

**Revised**

# **The National Penal (Code) Act, 2017**

Date of Authentication:

16 October 2017

**Act number 36 of the year 2017**

## **An Act Made To Amend And Consolidate Laws In Force Relating To Criminal Offences**

### **Preamble:**

Whereas, it is expedient to provide for a timely code on criminal offences, by amending and consolidating the laws in force relating to criminal offences, in order to uphold morality, decency, etiquette, convenience, economic interest of the public, by maintaining law and order in the country, maintain harmonious relationship and peace among various religious and cultural communities, and prevent and control criminal offences;

Now, therefore, the Legislature-Parliament referred to in clause (1) of Article 296 of the Constitution of Nepal has enacted this Act.

### **Part -1**

#### **General Provisions**

##### **Chapter-1**

###### **Preliminary**

- 1. Short title and commencement:** (1) This Act may be cited as the "National Penal (Code) Act, 2017".

(2) It shall commence on 17 August 2018 (first day of the month of Bhadra of the year 2075).

2. **Extra-territorial application of the Act:** Any person who commits any of the following offences outside Nepal shall be punished under this Act as if he or she committed such offence in Nepal:

- (a) Any offence under Chapter 1 of Part 2 except Section 54,
- (b) Any offence under Chapter 17 of Part 2 committed by kidnapping any person from Nepal,
- (c) Any offence under Sections 167, 276 and 279,
- (d) Any offence under Chapters 22 and 23 of Part 2 committed with intent to bring into use in or import into Nepal,
- (e) Any offence under this Act committed in the course of discharging duties of any position in the Government of Nepal, State Government or Local Level or a body corporate under full or majority ownership or control of the Government of Nepal, State Government or Local Level.

(2) Any person who commits an offence under this Act on board an aircraft or ship registered in Nepal while it is outside Nepal shall be punished under this Act as if he or she committed the offence in Nepal.

(3) Any Nepali citizen who commits any of the following offences against a Nepali citizen outside Nepal shall be punished under this Act as if he or she committed the offence in Nepal:

- (a) Murder, or attempt to, abetment of, or conspiracy to, murder,
- (b) Abandonment of the helpless person,
- (c) Grievous hurt,
- (d) Kidnapping, hostage-taking or illegal detention,
- (e) Rape or incest,
- (f) Criminal mischief against the Government of Nepal, State Government or Local Level or a body corporate under full or majority ownership or control of the Government of Nepal, State Government or Local Level, extortion, criminal breach of trust, forgery, theft, deception, robbery or criminal misappropriation of property,
- (g) Offence under Section 158,
- (h) Offences relating to marriage under Chapter-11 of Part 2,
- (i) Food and drug adulteration with the intention of importing into Nepal,
- (j) Offences relating to medical treatment under Sections 231, 232 and 233,
- (k) Offence under Chapter-2 of Part 3.

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

- (a) “court” means the Supreme Court, High Court or District Court, and this term also includes a court, other

judicial body or authority authorized by law to proceed and adjudicate any specific types of criminal offences,

- (b) “harbor” means supplying any person with food, drink, shelter, money, in-kind, clothes, arms, ammunition or means of transport, or helping or otherwise assisting any person to evade apprehension,
- (c) “offence” means an act punishable by this Act or law,
- (d) “law” means law for the time being in force,
- (e) “act” means a series of acts, and this term also includes omission to do an act required by law to be done or commission of an act prohibited by law,
- (f) “grave offence” means an offence punishable by a sentence of imprisonment for a term of more than three but less than ten years,
- (g) “heinous offence” means an offence punishable by imprisonment for life or for a term of more than ten years,
- (f) “body” means the body of a human being,
- (g) “judge” means the authority of a court who proceeds, hears and adjudicates a case, and this term also includes any authority authorized to proceed, hear and adjudicate any specific type of criminal cases,
- (h) “public servant” means any of the following persons:

- (1) a person elected, nominated or appointed to any office with public accountability pursuant to the Constitution or other law,
- (2) a person appointed to the service of the Government of Nepal or State Government or any other government service pursuant to law or a contract,
- (3) a person elected, nominated or appointed to any office of a Local Level or District Assembly or a person appointed in any manner to the service of such Level or District Assembly,
- (4) an office-bearer of a body corporate under full or majority ownership or control of the Government of Nepal, State Government or Local Level or a person appointed to the service of such body, or
- (5) a person otherwise appointed to, or holding, any office with public accountability.

- (i) “Local Level” means a Village Body (*Gownpalika*) or Municipality,
- (j) “body corporate” means a body established by any law or registered in accordance with law,
- (k) “Constitution” means the Constitution of Nepal,
- (l) “public document” means any of the following documents:
- (1) a document passed by the Legislature,

- (2) a document recording official acts performed by the President pursuant to the Constitution,
- (3) a book, record or other document issued by the Government of Nepal, State Government or Local Level or offices under the Government of Nepal, State Government or Local Level or Constitutional Body or office-bearer, court or body established by an Act or Order, office of a body corporate under full or majority ownership or control of the Government of Nepal or maintained in the archive of such offices,
- (4) a judgment, decision or order made by a court.

4. **Generally applicable principles and provisions:** The principles and provisions referred to in Chapters-2, 3, 4 and 5 of Part 1 of this Act shall generally apply to the offences under this Act and other Acts.
5. **Application of special Act:** Where a special Act defines a specific act as a separate offence and provides punishment for it, that Act shall apply to such offence.

## **Chapter- 2**

### **General Principles of Criminal Justice**

6. **Lawful act not to be offence:** No act required by law to be done or excused by law shall be considered to be an offence.
7. **Not punishment except in accordance with law:** No person shall be liable to punishment for doing an act not punished by law nor shall a person be subjected to punishment which is heavier than the one prescribed by law in force when the offence was committed.
8. **Act done by mistake of fact not to be offence:** No act done by a person who is, or who by reason of a mistake of fact, in good faith believes that he or she is bound by law to do that act or that such act is excused by law shall be considered to be an offence.

Provided that no act done in ignorance of law shall be excused.

9. **No punishment again for the same offense:** No person shall be prosecuted in a court and punished again for the same offence.
10. **No deprivation of fair trial:** No person shall be deprived of fair trial in proceedings by a competent court or judicial authority.
11. **No compulsion to testify against oneself:** No person accused of an offence shall be compelled to testify against himself or herself.
12. **Presumption of innocence until proven guilty:** A person accused of an offence shall be presumed innocent until proved guilty of that offence.
13. **Act of a child not to be offence:** No act done by a child below ten years of age shall be considered to be an offence.

- 14. Act of a person of unsound mind not to be offence:** No act done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature, characteristic, fault or consequence of such act, shall be considered to be an offence.
- 15. Act done by consent not to be offence:** Except where done with the intention of causing death or grievous hurt or with the knowledge that it is likely to cause death or grievous hurt, no act done by a person by obtaining consent of a person above eighteen years of age which causes any harm to the person who has given such consent shall be considered to be an offence.
- 16. Act done for benefit by consent not to be offence:** No act done by a person in good faith and with due care for the benefit of another person by consent of that other person which causes harm to that person who has given such consent shall be considered to be an offence.
- 17. Act done for benefit by consent of guardian not to be offence:** No act done in good faith and with due care for the benefit of a person below eighteen years of age, or of unsoundness of mind due to mental illness, by his or her guardian or another person by consent of the guardian, which causes harm to that person shall be considered to be an offence.

Provided that except where done for the purpose of preventing death or grievous hurt, no person who does an act with the knowledge that it is likely to cause death or grievous hurt shall be dispensed with criminal liability.

**18. Act done for benefit without consent not to be offence:** Where any act must be done immediately for the benefit of a person, and such person is, for any reason, not in a position to give consent immediately or has no guardian from whom it is possible to obtain consent on such person's behalf immediately, such act done in good faith and with due care for the benefit of that person without his or her consent, which causes harm or injury to that person, shall not be considered to be an offence.

**Explanation:** For the purposes of Sections 16 and 17, and this Section, the term “benefit” does not mean:

- (a) a pecuniary benefit,
- (b) an act done with intent to cause death, or without any reasonable cause, a grievous hurt.

**19. To be considered an offence even committed by consent:** Notwithstanding anything contained in Section 15,16 or 17, where any act referred to in any of those Sections is considered to be another offence under law, such act shall be considered to be an offence even if it is done by consent.

**20. Consent:** Consent may be expressed orally or in writing or by gesture or conduct.

Provided that consent given in any of the following circumstances shall not be considered to be consent:

- (a) Where the consent is given by a person under a mistake of fact or fear or threat of any kind of injury or harm and the doer of the act in

pursuance of such consent knows, or has reason to believe, that the consent was so given,

- (b) Where the consent is given by a person who, being of unsound mind due to mental illness, is unable to understand characteristic, fault and consequence of the consent given by him or her when he or she was in a state of unsoundness of mind,
- (c) Where the consent is given by a child below eighteen years of age,
- (d) Where the consent is given under undue influence.

**21. Harm caused by communication made in good faith not to be offence:** No information or communication of any matter made in good faith shall be considered to be an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

**22. Act compelled by fear, threat not to be offence:** No act done by a person who is compelled to do it by fear or threat exerted or made by another person carrying a deadly weapon or toxic or explosive substance that the other person would kill or cause grievous hurt to that person or his or her close relative if that person does not do that act immediately and there is a reasonable cause to apprehend that it would cause death or grievous injury to that person or close relative if such act is not done immediately shall be considered to be an offence.

Provided that such act shall be considered to be an offence if:

- (a) Death or grievous hurt is caused,
  - (b) Rape is committed,
  - (c) An offence against the State is committed, or
  - (d) The doer of such act placed himself or herself in such situation of fear or threat, of his or her own accord or as a result of any thing done by himself or herself.
- (2) A person who causes the offence to be committed by exerting fear or threat under sub-section (1) shall be punished by law as if he or she committed the offence by himself or herself.

**23. Act done in good faith to prevent other harm, injury not to be offence:** Any act done by a person shall not be considered to be an offence merely by reason of its being done with the knowledge that it is likely to cause harm, injury, if it be done without any criminal intent to cause harm, injury, and in good faith for the purpose of preventing or avoiding possible great harm, injury to life, person or property and it was so imminent that greater harm, injury than such act was likely to result in would be caused to the life, person or property of him or her or any one else if such act was not done immediately.

**24. Act done for private defence not considered to be offence:** (1) Any act done in the exercise of the right of private defence subject to this Chapter shall not be considered to be an offence.

(2) Every person has a right to defend the body, life or property of his or her own or of any other person against any illegal harm.

(3) The right of private defence under this Section shall be exercised only when there is a reasonable apprehension or reasonable cause to believe that the body, life or property of his or her own or of any other person cannot be defended against any illegal harm unless any act is done immediately.

**25. Restriction on the exercise of right of private defense:** (1) Notwithstanding anything contained in Section 24, the right of private defense is not available in the following circumstances or against the following acts:

- (a) Where there is time to have or likely to have recourse to the protection of public authority immediately to defend the body or property of any one against illegal harm at the time of causing such harm,
- (b) Where harm caused to the body or property of a person was so caused by reason that the harm doer was provoked by such person himself or herself,
- (c) Where a public servant does an act in good faith in pursuance of a judgment or order of a court,
- (d) Where a public servant does an act in good faith in the exercise of his or her official power,
- (e) Where any act is done by a person in pursuance of a direction given in good faith by a public servant in the exercise of his or her official power.

(2) Notwithstanding anything contained in sub-section (1), a person shall not be deprived of the right of private defense in the following circumstances:

- (a) Where that person does not know or have a reasonable reason to believe that the doer of the act referred to in clause (c) of sub-section (1) is a public servant and he or she is doing the act in pursuance of the judgment or order of a court or the doer does not disclose his or her identity or produce the authority under which he or she acts even if so demanded,
  - (b) Where there is no reasonable reason to know or believe that the doer of the act referred to in clause (d) of sub-section (1) is a public servant,
  - (e) Where there is no reasonable reason to know or believe that the doer of the act referred to in clause (e) of sub-section (1) is doing such act by the direction of a public servant or the doer does not state that authority under which he or she acts or does not produce the authority under which he or she acts even if so demanded.
- (3) While exercising the right of private defence under Section 24 or this Section, more force than reasonably necessary for such defence cannot be used.

- 26. No right to cause death:** (1) In exercising the right of private defence pursuant to this Chapter, no one shall have the right to cause a person's death.
- (2) Notwithstanding anything contained in sub-section (1), if any act done in the exercise of the right of private defence subject to sub-section (3) of Section 25, in any of the following

circumstances, causes the death of a person, such act shall not be considered to be an offence:

- (a) Where there is reasonable cause to believe that an assault on oneself or another person would cause the death of or serious injury or grievous hurt to oneself or another person unless instant defence is exercised against such assault,
- (b) Where any act is instantly done by the victim having reasonable cause to believe that the assault is made with the intention of committing rape or at the time of or after the commission of rape,
- (c) Where hostage-taking or kidnapping is committed with the intention of causing death, taking ransom for hostage-taking or kidnapping, committing rape, causing grievous hurt,
- (d) Where attempt is made to cause mischief by seizing, using a deadly weapon, setting fire to or using explosive substance on, any building, tent which is used for human dwelling or as the place for worship or pray or the custody of property or a means of transport,
- (e) Where it is necessary to defend against robbery,
- (f) Where the circumstance requires an instant retaliation by a security personnel deputed by order of the competent authority for the personal security of a person or security of a property of the Government of Nepal, State Government or Local Level or a body corporate under full or majority ownership or control of the Government of Nepal, State

Government or Local Level or public property in order to prevent an assault made on such person or property.

27. **Act causing slight harm not to be offence:** A slight harm not to be complained of by a person of ordinary sense shall not be considered to be an offence.
28. **Major liable to punishment for offence caused to be committed by child:** Where an offence is committed by a child upon being lured, taught or influenced by a person to do so, such person shall be liable to punishment as if the offence were committed by himself or herself.
29. **Criminal intention not to be examined in strict liability offence:** In an offence which is a strict liability offence under this Act or the law, there shall not be examined whether or not the offence was committed intentionally.
30. **Criminal liability for offence committed by body corporate to be vested on one who commits or causes the commission of the act:** Where any firm, company or body corporate commits, or causes the commission of, an act considered to be an offence under this Act or law, the person who committed, or caused the commission of, such offence shall be responsible for such act; and where such person cannot be identified, the concerned owners and partners who did such act, in the case of a firm, the director, managing director, general manager who did or caused the doing of such act, in the case of a company or body corporate, and where even such person cannot be identified, the chief executive of such body shall bear the criminal liability.

**31. All members to be punished for offence committed by a group:**

Where an offence is committed by a group of two or more persons, all members of the group shall be liable to punishment for such offence.

**32. Victim of crime to be entitled to obtain information of proceedings of case and compensation:** (1) The victim of crime shall have the right to obtain information about the investigation and proceedings of the case in which he or she is the victim.

