

e|6frf/ lgo6q0f ug{k|tflj t ljw0sx?

By Sunil Adhikari

g|kfn clw/fhosf] ; lawfg, @)\$& sf] clVtof/ b?kofu cg' Gwfg cfofu ; DaGwl ; awf]gs kfj wfg x0f{wf/f (* - !_ df sg)}; fj h]gs kb wf/0f u/{f]JolQm]u/{f]cglrt sfo{jf e|6frf/ pk/ cg' Gwfg / txlssft cfofu]n] ug{jf u/fpg ; Sg] ; fy}wf/f (* #_ df cg' Gwfg / txlssftaf6 ; fj h]gs kb wf/0f u/{f]sg}JolQm]sfg0 adf]hd e|6frf/ d]gg] sg}sf]d u/{f]b]VPdf cfofu]n]To:tf]JolQm / ; f]ck/fwdf ; m]lg c6o JolQm? pk/ sfg0 adf]hd clwsf/ k|t cbfntdf d2f bfo/ ug{jf u/fpg ; Sg\$ e6g] ; awf]gs kfj wfg]clVtof/ b?kofu cg' Gwfg cfofu jfx\$ jf pQm cfofu]n]clwsf/ k|fof]hg gu/L e|6frf/ pk/ cg' Gwfg / txlssft ug[Pj+ d2f rnfpg c6o sg]lgsfon]k]fpg]u/L sg}Pg] lgrf ul/Pdf ; lawfgsf]wf/f ! adf]hd cdf6o xg]b]V65 .

clwaQmf afns]0f Gofkfg]lj?4 >l % sf] ; /sf/ ePsf]lgj hgd] ; j]r cbfntsf]j xbk0f{0hnf; n] ; fj h]gs kb wf/0f u/{f]JolQmsf]kl/efiff ug]s'fdf c; xdt 5 ; fy}e|6frf/sf]ck/fwsf]cg' Gwfg / txlssft ug[Pj+ d2f rnfpg]clwsf/ cfofu]sf]dfq}xf]egl gh/ sfod ul/Psf]5 . ; lawfgsf]wf/f (* sf]pkwf/f -!_ Pj+ #_ adf]hd x0f{k|tflj t ljw0s ; lawfgsf]wf/f ! pkwf/f -!_ n]cdf6o xg]lglZrt 5 .

ljz]f cbfnt e6g]lj]Qs}Goflos sf]d ug]/fhg]ts rl/q / ; bfrf/ k|tsf]k|tj 4tf k0lz\$ xg]lgsfo jgpg ; /sf/ ; km ePdf e|6frf/ ug]f0{b?T; fxg / e|6frf/ lgo6q0fsf]lbzdf cl3 j 9g]cfzf lng ; ls65 . ljz]f cbfntsf]clwlf / ; b:o xg]AolQmsf]of]otf lgrf0f / 5grdf ; /sf/ uel/ xgk5{. k|tflj t ljz]f cbfnt ljw0ssf]bkf \$ x0f{ ; /sf/ uel/ 5g e6g]nflb5 .

ljz]f cbfntsf]u7gnf0{x0f{ ; f]r} ; /sf/ e|6frf/ lgo6q0f ug{rfx65 e6g]s'fdf ljZj:t xg ; Sg]b]Vb0 . ol sg]klg ljw0sdf /fhg]ts k|tj 4tf k0lz\$ 5g . e|6frf/ lgo6q0f ug]/fhg]ts OR5fsf]cefj df e|6frf/sf ck/fw pk/ cg' Gwfg txlssft u/L d2f rnfpg]clwsf/L jf lgsfosf]sfddf ult cpg ; Sb0 e6g]ljutsf w}] jif{?df g|kfn]cgej ub}cfPsf]5 . ljz]f cbfntsf]clwlf / ; b:osf]lgoQndf >l % sf] ; /sf/ uel/ / ; j]h]glzn ePsf]cj:yfdf e|6frf/ lgo6q0f ug] ; /sf/sf]/fhg]ts OR5f k0lz\$ x65 .

clwlf / ; b:osf]kbj wl % jif\$fxgk5{. ljz]f cbfntsf]clwlf Pj+ ; b:on]cglrt sfo{jf e|6frf/df ; m]lg ePdf k|tlgwl ; efsf]/fho Aoj:yf ; ldt]n] ; f]kbj6 jvf{t ug{/fv\$]k|tj k|tlgwl ; efsf]pkl:yt ; b:osf] jxdt jf6 k|l/t ePdf x6f0{ ; Dj l6wt lgsfon]e|6frf/df sf/j f0{ug] ; Ddsf]kfj wfg ; dfj z xgk5{.

