

Dispatch No. of Notary Public:-

## **National Women Commission Act, 2007**

Date of Certification and

Publication: 2063/9/30 BS

(14<sup>th</sup> Jan. 2006 AD)

Act No.: 34 of the Year 2063

### **Act designed to make provisions for the National Women Commission**

#### **Preamble:**

Whereas it is expedient to establish the National Women Commission for the protection and promotion of the rights and interests of the women and thereby effectively include them in the mainstream of development and making overall development of the women establishing gender justice,

Now, therefore, the House of Representatives has made this Act in the first year of issuance of the House of Representatives Proclamation, 2063.

#### **Chapter - 1**

##### **Preliminary**

1. **Short Title and Commencement:** (1) This Act shall be known as "National Women Commission Act, 2063".  
(2) This Act shall come into immediate effect.
2. **Definitions:** Unless the subject or context requires otherwise, in this Act:-
  - (A) "Commission" means the National Women Commission established under Section 3.
  - (B) "Chairperson" means the Chairperson of the Commission and the word also refers to the member working as the Acting Chairperson.
  - (C) "Secretary" means the secretary of the Commission.

- (D) "Prescribed" or "prescribed" means prescribed or as prescribed under the rules made under this Act.

## Chapter - 2

### Establishment and Formation of Commission

3. **Establishment of Commission:** A Commission with the title National Women Commission has been established.
4. **Commission to be an autonomous and corporate body.** (1) The commission shall be an autonomous body with perpetual succession.
  - (2) The commission shall have a separate seal for its transactions.
  - (3) The commission may like an individual acquire, use, sell or manage otherwise the movable and immovable property.
  - (4) The commission may like an individual sue in its name and the commission may also be sued in its name.
  - (5) The commission may enter contract and exercise power under the contract and perform liability thereof.
5. **Formation of the Commission:** (1) The commission shall be formed as under:
  - (A) A person appointed by the  
Government of Nepal - Chairperson
  - (B) Four persons appointed by the  
Government of Nepal - Member
  - (2) There shall be a person from tribes a downtrodden and a Madhesi in the appointment of member pursuant to part (B) of sub-section (1).
6. **Qualification** : The following qualification shall be fulfilled to get appointed as or hold the post of chairperson and member of the commission:-
  - (A) Nepali Citizen

- (B) Women with the completion of at least Fourty Years in case of Chairperson and at least Thirty-five years to the post of member.
- (C) To the Chairperson bachelor degree in any discipline and for at least seven years and to the member for at least five years important contribution in the sectors of women rights, welfare or gender justice or women development or law or human rights.
- (D) No conviction on criminal case involving moral turpitude has been established.

7. **Appointment of chairperson and member.** (1) The Government of Nepal shall appoint the Chairperson and Member on the recommendation of the committee formed under sub-section (2).

(2) There shall be following committee to recommend for the appointment of the Chairperson and member:

- (A) Minister/State Minister of Ministry of  
Women, Children and Social Welfare - Chairperson
- (B) Chairman of the concerned Committee  
of the Parliament - Member
- (C) Member of National Planning  
Commission (Handling the Social  
Sector) - Member

(3) The Secretary of the Ministry of Women, Children and Social Welfare shall function as the secretary of the committee formed pursuant to sub-section (2)

(4) The procedure of the meeting of the committee shall be as prescribed by the committee *per se*.

8. **Tenure of post:** The tenure of the post of Chairperson and member shall be of 4 years and they may be reappointed for one more term.

9. **Condition to vacate the post:** The post of chairman or member shall be deemed to have been vacated in the following circumstances:

- (A) Lapse of tenure of the post.
- (B) Submission of Resignation from the respective post.
- (C) In case of adoption of decision by the concerned committee of the parliament for the removal from the post with the declaration that keeping in the post is inappropriate on the basis of lack of working capacity or bearing bad character or misappropriation of amount of the commission.
- (D) Not deserving qualification pursuant to section 6.
- (E) Absence for upto consecutive three times in the meeting of the commission without serving reasonable notice.
- (F) Not deserving mental order; or
- (G) Death.
- (2) The Chairperson or member being accused pursuant to the part (C) or (E) shall be provided reasonable opportunity to present self-explanation.

10. **Meeting and Decision of the Commission:** (1) The meeting of the commission shall take place at least once a month.
- (2) The meeting of the commission shall take place on the date, time and venue as prescribed by the Chairperson.
  - (3) The quorum of the meeting shall be deemed to have been fulfilled in the presence of other two members including the Chairperson.
  - (4) The meeting of the commission shall be chaired by the chairman and the senior most member out of the members shall chair the meeting in his absence.
  - (5) The decision of the majority shall be accepted in the meeting of the commission and the person chairing the meeting shall give decisive vote in occurrence of tie.