(2) The victim of crime shall have the right to justice with social rehabilitation and compensation.

## **Chapter -3**

### **Criminal Conspiracy, Attempt, Abetment and Accomplice**

**33. Prohibition of criminal conspiracy:** (1) No person shall make a criminal conspiracy.

(2) Where two or more persons agree to commit, or cause the commission of, an offence, and any act is done by only one or two of them, they shall be considered to have committed a criminal conspiracy.

(3) A person who commits, or causes the commission of, a criminal conspiracy to commit an offence of heinous or grave nature shall, where no provision is made elsewhere in this Act for a separate punishment for such conspiracy, be punished as follows:

(a) Where the offence in pursuance of the criminal conspiracy is committed, punishment imposable if the offence had been committed,

(b) Where another offence instead of the offence in pursuance of the criminal conspiracy is committed and such other offence is committed in the course of implementation of such conspiracy or as probable consequence thereof, punishment specified for that offence,

(c) Where any offence in addition to the offence in pursuance of the criminal conspiracy is also committed and such offence is also committed in the course of implementation of such conspiracy

or as a probable consequence thereof, additional punishment also for such offence,

- (d) Where the offence of criminal conspiracy is yet to be completed, one half of the punishment specified for that offence.

**34. Prohibition of attempt to commit offence:** (1) No person shall make attempt to commit an offence.

(2) Even if it is impossible for an offence to be committed for which attempt is made, attempt shall be considered to have been committed.

(3) Except as otherwise provided elsewhere in this Act, a person who attempts, or causes attempt, to commit an offence shall be punished with one half of the punishment specified for such offence.

**35. Prohibition of abetment:** (1) No person shall abet another person to commit an offence.

(2) For the purposes of sub-section (1), where a person instigates another person to commit an offence, the person is considered to have abetted.

(3) The abettor shall be liable to the separate punishment, if any, provided for in this Act, and to the following punishment if such separate punishment is not so provided for:

(a) Where the offence is committed in pursuance of the abetment, the punishment imposable as if he or she had committed the offence,

- (b) Where the offence is yet to be committed in pursuance of the abetment, one half of the punishment specified for such offence.
- (4) Where an offence is abetted but a different offence is committed by the abetted person, and that offence was committed under the influence of the instigation or was a probable consequence of the abetment, the abettor shall be liable to punishment as if he or she had committed such offence as well.

**36. Not to be accomplice:** (1) No person shall become an accomplice to any offence.

(2) A person who, with the intention of committing an offence, aids in the commission of such offence or other offence or who hides the offender or helps the offender to escape after the commission of the offence or who provides means to commit, or causes the commission of, the offense or otherwise assists in the commission of the offence shall be deemed to be an accomplice.

(3) An accomplice shall be punished as follows:

- (a) A person who, with participation in a criminal conspiracy, commits an offence, provides means or place to commit the offence, or deprives the person against whom the offence is committed of the right of private defence or who orders or advises to commit the offence, shall be punished as if he or she had committed such offence,
- (b) For an accomplice other than one referred to in clause (a), punishment not exceeding one half of

the punishment imposable for the commission of such offence according to the degree of his or her involvement in that act.

- 37. Statute of limitation to be applicable:** The statute of limitation provided for in this Act for making a compliant in relation to an offence shall also be applicable to the conspiracy, abetment, accomplice of, or attempt to, such offence.

## **Chapter-4**

### **Gravity of Offence Aggravating and Mitigating Factors**

- 38. Factors aggravating the gravity of offence:** For the purposes of this Act, the following factors, if exist, shall be considered as aggravating the gravity of an offence:
- (a) The offence was committed against the President or Head of Government or head of a foreign State,
  - (b) The offence was committed in presence of the President or Head of Government or head of a foreign State,
  - (c) The offence was committed by the breach of trust,
  - (d) The offence was committed by taking benefit of or abusing a public office,
  - (e) The offence was committed with the intention of obstructing a person holding a public office in discharging his or her official duty or to cause such person to commit an illegal act,
  - (f) The offence was committed in any government office, public office or religious place,
  - (g) The offence was committed by five or more persons affiliated in a group,
  - (h) The offence was committed by taking advantage of the disturbance of public peace or landslide, flood, earthquake or natural calamity of similar nature or outbreak of epidemic, starvation or occurrence of any other crisis of similar nature,

- (i) The offence was committed by carrying or using an arm or toxic or explosive substance or supplying electricity or using an electronic device or with the aid of a person carrying an arm, toxic or explosive substance,
- (j) The offence was committed again by an offender already sentenced to imprisonment,
- (k) The offence was committed by being allured of any remuneration or assurance or benefit,
- (l) The offence was committed against a person under one's own protection or control or against the property under one's own custody,
- (m) The offence was committed by subjecting any one to torture, cruel, inhumane or degrading treatment,
- (n) More than one offence were committed on a single occasion,
- (o) The offence was committed against more than one person on a single occasion,
- (p) The offence was committed by kidnapping any one or taking any one hostage,
- (q) The offence was committed against a person under detention, custody, imprisonment or control,
- (r) The offence was committed by one who has a duty to provide security to any person against that person,

- (s) The offence was committed with the intention of destroying the identity of any caste, race or group (genocide),
- (t) The offence was committed with the intention of causing hatred against any caste, race, religious or cultural community,
- (u) The offence committed was a crime against humanity,
- (v) The offence was committed in a planned or organized manner,
- (w) The offence was committed against an elderly person above seventy-five years of age or a person being of unsound mind by reason of physical or mental illness or a person incapable of defending himself or herself because of disability, or a child,
- (x) The offence was committed by a person deputed in rescue work in cases of motor vehicle, aircraft accident or natural calamity while being engaged in such rescue work,
- (y) The offence was another offence committed by the same offender against the person who had already become a victim of an offence.

**39. Factors mitigating the gravity of offence:** For the purposes of this Act, the following factors, if exist, shall be considered as mitigating the gravity of an offence:

- (a) The offender is below eighteen years or above seventy-five years of age,

- (b) The offender had no intention to commit the offence,
- (c) The person against whom the offence was committed had, immediately before the commission of the offence, provoked or given threat to the offender,
- (d) The offence was committed instantly as a retaliation against any grave offence committed against the offender or any of his or her close relatives,
- (e) The offender voluntarily confessed the offence or expressed a remorse therefor,
- (f) The offender surrendered himself or herself to the concerned authority,
- (g) The offender, having confessed the offence committed by him or her, has already provided or agreed to pay compensation to the victim,
- (h) The offender has diminished capacity because of physical, mental ability or disability,
- (i) The extent of loss or harm caused to the victim and the society being insignificant,
- (j) The offender rendered assistance in judicial process by telling the truth to the court,
- (k) The offender has confessed the guilt and committed not to commit any criminal offence in the future,
- (l) The offence was committed under other's instigation or pressure.

## Chapter-5

### Provisions Relating to Punishment and Interim Relief

**40. Types of punishment:** (1) The punishments for the offences set forth in this Act shall be as follows:

- (a) Imprisonment for life,
- (b) Imprisonment,
- (c) Fine,
- (d) Imprisonment and fine,
- (e) Compensation,
- (f) Imprisonment for the failure to pay a fine or compensation,
- (g) Community service in lieu of imprisonment.

(2) Where any law provides for the sentence of confiscation of property for any offence, such sentence of confiscation shall not be imposed for that offence, after the commencement of this Act.

(3) Notwithstanding anything contained in this Section, no sentence of fine of less than one rupee and of imprisonment for a term of less than one day shall be imposed.

**41. Imprisonment for life:** Notwithstanding anything contained elsewhere in this Act, in imposing a sentence of imprisonment on an offender for the following offence, the offender shall be subjected to imprisonment for the whole of his or her natural life:

- (a) Murder with cruelty, torture or inhumane conduct,
- (b) Murder by hijacking or exploding an aircraft,

- (c) Murder by kidnapping or taking hostage,
  - (d) Murder by poisoning publicly consumable beverages or food,
  - (e) Genocide (destroying the identity of any caste, race or group) or offence committed with the objective of committing genocide,
  - (f) Murder with rape.
- 42. Computation of imprisonment for life:** Except in the circumstance referred to in Section 41, the sentence of imprisonment for life shall be so computed that its term is twenty-five years.
- 43. One and half punishment for consolidated/integrated offence:** (1) Where a person, at the time of judgment by a court, is convicted of more than one offence on a single occasion or different offences on different occasions, such person shall be deemed to have committed a consolidated offence.
- (2) The offender who commits a consolidated offence referred to in sub-section (1) shall be sentenced for the offence punishable by the maximum punishment and to additional punishment of one half of that punishment specified for such offence.
- 44. Additional punishment for offender of heinous crime and recidivist:** (1) If a person who was sentenced for any offence commits another heinous or grave offence before the expiry of a period of five years after the date on which he or she completed the service of that sentence or was granted pardon, he or she shall be considered to be a recidivist.

(2) A recidivist shall be liable to a punishment that is up to double the punishment imposable for the last offence committed by him or her.

Provided that this Section shall not apply to an offender who has been sentenced to imprisonment for life pursuant to Section 41.

- 45. Punishment imposable on children:** (1) A person who commits an act constituting an offence under the law shall not be liable to any punishment if that person has not attained ten years of age at the time of the commission of such act.

(2) In imposing the punishment of imprisonment on a person who is ten years of age or above ten but below fourteen years of age, such person may be sentenced to imprisonment for a maximum of six months or sent to a reform home for a maximum of one year in lieu of such imprisonment.

(3) Where a person who is fourteen years of age or above fourteen but below sixteen years of age commits any offence punishable by imprisonment, such person shall be liable to half the punishment imposable by law on a person who has attained majority.

(4) Where a person who is sixteen years of age or above sixteen but below eighteen years of age commits any offence punishable by imprisonment, such person shall be liable to two-thirds of the punishment imposable by law on a person who has attained majority.

- 46. Imprisonment for fine:** (1) Any offender who is unable to pay a fine imposed on him or her may be subjected to imprisonment.

(2) The term of imprisonment under sub-section (1) shall be determined as follows:

- (a) In determining the sentence of imprisonment in default of payment of a fine for an offence punishable by both imprisonment and fine, the term of imprisonment shall be so determined as not to exceed ten years.
- (b) Where an offence is punishable by either imprisonment or fine or with both, in which the offender is sentenced to a fine only, in determining the sentence of imprisonment in default of payment of such fine, the term of imprisonment shall be so determined as not to exceed one half of the maximum term of imprisonment that can be imposed for such offence,
- (c) Where an offence is punishable by fine only, in which the offender is sentenced to a fine, in determining the sentence of imprisonment in default of payment of such fine, the term of imprisonment shall be so determined as not to exceed two years.

(3) Notwithstanding anything contained in sub-section (2), the following provisions shall apply to the imposition of a sentence of imprisonment for non-payment of a fine on a child below eighteen years of age:

- (a) In the event of non-payment of a fine for an offence punishable by fine only or by either fine or imprisonment, the child shall not be subjected to imprisonment and the fine shall be remitted.
  - (b) Where an offence is punishable by imprisonment or fine or both, in which the offender is sentenced to a fine only, in determining the sentence of imprisonment in default of payment of such fine, the term of imprisonment shall be so determined as not to exceed three months.
  - (c) In determining the sentence of imprisonment pursuant to sub-section (2) to be imposed on a person who is above fourteen but below eighteen years of age, the term of imprisonment shall be so determined as not to exceed half the sentence of imprisonment imposable on a person above eighteen years of age.
- 47. Remission of sentence:** (1) Where any offender, upon having confessed the offence committed by him or her, has assisted in the collection of evidence, apprehension of other accused person or gang or accomplice thereof, in relation to such offence or assisted the investigating or prosecuting authority or the court, a maximum of fifty percent of the sentence imposable under law for such offence may be remitted.
- (2) Notwithstanding anything contained in sub-section (1), the following offender shall not be entitled to the remission of sentence:

- (a) One who has once obtained remission under sub-section (1),
- (b) One who has been convicted of any offence punishable by imprisonment, and a period of three years has not lapsed since the completion of service of the sentence of imprisonment,
- (c) One who has once been sentenced for any offence of the same nature as in which the remission of sentence is sought.

(3) In granting a remission of punishment pursuant to sub-section (1), regard shall be had to, *inter alia*, at which stage of investigation or trial the accused has confessed the offence and in what circumstances he or she has made such confession.

**48. Power of court to order interim compensation:** (1) Notwithstanding anything contained elsewhere in this Act, where it is necessary to immediately provide medical treatment or compensation or any type of relief amount to a person who has become victim of an offence in consequence of its commission or a person who is dependent on him or her, the court may order the person accused of such offence to provide medical treatment or pay an interim compensation or relief amount to such person.

(2) Where an order is made pursuant to sub-section (1), the person so accused shall immediately provide such compensation or amount to the victim or person dependent on him or her.

(3) Where the accused is unable to provide the compensation or amount pursuant to sub-section (2) in accordance

with the order referred to in sub-section (1), the court shall order that the compensation or amount be provided to the victim or person dependent on him or her from the victim relief fund established pursuant to the laws in force related to the determination and execution of sentences for criminal offences, and the amount so provided shall be recovered from such accused person and reimbursed into such fund.

(4) Where a person who has paid compensation or relief amount pursuant to this Section is acquitted of the charge by the judgment of the court, the person who has received such compensation or relief amount shall, within thirty-five days of such acquittal, return such amount to such person or to the victim relief fund referred to in sub-section (3).

(5) Where such person does not return such amount within the period referred to in sub-section (4), the court shall cause such amount to be recovered from any assets of such person within thirty-five days of such acquittal.

## **Part-2**

### **Criminal Offences**

#### **Chapter-1**

##### **Offences against the State**

- 49. Prohibition of undermining sovereignty, integrity or national unity:** (1) No person shall, with the intention of undermining the independence, sovereignty, geographical or territorial integrity or national unity of Nepal, collect persons, arms and ammunitions, build any armed military or paramilitary organization or attempt to commit such act.
- (2) No person shall make, or cause to be made, any kind of conspiracy, in association with any foreign state, government or organized force, to undermine the independence, sovereignty, geographical or territorial integrity or national unity of Nepal.
- (3) No person shall abet the commission of the offence under sub-section (1) or (2).
- (4) No person shall commit, or cause to be committed, any act that gives rise to hatred, enmity or contempt on grounds of class, race, religion, region, community or similar other ground, which is likely to jeopardize the sovereignty, geographical or territorial integrity, nationality, national unity, independence, dignity, or harmonious relations between federal units, of Nepal or attempt to commit, or abet the commission of, or make conspiracy to commit, such act, or undermine or cause to be undermined the cordial relations subsisting between different castes, races or communities.

(5) A person who commits, or causes to be committed, the offence referred to in this Section shall be sentenced to the following punishment:

- (a) Imprisonment for life in the case of the offence referred to in sub-section (1) or (2),
- (b) Imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees in the case of the offence referred to in sub-section (3),
- (c) Imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees in the case of the offence referred to in sub-section (4).

