

Social Practices (Reform) Act, 2033 (1976)

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Amendments

1. Administration of Justice Act, 2048 (1991) 2048.2.16 (30 May 1991)
2. Republic Strengthening and Some Nepal Laws
Amendment Act, 2066 (2010)¹ 2066.10.7 (21 Jan. 2010)

Act Number 31 of the Year 2033 (1976)

An Act made in order to make Reforms in Social Practices

Preamble: Whereas, it is expedient to impose restriction on existing as well as growing competitive pomp and worthless expenses in social practices in order to make reforms.

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

1. **Short Title, Extension and Commencement:** (1) This Act may be called “Social Practices (Reform) Act, 2033”.
(2) This Act shall extend throughout Nepal.
(3) This Act shall come in force immediately.
2. **Definition:** Unless the subject or the context otherwise requires, in this Act;
(a) “Social Practices” means including marriage, *Bratabandha*, (A solemn Hindu ceremony in which boy wears a sacred thread (janai) in his body), *Chudakarma* (Hindu practices of cutting the hair of the boy for the first time after his birth leaving a scuff of hair uncut),

¹ This Act came into force on 15 *Jeshta* 2065 (2008), *Prasasti* and the word "kingdom" has been deleted.

Pasni (the practices of feeding rice to a child for the first time after his/her birth), *Nwaran* (practices to be observed normally after Eleven days from the date of birth of a child in which the child is given a formal name to address him/her), Birth day, *chhaiti* (The Hindu practices to be observed in the sixth day of the birth of a child, *Bhudo-pasni* (The practices to be observed in eighty four years in age of a man/ woman) and *pitri-karya* (practices to be performed in honor of one's deceased ancestors).

- (b) "Close relative" means relatives within Four generations of father side and mother side of such person for whom social behavior is observed and this expression also includes family of such elder and younger brother in whose death mourning period is observed till Thirteen days from the date of the death; nephew, niece, grand-son and grand-daughter of daughter side , son and daughter of the sister of father, son and daughter of elder mother and younger mother, son-in-law, husband of younger sister, husband of elder sister and *Meet* (A formal friend).

Provided that, in case of *pitri-karya* close relative means the aforesaid relatives of such person who observes *pitri-karya*.

3. **Prohibition on Tilak (property to be given by the bride side to the bride groom side for the reason that the bridegroom accepted to get marriage)**: (1) No *tilak* shall be accepted and given in connection with marriage.

(2) Whosoever contravenes Sub-section (1) shall be liable to a fine from Twelve Thousand to Twenty Five Thousand Rupees or an imprisonment not exceeding Thirty days or the both and the proved claimed property shall be forfeited.

4. **Restriction to the Bride Side:** (1) Bride side shall not accept any cash and goods (kinds) from bridegroom side in connection of marriage of daughter.

(2) Bride side shall not compel bridegroom side to provide ornament, clothes, cash, goods or any property in such and such quantity for bride in connection of marriage.

(3) Whosoever contravenes Sub-section (1) shall be liable to a fine from Twelve Thousand Rupees to Twenty five Thousand Rupees or an imprisonment not exceeding One year or the both and proved claimed property shall be forfeited.

(4) Whosoever contravenes Sub-section (2) shall be liable to a fine up to Ten Thousand Rupees or an imprisonment not exceeding Fifteen days.

5. **Restriction on Daijo (Dowry):** (1) Bride groom side shall neither compel bride side to give cash, goods, *Daijo*, donation, gift, fare -well gift for bride or bride groom in connection with or after marriage; nor the both sides shall make an agreement to give and accept aforesaid property in such and such quantity; bride groom side shall not create any obstacle or deny to marry or to bring the bride together with bride groom after marriage or after some time of marriage in a condition where the bridegroom side observes the custom to bring the bride together with bridegroom only after some time of marriage as the case may be.

(2) In addition to a set of ornament wearing in body, whosoever intends to give *Daijo* as per own's rites, rituals and pleasure, may be entitled to give *Daijo* up to Ten Thousand Rupees ,in maximum.

(3) Whosoever contravenes Sub-section (1) or (2) shall be liable to a fine up to Ten Thousand Rupees or an imprisonment not exceeding Fifteen

days or the both and the property which is prohibited to accept and give shall be forfeited.