g|kfn clw/fhosf] ; lawfg, @)\$& sf] clVtof/ b?kofu cg' Gwfg cfofu]sf] sf]d st]onf0{x0f{ e|6frf/sf] ck/fwdf cg' Gwfg txlssft u/L cleofu kq v8f u/L d2f rnfpg]lh]df nuf0Psf]5 . e|6frf/sf]ck/fw /fhg]ts k|tzn]af6 nufpg ; /sf/n]g; sf] ; /sf/n]nufPsf]cf/fk pk/ klxn]clVtof/ b?kofu cg' Gwfg cfofu]n]g}5fglag u/L e|6frf/sf]ck/fw b]VPdf dfq cbfntdf d2f n]lg]kl/s]kkgf u/{f]5 . c6o ck/fwsf ; DaGwdf hfx]l btf{ug]kx/L sf]ho eP h:t}e|6frf/sf]ck/fwsf]hfx]l lng]c8&f clVtof/ b?kofu cg' Gwfg cfofu xf].

e|6frf/sf]lgo6q0f >l % sf] ; /sf/s}lh]d]f/l xf]. e|6frf/sf]lj?4df ; /sf/sf]/fhg]ts k|tj 4tf k0lz\$ xg' k5{. >l % sf] ; /sf/sf]dh st]o g}sfg0sf]zfiig -Rule of Law_ nfu"ug'xf]. sfg0sf]zfiig nfu"ug' kwfg d6qlsf]sf]ho Pj+ d6qfnox?sf] ; #rgf v8f u/{f]x65 . d6qfnox? c6t{t ljefux? x65g\ . sfg0

adflnd g}lhlnf :tl/o k}f; lgs lgsfox? v8f ul/Psf]x65g\ >l % sf] ; /sf/ log}; Argf leq a; } sfg9sf] zfiig xfg] rfnf eP/ a:5 . o; ; Argfsf]kdv xflsd eg\$}dh'ssf]kvwgdqal xf]. To; }kvwgdqaln]bzdf sfg9sf]zfiig nfu"ug{kvwgdqal sfofno leq}sfofno vllb}hfg' zfiig / Joj :yf r/d/fP/ ellsg]cj :yf xf]. ; Qf?9 bn jf kvwgdqalsf]e}l6frf/ lj?4sf]kl}tj 4tf k/f ug}; 06q sfg9af/f v8f ePsf kzf; lgs lgsfo g}xg . kvwgdqaln]d e}l6frf/ ulbg / s; }f0{klg e}l6frf/ ug{lb6g e6g]c7f0 cg?k sfo{u/df e}l6frf/sf]; d:of w}g}sd eP/ hf65 .

k}tflj t e}l6frf/ ljw0sn]kl/sllkgf u/\$f]; ts{f s0b}ug]eg\$}sfo{x? kvwgdqal, ux'dqal, ux; lrj, kdv lhlnf clwsf/L, lhlnfsf]kx/L clws{x?s}sfo{x? dllb\$}sfo{xf]. c6o ; a}ck/fw lgo6qof ug{; lfd ; /sf/L ; 06q e}l6frf/sf]ck/fw lgo6qof ug{lsq ; lfd gePsf]dflg65 . e}l6frf/sf]ck/fw ; /sf/ lgo6qof ug{rxf65 eg] ; /sf/ jf ; /sf/L ; 06qg}hfx}jfnf jf kl}tj }s eP/ clVtof/ b?kofu cg[6wfg cfofu ; dlf hfg' k5{. To; /L ; /sf/ hfg]xf]eg]e}l6frf/ lgo6qof x65 . kvwgdqal, dqal Pj+ ; Da6wt kbflwsf/Ln]g}e}l6frf/ ug{grfxg]/ c?nf0{e}l6frf/ ug{lb6g e6g]cj :yfsf]l; hgf kvwgdqal / dqalsf]b0 /fhlgts OR5f ; fj hfgs ?kdf kb}z} ge0{e}l6frf/ ug{kj}0df b?T; fxg xbg .