- (6) The secretary shall certify the decision of the meeting of the commission and make available such decision to all the members of the commission.

### **Chapter - 3**

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

11. **Power, Function and Duties of the Commission** :

- (1) The Power, Function and Duties of the Commission shall be as follows:-
- A. To formulate national policy and program concerning with the right and interest of women and present it before the government of Nepal for execution.
  - B. To suggest the government of Nepal for compliance or execution by monitoring whether or not the existing law relating to right and interest of women is complied with or whether or not the obligation under the international convention to which Nepal has been a party is executed in case of non-compliance or non-execution.
  - C. To review, monitor and evaluate the policy and program enforced to merge women in the main stream of national development and recommend the government of Nepal for its effective implementation.
  - D. To increase or cause to increase awareness of the people against the discrimination and bad customs against the women.
  - E. To analyze or cause to analyze the policy and program concerning with the different ministries whether or not it is effective in the perspective of gender justice.
  - F. To make recommendation and monitor thereof for the reforms by making research and study of gender equality, women empowerment and existing laws relating to women.

- G. To visit, inspect and view the offices, bodies under the government of Nepal or the governmental or non-governmental or private organization established under the existing law and make recommendation to the government of Nepal or the related bodies on the matters such as functions and physical facilities of such offices or bodies relating to the protection of rights of women.
  - H. To monitor whether or not the government of Nepal has sent the reports to be sent by Nepal pursuant to the provisions of international conventions and treaties to which Nepal has been a party.
  - I. To make essential arrangements to render essential legal aid to the women who is helpless, victimized or deprived from women's rights.
  - J. To launch public hearing as per necessity over the matters relating to the rights, interest and concerns of women.
  - K. To formulate and approve the annual program and budget of the commission.
- (2) The commission may make essential investigation upon receipt of application from any person or any other sources over the following matters:-
- A. Deprivation or stoppage of use of rights of women.
  - B. Victimization of any women due to any kind of violence or social bad customs.
- (3) The commission shall have following power in the course of initiating investigation pursuant to sub-section (2) :-
- A. To avail information or statement by calling any person before the commission.
  - B. To make testimony of or collect statement of witness.

- C. To order any person for the submission of any deed or document or evidence.
  - D. To collect any deed or its copy from any governmental or public offices or request with the court for copies.
  - E. To do or cause to do site inspection as per need.
  - F. To conduct the public hearing programs.
  - G. To pursue the essential preventive means for non-occurrence of any incident on the basis of prior information.
  - I. To initiate for the legal action against the convicted person and monitor whether or not the action is taken.
- (4) The commission may prescribe for reasonable time-limit for the presence of any person or submission of any deed or collection of any evidence while making investigation pursuant to sub-section (3).
- (5) In case of identification through the investigation initiated pursuant to sub-section (3) of any person to have committed any act pursuant sub-section (2), the commission may cause compromise according to need or issue directives to the concerned bodies to provide appropriate remedies, relief or compensation or reinstate in that regard or recommend for initiating other action to the related office, body or organization and monitor whether it has been accomplished or not.
- (6) The concerned office, body or organization shall take or cause to take essential actions in case of correspondence from the commission pursuant to sub-section (4).
- (7) The concerned body, office, organization or person shall promptly send documents or evidence demanded by the commission in the course of investigation pursuant to sub-sections (2) and (3).

- (8) It shall be the duty of the concerned body or organization to execute or comply with the recommendation made by the commission.
- (9) Notwithstanding anything contained anywhere in this section the commission shall not make interference over the sub-judice matter.

**12. Report to be submitted**:- (1) The commission shall, by preparing, submit Report every year regarding actions initiated by it before the Minister/ State Minister for Women Children and Social Welfare.

- (2) The Report pursuant to sub-section (1) shall *inter alia*, insert the research and study, formulated policy or program, provided recommendation or suggestion, solutions for legal reform and description of amount spent for such action by the commission in the whole year.
- (3) The Report prepared pursuant to sub-section (1) shall be submitted before the House of Representatives.
- (4) The commission may publish out description of works it carried on every year for the information to the general public.

**13. Power, Function and Duties of the Chairperson and Members**:

- (1) The power, function and duties of the Chairperson shall be as follows:-
  - A. To call and chair the meeting of the commission,.
  - B. To execute or cause to execute the decision made by the commission,
  - C. To perform the role of the Chief of the commission over the actions of the commission except those of administration of the employees or financial administration, and
  - D. To do other functions as prescribed by the commission.
- (2) Power, Function and Duties of the member shall be as follows:-

- A. To participate in the meeting of the commission,
- B. To activate for the implementation of the programs to be undertaken by the commission, and
- C. To do other functions as prescribed by the commission or the Chairperson.