6. **Prohibition on bearing other Financial Liability:** (1) Bridegroom side shall not accept any amount spent or likely to spend for study of bridegroom or any capital needed to carry on trade or commerce for bridegroom or any expenditure for marriage of bridegroom.

(2) Bride side shall not bear transport as well as food cost made for *Janta* (a tradition in which a group of people go to the chamber of marriage where ceremony is being observed together with bridegroom in order to bring bride in the home of bridegroom).

(3) Bridegroom and bride side shall not give cash, commodity and gift to any person who goes to the chamber marriage to observe *Janta*.

Provided that, there shall be no bar to provide cash or goods to porters who go to the chamber marriage to observe *Janta*.

(4) Whosoever contravenes Sub-section (1) or (2) the proved claimed property shall be forfeited and shall be liable to a fine from Twenty Thousand to Forty Thousand Rupees or an imprisonment not exceeding Fifteen days or the both.

(5) Whosoever contravenes sub-section (3) shall be liable to a fine from Twenty Thousand Rupee to Forty Thousand Rupees or an imprisonment not exceeding Fifteen days.

7. **Restriction on Janta:** (1) No more than Fifty one persons including the persons who play musical instrument in marriage shall be brought to mark *Janta*.

(2) No dancer in rent shall be brought in *Janta*.

(3) Any fire work shall not be carried out in *Janta*.

(4) No more than Eleven person who play musical instrument in marriage shall be brought in *Janta*.

(5) Whosoever contravenes this Section shall be liable to a fine up to Ten Thousand Rupees or an imprisonment not exceeding Fifteen days or the both.

8. **Restriction on Marriage Feast:** (1) No more than Fifty one persons including neighbours and relatives other than close relatives shall be invited in marriage feast organized by Bridegroom and bride side.

(2) Whosoever contravenes Sub-section (1) shall be liable to a fine up to Twenty Thousand Rupees or an imprisonment not exceeding Fifteen days or the both.

9. **Restriction on Feast of *Chhaiti*, *Nwaran*, *Birth day*, *Pasni*, *Chudakarma*, *Bratbandha*, *Bhudhopasni*:** (1) While observing *Chhaiti*, *Nwaran*, *Birth day*, *Pasni*, *Chudakarma*, *Bratbandha*, *Bhudhopasni* no more than Twenty five persons including neighbours and relatives other than close relatives shall be invited in the feast of such ceremony.

(2) Whosoever contravenes Sub-section (1) shall be liable to a fine up to Ten Thousand Rupees or an imprisonment not exceeding Seven days or the both.

10. **Restriction on Feast of *Pitrikarya*:** (1) No more than Twenty Five persons including neighbours and relatives other than close relatives and *malami* (persons who go for funeral procession) shall be invited while performing *Kaj Kiriya* (religious rites to be performed in the name of a deceased immediately after death), *shradda* (religious rites to be performed by a respectful and well wishing offering to one's forefather/ foremother) and other activity to be observed after the death of a person.

(2) Whosoever contravenes Sub-section (1) shall be liable to a fine up to Ten Thousand Rupees or an imprisonment not exceeding Seven days or the both.

11. **Ban on Exhibition of Daijo etc:** (1) In the course of observing social practices, *daijo* or present (gift) shall not be brought or sent by making exhibition in pomp manner.

(2) Whosoever contravenes Sub-section (1) shall be liable to a fine upto Five Thousand Rupees or an imprisonment not exceeding Seven days or the both.

12. **Ban on Building Decoration in Pomp Manner:** While observing social practices, building shall not be decorated unnecessarily by lightening in pomp manner.

(2) Whosoever contravenes Sub-section (1) shall be liable to a fine up to Ten Thousand Rupees or an imprisonment not exceeding Seven days.

13. **Obligation of Local Bodies (Panchayat):** (1) In case it comes in to notice that a person is likely to commit an act in contravention this Act, the concerned village Development Committee or municipality shall convince such person not to commit such act.

(2) In spite of convincing pursuant to Sub-section (1) in case the concerned person commits prohibited act or likely to commit such act, the concerned body shall inform the Office of District Administration to proceed legal action against such person.