**50. Sedition:** (1) No person shall, with the intention of overthrowing the Government of Nepal or the constitutional structure, create any kind of disorder by demonstrating or using military, paramilitary or criminal force or form an armed military or paramilitary organization or make conspiracy, attempt or incitement to commit such act.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to punishment with imprisonment for a term not exceeding twenty-five years.

(3) No person shall, by words, either spoken or written or by figure or signs or otherwise, showing any baseless or unsubstantiated matter in relation to the Government of Nepal or any action of the Government of Nepal, bring or attempt to bring into hatred, enmity or contempt towards the Government of Nepal or cause the commission of such act.

Provided that nothing contained in this sub-section shall be considered to render any healthy or decent criticism of the Government of Nepal to be the offence.

(4) A person who commits the offence referred to in sub-section (3) shall be liable to the sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees.

**51. Prohibition of act against national interest:** (1) No one shall do, or cause to be done, any act against national interest.

(2) For the purposes of sub-section (1), where any person does, or causes to be done, any of the following acts, he or she shall be considered to have done an act against national interest:

(a) To dishonor or degrade or spread hatred or enmity against the freedom, sovereignty, geographical or territorial integrity, nationality, independence, self-esteem of, or international image of, Nepal,

(b) To encroach the international boundary of Nepal, or remove or dislocate any boundary pillar, except in accordance with agreement with a neighbouring country, or to so change any boundary pillar as to be prejudicial to the geographical or territorial integrity of Nepal.

(3) Any Nepali player or a group of Nepali players, who representing Nepal, plays any match in competition with any player or players in Nepal or a foreign country shall not play, or cause to be

played, such match in connivance with or under the influence of any one in a manner to manipulate a natural result of such match or to **make a bet win or lose**, and where any match has been so played, the offence against national interest shall be considered to have been committed.

(4) Any person who commits the offence referred to in sub-section (2) or (3) shall be liable to the following punishment:

(a) A sentence of imprisonment for a term not exceeding five years and fine not exceeding fifty thousand rupees, in the case of the offence referred to in sub-section (2),

(b) A sentence of imprisonment for a term not exceeding three years and fine not exceeding thirty thousand rupees, in the case of the offence referred to in sub-section (3).

(5) Where any person has transacted money in the course of the commission of the offence referred to in sub-section (2) or (3), the amount of money so transacted shall be forfeited, in addition to the punishment pursuant to sub-section (4).

(6) Any person who orders, directs, abets, incites or facilitates the commission of the offence referred to in sub-section (3) shall be liable to punishment as if that person were the principal offender.

(7) Where the offence referred to in sub-section (2) or (3) is committed by a public office holder or a person representing Nepal,

while in a foreign country, he or she shall be liable to additional sentence of imprisonment for a term not exceeding three years.

**52. Prohibition of genocide:** (1) No person shall commit, or cause to be committed, genocide.

(2) For the purpose of sub-section (1), any of the following acts committed with intent to destroy, in whole or in part, an ethnical, racial, **national** or religious **group**, or any attempt or conspiracy to commit such act, shall be considered to be the offence of genocide:

- (a) Mass killing of members of such group, in a planned way, at one or several times,
- (b) Causing grievous hurt to the body of, or causing serious bodily or mental harm to, members of such group, in a planned way, at one or several times,
- (c) Deliberately inflicting on the group conditions of life, *inter alia*, the depriving its members of access to essential goods such as water, food, fuel and medicine, by hindering the supply or movement of such goods, thereby deliberately making painful the life of members of such group, calculated to bring about its physical destruction in whole or in part,
- (d) Forcibly imposing measures on members of such group intended to prevent births within the group,

except in cases of voluntary use by such members of family planning means,

- (e) Forcibly transferring children of such group to another group.

(3) Any person who commits the offence referred to in subsection (1) shall be liable to the following punishment:

- (a) Imprisonment for life, in the case of the offence referred to in clause (a),
- (b) Imprisonment for a term not exceeding five years and fine not exceeding fifty thousand rupees, in addition to the sentence imposable under this Act for grievous hurt or hurt to human body, in the case of the offence referred to in clause (b),
- (c) Imprisonment for a term not exceeding ten years, in the case of the offence referred to in clause (c),  
(d) or (e).

(4) Where the offence referred to in this Section is committed in pursuance of order or direction given by a person or group, whether organized or unorganized, the person, or the responsible person or persons of such group giving such order or direction shall be liable as the principal offender.

(5) Where the offence referred to in this Section has been committed by a group or with the involvement of several persons, every person involved in such offence shall be equally liable as the offender.

(6) Where any person who commits the offence referred to in this Section is a public office holder, he or she shall not be allowed to make a plea that such offence has been committed in the course of executing a superior order or maintaining law and order or enforcing law, and that person shall not enjoy any remission or waiver from sentence on the ground that he or she has made such plea.

**53. Prohibition of waging war against Nepal or assist the army of a State at war with Nepal:** (1) No person shall wage or declare to wage war against Nepal, by raising arms, or attempt or threat to wage such war, or collect arms, ammunition or form a military or paramilitary organization with intent to wage war against Nepal.

(2) No person shall, in any situation whether a state of war is declared or not, supply any kind of strategic or military information or otherwise render assistance to any foreign army engaged in war with Nepal or attempt to do so.

(3) Where a declaration is made by the Government of Nepal prohibiting the making of relation or transaction with a State engaged in war with Nepal, any citizen or corporate body of such State or the importing or obtaining of any goods or services of such State, no person shall make such relation or transaction with such State, citizen or body or import or obtain such goods or services.

(4) A person who commits, or causes to be committed, the offence referred to in sub-section (1) or (2) shall be liable to a sentence of imprisonment for life, and a person who commits the offence referred to in sub-section (3) shall be liable to a sentence of

imprisonment for a term not exceeding twenty-five years and a fine not exceeding one hundred thousand rupees.

**54. Prohibition of waging war or insurrection against friendly State:**

(1) No person shall, using the territory of Nepal, wage or threaten to wage war, by raising arms, or attempt to wage such war or insurrect or attempt to insurrect against a State having diplomatic relations with Nepal.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding seven years and a fine not exceeding seventy thousand rupees.

**55. Prohibition of giving provocation to army or police:** (1) No person shall abet or give provocation to the desertion of a soldier, police or armed police personnel or officer in the Nepal Army, Nepal Police or Armed Police Force, Nepal from the Nepal Army, Nepal Police or Armed Police Force, Nepal or abet the breach of discipline by such soldier, police or armed police personnel or attempt to seduce such soldier, police or armed police personnel from his or her duty, or, knowing or having reason to believe that a soldier, police or armed police personnel has so deserted the Army or Police or Force, harbor such deserter.

(2) A person who commits, or causes to be committed the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees.

**56. Prohibition of espionage:** (1) No person shall, with intent to undermine the sovereignty, security or geographical or territorial integrity of Nepal or to prejudice the interests of Nepal or with the knowledge that such consequence is likely, or being induced by any foreign country or international organization, supply to any one any information relating to the military situation, strategic arrangement or internal security of Nepal or relating to any matter that must be kept confidential by the Government of Nepal from the political, economic or diplomatic viewpoint or confidential document, or any matter that is confidential or must be kept confidential under law or conspire or attempt to commit, or abet the commission of, such act or do any other act with intent to supply such information, and a person who commits such act shall be considered to have committed espionage.

(2) A person who commits, or causes to be committed, espionage referred to in sub-section (1) shall be liable to punishment as follows:

- (a) In the case of a person who commits, or causes to be committed, espionage in relation to any matter of military situation, strategic arrangement or internal security of Nepal, a sentence of imprisonment for a term not exceeding twenty-five years,
- (a) In the case of a person who commits, or causes to be committed, espionage in relation to any matter that must be kept confidential by the Government of Nepal from the political, economic or diplomatic viewpoint or any other confidential document, that must be kept

confidential by the Government of Nepal from the political, economic or diplomatic viewpoint or any other confidential document, a sentence of imprisonment for a term ranging from five to ten years,

- (c) In the case of a person who commits, or causes to be committed, espionage in relation to any matter other than that set forth in clauses (a) and (b), a sentence of imprisonment for a term not exceeding five years and a fine of fifty thousand rupees,
- (d) In the case of a person who, despite the knowledge that any one is going to commit espionage, does not give information thereof to the Government of Nepal, a sentence of imprisonment for a term not exceeding one year and a fine of one hundred thousand rupees.

**57. Prohibition of assault on President:** (1) No person shall assassinate or attempt to assassinate the President of Nepal.

(2) No person shall, in any manner, abduct, or cause to be abducted, the President of Nepal or take, or cause to be taken, him or her hostage.

(3) No person shall, in any manner, assault, or cause to be assaulted, the President of Nepal.

(4) A person who commits any offence referred to in this Section shall be liable to punishment as follows:

- (a) In the case of the offence referred to in sub-section (1), a sentence of imprisonment for life,

- (b) In the case of the offence referred to in sub-section (2), a sentence of imprisonment for a term ranging from ten to fifteen years,
- (c) In the case of the offence referred to in sub-section (3), a sentence of imprisonment for a term ranging from five to ten years.

**58. Prohibition of intimidation of President or Parliament:** (1) No person shall intimidate, whether by using any kind of force or not, show fear or terror to, or otherwise overawe the President or Parliament of Nepal with intent to prevent or restrain the President or Parliament of Nepal from performing any of the functions required to be performed pursuant to the Constitution or law or compel the President or Parliament of Nepal to perform the functions in any specific manner.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding seven years or a fine not exceeding seventy thousand rupees or with both.

**Explanation:** For the purposes of this Section, the term "Parliament" means the Federal Parliament and the State Assembly under the Constitution of Nepal, and this term also includes the Legislature-Parliament.

**59. Statute of limitation:** (1) No statute of limitation shall apply to a complaint with regard to any of the offences under Sections 49, 50, 51 52, 53 and 57.

(2) In the case of the offences under the Sections of this Chapter, except those Sections set forth in sub-section (1), no complaint shall be entertained after the expiry of two years of the date of knowledge of the commission of the offence.

Ministry of Law, Justice and Parliamentary Affairs

## **Chapter-2**

### **Offences against Public Tranquility**

**60. Prohibition of unlawful assembly:** (1) No person shall be engaged in an unlawful assembly.

(2) An assembly of five or more persons with the objective of doing any of the following acts shall be considered to be an unlawful assembly:

(a) By means of force or show of force or show of a deadly weapon:

(1) to prevent any public servant from exercising the lawful functions or duties,

(2) to take or obtain possession of anyone's property,

(3) to deprive any person of the enjoyment of the right of way, use of water, public transport or communication or similar other utilities,

(4) to compel any person to do what he or she is not legally bound to do or to omit to do what he or she is legally entitled to do.

(b) To hinder, resist the execution of any law, or of any legal process,

(c) To commit any offence punishable by a sentence of imprisonment.

(3) Any person who, with the knowledge that it is an unlawful assembly, joins the assembly shall be liable to a sentence of imprisonment for a term not exceeding six months and a fine not exceeding five thousand rupees where he or she has joined it without arms, and imprisonment for a term not exceeding one year and a fine not exceeding ten thousand rupees where he or she has joined it with arms.

(4) Any person who himself or herself does not join an unlawful assembly but hires or otherwise induces or overawes another to join such assembly shall be liable to the sentence referred to in sub-section (3) as if he or she himself or herself had joined such unlawful assembly.

- 61. Prohibition of breach of order issued to prevent or disperse unlawful assembly:** (1) Where a competent authority makes an order to prevent or disperse an unlawful assembly, no person shall participate or continue in such assembly.

(2) A person who continues in, participates in, or joins an unlawful assembly under sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or with both.

- 62. Every member to be considered to have committed offence:** Where any member of an unlawful assembly commits any offence in the achievement of the object of such assembly, every member of such assembly who aids and assists knowingly at the time of the commission of offence shall be considered to have committed the offence.

**63. Prohibition of rioting:** (1) No person shall commit, or cause to be committed, the offence of rioting.

(2) Where an unlawful assembly or a member thereof uses force or destroys, damages or causes loss to any public or private property in the course of achievement of the object of such assembly, every member of such assembly shall be considered to have committed the offence of rioting.

(3) Every person who commits the offense referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years and a fine not exceeding twenty thousand rupees if he or she is armed with a deadly weapon, and to a sentence of imprisonment for a term not exceeding one year and a fine not exceeding ten thousand rupees if he or she is not armed with a deadly weapon.

**64. Prohibition of abetting rioting:** (1) No person shall, with intent to cause the commission of rioting or with the knowledge that rioting is likely to be committed, abet the commission of rioting by another person.

(2) A person who abets under sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year, if the offence of rioting is committed, and to a sentence of imprisonment for a term not exceeding six months, if the offence of rioting is not committed, or to a fine not exceeding five thousand rupees or the both sentences.

**65. Prohibition of acts prejudicial to public tranquility:** (1) No person, by words, either spoken or written or by signs or otherwise

shall do any act which, on the ground of religion, color, caste, race, community or language, is prejudicial to harmonious relationship between peoples of different classes, regions or communities of Nepal.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year and a fine not exceeding ten thousand rupees.

(3) A person who commits the offence referred to in sub-section (1) in any shrine, deity place, place of worship or pray or in any assembly engaged in the performance of a religious or cultural festival or ceremony shall be liable to an additional sentence of imprisonment for a term not exceeding one year, in addition to the sentence referred to in sub-section (2).

**66. Prohibition of obstructing public servant:** (1) No person shall obstruct or attempt to obstruct any public official in the discharge of his or her duty in endeavoring to prevent or disperse an unlawful assembly or to suppress a riot.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both sentences.

**67. Prohibition of obstructing movement in public place:** (1) No person, by show of any kind of fear or terror, shall close the operation of a public road, way, rope-way, cable-car, airport, railway, water transportation route, postal and other public service,

or obstruct, in any way, the movement of pedestrians, motor vehicles or animals by obstructing, in any way, a public road, way, rope-way, cable-car way, airport, railway or water transportation route or impede or obstruct, in any way, any person in entering into any public place except in accordance with the order of a competent authority under a law.

(2) A person who commits, or causes to be committed, the offence under sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

- 68. Prohibition of obstructing public services:** (1) No person shall, by show of any kind of fear or threat, close, or obstruct, in any way, the operation of public electricity, telecommunication or other public services of similar nature or public service specified in law.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees.

- 69. Prohibition of violating curfew:** (1) No person shall knowingly violate a curfew order imposed by a competent authority under law to prevent an unlawful assembly, riot or any other act that breaches tranquility.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**70. Not to spread rumor:** (1) No person shall, with intent to breach public tranquility, commit rioting or undermine or jeopardize the sovereignty, geographical or territorial integrity of Nepal or harmonious relation between different races, castes or communities, spread or propagate rumors or hold a procession with slogans, in a manner to provoke any one.

