

UNOFFICIAL TRANSLATION

[Source: Forum for Women, Law and Development (FWLD)]

An Act to Amend Some Nepal Acts for Maintaining Gender Equality, 2063 (2006)

Preamble: Whereas it is expedient to amend some Nepal Acts in order to maintain gender equality having made timely amendment to the discriminatory provisions between women and men in the prevailing Nepal laws;

Be it enacted by Parliament in the first year of the Proclamation of the House of Representatives Declaration, 2063.

1. Short Title and Commencement: (1) This Act may be cited as "(the) Act to Amend Some Nepal Acts for Maintaining Gender Equality, 2063 (2006)."

(2) This Act shall come into force at once.

2. Amendment to the Country Code: In the Country Code (*Muluki Ain*),

(1) In the Chapter on Court Proceedings,—

(1) the following section 4A. has been inserted after section 4 of No. 11 :—

" The case having a widow as a plaintiff or an appellant . 4A"

(2) The words "son, daughter or wife of so and so" appearing in No. 76 have been substituted by the words "the son, daughter, husband or wife of so and so".

(3) The words "of the father or mother" appearing in No 107 have been substituted by the words "of the father, mother or husband, wife".

(4) The words "preferably to the male person in the family and if he is not available, to the female person" appearing in No. 110 have been substituted by the words "to any person having attained the age of majority."

(5) The words "son, daughter or wife of so and so" appearing in No. 128 have been substituted by the words "the son, daughter, husband or wife of so and so".

- (6) The words "of your father" appearing in No. 152 have been substituted by the words "of your father and mother and if none of them are there, of the guardian".
- (7) The words "of your father" appearing in No. 161 have been substituted by the words "of your father and mother and if none of them are there, of the guardian".
- (2) The words "the eloping mother" appearing in No. 3 of the Chapter on Pauper have been substituted by the words "if the mother enters into next marriage, her."
- (3) In the Chapter on Husband and Wife,—
- (1) In No. 1,—
- (a) The words "if it is certified from the medical Board recognized by Government of Nepal that no child has born within ten years of the marriage due to the reason of the wife, or " appearing in section 1 have been omitted.
- (b) After the words "if it is decided" appearing section 2, the words "or f it is decided that the husband has raped the wife as referred to in section 6 of No. 3 of the Chapter on Rape" have been inserted.
- (2) In No. 3,—
- (a) The words "to the minor below the age of five years, until he/she attains the age of five years" appearing in section 1 have been substituted by the word " to the minor."
- (b) Section 2 has been repealed.
- (c) The words "and 2" appearing in section 3 have been omitted.
- (4) Nos. 16 and 19A. of the Chapter on Partition have been repealed.
- (5) No 2 of the Chapter on Women's Exclusive Property has been substituted by the following No 2 :—
- "(2) No. // // The unmarried girl, married women or a widow living separate may enjoy the movable and immovable property on her own."
- (6) In the Chapter on Adopted son,—
- (1) The words "on adopted son" appearing in the title of the Chapter have been substituted by the words "on adopted son, adopted daughter."
- (2) No. 2 has been substituted by the following No. ,—

"No. 2 // // The person other than the ones having his/her own son, daughter may, having executed a deed, adopt a son or a daughter.

Provided that no person having son shall be allowed to adopt a son and no person having a daughter shall be allowed to adopt a daughter."

No. 2A. has been repealed.

(7) In the Chapter on Inheritance,—

(1) No. 1 has been substituted by the following No. 1:—

"1 No. // // The successor is the nearest coparcener within seven generation of the concerned person. The person beyond seven generation is a distant relative."

(2) The words "all movable and half immovable property shall be entitled to the caretaker and remaining half of immovable property shall be entitled to the successor as per law" have been substituted by the words "all movable and immovable property shall be entitled to the caretaker."

(3) No. 12A has been repealed.

8. In the Chapter on Financial Transaction,—

No. 9 has been substituted by the following No. 9:—

"9 No. // // Except acted as in the capacity of the head of a family pursuant to No. 8 of this Chapter, in case any person living in the same family and having attained the age of majority has carried out any transaction in other situation, the creditor may not claim the property until the person so transacting could secure his/her title on any property first. The creditor may recover the property from amongst the property of his/her self-earning or the property which he/she may enjoy as he/she pleases. In case such a person does not have his/her self earned property or the property, which he/she may enjoy as he/she pleases, the creditor may not compel him/her to pay back. In such a situation, the creditor may recover his property upon maturity of the title of such person on such property only if the creditor has secured his/her claim having filed a case within ten years. In such cases, the time limit for applying for recovery of property pursuant to No. 42 of the Chapter on Punishment begins from the date of maturity of the title of the debtor."

