HIGHLIGHTS OF PRESIDENT AND SECRETARY GENERAL, SAARCLAW, VISIT TO NEPAL

Delegation led by Mr. Mehmood Y. Mandviwalla, President, SAARCLAW along with Mr. Muhammad Mohsen Rashid, Secretary General, SAARCLAW and Ms. Sheeza Ahmed, Executive Council Member visited Sri Lanka, on 10th September, 2017 to pay courtesy calls to Ministers and meet organizations to discuss the holding of upcoming 11th SAARC Chief Justices Conference and 14th SAARCLAW Conference in Colombo, Sri Lanka.

Meeting with Mr. Sven Coppens, Country Director, PLAN International Nepal on 11th September, 2017.

Meeting with Mr. Suresh Man Shrestha, Secretary General and Ms. Meena Shrestha, Deputy Director General, FNCCI on 11th September, 2017.

Meeting with Mr. Amjad Hussain B. Sial, Hon’ble Secretary General, SAARC Secretariat, on 12th September, 2017.

Meeting with H.E. Amjad B. Sial, Hon’ble Vice President Mr. Nanda Bahadur Pun Hon’ble Vice President of Nepal on 12th September, 2017.

Courtesy Call on H.E. Amjad B. Sial, Hon’ble Secretary General, SAARC Secretariat, on 12th September, 2017.

Courtesy Call on Hon’ble Vice President Mr. Nanda Bahadur Pun Hon’ble Vice President of Nepal on 12th September, 2017.
NEW CHIEF JUSTICES IN SOUTH ASIA

Rt. Her Excellency Ms. Bidya Devi Bhandari, Hon’ble President administers the oath of office and secrecy to Chief Justice, Supreme Court of Nepal, Rt. Hon’ble Justice Mr. Gopal Prasad Parajuli on July 17, 2017.

His Excellency Mr. Ram Nath Kovind, Hon’ble President, India during the oath taking ceremony of newly appointed Chief Justice of India Hon’ble Mr. Justice Dipak Misra on August 28, 2017.

K. K. VENUGOPAL APPOINTED AS NEW ATTORNEY GENERAL OF INDIA

Mr. Kottayan Katankot Venugopal, Former President, Patron, Permanent/ Life Members, SAARCLAW, was appointed as 15th Attorney General in India on 30th June 2017.

INDIA GETS WOMAN DEFENCE MINISTER

Hon’ble Ms. Nirmala Sitharaman was sworn in as the new Defence Minister of India on September 3rd, 2017.

SRI LANKA GETS FIRST WOMAN JUSTICE MINISTER

Foreign Employment Cabinet Minister Hon’ble Ms. Thalatha Atukorale was sworn in as the new Justice Minister before Hon’ble Mr. Maithripala Sirisena, Hon’ble President of Sri Lanka on August 25, 2017.
The first World Happiness Report was published in April, 2012, in support of the UN High Level Meeting on happiness and well-being. Since then the world has come a long way. Increasingly, happiness is considered to be the proper measure of social progress and the goal of public policy. In June 2016 the OECD committed itself “to redefine the growth narrative to put people’s well-being at the center of governments’ efforts”. This report gives special attention to the social foundations of happiness for individuals and nations. The chapter starts with global and regional charts showing the distribution of answers, from roughly 3000 respondents in each of more than 150 countries, to a question asking them to evaluate their current lives on a ladder where 0 represents the worst possible life and 10 the best possible. When the global population is split into ten geographic regions, the resulting distributions vary greatly in both shape and average values. Average levels of happiness also differ across regions and countries. A difference of four points in average life evaluations, on a scale that runs from 0 to 10, separates the ten happiest countries from the ten unhappiest countries. Norway vaulted to the top slot in the

<table>
<thead>
<tr>
<th>Country</th>
<th>Score</th>
<th>Overall Ranking</th>
<th>South Asia Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>3.494</td>
<td>141</td>
<td>7</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>4.608</td>
<td>110</td>
<td>4</td>
</tr>
<tr>
<td>Bhutan</td>
<td>5.011</td>
<td>97</td>
<td>2</td>
</tr>
<tr>
<td>India</td>
<td>4.315</td>
<td>122</td>
<td>6</td>
</tr>
<tr>
<td>Nepal</td>
<td>4.96</td>
<td>99</td>
<td>3</td>
</tr>
<tr>
<td>Pakistan</td>
<td>5.26</td>
<td>80</td>
<td>1 (HAPPIEST COUNTRY)</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>4.440</td>
<td>120</td>
<td>5</td>
</tr>
</tbody>
</table>


TRAFFICKING IN PERSON 2015-2016

**KEY FACTS**

60 percent of 6,100 persons trafficked in 2015-16 were women

70 percent of 3,900 persons who went missing in 2015-16 were women

Number of attempt to trafficking increased to 13,200 in 2015-16 from 7,500 in 2014-15

One of the major challenges in fight against trafficking is only a few cases are registered with law enforcement agencies

New trends of trafficking like fake foreign marriages and organ trafficking are making the fight against the scourge even more complicated