(2) Any person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**71. Prohibition of providing house, land or vehicle for breaching peace:** No person, knowingly or having a reasonable reason to know that another person is going to breach public peace or commit rioting, shall provide his or her house, land, vehicle or arm to that other person.

(2) Any person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

**72. Prohibition of holding tourch procession in sensitive public area:**  
(1) No person shall, with intent to breach public peace, hold any tourch procession or assembly or procession carrying a fire or inflammable substance in any place specified as the sensitive public area by order of the competent authority in view of the sovereignty, geographical or territorial integrity, security of Nepal or public tranquility or decency.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

**73. Prohibition of destroying or damaging essential commodities:** (1) No person shall, having committed any offence under this Chapter, destroy, damage or set on fire, or cause to be done so, any commodity which is regarded as an essential commodity under the law or public or private property or disorder such commodity or property by himself or herself or cause it to be disordered by another person, steal such commodity or property or knowingly buy or sell, or cause to be bought or sold, any commodity obtained by theft.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to an additional sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences, in addition to the sentence imposable for any offence referred to in this Chapter.

(3) Where such commodity or property has already been destroyed or damaged from the offence referred to in sub-section (1), a compensation equal to the claimed amount shall also be recovered from such person.

(4) Where the person who has committed the offence referred to in sub-section (1) is identified, such person, and where such person is not so identified, the person who induces or orders the commission of such act shall be considered to have committed the offence.

- 74. Statute of limitation:** No complaint on an offence under this Chapter shall lie after the lapse of three months from the date of commission of such offence.

Ministry of Law, Justice and Parliamentary Affairs

## **Chapter-3**

### **Offences Relating to Contempt of Authority of Public Servants**

#### **75. Prohibition of obstructing the service of summons, process etc.:**

(1) No person shall obstruct in or object to, or cause to be done so, the service of a summons, process, arrest warrant, notice or order issued under a law or the making of search, seizure, survey, measurement or public inquiry or arresting any person in pursuance of a warrant.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

(3) Where a public servant commits the offence referred to in sub-section (1), he or she shall be liable to an additional sentence of imprisonment for a term not exceeding three months.

#### **76. Prohibition of refusing to receive and returning summons, process, notice or order:**

(1) Where a person in whose name a summons, process, notice, arrest warrant or order has been issued under law is tendered for the service thereof on him or her, such person shall, with mala fide intention, not refuse to receive, and return, such summons, process, notice or arrest warrant.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three months or a fine not exceeding five thousand rupees or both the sentences.

**77. Prohibition of absconding to avoid service of summons, process, notice or order:** (1) No person, being legally bound to receive a summons, process, notice, arrest warrant or order issued by the competent authority, shall abscond, with mala fide intention to avoid being served with such summons, process, notice, arrest warrant or order.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three months or a fine not exceeding five thousand rupees or both the sentences.

**78. Prohibition of tearing out or removing summons, process etc.:** (1) No person shall, with mala fide intention, tear out or remove a summons, process, arrest warrant, notice or order affixed to a place in accordance with law, until its purpose is served.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

**79. Prohibition of serving process in a false manner:** (1) No person who is legally bound to serve, or cause to be served, a process shall serve the process in a false manner.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

- 80. Prohibition of omission to produce document:** (1) No person who is legally bound to produce or deliver up any document to any office, court or public servant under law shall omit so to produce or deliver up such document.
- (2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.
- 81. Prohibition of making false statement by person under oath:** (1) A person who is bound by law or by an oath to state the truth on any subject to any competent authority or is a public office holder upon taking oath under law shall not, in that capacity, state any false statement.
- (2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.
- 82. Prohibition of refusing oath:** (1) No person who is present before the competent authority to state the truth on any subject shall refuse to take an oath to state the truth on such subject when so required to take such oath.
- (2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three months or a fine not exceeding five thousand rupees or both the sentences.

**83. Prohibition of refusing to answer:** (1) No person who is under a legal duty to state the truth on any subject to a competent authority shall refuse to answer any question demanded of him or her on such subject by such authority.

Provided that no person shall be compelled to testify against himself or herself.

(2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

**84. Prohibition of giving false information:** (1) No person shall give any false information to any one, with intent to prevent any public servant from doing any act which he or she is bound by law to do or to cause such public servant to do anything which he or she need not or ought not to do.

(2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**85. Prohibition of obstructing:** (1) No person shall, by way of intimidation or force or in any other way, obstruct or hinder any public servant, who is discharging his or her public duties, in the discharge of such duties.

(2) No person shall knowingly obstruct or hinder the process of forfeiture, collection of records, withholding, auction or sale of any property being carried out in accordance with law.

(3) A person who commits the offence referred to in subsection (1) or (2) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

- 86. Prohibition of refusing to render assistance to public servant:** (1) No person under a legal duty to render assistance to a public servant in the execution of his or her public duty shall refuse to so render such assistance.

(2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

- 87. Prohibition of disobedience to order:** (1) No person shall disobey an order made by a competent authority in accordance with law, by omitting to do anything ought to be done under law or doing anything prohibited by law.

(2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

- 88. Statute of limitation:** No complaint shall lie after the lapse of three months from the date of knowledge of the commission of any offence under Section 78, 80 or 83 and from the date of the commission of any offence under the other Sections of this Chapter.

## Chpater-4

### Offences against Public Justice

**89. Prohibition of fabricating evidence:** (1) Except as otherwise provided in this Act, no person shall fabricate evidence, cause any circumstance to exist, forge any document or electronic record or make any false entry in any document or electronic record, with intent to use it in a judicial or other legal proceeding.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

Provided that where a sentence of imprisonment for life has been imposed on any person on the basis of such false evidence, the offender shall be liable to a sentence of imprisonment for a term not exceeding seven years and a fine not exceeding seventy thousand rupees.

(3) Notwithstanding anything contained elsewhere in this Section, no sentence shall be so imposed under this Section that the sentence is in excess of the maximum sentence that can be imposed on the offence in relation to which the evidence has been fabricated.

**90. Prohibition of making or issuing false certificate:** (1) No person with authority or duty under law to submit, certify, authenticate or issue a certificate or submit an affidavit in relation to any matter shall submit, certify, authenticate or issue such certificate or submit such affidavit, knowingly setting down a false statement in such certificate or affidavit.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years and a fine not exceeding twenty thousand rupees.

- 91. Prohibition of using false evidence or certificate:** (1) No person shall, knowing that any evidence or certificate is false, use, or cause to be used, as true such false evidence or certificate.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

- 92. Prohibition of destroying document:** (1) No person who is under a legal duty to produce any document or electronic record as evidence in a judicial or other legal proceeding shall knowingly destroy, obliterate, render illegible such document or record, or otherwise make it incapable of being used as evidence.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years and a fine not exceeding twenty thousand rupees.

(3) No person shall, in contravention of law, knowingly destroy, obliterate, render illegible any document or electronic record produced in any judicial or other legal proceeding or otherwise making such document or record incapable of being used as evidence or cause it to disappear illegally or give it to another person in an unauthorized manner.

(4) A person who commits, or causes to be committed, the offence referred to in sub-section (3) shall be liable to a sentence of imprisonment for a term not exceeding four years and a fine not exceeding forty thousand rupees.

(5) If a public servant commits the offence referred to in sub-section (1) or (3), he or she shall be liable to double the sentence referred to in that sub-section.

**93. Prohibition of concealing evidence of offence:** (1) No person shall, with intent to protect any offender, conceal or destroy any evidence relating to the offense committed by the offender or render it ineligible to be used as evidence.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

**94. Prohibition of obstructing the giving of information:** (1) No person shall restrain or otherwise obstruct or hinder a person who, upon knowing that an offence has been committed or is about to be committed, intends to give information or notice about such offence to the police or competent authority.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.

**95. Prohibition of harboring offender:** (1) No person shall knowingly harbor an offender with intent to prevent him or her from being apprehended or save him or her from a lawful sentence.

**Explanation:** For the purposes of this Section, the term “offender” means a person who is suspected or accused of an offence or convicted by a court of such offence.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to the sentence as follows:

- (a) Sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees where that person has harbored the offender of an offence punishable by imprisonment for life or imprisonment for a term not exceeding twenty years,
  - (b) Sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees where that person has harbored the offender of an offence punishable by imprisonment for a term not exceeding ten years,
  - (c) Sentence of imprisonment or fine not exceeding one fourth of the maximum term of imprisonment or amount of fine or both the sentences imposable for the offence where that person has harbored the offender of the offence other than that mentioned in clause (a) or (b).
- (3) Notwithstanding anything contained in sub-section (1), no offence referred to in this Section shall be considered to have

been committed where the offender's husband or wife or father, mother, son, daughter, elder brother, younger brother, elder sister, younger sister, grand-father, grand-mother, grand-son, grand-daughter, mother-in-law, father-in-law, daughter-in-law or son-in-law has harbored the offender.

**96. Obligation to give information of commission of offence:** (1) No person under a legal duty to give information regarding any offence shall, knowing that such offence has been or is going to be committed, omit to give information of such offence or no person who knows the commission of any offence shall intentionally give false information about that offence.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.

**97. Prohibition of concealment of property or fraudulent claim to property:** (1) No person shall fraudulently conceal, transfer or deliver to any person, or caused to be concealed, transferred or delivered, any property, or right in such property, which is liable to be forfeited, withheld, auctioned, sold or enforced or inventory of which is to be taken pursuant to a decision of a court or competent authority, intending thereby to prevent that property or right from being so forfeited, withheld, auctioned, sold or enforced or make a claim to such property or right therein.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of

imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.

**98. Prohibition of making false complaint:** (1) No person shall, with intent to injure or annoy any person, make a false claim or accusation or give false information against such person before or to an authority making judicial proceeding.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable half the maximum sentence imposable for the offence in respect of which such false accusation has been made.

Provided that the provision of this Section shall not apply to any case in which the Government of Nepal is plaintiff.

(3) Where the offence referred to in sub-section (1) has resulted in any kind of harm or loss to a person who is a victim of such offence, compensation for such harm or loss shall be recovered from the offender to the victim.

**99. Prohibition of making investigation or prosecution maliciously:**  
(1) No authority responsible by law for making investigation or prosecution shall make investigation or prosecution maliciously, with intent to have an innocent person bear liability or to save the real offender.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

(3) Where any person suffers any kind of harm or loss from the offence referred to in sub-section (1), he or she shall be entitled to get compensation from such offender.

**100. Prohibition of failure to appear in violation of terms and conditions of guarantee:** (1) No person who has been charged with an offence and released on guarantee shall fail, without a reasonable cause, to appear in the office or court to which guarantee is given in accordance with the terms and conditions of such guarantee.

**Explanation:** For the purpose of this Section, “guarantee” means cash, bank guarantee or personal guarantee.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

(3) Where a person who fails to so appear under this Section is convicted of the offence with which he or she has been charged shall be liable to the additional sentence under this Section, in addition to the sentence imposable on him or her for such offence.

(4) Where a person who is released on personal guarantee in accordance with law fails to appear in the office or court in accordance with such guarantee, the person giving such guarantee shall be liable to a sentence of fine not exceeding fifty thousand rupees.

(5) A person who has been sentenced under this Section shall not be eligible to become a **surety without security** until three years.

**101. Prohibition of obstructing apprehension or escaping from custody:** (1) No person for whose apprehension an arrest warrant has been issued shall knowingly make any obstruction, by using force, in the course of apprehension or to the apprehension of himself or herself or to escape from apprehension if already apprehended or no person who is lawfully detained in custody shall escape or attempt to escape from such custody.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

**102. Prohibition of obstructing apprehension or rescuing from custody:** (1) No person shall intentionally make obstruction in the course of apprehension of or to the apprehension of any other person for whose apprehension an arrest warrant has been issued in accordance with law or rescue such other person from apprehension if already apprehended or intentionally escape or aid in the escape of a person who is lawfully detained in custody from such custody.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

(3) If any public servant commits or causes to be committed the offence referred to in sub-section (1), he or she shall be liable to double the sentence specified in sub-section (2).

**103. Statute of limitation:** (1) There shall be no statute of limitation for making a complaint in relation to any of the offences referred to in Section 101 or 102.

(2) No complaint shall lie after the lapse of three months from the date of commission of the offence under Section 100 and from the date of knowledge of the commission of any of the other offences under this Chapter.

## **Chapter-5**

### **Offences against Public Interest, Health, Safety, Convenience and Morals**

- 104. Prohibition of spreading infectious disease:** (1) No person shall do any act that spreads or is likely to spread any kind of infectious disease which is dangerous to life of any one.
- (2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees, if the offence has been committed intentionally or knowingly, to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees, if the offence has been committed recklessly, and to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees, if the offence has been committed negligently.
- 105. Prohibition of transmitting human immuno-deficiency virus (HIV positive):** (1) No person, knowing that his or her own body or any other's body contains human immuno-deficiency virus (HIV positive) or the virus of Hepatitis B, shall with intent to transmit such disease to another person, donate his or her blood to such person or cause the donation of such other person's blood or have sexual intercourse with any one without taking any kind of precaution or transfuse in any way his or her or such person's blood, semen, saliva, sputum or human organ into other's body.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees.

Provided that where such disease has got transmitted with negligence or recklessness, failing any intent to transmit it, the offender shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

(3) Where the victim himself or herself has solicited and established sexual intercourse with a person having the human immuno-deficiency virus or the virus of Hepatitis B, the person having the infection of such virus shall not be considered to have committed the offence referred to in this Section.

**106. Prohibition of violating law relating to communicable disease:** (1) No person shall violate any rule, directive or order relating to communicable diseases issued by the Government of Nepal, State Government or Local Level or the competent authority under law.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

Provided that where any violation of such rule, directive or order is likely to cause the death of a person, the offender shall be liable to the sentence under Section 104.

**107. Prohibition of adulteration of food:** (1) No person shall produce any food or drink to be consumed by the public by mixing into it any injurious substance that is inedible, undrinkable or inconsumable or any substance that is edible, drinkable or consumable but substandard or any injurious chemical substance, or sell or distribute it or sell or distribute any food of which expiry date has expired or which is adulterated or sell, distribute, import or offer for sale or distribution any food of standard falling short of the prescribed standard or inedible substance.

(2) Any person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

**108. Prohibition of selling, distributing food by misrepresentation:** (1) No person shall sell or distribute any food, lying or misrepresenting that it is a different food or that a food which is of low quality or inedible is a food of high quality, or mixing any food substance of low standard or inedible food substance into any food substance of high quality

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years or a fine not exceeding fifty thousand rupees or both the sentences.