(9) In the Chapter on Registration,—

(1) The words "of adopted son" appearing in No. 1 have been substituted by the words "of adopted son, adopted daughter."

(2) The words "of father and grandfather" appearing in No. 31 have been substituted by the words "of father, mother and grandfather, grandmother."

(10) In the Chapter on Homicide,—

(1) No. 28A has been substituted by the following No. 28A.

"28A No. // // No person shall cause termination of pregnancy by coercing, threatening, alluring the pregnant woman. The person causing pregnancy to terminate shall be liable to the punishment as follows:—

One years of imprisonment in case of the pregnancy up to twelve weeks ———
—————1

Three years of imprisonment in case of the pregnancy up to twenty five weeks —————1

Five years of imprisonment in case of the pregnancy above twenty five weeks —————\1

(2) The following No. 28C. and 28D. have been inserted after No. 28B.:—

"28C. No. // // No act to identify the sex of the fetus with the intention of terminating pregnancy shall be committed or cause to be committed. The person committing or causing to be committed so shall be liable to a punishment of imprisonment from three months to six months."

28D. No. // // Whoever carries out or causes to be carried out pregnancy termination having detected the sex shall be liable to a punishment of imprisonment from six months to two years.

(11) No. 1 of the Chapter on Intention to Sexual Intercourse has been substituted by the following No. 1,—

1 No. // // Whoever, without consent of a woman, touches or tries to touch her sensitive organ, removes or tries to remove her under garment, takes her to any solitary place in an unnatural manner, causes her to touch or catch his/her sexual organ or uses any sexually motivated word or symbol to her or shows to her such photographs or drawing, teases or harasses her with sexual motive or behaves with her in the like manner in an unnatural way or catches her with the motive to have sexual intercourse, it amounts to be sexual harassment and the person committing such an offence shall be liable to a punishment of imprisonment up to one years and

a fine up to ten thousand rupees. The person victimized of such an act shall also cause to be paid reasonable amount of compensation from the offender."

(12) In the Chapter on Rape,—

(1) No. 1 has been substituted by the following No. 1:—

1 No. // // Whoever does have sexual intercourse with any woman without her consent or with a girl child below the age of sixteen years with or without her consent, it amounts that the person has committed rape of such woman or girl child.

Explanation: For the purpose of this Chapter,—

- (a) The consent acquired through fear, threat, duress or coercion or by subjecting her to an undue influence, fraud or by use of force or kidnapping her or making her a hostage shall not be deemed to be the consent.
- (b) The consent acquired in the state of unconsciousness shall not be deemed to be the consent.
- (c) The partial penetration of penis into vagina shall also be deemed to be the intercourse for the purpose of this No."

(2) No. 3 has been substituted by the following No. 3:—

3 No. // // The person committing rape shall be liable to a punishment of imprisonment as follows :—

In case of a girl child of or below the age of ten years, from ten years to fifteen years ----- 1

In case of a girl child of or above the age of ten years but less than the age of fourteen years, from eight to twelve years ----- 2

In case of a girl child of or above the age of fourteen years but less than the age of sixteen years, from six to ten years -----3

In case of a girl child of or above the age of sixteen years but below the age of twenty years, from five to eight years ----- 4

In case of a woman of twenty years or more, from five to seven years -----
----- 5

Notwithstanding anything contained elsewhere in this No., in case a husband rapes his wife, from three months to six months ----- 6

(3) The following No. 3B. has been inserted after No. 3A :-

"3B. No. // // Notwithstanding anything contained in No. 3 and 3A, whoever commits rape having the knowledge that he has been infected by the human immuno virus (HIV), such offender shall be liable to a punishment of imprisonment of one years in addition to the punishment referred to in Nos. 3 and 3A."

(4) No. 10 has been substituted by the following No. 10 :-

"10 No. // // In case any one rapes any woman, the court shall, having considered the physical or mental damage caused to such woman, cause the perpetrator to pay such woman a reasonable amount as compensation as it decides. While determining such compensation amount, the amount shall be determined having regard to the seriousness of the offence and in case the victim is dead because of the commission of the offence, the torture caused to her dependent children, if any."