; lj-wfgn]e}l6frf/ ck/fwsf]cg; 6wfg txlssft / d2f rnfpg]sfo{lsq clVtof/ b?kofu cg; 6wfg cfofu}nf0{ lbPsf]xf]e6g]s/f tkm{k}tflj t e}l6frf/ ljw0s d:off}sf/n]k6Ss}Wbfg lbg ; s\$}f]50 . e}l6frf/ ug]xg]/ /fsg]tlg}sfo{xg}7f0 eg\$}; /sf/ / ; /sf/s}; 06q leq}xf]. ; /sf/sf]drihfxhf / kj}Qtn]e}l6frf/ ; Da6wt ck/fwl jfx\$ u/L lgbf} dfly b}if yf}g}j e}l6frf/sf]ck/fw kl}tg}pbfl; g xg]cj :yf k5{sl e6g]; f}af6 Pp6f lgle\$, /fi6kfb / :j t6q /fi6<; }s Pj +sd{f/Lt6q a6g d2t kluf] e6g]; lawfg lgdf{fx?sf]b?bzl{/ al4dtf k0f{csznf0{st}; /sf/ knsfpg t rfx6g egl ts{ug{kgl}kl/l:ytL cfh bz}sf]5 .

t; y{l}zif kx/L ljeFu, ; ts{f s0b}Pj+ lj zif cbfntsf]d2f rnfpg kfg]k}tflj t Joj :yf ; lawfgsf]Joj :yf ; E allenPsf]5 .

; lawfgsf]dh p2}o ; awfngs cEsf kbflwsf/Lx?nf0{; /sf/L sfk efhgaf6 hfuf0{:j t6q, lgle\$ Pj+ Odffbf/ a6gaf6 /fsg]sf/0fx?nf0{lg:t}h kfg}kl}jwfgnf0{c; / Pj+ lftl kl}g]u/L e}l6frf/ ljw0s Pj+ clVtof/ b?kofu cg; 6wfg cfofu Pqdf ; zfwg u/Lgx6g .

ck/fwaf6 p6dl0m s; }k}gkfgg}cfwngs kl}hftf6qls /fho zfiig Pj+ sfg9sf]zfiigsf]dd{xf]. ; lawfgsf]wf/f (* sf]pkwf/f -!_ v08 -s_n]Joj :yf u/\$f kbflwsf/Lsf nflu kl}t}glw ; efn]dx} cleofu kfl/t u/L ; s}k}5 ck/fwsf]cg; 6wfg u/L d2f rnfpg' k5{.

ck/fwdf kdf0fsf]ef/ jfbln]g}Joxfg{k}g}Joj :yfg}kl}hftf6qls zfiig k0ffnl Pj+ dfgj clwsf/sf]; Ddfg ug{xf] t/ ckj fbsf]?kdf cfo; E cldNbf]; DklQ bl}vof]eg]hkmt ug{kdf0fsf]ef/ cfo; E cldNbf]; DklQ xg}h}Joxfg}Joj :yfn] ; DkQL hDdf ug]kj}Qnf0{b?T; fxg ug]x6f of]Joj :yf ug{/fd]xf]. km}hbf/L Gof0 l; 4f6tnf0{ e}l6frf/sf]d2fdf 06sf/ ug{k}g}Iolt h?/L 50 . e}l6frf/ ck/fwdf ; lhn}kdf0f k}k}t xg]x6f Strict Liability /Vg'h?/L 50 .

e|6frf/ lgj f/0f Pq, @)!& nf0{kl/dfhg ubf{hlt kefj sf/L xg ; Svof] gofFn]VPsf] ljwφs czfltt ?kdf
kefj sf/L blVPsf]5g .

c|Vtof/ b?kofu cg' Gwfg cfofu -bf}f]; zfwg_ ljwφs, @)%&

!_ cfoQm Pj+ kφV cfoQmsf]lgoQm hg ; /f\$ f/sf]lj ifo j gfpg' kgI

@_ bknf \$ sf]pkbknf -\$ sf]v08 -@ sf]Aoj :ydf cem ; wf/ Nofpg' kgI.

