

**National Women Commission Act, 2074 (2017)**

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**Act No. 30 of the year 2017 (2074)**

**An Act Made to Amend and Consolidate Laws Relating to the  
Functions, Duties and Powers of the Women Commission**

**Preamble:** Whereas, it is expedient to amend and consolidate the prevailing Nepal laws relating to the establishment of National Women Commission for the protection and promotion of the rights and interests of women and to ensure gender justice through the empowerment of women,

Now, therefore, be it enacted by the Federal Parliament pursuant to Article 296 sub-article (1) of the Constitution of Nepal.

**Chapter-1**

**Preliminary**

1. **Short Title and Commencement:** (1) This Act may be called "National Women Commission Act, 2017 (2074)."

(2) This act shall come into force immediately.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act,-
- (a) "Chairperson" means the Chairperson of the Commission and the word also includes the member working as the Acting Chairperson.
  - (b) "Commission" means the National Women Commission established under Article 252 of the Constitution.
  - (c) "Prescribed" or "As prescribed" means laws prescribed or as prescribed under the Rules framed under this Act.
  - (d) "Member" means the member of the Commission and the word also includes the Chairperson.
  - (e) "Constitution" means the Constitution of Nepal.

## **Chapter-2**

### **Power, Functions and Duties of the Commission**

3. **Power, Functions and Duties of the Commission:** The power, function and duties of the Commission in addition to the power, function and duties of the the Commission prescribed in Article 253 of the Constitution, shall be as follows:-
- (a) to review, monitor and evaluate the legal provisions, policy and programs of the Government of Nepal concerned with women and women empowerment and to make suggestions for reform of such policies and programs based on the analysis of their effectiveness from the perspective of gender justice,

- (b) to conduct study and research regarding the implementation of women's rights as provided for in the Constitution and laws, and to make suggestions to the Government of Nepal for their effective implementation,
- (c) to conduct study and research on the problems or special conditions arising from violence or discrimination against women, and to make suggestions to the Government of Nepal to adopt strategies for their prevention,
- (d) to make recommendations to the concerned authorities regarding measures to increase access of women to capital, resources, means and technology for the self-reliance and empowerment of women,
- (e) to formulate and implement necessary awareness raising programs, issue notice and information regarding the protection and promotion of rights of women, and their empowerment.
- (f) to formulate and implement necessary programs to end all forms of violence and discrimination against women by bringing an end to malpractices and superstitions that create such violence and discrimination,
- (g) to make recommendations for arrangements to send to safe centers or rehabilitation centers, the victims of violence against women or discrimination or who have faced social exclusion or are at a risk of social exclusion or those who have been displaced as a result of violence against women or discrimination,

- (h) to monitor or cause to monitor the status of implementation of recommendations made by the Commission,
- (i) to formulate and implement code of conduct for the members and staff of the Commission,
- (j) to approve the annual program of the Commission.

4. **May obtain opinion and consultations:** The Commission, with relation to the execution of its power and functions, may receive opinions and seek consultations from any constitutional organ, government office or public entity.

5. **May obtain service of experts:** The Commission may receive services from experts, pursuant to the federal law by stating the reasons thereof, if the human resource employed within the Commission is unable to perform any work that the Commission is required to perform as per the Constitution, this Act and prevailing federal law.

6. **May form committee or working group:** (1) The Commission may form a committee or working group to perform specific tasks by formulating a procedure.

(2) The terms or scope of operation of the committee or working group formed pursuant to sub-article (1), shall be as prescribed by the Commission at the time of its formation.

7. **Coordination and Cooperation:** The Commission may on the basis of necessity, coordinate and cooperate with government agencies or public entities.

### Chapter-3

#### **Procedure related to complaint action**

8. **Complaint may be filed:** (1) A written or oral complaint may be filed to the Commission by the victim or anyone on behalf of the victim in case of violence against women or victimization through social malpractices or restriction in use of women's rights or deprivation in use of women's rights by any person or institution.

(2) Upon receiving complaints pursuant to sub-section (1), the Commission shall have to register such complaints in a register book as prescribed.

(3) In case where the Commission receives information regarding matters pursuant to sub-section (1), through any other sources, the Commission shall have to record such information and register it within a register book pursuant to sub-section (2).

(4) No fees shall be charged for any complaints filed in accordance with this Act.

9. **Preliminary Investigation:** (1) The Commission shall initiate preliminary investigation over complaints received pursuant to sub-section (1) of Section 8 or over information received pursuant to sub-section (3) of Section 8.

(2) In course of preliminary investigation conducted pursuant to subsection (1), if the Commission finds *prima facie*, that the woman has been a victim of violence against women or social malpractice or has been restricted from use of women's rights or has been deprived from

use of women's rights by any person or institution, it may issue appropriate orders to the concerned individual, agency or official to immediately stop those acts.