(5) The following No. 10C. has been inserted after No. 10B.:-

"10B No. // // While deciding cases under this Chapter, if the conviction of rape is decided, the amount of compensation to be paid from the offender under this Chapter shall be stated in the same judgment and cause it to be paid to the concerned woman. For the purpose of payment of compensation, the property of the accused person, including his share of parental property shall be freeze immediately after filling the case."

(13) In the chapter on Marriage,-

(1) The following No. 9A. has been inserted after No. 9 :-

"9A. No. // // Except in cases where the wife has become insane with no chance of recovery and she has been living taken her share of property, the consent of the wife has to be obtained in other circumstance while entering into marriage pursuant to No. 9 of this chapter."

(2) After the figure '9' appearing in No. 10, the words "and 9A." have been inserted.

- (14) No. 5 of the chapter on Miscellanies Provision has been substituted by the following No. 5:–

"5 No. // // In case a government employee commits sexual intercourse with a woman in prison or custody or causes or arranges other to have sexual intercourse with such a woman or in case a doctor or health practitioner who is making available medical service commits sexual intercourse in the place where such service is being provided with a woman who has come there for medical services or in case a person providing care affording protection to a woman commits sexual intercourse with such a woman or in case an office bearer or employee of a rehabilitation center commits sexual intercourse with a woman rehabilitated there for being suffered from any physical or mental diseases or being suffered from unsoundness of mind, such a person shall be liable to a punishment of imprisonment from one year to three years. If this Act or other law imposes punishment for committing such act, such additional punishment shall also be imposed."

3. Amendment to the Nepal Interpretation of Status Act, 2010: The following clause (x1) has been inserted after the clause (x):–

"(x1) "Daughter" this word means the adopted daughter adopted by the person entitled to adopt a daughter as per law."

4. Amendment to the Private Firms Registration Act, 2014: The words "name of father, grandfather" appearing in clause (d) of sub section (1) of section 4 of the Private Firms Registration Act, 2014 has been substituted by the word 'name of father, mother, grand father, grandmother.

5. Amendment to the Employees Provident Fund Act, 2019: After the word "the same person" appearing in sub section (1) of Section 15A. of the Employees Provident Fund Act, 2019, the words "on proportional basis if more than one surviving relative of the same order are there" have been inserted and the clauses from (a) to (j) of the same sub section have been substituted by the following clauses (a) to (t):

- (a) Husband or wife living in the same family;
- (b) Son, daughter, widow daughter-in-law living in the same family;
- (c) Father, mother (father-in-law, mother- in-law in case of a married woman) living in the same family;
- (d) Grandfather grandmother to be taken care of by oneself and grandson, granddaughter on the line of the son;

- (e) Husband or wife living separately;
- (f) Son, daughter, widow daughter-in-law living separately;
- (g) Father, mother living separately;
- (h) Step son, daughter living in the same family;
- (i) Step mother living in the same family;
- (j) Elder and younger brother and elder and younger sister living in the same family;
- (k) In case of a married woman, father-in-law, mother- in-law living separately;
- (l) The grandson and unmarried grand daughter in the line of the son;
- (m) The step mother living separately;
- (n) Step son, daughter living separately;
- (o) In case of a married woman, elder and younger brother-in –law and sisters-in-law living in the same family;
- (p) Nephew, niece living in the same family;
- (q) Uncle, widow aunt, elder sister-in-law, younger sister-in-law;
- (r) Elder and younger brother and elder and younger sister living separately;
- (s) Grandfather, grandmother, granddaughter-in-law, nephew, niece living separately;
- (t) The person taking of the employee being close to him until the last hour.

6. Amendment to Land reform Act, 2021: In the Land Reform Act, 2021,-

In clause (c) of Section 2,-

(1) The word “daughter” has been inserted after the word “son” appearing in sub-clause (2).

Sub-clause (3) has been repealed.

(2) The words “husband, wife, son, mother, father, adopted son, unmarried daughter having attained the age of 35 years, daughter-in-law, grandson, granddaughter-in-law or elder or younger brothers living in the same family” appearing in subsection of (1) of Section 26 have been substituted by the words “husband, wife, son, daughter, mother, father, adopted son, adopted daughter, daughter-in-law, grandson, granddaughter, granddaughter-in-law, elder or younger brothers or elder or younger sisters living in the same family”;

7. Amendment to the Act Relating to Remuneration, Terms and conditions of service and Facilities of the Justices of the Supreme Court, 2026: In the Act Relating to Remuneration, Terms and conditions of service and Facilities of the Justices of the Supreme Court, 2026,-

(1) The words "or husband" have been inserted after the word "wife" appearing in sub-section (2) of section 5C and the word "of the wife" appearing in the same sub section has been substituted by the words "of the wife or husband."