**109. Prohibition of selling or distributing goods by misrepresentation:** (1) No person shall sell any low quality good, except food, by misrepresenting that such good is original one or any good by causing to believe that it is a different good or any good so

adulterated as to degrade its quality or change a label on any good or sell any good of which the date of expiry has expired.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

**110. Prohibition of hoarding consumable goods intended for sale:** (1) No person shall increase the price of any consumable goods by creating an artificial shortage of such goods in the market or sell, or cause to be sold, such goods at higher price or dump, store or hoard such goods by refraining from selling such goods with the motive of making undue profit from the sale of such goods.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

**111. Prohibition of fouling water:** (1) No person shall foul the water to be consumed by the public or the water of any public spring so as to render it unfit for drinking or foul the water to be used for any purpose other than drinking so as to render it unfit for that purpose.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to the sentence as follows:

(a) Imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the

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sentences, in the case of a person who fouls, or causes to be fouled, drinking water or its spring,

- (b) Imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences, in the case of a person who fouls, or causes to be fouled, water to be used for other purpose.

**112. Prohibition of polluting environment:** (1) No person shall generate, transmit, release or stockpile wastages in such a manner as to cause significant adverse impact on the environment.

(2) No person shall cause pollution in such a manner as to cause injury to public health or danger to body or life of the public, or generate, transmit, emit or stockpile, sound, heat or radioactive wave or hazardous waste, as the case may be, from a mechanical device.

(3) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

(4) A person who commits, or causes to be committed, the offence referred to in sub-section (2) shall be liable to a sentence of imprisonment for a term not exceeding five years or a fine not exceeding fifty thousand rupees or both the sentences.

**113. Prohibition of causing danger or obstruction in public way, river or place:** (1) No person shall, by doing any act or by omitting to take order with or maintain any property of him or her or under his or her

control or charge, cause danger, obstruction or hindrance to any one in any public way, river or other public place.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of a fine not exceeding twenty-five thousand rupees.

**114. Prohibition of reckless conduct in using toxic or explosive substance:** (1) No person shall do, in the operation or with the use of any explosive substance or fire or inflammable substance, explosive substance or deadly weapon or machine, any act so recklessly as to endanger or to be likely to cause injury to human body or life or knowingly or recklessly omit to make such arrangement with such substance of him or her or under his or her possession or charge as is necessary to prevent any probable danger to human life.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**115. Prohibition of recklessness conduct with respect to constructing, demolishing or repairing buildings:** (1) No person shall, in constructing, demolishing or repairing a building, knowingly or recklessly omits to take such arrangement with that building as is necessary to guard against or prevent any probable danger to cause death of or grievous hurt to any one from such act or from the fall or collapse of that building or any part thereof.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of

imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**116. Prohibition of reckless conduct with respect to animals and birds:** (1) No person shall, in keeping or caring and cultivating any violent or other animal or bird of him or her or under his or her control or custody, knowingly or recklessly omits to take such precautionary measure with that animal or bird as is necessary to guard against or prevent any probable danger to cause death of or grievous hurt to any one from such act or from such animal or bird.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**117. Prohibition of setting animal free:** (1) No person shall set any animal or bird of him or her or under his or her custody or control free to other's house or land, public road or way or public place.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**118. Prohibition of indecent conduct:** (1) No person shall enter into a public place or any place where he or she has no legal right to enter into and behave any one indecently or manhandle or annoy any woman, child or person with physical disability in any public place or attempt to do such act.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**119. Prohibition of soliciting prostitution:** (1) No person shall solicit prostitution.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

**120. Prohibition of providing house, land to be used for prostitution or sexual intercourse with prostitute:** (1) No person shall knowingly provide his or her house, land or means of transport for the purpose of prostitution or having sexual intercourse with a prostitute.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

**121. Prohibition of producing or selling obscene books, pamphlets etc:** (1) No person shall commit any of the following acts, including producing any obscene book, pamphlet publicly:

(a) Producing, printing or publishing or circulating through electronic media any obscene book, pamphlet, drawing, film, picture, record or any other item which is

lascivious (increases physical libido) or appeals to the prurient interest or makes characterless,

- (b) Purchasing, selling, distributing or letting to hire or publicly exhibiting such obscene item or holding such item with intent to do so,
  - (c) Advertising that such obscene item is available from any person in this way,
  - (d) Exporting or importing or holding such obscene item with intent to sell, distribute it.
- (2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

(3) Notwithstanding anything contained elsewhere in this Section, the provision of this Section shall not apply to any work which is in the interest of, or which is of importance from the perspective of, science, education, art, literature, research or learning or which is kept or made for a religious purpose.

**122. Prohibition of showing sexual organ in public place:** (1) No person above ten years of age shall, except for the purpose of medical sciences or treatment, do any obscene act or conduct or show his or her sexual organ or utter or make any obscene words or gesture to any one in a public place.

(2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term

not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

**123. Prohibition of having sexual intercourse in public place:** (1) No person shall have sexual intercourse with any one or any kind of unnatural sexual intercourse in a public place, or in any other place in a manner that such intercourse is visible to others.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**124. Prohibition of committing public nuisance:** (1) Except as otherwise provided in a law, no person shall do any act or omit to do any act legally required to be done, which causes any kind of harm, injury, danger or annoyance to the public or to the people who dwell in the vicinity.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of fine not exceeding twenty-five thousand rupees.

**125. Prohibition of gambling or betting:** (1) No person shall gamble or cause gambling.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to the sentence as follows:

(a) Imprisonment for a term not exceeding three months or a fine not exceeding thirty thousand rupees, in the case of one who gambles or causes any one to gamble for the first time,

- (b) Imprisonment for a term not exceeding one year and a fine not exceeding fifty thousand rupees, in the case of one who gambles or causes any one to gamble for the second time, and additional sentence of imprisonment for a term not exceeding three months and a fine not exceeding ten thousand rupees for every subsequent offence.

**Explanation:** For the purposes of this Act,-

- (1) "gambling" means a game or process of any type to be so played by betting as to gain, lose or win any kind of movable or immovable property or return, on the basis of contingency, and this term also includes any betting or waging so made by one who does not gamble himself or herself as to gain or lose any movable, immovable property or return depending on the win or loss of others.

Provided that any of the following games or programs shall not be considered to be gambling:

- (a) A game so played, with the approval of the Government of Nepal, for entertainment in a public ceremony, fair, feast, festival, exhibition or event that a small amount of movable property is won or lost,
- (b) A lottery operated with the approval of the authorized authority.

(2) "one who causes any one to gamble" means a person who causes gambling by knowingly providing a house, room, space or vehicle under his or her ownership, possession, use or custody or by providing any kind of instrument for gambling.

(3) All instruments used for gambling and movable and immovable properties earned from gambling shall be forfeited.

Provided that a house, room, place or means of transport where gambling has taken place shall not be forfeited.

(4) No person shall bet or cause betting.

(5) For the purposes of sub-section (4), a person who so bets that he or she will receive or lose any movable, immovable property or consideration if any particular party wins or loses any game or process that can be played, or caused to be played, under law shall be considered to have committed the offence of betting.

(6) In the event of commission of the offence referred to in sub-section (4), the offender shall be liable to a sentence of imprisonment for a term not exceeding one year and a fine not exceeding ten thousand rupees, along with the forfeiture of the claimed amount used in the offence.

(7) Convictions pronounced by a court shall be taken into account for the purpose of establishing recidivism in relation to the offence referred to in this Section.

**126. Prohibition of soliciting alms (begging) or causing begging:** (1) No person shall solicit alms (begging) in a public place or use a child

for the purposes of begging under the pretense of singing, dancing, playing or doing any act or use other person for purposes of begging, in return for any kind of money or wages paid by him or her to that other person, or abet begging.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to the sentence as follows and the claimed amount of begging shall also be forfeited:

- (a) Imprisonment for a term not exceeding one month or a fine not exceeding one thousand rupees, in the case of begging for the first time, and imprisonment for a term not exceeding two months or a fine not exceeding two thousand rupees for every instance, from the second instance onwards,
- (b) Imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences, in the case of causing begging for the first time, and imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences for every instance, from the second instance onwards.

**Explanation:** For the purposes of this Section,-

- (1) begging by a sage, saint, hermit or monk visiting home to home as per the tradition practiced from time immemorial or begging in any religious or cultural work shall not be considered to be an offence under this Section,

(2) "public place" means any road, street, park, motor vehicle stop, government office or office premises, and this term also includes a means of transport in public use.

**127. Compensation to be paid:** Where any harm or loss is caused to any one or any property of any one from any of the offences referred to in Sections 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 117, 118 and 124 of this Chapter, compensation shall be ordered to be paid by the offender to the person who so suffers such harm or loss.

**128. Statute of limitation:** (1) In the case of any offence under this Chapter which has caused the death of any one, there shall be no statute of limitation for making a complaint in relation to such offence.

(2) No complaint shall lie after the expiry of three months after the date of commission of any of the offences under Sections 113, 114, 115, 116, 117, 118, 119, 120, 121 and 122 and after the expiry of six months from the date of knowledge of commission of any of the other offences under this Chapter.

## Chapter-6

### Offences Relating to Arms and Ammunitions

**129. Prohibition of manufacturing arms without obtaining license:** (1)

No person shall manufacture or repair arms and ammunition without obtaining a license or in a manner to be contrary to the terms and restrictions specified in the license, even if, obtained.

**Explanation:** For the purposes of this Act,-

- (a) "arms" means a canon, mortar, tank, machine gun, rifle, gun, pistol, revolver or other device of similar nature to be operated by using or not using ammunition, and this term also includes spare parts of and machinery and equipment for manufacturing any arms,
  - (b) "machine gun" means a **brain gun, luis gun**, stain gun, machine, carbine, toms machine carbine, GMG, short machine gun or automated arms of similar nature, and this term also includes a machine, equipment for manufacturing a machine gun, and spare parts thereof.
  - (c) "ammunition" means gun powder, cape, bullet, shell, detonator, cartoos, fuse or other substance of similar nature to be placed in arms.
- (2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees, according to the gravity of the risks of arms or ammunition in question.

**130. Prohibition of transaction of arms without obtaining license:** (1)

No person shall transact arms and ammunition without obtaining a license or in a manner to be contrary to the terms and restrictions specified in the license, even if, obtained.

**Explanation:** For the purposes of this Chapter, "transaction" means procurement, sale, transport, obtaining ownership, transfer, accumulating, stockpiling or collection, storage, export or import.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding seven years and a fine not exceeding seventy thousand rupees.

**131. Prohibition of acquisition of specific type of arms:** (1) No person shall acquire the following arms, by way of procurement, sale, donation, gift, reward, partition, succession or otherwise, retain, stockpile or store such arms, or use, transport, export or import such arms except with the order of the competent authority:

- (a) A tank and ammunition thereof,
- (b) A cannon or mortar and ammunition thereof,
- (c) A machine gun and ammunition thereof,
- (d) Any kind of rifle and ammunition thereof,
- (e) Such other arms and ammunition thereof as specified by the competent authority that such arms and ammunition are prohibited from being acquired or held by the public.

(2) A person who acquires any arms set forth in sub-section (1) shall, within thirty-five days from the date of acquisition thereof, surrender such arms to the concerned District Administration Office.

(3) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding seven years and a fine not exceeding seventy thousand rupees.

(4) Notwithstanding anything contained elsewhere in this Section, nothing shall be deemed to bar any officer and personnel of the Nepal Army, Nepal Police, Armed Police Force, Nepal concerned with security work or other security personnel who are entitled to use arms lawfully from holding or using such arms in the course of discharging their respective duties.

**132. Prohibition of retaining or carrying arms without license:** (1) No person shall acquire, retain, stockpile, use or carry such arms as may be allowed by law to be acquired, held, stockpiled, used or carried, without obtaining a license or in a manner to be contrary to the terms and restrictions specified in the license, even if, obtained.

Provided that nothing shall bar any officer and personnel of the Nepal Army, Nepal Police, Armed Police Force, Nepal concerned with security work or other security personnel who are entitled to use arms lawfully from holding, using or carrying such arms in the course of discharging their respective duties.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of

imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

**133. Obligation to maintain records of transaction of arms, ammunition:** (1) A person who carries out transaction of arms or ammunition by obtaining a license shall maintain separate records of the arms and ammunition transacted by him or her.

(2) The records maintained pursuant to sub-section (1) shall set out, *inter alia*, the following matters:

(a) Type, description and quantity of the arms procured or sold, transported, stockpiled, exported or imported by him or her,

(b) In the case of a sale of arms to any one, the purchaser's name, surname, address, citizenship or passport number, date and place of issue of citizenship certificate or passport,

(3) A person who carries out the transaction of arms or ammunition shall, when so asked, show the records referred to in sub-section (2) to the authority controlling or administering arms and ammunition, the investigating authority or a court.

(4) Where any person other than one who carries out the commercial transaction of arms or ammunition by obtaining a license intends to carry out the transaction of arms and ammunition, he or she shall obtain approval of the concerned District Administration Office to that effect.

(5) A person who does, or causes to be done, any act contrary to sub-section (1), (3) or (4) shall be liable to a sentence of

imprisonment for a term not exceeding two years and a fine not exceeding twenty thousand rupees.

- 134. Prohibition of production or transaction of nuclear, chemical, biological (bacteriological) or toxin weapons:** (1) No person shall manufacture, produce, procure, sell, acquire, own, transfer, stockpile, store, transport, export or import, invest in or manage any type of nuclear, chemical, biological (bacteriological) or toxic weapons or cause any one to do so.

**Explanation:** For the purposes of this Section,-

- (a) "chemical weapon" means any chemical weapon as defined by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction, done at Paris on 13 January 1993.
  - (b) "biological or toxin weapon" means any biological (bacteriological) or toxin weapon as defined by the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and their Destruction, done at London, Moscow and Washington on 10 April, 1972.
- (2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding twenty years and a fine not exceeding two hundred thousand rupees.

**135. Forfeiture of movable, immovable property related to offence:** In the event of the commission of any offence under this Chapter, the arms and ammunition related to such offence, and machinery, equipment, instrument or vehicle producing, manufacturing, retaining or transporting such arms and proceeds of the sale and purchase of such arms or ammunition and amount accrued or accumulated therefrom shall be forfeited.

Provided that where the owner of the means of transport or motor vehicle proves that he or she did not know the transportation of such arms and ammunition, such means of transport or vehicle shall not be forfeited.

**136. Compensation caused to be paid:** Where any harm or loss is caused to any one's body or property from the commission by any person of any offence under this Chapter, a reasonable compensation for such harm or loss shall be caused to be paid by the offender to the victim.

**137. Statute of limitation:** No complaint shall lie, in relation to an offence under Section 132, after the expiry of three months of the commission of such offence, and in relation to any of the other offences under this Chapter, after the expiry of six months from the date of knowledge of the commission of such offence.

## **Chapter-7**

### **Offences Relating to Explosives**

**138. Prohibition of production of explosives:** (1) No person shall make, prepare or produce any kind of explosives without obtaining a license or in a manner to be contrary to the terms and restrictions specified in the license, even if, obtained.