**10. Investigation into complaints:** (1) If the preliminary investigation conducted pursuant to section 9, shows that the woman has been a victim of violence against women or social malpractice or has been restricted from use of women's rights or has been deprived from use of women's rights by any person or institution, the Commission may conduct or cause to conduct an investigation by itself or on the basis of necessity by the formation of a committee or as fixed by the officer of the Commission.

(2) The Commission, investigation committee or investigation officer, while carrying out the investigation pursuant to sub-section (1), shall have the following power:-

- (a) to avail information by calling a person before the Commission,
- (b) to order any person for the submission of any deed or document or evidence,
- (c) to inspect the site as and when necessary,
- (d) to collect any deed or its copy, concerned with the investigation, from any government or public offices.

(3) A report shall be submitted to the Commission upon the completion of the investigation carried out pursuant to sub-section (1).

(4) Other provisions regarding the investigation of the complaints, shall be as prescribed.

**11. Investigation shall not be conducted:** Notwithstanding anything contained in Sections 9 and 10, the Commission shall not carry out investigation or initiate proceedings over matter that has been investigated or is being investigated by any other agency, in accordance with prevailing laws.

**12. Complaints may be repealed or put on hold:** (1) The Commission may dismiss or postpone complaints by stating the reasons thereof, if upon investigation conducted pursuant to Sections 9 and 10, the complaint is found to be inadmissible in the Commission.

(2) If a decision to dismiss or to put the complaint on hold is made pursuant to sub-section (1), the Commission shall have to inform the concerned complainant of the same, within seven days from which the decision was made.

**13. Recommendation to file a case:** (1) If the Commission finds it necessary to file a case on the basis of investigation conducted pursuant to Section 10, it shall make a recommendation to the concerned agency to initiate a legal suit, within the time-limit of filing a case and shall notify the concerned persons of the same.

But, in case of a state party case, the recommendation shall have to be made to the Attorney General.

(2) While making a recommendation pursuant to sub-section (1), the Commission shall make available the facts, documents and copies of

evidences collected in course of investigation that will assist in the filing of the case, to the concerned agency.

(3) Upon receiving the written notice requesting the filing of a case pursuant to sub-section (1), the Attorney General shall examine and make a decision as to the filing or dismissal of the case.

**14. Provision relating to Reconciliation:** (1) Notwithstanding anything contained elsewhere in this Act, if the concerned parties file a joint petition for reconciliation with respect to any complaint that is under consideration in the Commission, the Commission may have them reconciled on matters in which the prevailing laws allow for reconciliation.

(2) In matters that have been settled through reconciliation pursuant to sub-section (1), complaints may not be filed again in the Commission, except for cases where the decision of reconciliation has not been implemented.

(3) Other provisions regarding reconciliation shall be as prescribed.

**15. Implementation of Recommendation, Decision or Order:** (1) The Commission shall write to the concerned individual, agency or officials for the implementation of the recommendations, decision or order issued by it, in accordance to the Constitution or this Act.

(2) Upon receiving such correspondence in written form from the Commission pursuant to sub-section (1), the concerned individual, agency or official shall immediately implement the content of the correspondence if possible, or initiate its implementation if it requires time and inform the Commission of the same.



(3) The concerned individual, agency or officials shall inform the Commission, in case of their inability because of some reason to implement the content of the correspondence as written for by the Commission, pursuant to sub-section (1), by citing any reasons thereof within seven days.

(4) Upon receiving information pursuant to sub-section (3), the Commission shall write to any individual, agency or official for the reconsideration of the matter and to take a decision or for the implementation of any matter.

#### **Chapter- 4**

#### **Operation of the Commission**

**16. Office of the Commission:** (1) A central office of the Commission shall be established in the Kathmandu Valley for the operation of work of the Commission.

(2) The Commission may, on the basis of necessity, establish offices in provinces and other places.

**17. Meeting of the Commission:** (1) The meeting of the Commission shall decide the activities of the Commission to be performed in accordance with the Constitution and this Act.

(2) The meeting of the Commission shall be held on such a date, time and venue as prescribed by the Chairperson, based on necessity.

(3) The Secretary of the Commission shall finalize and notify all members of the date, time and venue of the meeting along with a list of the agenda to be discussed in the meeting, at least 48 hours prior to the meeting.

(4) Any member interested to discuss additional issues, not included within the list of agenda set to be discussed within the meeting pursuant to sub-section (3), shall notify the Secretary of the additional issues and reason for their introduction to the meeting 24 hours prior to the meeting. Upon receipt of such information, the Secretary of the Commission shall notify all members and such issues shall be considered to have been included in the list.

(5) Notwithstanding anything stated in sub-sections (3) and (4), an issue not included within the list may be introduced and decided by the Commission, with the agreement of all members present in the meeting.

(6) The quorum of the meeting shall be deemed to have been fulfilled with the presence of more than 50 percent of the immediate members of the Commission.