(2) In section 7C.,-

(a) The words "children or adopted son" appearing in sub section (3) have been substituted by the words "children."

(b) The words "children or adopted son" appearing in sub section (4) have been substituted by "widower husband of children."

(c) Sub section (5) has been repealed.

(d) The words "children or adopted son" appearing in sub section (3) have been substituted by the words "children."

8. Amendment to the Marriage Registration Act, 2023 : Sub-section (3) of section 4 of the Marriage Registration Act, 2023 has been substituted by the following sub-section (3) :-

"(3) In case the age of man and woman both is completed twenty years."

9. Amendment to the Bonus Act, 2030: After the word "the same person" appearing in sub section (2) of Section 10 of the Bonus Act, 2030, the words "on proportional basis if more than one surviving relative of the same order are there" have been inserted and the clauses from (a) to (m) of the same sub section have been substituted by the following clauses (a) to (t):

(a) Husband or wife living in the same family;

(b) Son, daughter, widow daughter-in-law living in the same family;

(c) Father, mother (father-in-law, mother- in-law in case of a married woman) living in the same family;

(d) Grandfather grandmother to be taken care of by oneself and grandson, granddaughter on the line of the son;

(e) Husband or wife living separately;

(f) Son, daughter, widow daughter-in-law living separately;

- (g) Father, mother living separately;
- (h) Step son, daughter living in the same family;
- (i) Step mother living in the same family;
- (j) Elder and younger brother and elder and younger sister living in the same family;
- (k) In case of a married woman, father-in-law, mother- in-law living separately;
- (l) The grandson and unmarried grand daughter in the line of the son;
- (m)The step mother living separately;
- (n) Step son, daughter living separately;
- (o) In case of a married woman, elder and younger brother-in –law and sisters-in-law living in the same family;
- (p) Nephew, niece living in the same family;
- (q) Uncle, widow aunt, elder sister-in-law, younger sister-in-law;
- (r) Elder and younger brother and elder and younger sister living separately;
- (s) Grandfather, grandmother, granddaughter-in-law, nephew, niece living separately;
- (t) The person taking of the employee being close to him until the last hour.

10. Amendment to the Birth, Death and other Personal Events (Registration) Act, 2033 : The words 'eldest amongst males" appearing in clause (a) of sub–section (1) of section 4 of the Birth, Death and other Personal Events (Registration) Act, 2033 have been omitted.

11. Amendment to the Pension Fund Act, 2042: After the word “the same person” appearing in sub section (1) of Section 23 of the Pension Fund Act, 2042, the words “on proportional basis if more than one surviving relative of the same order are there” have been inserted and the clauses from (a) to (i) of the same sub section have been substituted by the following clauses (a) to (t):

- (a) Husband or wife living in the same family;
- (b) Son, daughter, widow daughter-in-law living in the same family;
- (c) Father, mother (father-in-law, mother- in-law in case of a married woman) living in the same family;
- (d) Grandfather grandmother to be taken care of by oneself and grandson, granddaughter on the line of the son;

- (e) Husband or wife living separately;
- (f) Son, daughter, widow daughter-in-law living separately;
- (g) Father, mother living separately;
- (h) Step son, daughter living in the same family;
- (i) Step mother living in the same family;
- (j) Elder and younger brother and elder and younger sister living in the same family;
- (k) In case of a married woman, father-in-law, mother- in-law living separately;
- (l) The grandson and unmarried grand daughter in the line of the son;
- (m) The step mother living separately;
- (n) Step son, daughter living separately;
- (o) In case of a married woman, elder and younger brother-in –law and sisters-in-law living in the same family;
- (p) Nephew, niece living in the same family;
- (q) Uncle, widow aunt, elder sister-in-law, younger sister-in-law;
- (r) Elder and younger brother and elder and younger sister living separately;
- (s) Grandfather, grandmother, granddaughter-in-law, nephew, niece living separately;
- (t) The person taking of the employee being close to him until the last hour.

12. Amendment to the Act for Remuneration, Facilities and other Terms and Conditions of service of the Judges Appellate and District Court : In Act for Remuneration, Facilities and other Terms and Conditions of service of the Judges Appellate and District Court, 2048,-

(1) The following clause (h) has been inserted after clause (g) of sub–section (1) of section 15:–

"(h) Maternity care leave"

(2) The words "sixty" appearing in sub section (1) of section 21 have been substituted by the words "ninety eight."