**Explanation:** For the purposes of this Act:-

- (a) "explosives" means I.E.D., T.N.C. Amatol, Baritol, Pentolite, rapid detonative explosive (RDX), tore fex, blastic explosives, dynamite, gun powder, nitroglycerin, gelignite, stemite, selsite, detonator, blastic cap, electronic blastic cap, fuse, fireworks, cracker, gun cotton, gun powder, ballistic powder, mercury or fullunet made of any other metal, any other explosive substance of similar nature, which is capable of exploding and causing loss, or any substance so specified by the Government of Nepal by a notification in the Nepal Gazette, and this term also includes a bomb.
- (b) "bomb" means a grenade so made of any explosive or any means, formula, process or measure as to self-detonate or detonate with the help of other substance, or other object containing explosive or substance of similar nature.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to the following sentence:

- (a) Imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees, in the case of high explosives,
- (b) Imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees, in the case of low explosives,
- (c) Imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees, in the case of ordinary explosives,
- (d) Imprisonment for a term not exceeding two years and a fine not exceeding twenty thousand rupees, in the case of a person who produces, uses, retains or otherwise transacts any equipment, machinery or instrument for producing or manufacturing explosives.

**Explanation:** For the purposes of this Chapter,-

- (1) "high explosives" means dynamite, nitroglycerin, TNC, gelignite mornqtarlab, mercury fullunet, R.D.X. amatol, baritol, pentolite, stemite, selsightal, blastic explosive bomb and other explosive of similar nature.
- (2) "low explosives" means blastic powder, gunpowder, gun cotton, mercury or fullunet made

of any other metal and other explosive of similar nature.

- (3) "ordinary explosives" means detonator, blastic cap, electronics blastic cap, fuse, firework, cracker and other explosives of similar nature.

**139. Prohibition of transaction of explosives:** (1) No person shall transact explosives without obtaining a license or in a manner to be contrary to the terms and restrictions specified in the license, even if, obtained.

**Explanation:** For the purposes of this Chapter, the term "transaction" means procurement, sale, retention, use, stockpiling, storage, transport, alteration, mixing, export or import.

(2) A person who commits the offence referred to in subsection (1) shall be liable to the following sentence:

- (a) Imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees, in the case of high explosives,
- (b) Imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees, in the case of low explosives,
- (c) Imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees, in the case of ordinary explosives.

**140. Prohibition of making or using artificial explosives:** (1) No person shall alter or modify any ordinary consumable goods to be used or consumed by the public or physical or chemical characters of

such goods, through any physical or chemical process, formula, measure or method or change the form, structure or shape thereof, and use or caused to be used, the same as a bomb of any type or any other explosives.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

**141. Prohibition of making land mines or laying explosives:** (1) No person shall lay or place any explosive, any inflammable substance or making an electronic ambush in a public road or way, place, building, bridge, tunnel or any other place for the public movement or cause obstruction to the movement or use of any other public utilities by placing such substance or making an ambush.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees.

(3) Where any injury or loss is caused to the body, life or property of any one from the commission of the offence referred to in sub-section (1), the sentence referred to in -sub-section (2) shall be added to the sentence which is imposable by this Act on the offender for such injury or loss.

**142. Obligation to maintain records of production or transaction:** (1) A person who has obtained a licence for the production or transaction of explosives shall, in producing, manufacturing,

preparing or transacting such explosives, maintain separate records of every production or transaction of every explosive.

(2) The records referred to in sub-section (1) shall set out, *inter alia*, the following matters:

- (a) Type, description and quantity of the explosives produced, prepared or manufactured,
- (b) In the case of the transaction of explosives, the purpose for which such transaction has been made,
- (c) In the case of the sale and distribution of explosives, the purchaser's name, the purpose, and quantity of, such sale and distribution.

(3) A person who carries out the transaction of explosives shall, when so asked, show the records referred to in sub-section (1) to the competent authority controlling or administering explosives, the investigating or prosecuting authority or the court.

(4) A person who does, or causes to be done, any act contrary to this Section shall be liable to imprisonment for a term not exceeding three months or a fine not exceeding five thousand rupees or both the sentences.

**143. Obligation to take care while importing, transporting or stockpiling explosives:** (1) A person who licensed to carry out the transaction of explosives shall, in using, carrying, transporting or stockpiling such explosives, so use such explosives as to ensure adequate safety according to the nature of such explosives or carry, transport or stockpile such explosives, having kept them in appropriate magazines.

(2) A person who does, or causes to be done, any act contrary to sub-section (1) shall be liable to a fine not exceeding fifty thousand rupees.

**144. Forfeiture of movable or immovable property related to offence:**

In the event of the commission of any offence referred to in this Chapter, any explosives related to such offence, goods, equipment, instrument or raw materials used for producing, preparing or manufacturing such explosives, motor vehicle or means of transport used in the transportation or carriage of such explosives and proceeds of the production, preparation, manufacturing or transaction of such explosives and amount accrued or accumulated therefrom shall be forfeited.

Provided that where the owner of the motor vehicle or means of transport proves that he or she did not know the transportation of the explosives, such vehicle or means of transport shall not be forfeited.

**145. Order for compensation to be paid:** Where any harm or loss is caused to the life, or any property, of any one from the commission by a person of any of the offences under this Chapter, reasonable compensation for such harm or loss shall be ordered to be paid by the offender to the victim.

**146. Statute of limitation:** No complaint shall lie after the expiry of three months from the date of commission of any of the offences under Section 143 and after the expiry of six months from the date of knowledge of commission of any of the other offences under this Chapter.

## Chapter-8

### Offences against National and Public Heritages

**147. Prohibition of owning public building, land by individual:** (1) No person shall, without prior approval of the Government of Nepal or State Government or Local Level, obtain ownership of the following building or land, whether making its registration or not, or otherwise occupy, cultivate or encroach, or hinder or obstruct, in any way, the possession or use of, such building or land:

- (a) Any government building or land held in the name of the Government of Nepal, State Government or Local Level or a public body under the full or majority ownership or control of the Government of Nepal, State Government or Local Level,
- (b) Any community or public house or land which has been under community or public possession and use from time immemorial.

(2) A person who commits, or causes to be committed, an offence referred to in sub-section (1) shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

(3) Where any building, land mentioned in sub-section (1) has already been registered in, or transmitted to, the name of any individual, such registration or transmission also shall, *ipso facto*, be void.

**148. Prohibition of owning public heritage by individual:** (1) No person shall obtain the ownership of any public heritage, whether

making its registration or not, or hinder or obstruct, in any way, the public possession or use of, or otherwise occupy, cultivate or encroach such heritage, or cause harm, loss or damage to such heritage in any way.

**Explanation:** For the purposes of this Section, the term “public heritage” means any of the following heritages:

- (a) A right of way that has been in public use from time immemorial,
- (b) A road, pasture land, water body, graveyard, crematory, water tap, spout, well, pond, edge of pond, spring of drinking water, canal, water channel, meadow for animal grazing or exit for animals, that has been in the public use,
- (c) A place where market is held,
- (d) A divine place, shrine, temple, *Stupa*, monastery, mosque or church,
- (e) A public rest house, *Pauwa*, *Sattal*, *Chautaro*,
- (f) A historical statue, monument, cultural monument or memorial,
- (g) A place for organizing religious or cultural functions or ceremonies,
- (h) A national forest designated by the Government of Nepal or forest, or any part thereof, under ownership of the Government of Nepal, State Government or Local Level.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years or a fine not exceeding fifty thousand rupees or both the sentences.

(3) Where any public heritage referred to in sub-section (1) has already been registered in, or transmitted to, the name of any individual, such registration or transmission also shall, *ipso facto*, be void.

**149. Prohibition of encroachment of natural heritages:** (1) No person shall, except in accordance with law, encroach or possess, in any way, any natural heritage, or sell or distribute such heritage, or cause any harm, loss or damage to its natural structure or beauty, in any way.

**Explanation:** For the purposes of this Section, the term “natural heritage” means any of the following heritages:

- (a) A national park, wildlife or hunting reserve designated by the Government of Nepal for the protection of the natural environment, vegetation and wildlife,
- (b) A conservation area designated by the Government of Nepal, river, rivulet, stream, lake, wetland or natural water-fall, snow-peak or any part thereof, higher mountain peak,
- (c) A wildlife, vegetation or landscape protected by the law in force or the Government of Nepal, State Government or Local Level,

- (d) A habitat of wildlife protected by the Government of Nepal, State Government or Local Level, eco-system, or any medicinal herb which is prohibited for sale, distribution, export or import.
- (2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding ten years and a fine equal to the claimed amount if such amount is specified and a fine not exceeding one million rupees if such amount is not specified or both the sentences.
- 150. Prohibition of possession or destruction of public physical infrastructure in unauthorized manner:** (1) No person shall, except in accordance with law, possess, in an unauthorized manner, any public physical infrastructure or prevent any one from using such infrastructure, or, cause any harm or loss to such infrastructure, in any way.

**Explanation:** For the purposes of this Section, the term “public physical infrastructure” means the following infrastructure to be publicly used:

- (a) A road, way, bridge, tunnel, airport,
- (b) A water reservoir, canal, spring of drinking water, and pond, power house, electricity transmission center or line thereof,
- (c) A ropeway, cable car, telecommunication equipment, radio station, television broadcasting center and tower thereof,

- (d) A rail and railway;
  - (e) A public bus station, public park, or
  - (f) Similar other structure.
- (2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees.

**151. Prohibition of dishonoring or destroying national anthem, flag or coat-of-arms:** (1) No person shall, with intention to spread hatred against Nepal or the Government of Nepal, dishonor the national anthem of Nepal, burn, or knowingly dishonor, the flag of Nepal, or use such anthem, flag or coat-of-arms of Nepal at such place, on such object or condition as it is not appropriate for its use in view of public morality, decency or courtesy.

- (2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.
- (3) No person shall, with intent to spread hatred against, or dishonor a country with which Nepal has friendly relation, burn or knowingly misuse such country's national flag or misuse such flag or the coat-of-arms of such country or use such flag or coat-of-arms at such place, on such object or condition as it is not appropriate for its use in view of public morality, decency or courtesy.
- (4) No person shall, with intent to make hatred against or dishonor the United Nations Organization or any organization associated with, or

specialized agency of, the United Nations Organization or any international or regional organization of which Nepal is a member, misuse in any way the flag or emblem of such Organization, or use such flag or logo, motor vehicle or other object of such Organization without approval of such Organization.

(5) A person who commits, or causes to be committed, the offence referred to in sub-section (3) or (4) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

- 152. Not to insult national figures/heroes:** (1) No person shall knowingly make hatred against, dishonor or defame, any national figure/**hero** specified by the Government of Nepal or demolish, cause loss or damage to the statue, monument or memorial of such **figure/hero**.

Provided that any comment made in good faith in the context of a study, research or evaluation of the life of such **figure/hero** shall not be considered to be an offence referred to in this Section.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

- 153. Order for compensation to be paid:** Where any harm or loss is caused from the commission of any offence referred to in Section 150, reasonable compensation for such harm or loss shall be ordered to be paid by the offender.

**154. Statute of limitation:** There shall be no statute of limitation for filing a complaint in relation to any of the offences under Sections 147, 148 and 149, and no complaint shall lie after the expiry of six months from the date of commission of any of the offences under the other Sections of this Chapter.

## Chapter-9

### Offences Relating to Religion

**155. Prohibition of injuring shrines or places held sacred:** (1) No person shall damage or injure or, in any way, defile, destroy or pollute any place of religious worship, pray or function or place, object held sacred or burial place or place of sepulture or do similar other act with intent to outrage or insult the religion or religious feelings of any caste, race, community or class or with the knowledge that such outrage or insult is likely to occur.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

(3) Where a foreigner has committed, or caused to be committed, the offence referred to in sub-section (1), he or she shall be deported from Nepal within seven days after the date of completion of the service of imprisonment under sub-section (2).

**156. Prohibition of outraging religious feelings:** (1) No person shall outrage the religious feelings of any caste, race, community or class by words, either spoken or written, by visible representation or signs or otherwise.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years and a fine not exceeding twenty thousand rupees.

**157. Prohibition of causing obstruction to religious rites and rituals:**

(1) No person shall knowingly cause obstruction to other's religious rites and rituals that are handed down or being followed from the time immemorial.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**158. Prohibition of proselytizing:** (1) No person shall convert any one from one religion to another or make attempt to or abet such conversion.

(2) No person shall do any act or conduct which undermines the religion, opinion or faith of any caste, race, community or convert any one into another religion, whether by inducement or not, in a manner to so undermine or propagate such religion or opinion with the intention of making such conversion.

(3) A person who commits, or causes to be committed, the offence referred to in sub-section (1) or (2) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

(4) If a foreigner commits, or causes to be committed, the offence referred to in sub-section (1) or (2), he or she shall be deported from Nepal within seven days after the date of completion of the service of imprisonment imposed under this Section.

**159. Statute of limitation:** No complaint shall lie after the expiry of six months from the date of knowledge of commission of the offence under Section 158 and from the date of commission of any of the other offences under this Chapter.

## **Chpater-10**

### **Offences Relating to Discrimination and Other Degrading Treatment**

- 160. Prohibition of making discriminatory treatment:** (1) Except as otherwise provided by laws, no authority who exercises power under law shall, in the exercise of such power or a general law, intentionally make a discriminatory treatment against any citizen on grounds of origin, religion, color, caste, race, sex, physical condition, disability, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds.
- (2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

- 161. Prohibition of purchasing, selling or distributing goods or service with discrimination:** (1) No person, in purchasing, selling or distributing any goods or services, shall purchase, sell or distribute such goods or services from or to only any person belonging to any particular caste, race or community or omit to provide, sell or distribute such goods or services to any person belonging to any particular caste, race or community.

Provided that where a person, with the approval of the competent authority under law, provides, sells or distributes any particular goods or services to **only** any person belonging to any particular caste, race or community, for the protection of interest and development of a class which is economically, socially or

educationally backward, such person shall not be considered to have committed the offence under this Section.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

- 162. Prohibition of forced labour:** (1) No person shall force any one to work against his or her will.

Provided that this Section shall not be deemed to bar the engaging of any one in labor for a public work in accordance with law.

(2) A person who commits, or causes to be committed, the offence under sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three months or a fine not exceeding five thousand rupees or both the sentences.

- 163. Prohibition of slavery:** (1) No person shall subject any one to slavery or servitude or hold or employ him or her in such status or subject, or cause to be subjected, him or her to any other kind of treatment similar thereto.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term of five to ten years and a fine of fifty thousand to one hundred thousand rupees.

- 164. Prohibition of serfdom or debt bonded labour:** (1) No person shall subject any one to, or hold any one in, serfdom or debt bonded labour for any kind of consideration or employ any one in the status

of serfdom or bonded labour, or subject, or cause to be subjected, him or her to any other kind of treatment similar thereto.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term from three to seven years and a fine from thirty thousand to one hundred thousand rupees.

- 165. Prohibition of undermining social rites and rituals:** (1) No person shall, by way of misrepresentation or use of force, do, or cause to be done, any act which undermines or results in the undermining of the social rites and rituals of any one.