#_ dh Pqsf] bknf @! kl5 ykg k|tflj t bknf @! s df cfofusf] cfj Zostf j dflhd sdf/fl lgoQm ug{
kfgp]Aoj :yf xgk5{

\$_ dh Pqsf] bknf @ (kl5 ylkPsf]@ (v df cfo ; E cldNbf] ; DkQL hkmf ug{e|6frf/ u/\$}7xl/g' kgI
cj :ydf ; zfwg u/L e|6frf/sf]s ; / / cfo ; E cldNbf]u/L ; DkQL hf\$sf]s ; /nf0{kys u/L cfo ; E cldNbf]
; DkQL eg] kdfloft ePdf hkmf ug{kg]sfggL kfj wfg xg' h?/L 5 . -sg}klg dfg ; nf0{e|6frf/ ug{b?I ; fxg
xg] wg cfhg sf nflu ePsf]h] cfo ; E cldNbf] ; DkQL hkmf ug] sfggL kfj wfgn] e|6frf/sf] s ; /nf0{ 36fpg]
lj :jf ; lng ; ls65 .

%_ dh Pqsf] bknf #% kl5 ylkPsf] bknf #% -s_ -\$_ df ePsf]@) xhf/ sf]7fpφf Ps xhf/ xgk5{.

e|6frf/ lgj f/0f Pq, @)%&

!_ bknf @ s= df e|6frf/sf]kl/efiff cgdg ul/Psf]s ; / ; E dfq l ; ldt ul/g' x6g . kl/efiffnf0{Aofks
j gfpgk5{ . kl/efiff leq eflhl :yflkt xg cfpg] s ; /df b08sf] Aoj :yf ul/g' k5{

@_ lj zif kx/L l jefunf0{hfx]jfnf jf k|tj φs jf kdf0f h6fpg] sfoφf l ; ldt ug]xf]eg] >l % sf] ; /sf/
cftuφ /xg ; S5 . lj zif kx/L l jefun]cleofu kq v8f ug] cg' Gwfg ug] sfo{ug]xf]eg] c|Vtof/ b?kofu
cg' Gwfg cfofusf] dftxtdf a ; l k|ofof]ht clwsf/ j dflhd sfo{ug]kx]x65 . ; lj-wfgsf]wf/f (* sf]pkwf/f !
j dflhd c|Vtof/ b?kofu cg' Gwfg cfofus] clwsf/ k|ofof]hg u/L cg' Gwfg jf txlssft h ; jf6 klg u/fpg
; S5 . ; lj-wfgsf]wf/f (* sf]pkwf/f #_ j dflhd d2f bfo/ ug] sd c|Vtof/ b?kofu cg' Gwfg cfofu jf6}
xgk5{bl]v65 .

; fy)wf/f (* sf]pkwf/f

-%_ df cfofus] tf\$sf]zt\$sf]clwgdf /xl kofu tyf kfg ug{kfg]u/L d2f rnfpg]jf cg' Gwfg / txlssft
ug] sfo{ ; Dkg ; Sg]bl]v65 . o ; /L ; DkPsf]hlt sfd lj zif kx/L l jefun]cfofus]gfd jf6 ug{ ; Sg]bl]VPsf]
x6f Pqn]k|tflj t u/\$f]lj zif kx/L l jefu cfofus]k|ofof]hg u/\$f]clwsf/sf]l ; df leq /xl dfq sfo{ug{ ; Sg]
x6f ; lj-wfg ; E pQmAoj :yf j flenPsf]xb ; Dd ; lj-wfg cgsh j gfpg' kgIbl]v65 .

#_ kl/R5φ # n]clwsf/ u/\$f]Aoj :yf ; lj-wfgsf]wf/f (* ; E j flenPsf]5 . ; lj-wfg cgsh j gfpg cfofus]

;lj-wfgsf]wf/f (* sf]pkwf/f -!_ Pj+ pkwf/f -%_ jdf]hd clwsf/ k]ofoffhg u/\$f]hltdf ljzif kx/L ljeFun]
sfo{ug]eG]sfGg]l kfj wfg pNny/ ug{kG]b]V65 .

\$_ P]sf]bkrf %) ql6k0f{5 . e]6frf/sf]s; / / cfo ; E cldNbf]; DklQ nf0{; fy}hff]8g' xGg . e]6frf/
7x/ eP kl5 dfq cfo; E cldNbf]; DklQ hkmt xg]eG]cy{ bkrf %) n]/fv\$]b]V65 . hg xg' xGg . e]6frf/
g7xl/P klg cfo ; E cldNbf]cfhg hkmt xg]kfj wfg /flvg' k5{.

%_ bkrf %! df /flvPsf]hl/jgf 36fpg' k5{j f /flvgg}xGg .

^_ P]sf]kl/R5b @ sf]; \$f ; flj s s]kl/R5b - @ df cfj Zos ; zflvg Pj+ yk ; Dd u/]kl5 .