

Title: National Code (Muluki Ain) 2020 (1963)

Date Legislation was first adopted: 17/ 08/1963 (B.S.2020 Bhadra 1)

External URL: <http://www.lawcommission.gov.np/index.php/en/acts-nepali/doc/208/raw>

Summary: The National Code of Nepal is the first unified law enacted in the 20<sup>th</sup> Century, with the objective of maintaining peace and fostering good relations among people irrespective of class, caste or region. Procedural, criminal, civil, and penal provisions are incorporated in the law. The National Code has been amended many times due to the changing social, political, and economical situation of Nepal. Here, we have described only the chapters related to women's rights, that is, chapters on parental property rights, marriage, abortion, and sexual offences. The 11<sup>th</sup> and 12<sup>th</sup> amendments to the National Code by the Act to Amend Some of the Nepal Acts for Maintaining Gender Equality, 2063 (2006) could be considered as landmark amendments for ensuring rights of women in Nepal.

**Content:**

- 1. Chapter on Partition**
- 2. Chapter on Women's Exclusive Property**
- 3. Chapter on Husband and Wife**
- 4. Marriage Registration Act 2023**
- 5. Chapter on Homicide (women's rights to have an abortion)**

**Section 1 of the Chapter on Partition (National Code):** This was the first time in Nepal when daughters were recognized as heirs of parental property (11<sup>th</sup> amendment of the National Code). Incorporate

**Section 12 of the Chapter on Partition (National Code):** This Section recognizes a widow's right to claim her share of property from the joint family estate after the death of her husband, and to use this property even if she gets re-married.

**Act to Amend Some of the Nepal Acts for Maintaining Gender Equality, 2063 (2006):** (amendment of some provisions of the National Code and other laws of Nepal to ensure gender equality) Repealed sections 16 and 19A of the Chapter of Partition of the National Code and established exclusive property rights for daughters and married women to use and transfer property obtained through inheritance.

**Section 4 (a) of the Chapter on Husband and Wife's (National Code):** This Section recognises women's rights to a share in the husband's property even before a divorce. The Section also removed the restriction which stated that a woman needed to have been married for 15 years or be over 35 to claim her husband's property. Finally, Section 4 (a) repealed the provision that required a woman to return property taken from her husband, in case the of marriage to another or divorce.

**Section 2 of the Chapter on Women's Exclusive Property (Stridhan) (National Code):** An Act to Amend some of the Nepal Acts for Maintaining Gender Equality, 2063 (2006) has guaranteed

Exclusive property rights for women repealing or amending some discriminatory legal provisions of National Code. The amended act stated that *"the unmarried girl, married women or a widow living separate from her family may enjoy any movable and immovable property on her own"*.

**Section 4 (3) Amendment to the Marriage Registration Act, 2023:** Section 4 (3) repealed a discriminatory provision, which established different minimum marriage ages for boys and girls. Currently both men and women must have completed twenty years of age to have their marriage registered.

**Section 4 (1)(a) of the Birth, Death and other Personal Events Registration Act, 2033 :** Section 4 (1) recognises women's rights to register birth, death and other personal events. More specifically, Section 4 (1) now omits the expression "eldest amongst males" which was present in its original drafting. (Before the amendment, only the eldest amongst males could register births, deaths and other personal events, now any one of the family's members are allowed to register.)

**Section 28 (b) of the Chapter on Homicide (National Code):** Abortion is legalized by the 11<sup>th</sup> amendment to the National Code with some conditions.

**Section 2 of the Chapter on Inheritance (National Code):** The right of unmarried daughters to inheritance has been recognized in equal terms to the right of sons.