(3) The following section 21A. has been inserted after section 21:–

"21A. Maternity Care Leave : (1) In case the wife of a Judges gives birth to a baby, he shall be entitled to the maternity care leave of 15 days with pay.

(2) The maternity care leave may be claimed for twice during the service period."

(4) In section 32,—

(a) The words "children or adopted son" appearing in sub section (3) have been substituted by the words "children."

(b) The words "children or adopted son" appearing in sub section (4) have been substituted by "widower husband of children."

(c) Sub section (5) has been repealed.

(d) The words "children or adopted son" appearing in sub section (3) have been substituted by the words "children."

13. Amendment to the Insurance Act, 2049: After the word “on priority order” appearing in sub section (1) of Section 38 of the Insurance Act, 2049, the words “on proportional basis if more than one surviving relative of the same order are there” have been inserted and the clauses from (a) to (i) of the same sub section have been substituted by the following clauses (a) to (t):

- (a) Husband or wife living in the same family;
- (b) Son, daughter, widow daughter-in-law living in the same family;
- (c) Father, mother (father-in-law, mother- in-law in case of a married woman) living in the same family;
- (d) Grandfather grandmother to be taken care of by oneself and grandson, granddaughter on the line of the son;
- (e) Husband or wife living separately;
- (f) Son, daughter, widow daughter-in-law living separately;
- (g) Father, mother living separately;
- (h) Step son, daughter living in the same family;
- (i) Step mother living in the same family;
- (j) Elder and younger brother and elder and younger sister living in the same family;

- (k) In case of a married woman, father-in-law, mother- in-law living separately;
- (l) The grandson and unmarried grand daughter in the line of the son;
- (m) The step mother living separately;
- (n) Step son, daughter living separately;
- (o) In case of a married woman, elder and younger brother-in –law and sisters-in-law living in the same family;
- (p) Nephew, niece living in the same family;
- (q) Uncle, widow aunt, elder and younger sister-in-law;
- (r) Elder and younger brother and elder and younger sister living separately;
- (s) Grandfather, grandmother, granddaughter-in-law, nephew, niece living separately;
- (t) The person taking of the employee being close to him until the last hour.”

14. Amendment to the Working Journalists Act, 2051: The word "unmarried" Appearing in clause (4) of section 2 of the Working Journalists Act, 2051 has been omitted.

15. Amendment to the Act on Remuneration, Facilities and other Terms and Conditions of service of the Attorney General, 2052 : In the Act on Remuneration, Facilities and other Terms and Conditions of service of the Attorney General, 2052,-

The words "or husband" have been inserted after the word "wife" appearing in sub–section (2) of section 10 and the word "of the wife" appearing in the same sub section has been substituted by the words "of the wife or husband."

16. Amendment to the Act on Remuneration, Facilities and other Terms and Conditions of service of the Constitutional Bodies, 2053 : In the Act on Remuneration, Facilities and other Terms and Conditions of service of the Constitutional Bodies, 2053,-

The words "or husband" have been inserted after the word "wife" appearing in sub–section (2) of section 11 and the word "of the wife" appearing in the same sub section has been substituted by the words "of the wife or husband."

17. Amendment to the Act on Remuneration, Facilities and other Terms and Conditions of service of the Secretary General of Parliament, secretary of the Home of Representatives and secretary of the National Assembly, 2055 : In the Act on Remuneration, Facilities and other Terms and Conditions of service of the Secretary General of Parliament, secretary of the Home of Representatives and secretary of the National Assembly, 2055,-

The words "or husband" have been inserted after the word "wife" appearing in sub-section (2) of section 15 and the word "of the wife" appearing in the same sub section has been substituted by the words "of the wife or husband."

18. Amendment to the National Academy for Indigenous Nationalities Upfliment Act, 2058 :

The provision to subsection (3) of section 7 of the has been repealed.

19. Amendment to the Parliament Secretariat Act, 2058 : In the Parliament Secretariat Act, 2058,-

(1) The clause (d) of section 19 has been substituted by the following clause (d):-

"(d) Age of 35 years crossed in case of male and the age of 40 years crossed in case of female."

(2) The words "to such employee" appearing in sub section 2 of section 22 have been substituted by the words "six months in case of woman employee, and in case male employee is there."