

## Civil Rights Act, 2012 (1955)

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### Amendments

|                                                              |            |            |
|--------------------------------------------------------------|------------|------------|
| 1. Foreigners Act, 2015                                      | 2015.1.16  | 2015.2.20  |
| 2. Some Nepal Acts (Amendment and re-organization) Act, 2020 | 2020.11.16 | 2020.11.16 |
| 3. Civil Rights (First Amendment) Act, 2035                  | 2035.7.8   |            |
| 4. Administration of Justice Act, 2048                       | 2048.2.16  | 2048.2.16  |

Act no. 12 of 2012

### An Act to provide for Civil Rights to the People

**Preamble:** Whereas, it is expedient to provide for Civil Rights to the people and procedure therefor to enforce those Rights,

Be it enacted and proclaimed by His Majesty the King.

1. **Short Title, Extent and Commencement:** (1) This Act may be called the "Civil Rights Act, 2012 (1955)".  
(2) This Act shall come into force all over Nepal.  
(3) This Act shall come into force immediately.
- \*2. **Definitions:** The term "Citizen", in this Act, means the citizen of Nepal pursuant to the prevailing constitution and citizenship Act, 2020.
- \* 3. **Equality in the eye of law:** No citizen shall be denied equality before the law and equal protection of law subject to the provisions of prevailing laws.
- \* 4. **No discrimination on the ground of Religion, Caste, Tribe or Gender:** In the course of providing appointments, the Government of Nepal shall appoint only in the ground of merit and no citizen shall be discriminated on the ground of religion,

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\* Amended by Some Nepal Acts (Amendment and re-organization) Act, 2020

colour, gender, caste, tribe or any of them in the appointment of government or any other Public Service.

5. **Power of Government of Nepal to provide for special provisions to the**

**Specific Class:** Notwithstanding anything in Section 3 and 4 above,-

- (a) The Government of Nepal shall have power to provide for special provisions to the female, children and underprivileged class of citizens.
- (b) Religion, Trust and *Sadabarta* (perpetuated charity), shall continue pursuant to the Act, Rule or the Customs; no one shall intervene on it.

6. **Rights to freedom of speech etc.:** \* Subject to the provision of the prevailing laws, all citizens shall have the following rights:-

- (1) Freedom of expression and publication.
- (2) To assemble peaceably and without arms and immunities .
- (3) To run organizations and associations.
- (4) To move all over Nepal without any obstacle.
- (5) To reside and maintain household in any part of Nepal.
- (6) To acquire, possess and sell property.
- (7) To choose any profession, employment, industry or trade.

7. **Right to Religion:** \* Subject to the provisions of the prevailing Nepal Laws, the following rights of any religious denomination shall not be intervened:-

- (a) To organize and operate religious and Trust (*Guthi*), *Sadabarta* (Perpetuated Charity), organizations.
- (b) To manage, in their own way, the religious and social intercourse activities.
- (c) To acquire, own and dispose of property

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\* Amended by Some Nepal Acts (Amendment and re-organization) Act, 2020

8. **No Taxation without Legal Authority**: No Tax shall be levied and collected without the authority of law.
9. **Right to property**: No one shall be deprived of his/her property without the authority of the <sup>\*</sup>law in force.
10. **Security of the Residence of the citizen**: No one shall forcefully enter into the residence of the citizen without the authority of the <sup>\*</sup>law in force.
11. **Punishment in the case of conviction**: <sup>\*</sup> (1) No one shall be punished for an act which was not punishable by law when the act was committed and no person shall be subjected to a punishment greater than that the law in force at the time of offence.
- (2) No person shall be prosecuted or punished for the same offence more than once.
- (3) No person, accused of any offence, shall be compelled to be a witness against him/herself.
- <sup>\*</sup> 12. **Personal Freedom**: Except otherwise provided in the prevailing laws, no one shall be deprived of his/her life or personal liberty.
- <sup>\*</sup> 13. **Restriction from force labour**: Except otherwise provided in the prevailing laws, no one shall compel or cause to compel for the forced labour.
14. **Prohibition in employing children in the factory etc**: No child, below the age of fourteen years, shall be employed in the factory or mines or any other hazardous work.
15. **Save from the arrest**: (1) Except otherwise provided by the prevailing laws, the person who is being arrested,-
- (a) Shall not be put in custody without providing a reasoned Notice of arrest as soon as possible.
- (b) Shall not be deprived of from the right to consult and defend by the legal practitioner or an attorney pursuant to the law.