The NHRC (National Human Rights Commission) report named “Trafficking in Person 2015-16” is a compilation of data received of human trafficking. Over 6,000 Nepalese were trafficked while around 4,000 went missing in fiscal year 2015-16, with a majority of the victims being women. According to the NHRC report, 60 percent of the 6,100 persons trafficked into different countries in fiscal year 2015-16 were women. The women accounted for 70 percent of 3,900 persons who went missing. Among the total missing in 2015-16 fiscal year, 1,502 were children. The number of people trafficked in the fiscal year has decreased from that in 2014-15 by 2,000, but the cases of attempt to trafficking were higher. Based on the report, “The number of attempt to trafficking increased to 13,200 in 2015-16 from 7,500 in 2014-15”.

The World Happiness Report, 2017. Likely Central African Republic is the saddest country based on the report scoring only 2.693.

The report of 2017 suggests that Pakistan is the happiest country in the region with 5.26 and Bhutan stands second 5.011 in the region. Nepal scores 4.96 and stays at the third position. Bangladesh falls on the fourth position scoring 4.608 and Sri Lanka with the score 4.44 falls on the fifth position. India and Afghanistan is considered as least happier country in South Asia scoring 4.315 and 3.794.
The Global Gender Gap Index was first introduced by the World Economic Forum in 2006 as a framework for capturing the magnitude of gender-based disparities and tracking their progress over time. The Index benchmarks national gender gaps on economic, education, health and political criteria, and provides country rankings that allow for effective comparisons across regions and income groups. The rankings are designed to create global awareness of the challenges posed by gender gaps and the opportunities created by reducing them. The methodology and quantitative analysis behind the rankings are intended to serve as a basis for designing effective measures for reducing gender gaps.

There are three basic concepts underlying the Index, forming the basis of how indicators were chosen, how the data is treated and the scale used. First, the Index focuses on measuring gaps rather than levels. Second, it captures gaps in outcome variables rather than gaps in input variables. Third, it ranks countries according to gender equality rather than women’s empowerment.

**Gaps vs. Levels**

The Index is designed to measure gender-based gaps in access to resources and opportunities in countries rather than the actual levels of the available resources and opportunities in those countries. The Index is constructed to rank countries on their gender gaps not on their development level. The Global Gender Gap Index rewards countries for smaller gaps in access to these resources, regardless of the overall level of resources.

**Outcomes vs. Inputs**

The second basic concept is that it evaluates countries based on outcomes rather than inputs or means. Indicators related to country-specific policies, rights, culture or customs factors that consider “input” or “means” indicators are not included in the Index, but they are discussed further in the analytic sections, as well as being featured in the Report’s Country Profiles. This approach has contributed significantly to the Index’s distinctiveness over the years.

**Gender equality vs. women’s empowerment**

The third distinguishing feature is that it ranks countries according to their proximity to gender equality rather than to women’s empowerment. Index rewards countries that reach the point where outcomes for women equal those for men, but it neither rewards nor penalizes cases in which women are outperforming men on particular indicators in some countries. It examines the gap between men and women in four sub-indexes: Economic Participation and Opportunity, Educational Attainment, Health and Survival and Political Empowerment.

### World Development Report, 2017

This Report argues that institutions perform three key functions that enhance policy effectiveness for development: enabling credible commitment, inducing coordination, and enhancing cooperation. A typical reason for behind policies so often ineffective is response among policy practitioners is that the right policies exist, ready to be implemented, but that what is missing is political will in the national arena.

This Report argues that decision makers may have the right objectives and yet may still be unable to implement the right policies because doing so would challenge the existing equilibrium and the current balance of power. Thus, the balance of power in society may condition the kinds of results that emerge from commitment, coordination, and cooperation.

Ultimately, policy effectiveness depends not only on what policies are chosen, but also on how they are chosen and implemented.

### Policy making and policy implementation both involve bargaining among different factors

The setting in which (policy) decisions are made is the policy arena that is, the space in which different groups and actors interact and bargain over aspects of the public domain, and in which the resulting agreements eventually also lead to changes in the formal rules/law. It is the setting in which governance manifests itself. 7 Policy arenas can be found at the local, national, international, and supranational levels. They can be formal (parliaments, courts, intergovernmental organizations, government agencies), traditional (council of elders), or informal (backroom deals, old boys’ networks).

Who bargains in this policy arena and how successfully they bargain are determined by the relative power of actors, by their ability to influence others through control over resources, threat of violence, or ideational persuasion, as well as by and through the existing rules themselves. Power is expressed in the policy arena by the ability of groups and individuals to make others act in the interest of those groups and individuals and to bring about specific outcomes. It is a fundamental enabler of or constraint to policy effectiveness. The distribution of power is a key element of the way in which the policy arena functions. During policy bargaining processes, the unequal distribution of power-power asymmetry can influence policy effectiveness. Power asymmetry is not necessarily harmful, and it can actually be a means of achieving effectiveness (through delegated authority). By contrast, the negative manifestations of power asymmetries are reflected in capture, clientelism, and exclusion.


