

National laws

**MULUKI AIN (country –code)**

**Chapter - 15**

**Adoption**

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**Number 2.**

A person who has not his or her son or daughter may adopt a son or daughter by executing a deed to that effect.

Provided that, a person who has a son and a person who has a daughter shall not be entitled to adopt a son and daughter, respectively.

One who is once adopted as an adopted son or adopted daughter shall not be readopted as a son or daughter. Such adoption, if any, shall be void.

**Number 3.**

The adoption of any person, who has been adopted pursuant to the duly signed deed by a person entitled to make such an adoption by virtue of not having any issue at the time of adoption, shall not be rendered invalid as a result of the subsequent birth of a son from the person making the adoption. He shall be entitled to the partition share equivalent to that of a natural son.

**Number 9B.**

There shall be a difference of at least **thirty** years between the age of an adopted son or daughter and the adoptive person. But, this will not effect to those person who is going to adopt within the relative of three generation's relation.

**Number 9C.**

An adopted son or daughter shall be entitled to the **same rights as of a biological son or daughter**. Such an adopted son or daughter shall not be

entitled to make a claim for partition share from his or her biological parents.

**Number 9D.**

In cases where even a daughter is born from the adoptive parents after a female has been adopted as a daughter, such adoption shall not be invalid by that reason. The adopted daughter shall be as a natural daughter.

**Number 10.**

If the person who has abandoned a child is traced, and it is proved that the child has been abandoned with the consent of both the father and mother, the partition shares of both of them, along with such a share of the child, shall be provided to the person subsisting the child. If only one of the parents is found to be involved in such abandonment, then the partition share of the said parent and that of the child shall be provided to the person subsisting the child.

**Number 11.**

No adoption made on fulfillment of the requirements of the Act shall be revoked except for specific defaults. If an adopted son or daughter does acts such as failing to provide food and clothes to the adoptive person, failing to look after, and misusing the family property, giving physical or mental torture to them, such adoptive parents may revoke the adoption. The adopted son or daughter whose adoption is so revoked shall be entitled to the partition share from his or her natural father. If the adoptive person abandons the adopted son or daughter from the house without providing such a son or daughter with food and clothes or fails to make provision of education and medical treatment, except for any reasons as mentioned in law, such an adopted son or daughter shall, like a natural son or daughter, be entitled to seek partition share from such an adoptive person.

### **Number 12.**

One who has only one son or daughter shall not allowed to give the son or daughter for adoption nor shall the adopting person adopt him. Any such adoption shall be void.

### **Number 12A.**

If any foreign national wishes to adopt any citizen of Nepal, who may be adopted as a son or daughter in accordance with the law, the Government of Nepal may, after considering the character and economic condition of such a foreign national and on recommendation of the concerned foreign government or embassy, permit adoption of a son or daughter on such **terms and conditions as the Government of Nepal may consider appropriate.**

### **Number 12B.**

In giving permission to a foreign national to adopt a citizen of Nepal pursuant to this Chapter, the Government of Nepal shall give permission only if the law of the country of such a foreign national provides that an **adopted son or daughter has the same right as a natural son or daughter has.**

### **Number 12C.**

If Nepali citizen is going to adopt, the deeds of adoption document should be Certified by the District Court Judge by paying 500. NPR fees.  
*(\*Amendment by Nepal Acts to Maintain Gender Equality Amendment Act, 2016)*

### **Number 13.**

If a suit on any illegal adoption of an adopted son or an adopted daughter is not filed within two years from the date of knowledge of such adoption, the suit shall not be entertained.