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<sup>\*</sup> Amended by Some Nepal Acts (Amendment and re-organization) Act, 2020

(2) Except otherwise provided in the prevailing laws, the person arrested or taken into custody shall be produced before the judicial authority within 24 hours excluding the time taken for the journey and no person shall be detained in excess of that period without the order (permission) of such Authority.

(3) Notwithstanding anything contained in Sub-section (1) or (2), a citizen of an enemy state and a person arrested or detained under the law relating to preventive detention, shall not have any right mentioned in those Sub-sections.

- ♦ 16. **Measures against illegal detention:** ♥ (1) The person who is arrested or detained may file a petition on his/her own or on behalf of any other person, for *habeas corpus*, before the Court of Appeal.

(2) The concerned court shall conduct a direct (*Thado*) inquiry in the petition made pursuant to Sub-section (1) and may issue an order to release the person so arrested or detained in case such arrest or detention is found unauthorized pursuant to the prevailing laws.

- ♦ 17. **Other measures to claim the rights guaranteed by the Act:** ♥ (1) In case, there is a reasonable doubt of infringing any of the rights, guaranteed by this Act, the person concerned may file a petition before the Court of Appeal.

(2) Upon conducting an inquiry in the application field pursuant to Sub-section (1), the court may issue an order of injunction to prohibit the act.

(3) If a person infringes any of the right of any other person guaranteed by this Act, the person who so infringes, shall pay the compensation to the aggrieved party as decided by the court.

18. **Power to file a case against the Government of Nepal:** If the tender or lease document do not provide for any dispute resolution mechanism by an authority and there arises any dispute regarding any right related to the tender with the government and if the Government of Nepal deprives of or causes any damage to

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♦ Amended by First Amendment.

♥ Amended by Administration of Justice Act, 2048.

any moveable or immovable property of a citizen in against of Section 8 or 9, the concerned citizen may file a case before the <sup>♥</sup>Court of Appeal for the compensation or recovery of that property.

Provided that, the Government of Nepal shall not pay any compensation for any act of torts made by the government employee.

**19. Notice of the Case:** (1) If a person has to file a case against the Government of Nepal or the government employee for the act done in his/her official capacity, the concerned person shall have to serve or make a registered post of a Notice to the employee or the concerned office two months earlier, as following:-

- (a) To the <sup>\*</sup>Secretary of the Government of Nepal, if the case has to be filed against the Government of Nepal.
- (b) To the concerned government employee if the case has to be filed against any government employee,

(2) Such Notice shall also contain the Name, Surname and Address of the person, reasons for filing the case and claims made by the person.

**♦20. Limitations to file the case:** A person shall file a case with in Eight months from the date of cause of action in a case which is mentioned in Section 17 and 18.

**21.** <sup>✕</sup> .....

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<sup>♥</sup> Amended by Administration of Justice Act, 2048.

<sup>\*</sup> Amended by Some Nepal Acts (Amendment and re-organization) Act, 2020

<sup>♦</sup> Amended by First Amendment.

<sup>✕</sup> Deleted by Foreigners Act, 2015

**Note:**

- 1. The following word has been changed by Interim Government of Nepal Act -  
"His Majesty's Government" instead of "Government"
- 2. The following word has been changed by Nepal law (Amendment ) Act,2024
  - (a) "Punarabedan" insteat of "Appeal"
  - (b) "*karyalaya*" insteat of "office"

22. **Repeal**: Personal Liberty Act, 2006 is, hereby, repealed.

Nepal Law Commission