatives, and streamlined judicial procedures, to strengthen public trust and enhance judicial accessibility. Ensuring that court procedures are accessible, inclusive, and transparent is essential, given that individuals’ perceptions of justice are shaped not only by legal outcomes but also by

36 Helen Kruuse, “Vuk’uzenzele – Arise and Act: Lawyers and Access to Justice in South Africa”, in *The Role of Lawyers in Access to Justice: Asian and Comparative Perspectives*, ed. Helena Whalen-Bridge (Cambridge: Cambridge University Press, 2022), 327–344.

37 Peter H. Russell and Kate Malleson, *Appointing Judges in an Age of Judicial Power: Critical Perspectives from Around the World*, (Toronto: University of Toronto Press, 2006); Emmett Macfarlane, *Governing from the Bench: The Supreme Court of Canada and the Judicial Role* (Vancouver: UBC Press, 2013).

38 Murray Gleeson, “Public Confidence in the Judiciary” (Speech, Judicial Conference of Australia, Launceston, 27 April 2002, <https://www.ojia.asn.au/wp-content/uploads/2022/05/Gleeson-2002-paper.pdf> [accessed 19 December 2020]).

39 Rainer Kattel and Ines Mergel, “Estonia’s Digital Transformation: Mission Mystique and the Hiding Hand”, in *Great Policy Success*, ed. Paul ‘t Hart and Mallory Compton (Oxford: Oxford University Press, 2019), 143–160; Tan K.B. Eugene, *Singapore: National Report for the Global Access to Justice Project* (Singapore: Singapore Management University, 2021).

40 European Commission for the Efficiency of Justice (CEPEJ), *European Judicial Systems: Efficiency and Quality of Justice*, CEPEJ Studies No. 23 (2016 ed.); Nina Peršak, “Procedural Justice Elements of Judicial Legitimacy and their Contemporary Challenges,” *Oñati Socio-legal Series* 6, no. 3 (2016): 749–770.

41 Kenya Judiciary, *Mobile Courts: Taking Justice Closer to the People in Kapenguria* (Nairobi: Kenya Judiciary).

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their direct interactions with judicial processes. By reinforcing procedural legitimacy, judicial accountability, and public engagement, Nepal's judiciary can move closer to bridging the gap between constitutional ideals and lived realities, fostering a more inclusive and accessible justice system.

6. CONCLUSION

The findings from both the demand and supply side of Nepal's judicial system reveal a critical gap between constitutional promises and the public's real-life experiences with the judiciary. Public trust in the judiciary is shaped by perceptions of fairness, efficiency, and institutional independence. Nevertheless, persistent concerns – such as political influence, procedural complexity, and limited access to justice – continue to challenge that trust and underscore the need for systemic reform. Marginalized communities, in particular, encounter significant barriers to justice, including financial constraints, limited legal literacy, and a judiciary that is often perceived as distant and unresponsive. This lack of awareness – especially regarding legal rights, available remedies, and procedural pathways – exacerbates exclusion and discourages engagement with formal legal institutions. Perceptions of fairness, institutional performance, and judicial integrity remain central to shaping public trust in the judiciary. Similarly, skepticism surrounding judicial appointments and ethical concerns—such as favoritism, case manipulation, and corruption—further erode trust and reinforce calls for greater transparency and accountability.

From the supply side, judicial actors acknowledge the need for transparency, better public communication, and institutional reforms to restore credibility. While efforts have been made to improve public engagement and judicial outreach, challenges remain in ensuring accountability and fairness. International experiences highlight the importance of independent judicial appointments, strong accountability mechanisms, and technological advancements in enhancing judicial legitimacy; strategies Nepal's judiciary can adopt to rebuild public confidence.

To restore trust, reforms must prioritize judicial independence, procedural transparency, and public engagement. Strengthening merit-based judicial appointments, reducing case backlogs, and ensuring effective communication of legal decisions would help bridge the gap between public expectations and judicial performance. Additionally, fostering greater inclusivity in judicial processes and leveraging technology to enhance accessibility can contribute to a more transparent and accountable system. Ultimately, restoring faith in Nepal's judiciary requires a commitment to institutional integrity, responsiveness, and public-centric reforms. By addressing the concerns raised in this study, Nepal can move toward a justice system that upholds fairness, impartiality, and the rule of law, reinforcing trust and confidence among the public.

COMPETING INTERESTS

The author has no competing interests to declare.

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