14. **Government of Nepal may Issue Directives:** (1) The Government of Nepal may, by publishing a notification in Nepal Gazette, issue an order in order to impose ceiling on expenditure to be made in marriage, *bratbandha*, *chudhakarma*, *pasni*, *bhudopasni*, *pitrikarya* etc.

15. **Information of Expenditure to be supplied:** (1) The Chief District Officer may request to the concerned person to submit the inventory of persons invited in feast in the course of observing social practices and the particulars prescribed in the Act; and the concerned person shall provide requested particulars within Fifteen days from the date when the notice was served excluding the time of journey. The Chief District Officer may request the person to submit the said particulars only in a condition where a complaint has been lodged within the limitation set forth in this Act.

(2) In case the concerned person fails to submit the details sought by Chief District Officer pursuant to Sub-section (1), the said officer may impose a fine up to Three Thousand Rupees or an imprisonment not exceeding Three days to such person.

16. **Government of Nepal to be Plaintiff:** The Government of Nepal shall be plaintiff in the case pursuant to this Act.

17. **Investigation and Prosecution of Case:** (1) The police shall investigate the case which is punishable pursuant to this Act and after investigation the police shall file the case before the Adjudicating Authority.

(2) In the course of investigation and prosecution pursuant to Sub-section (1), police may seek the opinion of the government attorney.

18. **Time Limitation to File a Suit:** No case shall be entertained in case if it is not filed within Thirty Five days from the date of cause of action.

19. **Adjudicating Authority and procedure:** (1) The Chief District Officer shall have original jurisdiction to hear and dispose the case pursuant to this Act.

(2) The Chief District Officer shall follow the procedure as referred to in Special Court Act, 2059 in the case under this Act.

(3) An Appeal may be filed in the ²Court of Appeal against the decision made by the Chief District Officer.

20. **Penalty**: (1) Whosoever commits an act contrary to Rules framed under this Act shall be liable to a fine up to Three Thousand Rupees or an imprisonment not exceeding Thirty days.

(2) In case governmental employee or employee of corporate body which is owned or controlled by the Government of Nepal or employee of a corporation or corporate body which is established by the Government of Nepal commits or cause to commit an act prohibited by this Act or Rules framed there under, in addition to penalty prescribed in this Act such employee shall be liable to the departmental action pursuant to the concerned service law.

(3) In case any member of Back to Village National Campaign Committee (BVNC) or local bodies (*panchayat*) or class organization of *panchayat* commits or cause to commit an act prohibited by this Act or Rules framed there under, in addition to penalty prescribed in this Act, such person shall be liable to such penalty pursuant to his/her code of conduct.

21. **Power to Frame Rules**: (1) The Government of Nepal may frame necessary Rules in order to implement the objectives of this Act.

(2) Without prejudicing the generality of Sub-section (1), Rules may be framed particularly for the following matters;

- (a) In respect of *syamvara*, (choosing of one's bridegroom oneself especially from amongst invited boys) *saipata* (goods such as fruits, spices, curd, fish which are sent by bridegroom side for bride side in the

². Amended by Administration of Justice Act, 2048.

occasion of marriage), *mukherne Jane*, (to go to see the face of concerned person for the first times), *samdhi-samdhini vet garne* (first time gathering between fathers and mothers of bride and bridegroom after the completion of marriage).

- (b) In respect of the feast organized by the bride side for *janti*. (People engaged in marriage procession)
- (c) Practices which is carried out up to one year of the marriage.
- (d) In respect of such practices to be observed before and after delivery of a baby.
- (e) The practices which is carried out by offering food, clothes, fruits, money and so on to one's father and mother by son and daughter.
- (f) In respect of *Vaitika* (the practices which is observed by brother and sister upon putting *tika* in the forehead of brother and sister and by offering clothes, fruits, spices and so on to each other).
- (g) Bringing and sending *sagun* (goods such as fruits, curd, fish etc.) to observe social practices.
- (h) *Dan* (Donation) which is given in *pitrikarya*.
- (i) Fixing the number of guests to be invited in social practices.
- (j) In respect of *Dulaan Farkaaune* (Sending newly married bride to the home of bridegroom).
- (l) Fixing member of close relatives, in maximum, to be invited in feast.