

NATIONAL HUMAN RIGHTS COMMISSION

131. National Human Rights Commission: (1) There shall be a National Human Rights Commission in Nepal consisting of the following

Chairperson and the members:

(a) One person from amongst the retired Chief Justices or Judges of the Supreme Court who have made an outstanding contribution for the

protection and promotion of human rights, or a person who hold a high reputation and has rendered outstanding contribution being actively involved in the field of protection and promotion of human rights or social work. - **Chairperson**

(b) Four persons from amongst the persons who have provided outstanding contribution, being actively involved in the field of protection and

promotion of human rights or social work – **Members**

(2) In the appointment of Chairperson and the members in the National Human Rights Commission shall maintain representation from all fields including the woman.

(3) The Prime Minister shall, on the recommendation of the

Constitutional Council, appoint the Chairperson and the Members of the

National Human Rights Commission.

(4) The term of the office of the Chairperson and the members of the National Human Rights Commission shall be six years from the date of appointment.

Provided that the Chairperson and the members of the National Human Rights Commission may be removed from his/her offices on the same ground and in the same manner as has been set forth for removal of a Judge of the Supreme Court.

(5) The office of the Chairperson and the members of the National Human Rights Commission shall be deemed vacant in the following circumstances:

(a) if he/she submits a written resignation to the Prime Minister,

(b) if pursuant to clause (4) his/her term expires or he/she is removed from his/her office,

(c) if he/she dies.

(6) No person shall be eligible to be appointed as the Chairperson or a member of the National Human Rights Commission unless he/she possesses the following qualifications:

(a) a Bachelor's Degree from a university recognized by the Government of Nepal,

(b) maintains high moral character.

(7) The remuneration and other conditions of service of the

Chairperson and the members of the National Human Rights Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson and the members of the National Human Rights Commission shall not, so long as they hold office, be altered to their disadvantage.

(8) A person once appointed as the Chairperson or the Members of National Human Rights Commission shall not be eligible for appointment in any other government service.

Provided that nothing in this clause shall be deemed to be a bar to appointment to any position of a political nature, or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinions or recommendations after carrying out studies or research on any subject.

132. Functions, Duties and Power of the National Human Rights

Commission:

(1) It shall be the duty of the National Human Rights Commission to ensure the respect, protection and promotion of the human rights and its effective implementation.

(2) In order to perform the duty referred to in clause (1) above, the Commission may carry out the following functions:

(a) to conduct inquiries into, investigations of, and recommendation for action against the perpetrator, on the matters of violation or abetment of human rights of a person or a group of persons, upon a petition or complaint presented to the Commission by the victim himself or herself or any person on his/her behalf or upon information received from any source, or on its own initiative,

(b) to forward a recommendation to the concerned authority for taking departmental action against the authority, who has the duty or responsibility to prevent the violations of the human

rights, failed to perform such duty or responsibility or show recklessness or negligence in performing his/her duty,

(c) to make recommendation to lodge a petition in the court, if necessary, in accordance with the law against the person who has violated human rights,

(d) to work jointly and in a coordinated manner with the civil society to enhance awareness on human rights,

(e) to forward a recommendation to the concerned authority for taking departmental action or imposing punishment against the violators of human rights, mentioning clear reason and basis thereof.

(f) to review prevailing laws relating to human rights in a periodic basis and to recommend the Government of Nepal for necessary reforms and amendment thereto,

(g) to recommend with reasons to the Government of Nepal to become a party to any international treaties and instruments on human rights, if it is required to do so, and to monitor the implementation of the international treaties and instruments of human rights to which Nepal is a Party and if found not being implemented, forward recommendations to the Government of Nepal for effective implementation of such instruments,

(h) to publicize the names of the official, person or bodies not following or implementing the recommendations and directions furnished by the National Human Rights Commission regarding the violations of human rights in accordance with law, and to record them as human right violators.

(3) The National Human Rights Commission in performing its functions and duties may use the following power:-

(a) exercise the same powers as the court has in requiring any person to appear before the Commission for recording his/her statement and information or examining them, receiving and examining evidence, ordering for the production of any physical proof,

(b) enter, without prior notice, in case the Commission has received the information by any source that the incidents of the violation of human rights is occurred or going to be occurred, into any person or their residence or office, conduct search and seize any documents and evidences relating to human rights violations thereon,

(c) enter any government premises or other places, without prior notice, in case the Commission has received information that violation of human rights of a person is happening thereon and immediate action is required, to provide rescue,

(d) order for the compensation, in accordance with law, to the victims of human rights violations,

(e) exercise or cause to be exercised other power and abide its duties as prescribed by law.

(4) Notwithstanding anything contained in this Article, the National Human Rights Commission shall not have its jurisdiction on any matter which falls within the jurisdiction of the Army Act.

Provided that nothing shall be a bar to proceedings in respect to the cases of violation of human rights and humanitarian laws.

133. Annual Report:

(1) The National Human Rights Commission shall submit to the Prime Minister an annual report on the works it has performed in accordance with this Constitution, and the Prime Minister shall make arrangement to submit such reports before Legislature- Parliament.

(2) The annual report to be submitted in accordance with clause (1) above, shall contain inter alia, the complaints received by the National Human Rights Commission throughout the year and the description of inquires and investigations thereon, recommendations made to the Government of Nepal for various matters, numbers of cases lodged in the court, if any, against human rights violator, particulars for the improvement in future regarding the protection and promotion of human rights.

Radio Program