#### **Chapter - 4**

##### **Fund and Audit**

- 14. Fund**:- (1) The commission shall have a separate fund.
- (2) The following amount shall be deposited on the fund established pursuant to sub-section (1):-
- A. Amount received from the government of Nepal,
  - B. Grant or Assistance received from the national association, organization or person,
  - C. Amount received from any foreign government, international association, organization or person, and
  - D. Amount received from any other sources.
- (3) The commission shall have approval of the government of Nepal before obtaining amount pursuant to part (C) of sub-section (1).
- (4) The amount to be obtained by the commission pursuant to sub-section (1) shall be deposited in any commercial bank by opening account.
- (5) The entire expenses of the commission shall be borne from the fund established under sub-section (1).
- (6) The operation of fund shall be as prescribed.
- 15. Account and Audit**: (1) The account of income and expenditure of the commission shall be maintained in accordance with the account system followed by the government of Nepal.

- (2) The audit of the commission shall be held by the Auditor General.

## **Chapter - 5**

### **Miscellaneous**

- 16. Office of the Commission:** (1) The office of the commission shall be located in Kathmandu Valley.
- (2) The commission may open its branch offices inside the state of Nepal as per need.
- 17. Secretary:** (1) There shall be a secretary in order to run the daily administration of the commission.
- (2) The government of Nepal may deploy incumbent employee under civil service being at least the gazetted first class officer to work as the secretary of the commission.
- (3) The secretary shall certify the decision of commission.
- (4) The other power, function and duties of the secretary shall be as prescribed.
- 18. Remuneration, Conditions of Service and Facilities of the Chairperson and Members:**
- (1) The Chairperson and member shall be the full time officials in the commission.
- (2) The Chairperson and member are not entitled to do work in other places during the period of holding post in the commission.
- (3) The remuneration, conditions of service and other facilities of the commission shall be as equivalent to remuneration, conditions of service and facilities of the Chief office bearer and members of other constitutional bodies.
- 19. Employees of commission:** The employees shall be made-available to the commission needed to perform its work by the government of Nepal.

Provided that, the commission may appoint essential expert employees as per need by obtaining consent of the government of Nepal.

20. **Delegation of Power**: The commission may delegate some of its power to Chairperson, member, committee, sub-committee or officer level staff of the commission or the officer level employee of the commission or the officer level employee of the government of Nepal.
21. **To be established as Acting**: The available senior-most member in the commission shall work as the acting chairperson in case the post of chairperson falls vacant due to any reason until the appointment of other chairman.
22. **Oath**: Prior to holding the post the Chairperson shall before the Chief Justice and other members shall before the Chairperson, take oath as prescribed in the schedule.
23. **Liaison with the Government of Nepal**:  
The commission shall liaise with the government of Nepal through the Ministry of Women, Children and Social Welfare.
24. **Committee Sub-committee or Working Team may be formed**:  
  - (1) The commission may form committee, sub-committee or working team for specific purpose by prescribing particular work and period.
  - (2) The works or terms of reference of the committee, sub-committee or working team pursuant to sub-section (1) shall be as prescribed by the commission.
25. **The commission to be cooperated**: In case the commission, in discharging its functions demands cooperation with any person, body or association it shall be the duty of the related all to cooperate accordingly.
26. **Saving for the work done with Good Intention**: No member, employee of the commission or any other deployed person by the

commission shall be taken any legal action for the work done with good intention pursuant to this Act or rules made hereunder.

- 27. Power to frame rules:** The commission may frame essential rules in order to implement the objectives of this Act.

Provided that, the advice of the government of Nepal shall be taken while making rules regarding remuneration and facility.

**Schedule**  
**(Relating to Section 22)**

**Oath**

I ... .. pledge with truth and dedication take oath in the name of God that I will perform the role and duty under the designation of the Chairperson/Member which I deserved by being honest with the Nepali people and existing constitution as well as other laws without fear, flattering, prejudice, malice or greed with the honesty and will not disclose any known fact during the discharge of duty on any condition of holding or non-holding post to anyone except so required while abiding law.

Schedule - 10

(Related to Sub -rule (5) of Rule 18)

"The Translation copy is true and verified"

Signature:

Name : Bijaya Prasad Mishra

Date : 10<sup>th</sup> Jan. 2008 AD

Certificate number of the Notary Public: 26

Date of Expiry of certificate: 4<sup>th</sup> November 2012

Seal of the Notary Public