**Compiled by SAARCLAW Regional Secretariat**

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>GLOBAL INDEX</th>
<th>ECONOMIC PARTICIPATION AND OPPORTUNITY</th>
<th>EDUCATIONAL ATTAINMENT</th>
<th>HEALTH AND SURVIVAL</th>
<th>POLITICAL EMPOWERMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>BANGLADESH</td>
<td>72 (Low)</td>
<td>135</td>
<td>114</td>
<td>93</td>
<td>7 (Low)</td>
</tr>
<tr>
<td>BHUTAN</td>
<td>121</td>
<td>99 (Low)</td>
<td>121</td>
<td>125</td>
<td>132</td>
</tr>
<tr>
<td>INDIA</td>
<td>87</td>
<td>136</td>
<td>115</td>
<td>142</td>
<td>9</td>
</tr>
<tr>
<td>MALDIVES</td>
<td>115</td>
<td>112</td>
<td>81 (Low)</td>
<td>129</td>
<td>135</td>
</tr>
<tr>
<td>NEPAL</td>
<td>110</td>
<td>115</td>
<td>123</td>
<td>92</td>
<td>68</td>
</tr>
<tr>
<td>PAKISTAN</td>
<td>143</td>
<td>143</td>
<td>135</td>
<td>124</td>
<td>90</td>
</tr>
<tr>
<td>SRI LANKA</td>
<td>109</td>
<td>124</td>
<td>82</td>
<td>1 (Low)</td>
<td>57</td>
</tr>
</tbody>
</table>

NEWLY ELECTED SAARCLAW NEPAL CHAPTER

President
Rt. Hon'ble Ms. Justice Sapana Pradhan Malla, Judge, Supreme Court of Nepal

Secretary
Ms. Anju Upreti Dhakal, Advocate, Supreme Court of Nepal

Vice President
Mr. Tulasi Bhatta, Senior Advocate, Supreme Court of Nepal

Treasurer
Ms. Kamala Chhethi Upreti, Advocate, Supreme Court of Nepal

IMPORTANT NEWSPAPER CLIPPINGS

"Use arbitration, don't move court for inter-dept disputes: Law Ministry"

"Forced sex in marriage cannot be excused, it's a crime: Delhi High Court"

"Nepal Police plans to set up anti-trafficking bureau"

"Labour counsellors, attached in six countries"

"Nepal criminalises isolation of menstruating women"

"Global warming may result in the early death of 150 MILLION people globally by 2050 due to loss of protein in crops like rice and wheat"
http://www.daily-mail.co.uk/science/tech/article-4752304/Global-warming-reduces-protein-key-crops-study.html#ixzz4ofoBpa8Qk

"Make colour blind aspirants eligible to be doctors: Supreme Court panel"

"India: No arrest in dowry cases till charges are verified, says Supreme Court"

"New rules at Supreme Court: Petitions can be filed online"

"Humans turning Earth into "plastic planet": Study"

"International Migration Outlook 2017"

"President Signs Cybercrime Bill into Law: Official"
http://www.outlookafghanistan.net/national_detail.php?post_id=18480

"Formalise Election Commissioners' appointment through law: Supreme Court tells Centre"

"Bangladesh Supreme Court Scraps Parliamentary Authority To Impech Judges"

EXECUTIVE COUNCIL MEMBERS:

Rt. Hon'ble Mr. Justice Anil Kumar Sinha, Judge, Supreme Court of Nepal
Prof. (Dr.) Amber Prasad Pant, Professor of Law, Tribhuvan University
Prof. Purna Man Shakya, Senior Advocate
Mr. Badri Bahadur Karki, Senior Advocate
Mr. Hari Phuyal, Advocate

SUPREME COURT JUDGEMENTS IN SOUTH ASIA

RIGHT TO PRIVACY
The judgment includes within it six separate judgments from different judges, though the conclusion is unanimous. The judgment also included a two-page final order, which states that MP Sharma and Kharak Singh are overruled, and the right to privacy is fundamental. The lead judgment of 265 pages is authored by Justice D.Y. Chandrachud and co-signed by Chief Justice Khehar and Justices Nazeer and Agrawal.

Source: https://thewire.in/170303/supreme-court-adaa-aright-to-privacy/

Read Full Judgement:
http://supremecourtofindia.nic.in/pdf/LU/ALL%20WP(C)%20No.494%20of%202012%20Right%20to%20Privacy.pdf

TRIPLE TALAQ
The triple talaq judgment has not been a unanimous decision. Two judges dissented, including Chief Justice Khehar, who regarded triple talaq as an inalienable part of Muslim personal law in India and opined that the practice does not contravene Articles 14, 15 and 21 of the constitution. However, the dissenting judges have taken a cautious approach to balancing the whole gamut of triple talaq by outlining the fact that the practice is not prevalent even in Muslim theocracies.


Read Full Judgement:
http://supremecourtofindia.nic.in/pdf/LU/Supreme%20Court%202016%20%20%20%20%20Triple%20Talaq.pdf

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