

Urgent Attention is needed over the draft criminal and civil laws that will replace the entire Muluki Ain (legal code of Nepal)

We came to know that the government has prepared a complete and comprehensive body of criminal and civil laws to replace the entire Muluki Ain, the one-and-a-half-century old legal code enforced by first Rana oligarch Jung Bahadur Rana during his reign in 1854.

The new body of laws, organised into two codes, namely Criminal Code and a Civil Code, supposed to modernize Nepal's justice system, but many laws is being drafted in a manner that are backwards than the old Muluki Ain. For example, under the draft civil law, the marriage law articles only talks about marriage between man and women, which is against the spirit of Supreme Court's decision that ordered government of Nepal to form 7 members committee to draft same sex marriage law to pass. In the same chapter many terminologies are used (which are used in a derogatory manner, usually), will marginalized sexual and gender minorities, people with disability, People living with HIV and People with Hep B. Under the criminal law, the natural and unnatural sexual act between human is trying to defined, in a vague way, appears uncertain whether oral, vaginal or anal sex, or even kissing can be natural or unnatural...rather simply putting the principle of age of consent and consensus...

Many chapters of the both drafts will not do justice for single women, sexual and gender minorities, people with disability, and minorities in other grounds. Many chapters are also against the international human rights instruments that Nepal has signed and is a party.

The Cabinet and the Parliament will have to endorse them but its time for civil society, human rights activists, lawyer, media and MPs to take this matter seriously now. Irony is that many concerned Communities never been consulted who will be affected directly by this new laws.

Donors who are supporting these legal change processes must make sure that their support is not used against the most marginalized ones.

Structured in 6 Parts, 51 Chapters and 728 Sections, the Civil Code is the longest ever law to be enacted in the country. The code includes chapters on "law of persons", "family law", "property law", "law of obligation", and "private international law" and many more.

The Ministry of Law and Justice (MoLJ) will submit the final drafts of the codes to the Cabinet in the next few days, urgent intervention is a must.

In Solidarity

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