**Explanation:** For the purposes of this Section, any rites and rituals constituting racial discrimination shall not be considered to be social rites and rituals.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

- 166. Prohibition of untouchability or discriminatory treatment on ground of caste:** (1) No person shall subject any one to untouchability or any other kind of discrimination, or prevent any one from appearing in any public place or entering into any religious place of public nature, or deprive any one of using water or water pond in public use or of the use of things of any other private or public utility or convenience, on the grounds of custom, tradition, religion, culture, rites or rituals, caste, race, community, profession, occupation, physical condition or origin of social community.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences, and if a public servant commits the offence referred to in this Section, he or she shall be liable to an additional sentence of imprisonment for a term not exceeding three months.

**167. Prohibition of torture:** (1) No authority who is competent under the law in force to investigate or prosecute any offence, implement law, take any one into control, or hold any one in custody or detention in accordance with law shall subject, or cause to be subjected, any one to physical or mental torture or to cruel, brutal, inhuman or degrading treatment.

**Explanation:** For the purposes of this Section, intentional inflicting of physical or mental pain or suffering on any person who is arrested, taken into control, held in custody, detention or imprisonment or under preventive detention or security or any other person interested in such person or subjecting such person to cruel, brutal, inhuman or degrading treatment or punishment for the following purpose shall be considered to constitute torture or cruel, brutal, inhuman or degrading treatment or punishment against or to such person:

- (a) To get information on any matter,
- (b) To extort confession of any offence,
- (c) To punish for any act,
- (d) To show fear, intimidation or coercion, or

(e) To do any other act contrary to law.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years or a fine not exceeding fifty thousand rupees or both the sentences, according to the gravity of the offence.

(3) A person who orders the commission of the offence referred to in sub-section (1) or an accomplice who aids in the commission of the offence referred to in this Section shall be liable to the same sentence as is imposable on the principal offender.

(4) No person who commits the offence referred to in sub-section (1) shall be allowed to plea that he or she has committed the offence in pursuance of an order by the authority superior to him or her; and, on such ground, he or she shall not be exempted from the sentence imposable on him or her for the commission of such offence.

**168. Prohibition of degrading or inhuman treatment:** (1) No person shall subject, or cause to be subjected, any one to degrading or inhuman treatment.

**Explanation:** For the purposes of this Section, the following act shall be deemed to constitute a degrading or inhumane treatment:

(a) To accuse one of being a witch,

(b) To expel one from his or her place of residence in accusation of being a witch,

(c) To ex-communicate one from the society, or

(d) To make cruel, inhuman or degrading treatment by doing any other act whatsoever.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

(3) Banishing a woman to a shed (*Chhaupadi*) during menstruation or delivery, or subjecting, causing to be subjected, her to similar other discrimination, untouchability or inhuman treatment of any kind is prohibited.

(4) A person who commits the offence referred to in sub-section (3) shall be liable to a sentence of imprisonment for a term not exceeding three months or a fine not exceeding three thousand rupees or both the sentences.

(5) Where a public servant commits the offence referred to in this Section, he or she shall be liable to an additional sentence of imprisonment for a term not exceeding three months.

**169. Order for compensation to be paid:** A reasonable compensation for the injury or pain caused to the victim shall be ordered to be paid by the person who has committed the offence referred to in this Chapter.

**170. Statute of limitation:** (1) There shall be no statute of limitation for making a complaint in relation to any of the offences referred to in Sections 163 and 164.

(2) No complaint shall lie after the expiry of six months from the date of commission of the offence referred to in Section 167

or from the date of release of the concerned person from arrest, control, custody, detention, imprisonment or preventive detention and from the date of knowledge of commission of any of the other offences referred to in this Chapter.

Ministry of Law, Justice and Parliamentary Affairs

## **Chapter-11**

### **Offences Relating to Marriage**

**171. Prohibition of concluding marriage without consent:** (1) No marriage shall be concluded, or caused to be concluded, without the consent of the persons getting married.

(2) A marriage concluded without the consent referred to in sub-section (1) shall be void.

(3) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years and a fine not exceeding twenty thousand rupees.

**Explanation:** For the purposes of this Section, a consent given by a person who has not attained the marriageable age under Section 173 shall not be deemed to be consent.

**172. Prohibition of concluding marriage in prohibited degree of relationship:** (1) Except as otherwise customarily practiced, no person shall conclude, or cause to be concluded, marriage with one who is within the prohibited degree of relationship by consanguinity or affinity.

(2) Where a marriage referred to in sub-section (1) has been concluded in ignorance, such marriage shall be void.

(3) Where a marriage referred to in sub-section (1) has been concluded knowingly, the person concluding such marriage shall be liable to the sentence imposable for the offence of incest and a person causing the conclusion of such marriage shall be liable to a sentence of imprisonment for a term not exceeding three months or a

fine not exceeding three thousand rupees or both the sentences, and such marriage shall, *ipso facto*, be void.

**173. Prohibition of concluding child marriage:** (1) No marriage shall be concluded or cause to be concluded unless parties to the marriage have attained twenty years of age.

(2) A marriage concluded in contravention of sub-section (1) shall, *ipso facto*, be void.

(3) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

**174. Prohibition of transacting property in marriage:** (1) No marriage shall be concluded, or caused to be concluded, upon having asked for, or on the condition of receiving or giving of, any type of movable or immovable property, dowry or any property from the bridegroom or the bride side, except such ordinary gift, donation, money or one set of jewelry worn on the body as has been practiced in his or her custom.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

(3) No person shall, after the conclusion of marriage, ask the bride or her relative for any movable, immovable property or dowry referred to in sub-section (1), or make, in any way, any annoyance, harassment or inhuman or degrading treatment to the

bride or her relative for the reason that such movable, immovable property or dowry has not been given.

(4) A person who commits the offence referred to in sub-section (3) shall be liable to a sentence of imprisonment for a term not exceeding five years or a fine not exceeding fifty thousand rupees or both the sentences.

(5) Where any property has been taken as mentioned in sub-section (1) or (3), such property shall be returned to the concerned person.

**175. Prohibition of bigamy:** (1) No married man shall, during the continuation of the marital relationship, conclude another marriage.

(2) No woman shall conclude marriage with a man knowingly that he is already married.

(3) Notwithstanding anything contained in sub-section (1) or (2), a man or woman may marry again if the husband and wife have got separated upon making partition in accordance with law.

(4) A person who commits, or causes to be committed, the offence referred to in sub-section (1) or (2) shall be liable to a sentence of imprisonment for a term of one year to five years and a fine of ten thousand to fifty thousand rupees.

(5) The marriage referred to in sub-section (1) shall, *ipso facto*, be void.

(6) Notwithstanding anything contained elsewhere in this Section, nothing contained in this Section shall be deemed to have effect on any marriage concluded in accordance with the law in force for the time being prior to the commencement of this Act.

**176. Statute of limitation:** No complaint on any offence under this Chapter shall lie after the expiry of three months from the date of knowledge of the commission of the offence.

Ministry of Law, Justice and Parliamentary Affairs

## **Chapter-12**

### **Offences Relating to Human Body**

#### **177. Prohibition of doing act with the intention of causing death**

**(homicide):** (1) No person shall intentionally kill, or do, or cause to be done, any act causing the death of, another person.

**Explanation:** For the purposes of this Section, even if a person intentionally causes such serious bodily injury or hurt to another person as is likely to cause the death of that other person but that person does not die immediately but die subsequently in consequence of that injury or hurt, the person shall be considered to have killed that other person.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to the sentence of imprisonment for life.

#### **178. Prohibition of doing act likely to cause death:** (1) No person shall

do any act, with the knowledge that, or having reason to believe that, such act is, in an ordinary course, likely to cause the death of another person.

(2) If a person dies in consequence of any act referred to in sub-section (1), the offender shall be liable to the sentence of imprisonment for life.

#### **179. Prohibition of causing death by grave provocation or in heat of passion:** (1) Notwithstanding anything contained in Section 177 or

178, a person who causes the death of another person in any of the following circumstances shall be liable to a sentence of

imprisonment for a term of ten to fifteen years and a fine of one hundred thousand to one hundred fifty thousand rupees:

- (a) Where the offender, while being deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave such provocation,

Provided that this clause shall not apply to the following circumstance:

- (1) Where the offender is provoked by anything done in obedience to the law or in the exercise of the right of private defense or anything done or intended to be done by a public servant in the exercise of his or her official duties,
  - (2) Where the offender himself or herself gives provocation to another with intent to do harm to any one and anything done by that other person upon being so provoked causes the death of any person.
- (b) Where the offender in the exercise in good faith of the right of private defence exceeds the limit of such power and causes the death of the person against whom he or she is exercising such right of private defence,
  - (c) Where death is caused instantly in the heat of passion upon a sudden quarrel,

Provided that while doing any act referred to in this clause, the offender must not have taken an undue advantage or acted in a cruel or unusual manner.

(2) Notwithstanding anything contained in clauses (b) and (c) of sub-section (1), the provisions contained in these clauses shall not be applicable to any case of murder committed with premeditation or deliberate afterthought.

**180. Punishment for homicide by causing death of person other than person whose death was intended:** Notwithstanding anything contained in Sections 177, 178 and 179, where a person, by doing anything which he or she intends to cause or knows to be likely to cause or has reason to believe to be likely to cause death of any one other than the one whose death was so intended, he or she shall be liable to the sentence set forth in Sections 177, 178 and 179, as the case may be.

**181. Prohibition of causing death by recklessness:** (1) No person shall cause the death of any one by doing a reckless act.

(2) A person who commits the offence referred to in sub-section (1) shall, except in the cases referred to in Sections 177, 178 and 179, be liable to a sentence of imprisonment for a term of three to ten years and a fine of thirty thousand to one hundred thousand rupees.

**182. Prohibition of causing death by negligence:** (1) Except in the case referred to in Section 179, no person shall cause the death of any one by doing a negligent act.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

(3) Except in the case referred to in sub-section (1), if any act done by a person under such circumstances that such act is less likely to cause death causes the death of any one accidentally, that person shall be liable to a sentence of imprisonment for a term of six months to two years or a fine not exceeding twenty thousand rupees or both the sentences.

**183. Prohibition of committing attempt to murder:** (1) No person shall, with the intention of committing murder of anyone, commit an attempt to murder.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees.

**184. Prohibition of throwing or abandoning person under one's own guardianship:** (1) A person, being bound to care or maintain an infant, child, disabled patient or elderly person, shall not so throw, abandon or desert as to cause danger to the body or life of such infant, child, patient or elderly person.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

(3) If the offence referred to in sub-section (1) causes the death of such child, disabled patient or elderly person, the offender shall be liable to a sentence of imprisonment for a term not exceeding seven years and a fine not exceeding seventy thousand rupees.

Provided that if the throwing, abandonment or neglect causes the death of an infant, the offender shall be liable to the sentence referred to in Section 177.

**185. Prohibition of abetment of suicide:** (1) No person shall abet the commission of suicide by another, or create, or cause to be created, such circumstances as likely to lead towards the commission of such act.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

**186. Order for compensation to be paid:** If any harm, injury or loss is caused to the body, life or property of any person from the commission of any offence referred to in this Chapter, a reasonable compensation for such harm, injury or loss shall be ordered to be paid by the offender to the victim and to his or her successor if the victim is unavailable.

**187. Statute of limitation:** (1) There shall be no statute of limitation for making a complaint in relation to any of the offences under Sections 177, 178, 179, 180, 181, 182, and proviso to sub-section (3) of Section 184.

(2) No complaint shall lie after the expiry of six months from the date of knowledge of the commission of any of the offences under this Chapter other than those set forth in sub-section (1).

Ministry of Law, Justice and Parliamentary Affairs

## **Chapter-13**

### **Offences against Protection of Pregnancy**

**188. Prohibition of abortion:** (1) No person shall, except in the case referred to in Section 189, commit abortion, or do any act with intent to cause, or with the knowledge that, or having reason to believe that, such act is likely to cause, abortion.

(2) No person shall cause a pregnant woman to abort, by coercing, threatening, alluring or inducing her to so abort.

(3) A person who commits the offence referred to in subsection (1) or (2) shall be liable to:

(a) A sentence of imprisonment for a term not exceeding one year and a fine not exceeding ten thousand rupees in the case of pregnancy of up to twelve weeks,

(b) A sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees in the case of pregnancy of more than twelve weeks and up to twenty-five weeks,

(c) A sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees in the case of pregnancy of more than twenty-five weeks.

(4) If the pregnancy is not terminated at once by an act of abortion and the child born alive but the child dies immediately after birth as the consequence of such act, such act shall, for the purposes of this Section, be deemed to constitute the offence of abortion.

(5) If an act done by a person in making attempt to cause the death of a pregnant woman does not cause the death of the woman but causes the termination of her pregnancy of twenty-five weeks or more, the offender shall be liable to a sentence of imprisonment for a term not exceeding five years, in addition to the sentence to be imposed under this Act or other law.

(6) Notwithstanding anything contained elsewhere in this Section, if any act done by a person with premeditation against a pregnant woman causes abortion, that person shall be liable to the following sentence despite the fact that he or she has not done such act with the intention of causing abortion:

- (a) A sentence of imprisonment for a term not exceeding one year in the case of pregnancy of up to twelve weeks,
- (b) A sentence of imprisonment for a term not exceeding three years in the case of pregnancy of more than twelve weeks and up to twenty-five weeks,
- (c) A sentence of imprisonment for a term not exceeding five years in the case of pregnancy of more than twenty-five weeks.

(7) No person shall, with the intention of causing abortion, do, or cause to be done, any act by which the sex of the foetus is identified, and abort or cause abortion following such sex identification.

(8) A person who commits the offence referred to in subsection (7) shall be liable to:

- (a) A sentence of imprisonment for a term of three months to six months, in the case of the offence of identifying, or causing identification of, the sex of the foetus with the intention of causing abortion, and
- (b) A sentence of imprisonment for a term not exceeding one year, in addition to the sentence specified in subsection (3), in the case of the offence of aborting or causing abortion after identifying the sex.

**189. When abortion can be made:** (1) Notwithstanding anything contained in Section 188, where a health worker causes abortion in any of the following circumstances, no offence of abortion under this Act shall be deemed to have been committed:

- (a) The pregnancy of up to twelve weeks is terminated with the consent of the pregnant woman,
- (b) The pregnancy is terminated with the consent of the pregnant woman, upon the opinion of a licensed doctor that her life may be in danger or her physical or mental health may deteriorate or a handicapped child will be born if pregnancy is not terminated,
- (c) The pregnancy of up to eighteen weeks conceived from rape or incest is terminated with the consent of the pregnant woman,
- (d) The pregnancy of a woman with human immune-deficiency virus (HIV) or other incurable disease of similar nature is terminated with her consent.

**Explanation:** For the purposes of this Section, the term "health worker" means a doctor or health worker who, upon having the specified qualification, has obtained a license for causing abortion.

- 190. Statute of limitation:** No complaint shall lie after the expiry of six months from the date of knowledge of commission of the offence under this Chapter.