(7) The meeting of the Commission shall be chaired by the Chairperson of the Commission.

(8) The decision of the majority shall be the decision of the Commission and in case of a tie, the Chairperson shall give a decisive vote.

(9) The Secretary of the Commission shall create a depository of the decision of the Commission, authenticating it with the signatures of the Chairperson and Members.

(10) The Secretary of the Commission shall be a gazetted first class officer of the Nepal Civil Service. The seniormost official of the Commission shall act as the Secretary of the Commission until the appointment of such official.

(11) Other procedures related to the meeting of the Commission shall be as determined by the Commission.

**18. Not to take part in the decision making in case of conflict of interest:**

If any member of the Commission has any interest, concern or benefit arising from any issue under consideration in the Commission or if the near relatives of such persons stand to benefit directly or indirectly, such member should give prior information to the Commission regarding such matters and such member shall not take part in the decision making process of the Commission concerning such matters.

**19. Work Division:** The division of the work of the Chairperson and member shall be as fixed by the Commission.

**20. Work to be performed as an acting:** The seniormost member of the Commission, shall work as the acting chairperson, if the position of the Chairperson falls vacant due to any reason, is unable to perform work pursuant to sub-article (6) of Article 101 of the Constitution, has gone for a foreign visit or is on leave for more than 7 days.

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- Amended by The Act Amending Some Nepal Acts 2019 (2075).
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21. **Work, performance of the Commission not to be interrupted:** The vacancy of post of the Chairperson or any member shall not interrupt the works of the Commission.

## Chapter-5

### Miscellaneous

22. **Organizational Structure and Employees of the Commission:** (1) The organizational structure and appointment of employees of the Commission shall be as approved by the Government of Nepal.

(2) The Government of Nepal shall make available the employees necessary for the Commission to perform its work.

23. **Duties and Conduct of Post:** (1) The duties and conduct of the post to be adhered by the members shall be as follows: -

(a) to perform the obligations of the post independently, impartially and honestly for the protection and promotion of the rights, interests of women and the empowerment of women,

(b) not to commit any act that would create discord in the relationship between different ethnicities, communities and identities.

(2) The Members of the Commission shall adhere to the code of conduct as prescribed by this Act or prevailing federal laws.

24. **Cooperation to be extended:** It shall be the duty of any agency or official with which the Commission seeks assistance, to cooperate with the Commission in course of the performance of its functions.
25. **Power to send for implementation in writing:** If the Commission finds that any agency or official has deliberately not implemented the decision or recommendation made by the Commission in accordance with the powers conferred to it under the Constitution or this Act or has not assisted the Commission, it shall have the power to write to the higher agency or official above such agency or official for assistance in the matter.
26. **Annual report:** (1) The Commission shall submit an annual report of the work and activities of the Commission to the President, within three months of the date of expiry of the fiscal year.
- (2) The report made pursuant to sub-section (1) shall *inter-alia*, include the following matters, in addition to other details: -
- (a) Details of implementation of annual programs of the Commission and expenses incurred,
  - (b) Details of complaints filed with the Commission and the decisions taken and orders given with regards to them by the Commission,
  - (c) Details of suggestions, recommendations given by the Commission to Nepal Government or any other agency and the status of their implementation,
  - (d) Situation of physical and economic resources of the Commission and their utilization,

(e) Reports of field visits or monitoring done by Commission, if any,

(f) Details of other activities performed by the Commission in course of fulfilling the responsibilities required of the Commission, in accordance to this Act.

27. **Liaison with Government of Nepal:** The Ministry of Women, Children and Social Welfare shall liaise the Commission with the Government of Nepal.
28. **Delegation of Power:** The Commission may delegate some authority accorded to it by the Constitution and this Act, as per necessity, with set conditions for its use and adherence, to the Chairperson, Member or other government official.
29. **Power to frame rules:** (1) The Commission may frame necessary rules for the implementation of this Act.
- (2) The Commission shall have to get the approval of the Ministry of Finance, while making rules pursuant to subsection (1), on matters that impose financial burden or liability on the Government of Nepal.
- (3) The rules made pursuant to sub-section (1) shall come into force from the date of publication in the Nepal Gazette.
30. **Power to frame Directives:** The Commission may, subject to this Act or rules framed under this Act, issue directives to conduct or cause to conduct the smooth operation of its work.
31. **Repeal and Savings:** (1) National Women Commission Act, 2006 (2063) is here by repealed.

(2) The acts and actions performed under the National Women Commission Act, 2006 shall be deemed to have been performed under this Act.

(3) The complaints under consideration in the Commission, pursuant to National Women Commission Act, 2006 when this act came into force, shall be transferred to the Commission under this act.

(4) The members appointed under the National Women Commission Act, 2006 shall be discharged from their post automatically, with the operation of this act.