

Commissions of Inquiry Act, 2026 (1969)

Date of Authentication and publication

2026.5.19 (4 Sept .1969)

Amendment:

1. Commission of Inquiry (First Amendment) Act, 2050 (1994) 2050.12.29 (11 April 1994)
2. Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010)¹ 2066.10.7 (21 Jan. 2010)

Act Number 17 of the Year 2026 (1969)

An Act made to provide for appointment of commissions of inquiry and other related matters

Preamble: Whereas, it is expedient to make provisions on the appointment of commission of inquiry and on the powers of such commissions;

Now, therefore, be it enacted by His Majesty King Mahendra Bir Bikram Shah Dev on the advice and with the consent of the *Rastriya Panchayat*.

1. **Short title, extension and commencement:** (1) This Act may be called as the "Commission of Inquiry Act, 2026(1969)".
 - (2) This Act shall extend throughout Nepal.
 - (3) It shall come into force immediately.

¹ This Act came into force on 15 *Jestha* 2065 (28 June 2008), "*Prasati*" and the word "Kingdom" has been deleted.

2. Definitions: Unless the subject or the context otherwise requires, in this Act,-

- (a) "Commission" means a Commission of Inquiry appointed² pursuant to Section 3.
- (b) "Prescribed" or "as prescribed" means prescribed or a prescribed by Rules made under this Act.
- (c) "Evidence" includes a public inquiry (*Sarjameen*).

³3. Appointment of Commission: ⁴(1) The Government of Nepal may appoint a Commission by designating, in consultation with the Judicial Council, the Chief Justice or Justice of the Supreme Court in any function set forth in the proviso clause to Clause (1) of Article 106 of the Interim Constitution of Nepal, 2063 (2007) and the Judge of the Court of Appeal or District Court in any function set forth in the proviso clause to Clause (1) of Article 110. Such a Commission may consist of justices/judges only or also consist of other person, and if it consists of more than one member, the justice/judge designated by the Government of Nepal shall be its chairperson.

(2) The Government of Nepal may, if it is of opinion that it is necessary to appoint a Commission for the purpose of making an inquiry into any matter of public importance, appoint a Commission of Inquiry, consisting of one or more than one member, and where the Commission consists of more than one member, the member designated by the Government of Nepal shall be the chairperson of the Commission.

(3) A notice on the appointment of the Commission shall be published in the Nepal Gazette.

² Deleted by the First Amendment.

³ Amended by the First Amendment.

⁴ Amended by the Republic Strengthening and Some Nepal Laws Amending Act, 2066.

4. Functions, duties and powers of the Commission: ⁵(1) The functions to be performed by the Commission shall be as specified in the notice on the appointment of the Commission.

⁶(2) The Commission shall complete the making of inquiry within the period specified in the notice on the appointment of the Commission and submit a report, accompanied by its opinion, to the Government of Nepal.

⁷(2a) If the Commission makes a request, setting out the reason for not being able to submit the report within the period specified in the notice on the appointment of the Commission, for the extension of the period, then necessary period may be extended.

(3) The Commission shall have all such powers as a court has pursuant to the prevailing laws, in respect of the following matters:

- (a) Summoning and enforcing the attendance of any person before the Commission and take his or her deposition,
- (b) Ordering any person to produce any document,
- (c) Examining evidence, and
- (d) Requisitioning any document or copy thereof from any governmental or public office or court.

(4) The Commission may so specify the time-limit as it considers appropriate for the attendance of any person, production of any document or examination of any evidence pursuant to Sub-section (3).

⁵ Amended by the First Amendment.

⁶ Amended by the Republic Strengthening and Some Nepal Laws Amending Act, 2066.

⁷ Inserted by the First Amendment.

(5) The Commission may also exercise the following powers, as required, in addition to the powers set forth in Sub-section (3):

- (a) Where the Commission has reason to believe that any article or document relating to the subject matter of the inquiry is with any person or is in any specific place, to search such a person or place or cause any Gazetted officer to search such a person or place, subject to the prevailing Nepal laws, and if such article or document is found, seize or cause to be seized it or take, or cause to be taken, extracts or copies therefrom, and
- (b) To exercise such other powers under the prevailing Nepal laws as are related to the use of the powers set forth in Clause (a) and Sub-section (3).

5. **Statements made by witnesses before the Commission not admissible in evidence against them:** No statement made by a person as a witness before the Commission shall subject him or her to any case or legal action or proceeding. Nor shall such a statement be admissible in evidence against him or her in another case.

Provided that, if any statement made by any person before the Commission is not relevant to a question put by the Commission or if it is proved that he or she has made false statement knowingly, this Section shall not be deemed to bar the instituting of a case or legal action, based on that statement, against him or her in accordance with the prevailing Nepal law or the taking of that statement in evidence against him or her.

6. **Contempt of Commission:** A Commission appointed pursuant to this act may institute action on its contempt, and if the Commission holds its contempt has been made, it may impose a fine of up to Five Hundred

Rupees. Provided that, if the accused begs pardon to the satisfaction of the Commission, the Commission may give pardon or remit the sentence, if already imposed.

7.⁸ Dissolution of Commission: (1) A Commission shall be dissolved after the submission of a report pursuant to Sub-section (2) of Section 4 or after the period specified in the notice on the appointment of the Commission or the extended period, if any, made pursuant to Sub-section (2a) of Section 4 has expired.

(2) Notwithstanding anything contained in Sub-section (1), if there is a reasonable ground to believe that there is no purpose of a Commission, the Commission may be dissolved at any time, by a Notification in the Nepal Gazette, and the Commission shall be deemed to have been dissolved on the date specified in such a notice.

8. Procedures of Commission: Subject to this Act and the rules under this Act, the Commission may manage its Rules of procedures on its own.

8A.⁹ Activities of Commission to be secret: All activities of the Commission shall be secret.

Provided that, those matters contained in the report other than those which cause adverse impact on the sovereignty, integrity or strategic importance or public peace and order or harmonious relations between different tribes or communities and relation with friendly countries shall be published for public information.

9. Act not to be invalid: Any act or action done or taken by the Commission shall not be deemed to be void or invalid by the reason only

⁸ Amended by the First Amendment.

⁹ Inserted by the First Amendment.

that there was a vacancy in the office of any member or any member was absent.

- 10. Saving of act done in good faith:** No case or legal action shall be instituted against the Government of Nepal, any member of the Commission or any person acting at the direction of the Commission for any act done or purported to be done in good faith in accordance with this Act or the Rules framed under this Act.
- 11. Member of the Commission deemed to be public servant:** Each member of the Commission and each person appointed by or authorized by the Commission shall be deemed to be a public servant for the purposes of the Prevention of Corruption Act, 2059.
- 12. Powers to frame Rules:** (1) The Government of Nepal may frame Rules for the accomplishment of the objects of this Act; and these Rules shall come into force on being published in the Nepal Gazette.
- (2) Without prejudice to the generality of the powers conferred by Sub-section (1), these rules may provide for in particular the following matters:
- (a) Specification of the terms and conditions of service of the members of the Commission,
 - (b) Managing procedures to be followed by the Commission in relation to making inquiries under this Act, and
 - (c) Specification of the other powers that may be exercised by the Commission.