## **Chapter-14**

### **Offences Relating to Hurt or Grievous Hurt**

**191. Prohibition of causing hurt:** (1) No person shall cause hurt to another person.

(2) A person who does any of the following acts to another person shall be deemed to cause hurt:

- (a) Any act by which any kind of bodily pain is caused,
- (b) Any act by which a disease is transferred,
- (c) Any other act by which infirmity is caused.

**Explanation:** For the purposes of this Section, the term "infirmity" means the state of any part of the body being incapable of functioning normally, and this term also includes mental infirmity.

(3) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

**192. Prohibition of causing grievous hurt:** (1) No person shall cause grievous hurt to any other person.

(2) Where any person does any act with the intention of causing hurt to another person, which results in any of the following consequences, that person is deemed to have committed the offence of causing grievous hurt to that other person:

- (a) Making blind by making privation of the sight of, or by breaking, either eye,
- (b) Privation of smelling power of the nose,

- (c) Privation of hearing power of either ear,
- (d) Privation of speaking power of the tongue,
- (e) Cutting of woman's breast,
- (f) Emasculation of man and woman (making woman infertile or man impotent),
- (g) **Privation of the backbone, ...., hand, leg or joint of such organ by breaking, fracturing, dislocating it,**
- (h) Any hurt which causes the sufferer to be unable to perform his or her professional work.

(3) Where any act of hurt, though not causing grievous hurt immediately, results subsequently in the consequence referred to in sub-section (2), it shall be deemed to have caused grievous hurt.

(4) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees.

(5) Notwithstanding anything contained in sub-section (4), in the case of so causing grievous hurt to either of the organs performing the same function that it becomes dysfunctional, the offender shall be liable to half the sentence specified in that sub-section, and where the wound caused by grievous hurt gets so healed as to restore the organ, the offender shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

**193. Prohibition of causing disfigurement by use of acid or other chemical, biological or toxin substance:** (1) No person shall cause bodily pain to another person by administering acid or similar kind of other chemical, biological or toxin substance to, or throwing such substance on, that other person, or by burning, maiming, strolling the body with or applying to the body such substance or disfigure the face or any part of the body of that other person.

(2) A person who commits the offence referred to in sub-section (1) shall be liable, according to the nature of the offence, to a sentence of imprisonment for a term of five to eight years and a fine of one hundred thousand to five hundred thousand rupees in the case of disfigurement of the face, and to a sentence of imprisonment for a term of three to five years and a fine of fifty thousand to three hundred thousand rupees in the case of disfigurement of any other organ of the body or bodily pain.

(3) The amount of fine collected in accordance with sub-section (2) shall be paid in whole to the victim as compensation.

**194. Sentence for causing hurt or grievous hurt by grave provocation or in heat of passion:** (1) Notwithstanding anything contained in Section 191 or 192, a person who causes hurt in any of the following circumstances shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences in the case of a grievous hurt, and to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences in the case of any other kind of hurt:

- (a) Where the offender, while being deprived of the power of self-control by grave and sudden provocation, causes hurt to the person who gave such provocation or to any other person by a mistake of fact or happens to cause injury to another person by accident.

Provided that this clause shall not apply to the following circumstance:

- (1) Where the offender causes hurt upon being provoked by anything done in obedience to the law or in the exercise of the right of private defence or any anything done or intended to be done by a public servant in the exercise of his or her official duties,
  - (2) Where the offender himself or herself gives provocation to another with intent to cause any harm to any one and anything done by that other person upon being so provoked causes hurt to any person.
- (b) Where the offender in the exercise in good faith of the right of private defence exceeds the limit of such power and causes injury to any person,
- (c) Where hurt is caused to any person instantly in the heat of passion upon a sudden quarrel,

Provided that while doing any act referred to in this clause, the offender must not have taken an undue advantage or acted in a cruel or unusual manner.

(2) Notwithstanding anything contained in clauses (b) and (c) of sub-section (1), the provisions contained in these clauses shall not be applicable to any case of hurt or grievous hurt caused with premeditation or deliberate afterthought.

**195. Prohibition of causing hurt or grievous hurt by recklessness or negligence:** (1) No person shall cause hurt or grievous hurt or other injury to any one by doing a reckless or negligent act.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to the following sentence:

- (a) A sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences, in the case of a grievous hurt caused by a reckless act, and a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences, in the case of any other kind of injury caused by a reckless act,
- (b) A sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences in the case of the commission of such offence by a negligent act.

**196. Prohibition of using criminal force:** (1) No person shall use criminal force to another person.

(2) A person shall be considered to use criminal force to another person if he or she does any of the following acts:

- (a) To use any kind of force to that other person with the intention of committing an offence,
- (b) To use force to that other person with the intention of causing, or knowing it to be likely that the use of such force will cause, injury, fear or annoyance to that other person or his or her family or property,
- (c) To terrify that other person to apprehend that force will be used to him or her or to threaten or intimidate to use force, or attempt to use force, in any other manner, to him or her.

(3) Notwithstanding anything contained elsewhere in this Section, the use of any force, with one's consent, in the course of imparting teaching, instruction or training on the concerned subject, conducting acting or treatment of any kind or in a manner to render benefit or the use of force of usual nature in the course of having any kind of game shall not be considered to be the use of criminal force.

Provided that the provision of this sub-section shall not apply to any malicious use of force to cause injury to any one.

(4) A person who uses, or causes to be used, criminal force shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences, in the case of using criminal force by carrying a weapon, and to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences, in the case of using criminal force without carrying a weapon.

**197. Prohibition of making unconscious with intent to commit offence:** (1) No person shall, with intent to facilitate the commission of any offence, feed or administer, in any other manner, to another person any substance causing unconsciousness, dizziness or unhealthiness or make that other person unconscious in any manner whatsoever.

(2) A person who commits, or causes to be committed, the offense referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year and a fine not exceeding ten thousand rupees.

(3) Where any act referred to in sub-section (1) has resulted in the commission of such offence, the sentence referred to in this Section shall be added to the sentence imposable for such offence.

**198. Compensation:** Where any harm, damage or loss is caused to any person's body, life or property from the commission of the offence referred to in this Chapter, compensation shall be caused to be paid by the offender to the victim.

**199. Statute of limitation:** No complaint shall lie, in the case of the offence referred to in Section 196, after the expiry of three months from the date of its commission, in the case of the offence referred to in Section 197, after the expiry of six months from the date on which such person becomes conscious, and, in the case of any of the other offences referred to in this Chapter, after the expiry of one year from the date of its commission.

## **Chapter-15**

### **Offences Relating to Unlawful Detention**

**200. Prohibition of unlawful confinement:** (1) No person shall maliciously subject, or cause to be subjected, another person to detention in any other manner except in accordance with law.

(2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

(3) No one other than the competent authority shall obstruct, or cause to be obstructed, the movement of any person.

(4) A person who commits the offence referred to in subsection (3) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

**201. Prohibition of holding in detention without providing minimum humane facilities:** (1) No authority who is competent by law to make detention shall detain, or cause to be detained, any person by depriving him or her of such facilities as required to be provided in accordance with law or of such minimum humane facilities as are available in the place of his or her detention.

(2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding one and half years and a fine not exceeding fifteen thousand rupees.

**202. Prohibition of detaining person for whose release order has been issued:** (1) No person shall keep on detaining any person held in detention in accordance with law after receiving an order issued by a competent authority under law for the release of such person from detention.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year and a fine not exceeding ten thousand rupees.

**203. Prohibition of detention in secret:** (1) No competent authority shall hold any person in detention secretly in such a manner that the detention of such person or the place of such detention may not be known or discovered.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding four years and a fine not exceeding forty thousand rupees.

**204. Order for compensation to be paid:** A reasonable compensation shall be ordered to be paid by the offender who commits, or causes to be committed, the offence referred to in this Chapter to the victim.

**205. Statute of limitation:** No complaint shall lie, in the case of an offence under sub-section (3) of Section 200, after the expiry of three months from the date of commission of such offence, and in the case of any of the other offences under this Chapter, after the expiry of three months from the date of release of the detained person from such detention.

## **Chapter-16**

### **Offences Relating to Enforced Disappearance**

**206. Prohibition of enforced appearance:** (1) No person shall subject, or cause to be subjected, any one to enforced disappearance.

(2) For the purposes of sub-section (1), the term "enforced disappearance" means any of the following acts:

- (a) The arrest, detention or any other form of control of a person by a person or security personnel having authority by law to make arrest, investigation or enforcement of law, followed by a failure to produce such person before the case trying authority within twenty-four hours of the date of such arrest or deprivation of liberty, excluding the time required for journey, or a refusal to allow the concerned person to meet such person, and/or by concealment of information as to where, how and in what condition such person has been so held,
  - (b) The abduction, custody, control or any other form of deprivation of liberty of a person by any person, organization or group, whether organized or not, followed by concealment of information to the concerned person as to the reason for such deprivation and where, how and in what condition such person has been so held,
- (3) A person who orders the commission of enforced disappearance of a person upon arrest, detention or control of such

person and a person who implements such order shall be considered to be the principal offender of enforced disappearance.

(4) Where an act of enforced disappearance is committed in pursuance of order or direction given by a person holding public office or by the responsible person of an organization or group, whether organized or unorganized, the person giving such order or direction shall be liable as the principal offender of enforced disappearance.

(5) A superior who, despite knowing that his or her subordinate official, body or group was committing or about to commit an act of enforced disappearance, disregards such information or fails to take necessary measures to prevent the commission of such act shall also be considered to have committed the offence under this Section.

(6) Where a person has been subjected to enforced disappearance by two or more persons jointly, every person involved in such act shall be equally liable as the offender.

(6) A person who commits the offence referred to in subsection (1) shall be liable to the following sentence:

(a) In the case of the principal offender of enforced disappearance, a sentence of imprisonment for a term not exceeding fifteen years and a fine not exceeding five hundred thousand rupees, having regard to the duration and circumstances of such enforced disappearance,

(b) In the case of a person who is accomplice or conspires to the commission of enforced disappearance, the same sentence as is imposable on the principal offender, and in the case of a person who attempts to or facilitates the commission of enforced disappearance, half the sentence imposable on the principal offender.

(8) A person who does an act constituting the offence referred to in sub-section (1) against a woman or child shall be liable to an additional sentence of imprisonment for a term of two years, in addition to the sentence to be imposed pursuant to sub-section (7).

(9) Where a person has committed any other offence punishable by law against any one who has been subjected to enforced disappearance, during such disappearance, he or she shall be liable to the additional sentence under this Section, in addition to the sentence imposable by law for such offence.

(10) A person who subjects any one to enforced disappearance by using any government vehicle, building, arms and ammunition or goods shall be liable to an additional sentence of imprisonment for a term of one year, in addition to the sentence imposable under this Section.

**207. Forfeiture of goods related to offence:** Any building, land, vehicle, arms and other goods knowingly allowed by the owner thereof to be used in, or used with the consent of the concerned owner in, the commission of the offence punishable under this Chapter shall be forfeited.

Provided that no governmental building, vehicle, arms and goods shall be forfeited.

- 208. Entitlement to compensation:** Where a person who is subjected to enforced disappearance appears or is made public subsequently, he or she shall be entitled to get a reasonable compensation from the person who has so subjected him or her to enforced disappearance.

(2) Where the person subjected to enforced disappearance is already dead, the immediate successor to him or her shall be entitled to get the compensation referred to in sub-section (1).

- 209. Property to be returned:** Where any person, in subjecting another person to enforced disappearance under this Chapter, has also taken any property belonging to that other person, the person who has so subjected to enforced disappearance shall return such property, if available, and pay a reasonable compensation for such property, if not available, to the disappeared person or his or her immediate relative.

- 210. Statute of limitation:** No complaint shall be entertained after expiry of six months from the date of having knowledge of commission of the offence under this Chapter or from the date of the disappeared person getting or being made public.

Provided that if a complaint is filed, accompanied by the evidence, with the leave of the court, setting out the reason for not being in a position to file the complaint, such complaint may lie at any time.

## **Chapter-17**

### **Offences Relating to Kidnapping or Taking of Hostages**

**211. Prohibition of kidnapping:** (1) No person shall kidnap, or cause to be kidnapped, another person.

(2) For the purposes of sub-section (1), a person shall be considered to have committed kidnapping if he or she does any of the following acts:

- (a) To take any person to or compel him or her to go to any place by using force or threats to use force or by practicing fraud, deception or intimidation or by showing or not showing arms or by misrepresenting or by administering narcotics or alcoholic substance to him or her or by seizing or controlling in any way a vehicle by which he or she is travelling or exercising control in any way over such vehicle, or
- (b) To take by force any person to any place without his or her consent or any child or any person who is under shelter of any one due to his or her physical incapacity or any person of unsound mind due to mental illness without the consent of his or her father, mother or guardian or by way of misrepresentation.

**212. Prohibition of hostage-taking:** (1) No person shall take another person hostage.

(2) For the purposes of sub-section (1), a person shall be considered to have committed hostage-taking if that person seizes or detains another person without his or her consent or a child or a

person of unsound mind without the consent of his or her father, mother or guardian, by using force or threats to use force, or by practicing fraud, deception, coercion or intimidation or by showing or not showing arms or by misrepresenting or by administering narcotics or alcoholic substance to him or her or by seizing or controlling a vehicle or place where he or she is staying.

(3) Notwithstanding anything contained in sub-section (2), placing, in good faith, an unsound person under the surveillance or control of any one in the course of treatment or for any other purpose, for the benefit of the concerned person, with the consent of his or her father, mother or guardian shall not be deemed to constitute hostage-taking.

- 213. Punishment for kidnapping or hostage-taking:** A person who does, or causes to be done, any act referred to in Section 211 or 212 shall be liable to a sentence of imprisonment for a term of seven to ten years and a fine of seventy-five thousand to one hundred thousand rupees if the person does, or causes to be done, such act with the intention of causing death, causing injury by subjecting to hurt, committing rape or unnatural sex, trafficking or enslaving, or subjecting to forced labor, engaging into prostitution, subjecting to torture, compelling to do or cause to be done any act, taking ransom or compelling to do any other act which constitutes any offence under the law in force, and to a sentence of imprisonment for a term of three to five years and a fine of thirty thousand to fifty thousand rupees if the person does, or causes to be done, such act for any other purpose.

**214. Additional sentence to be imposed:** (1) A person who takes another person hostage under Section 212 after kidnapping him or her under Section 211 shall be liable to a sentence of imprisonment for a term of ten to fifteen years and a fine of one hundred thousand to one hundred fifty thousand rupees.

(2) A person who does any other act considered to be an offence under this Act or under the law in force by committing kidnapping or hostage-taking shall be liable to the sentence referred to in sub-section (1), in addition to the sentence imposable for such offence.

(3) Where the offence referred to in Sections 211 and 212 is committed, or cause to be committed, in an organized manner, the persons committing such offence shall be liable to an additional sentence of imprisonment for a term of two years.

**215. Person who abets or orders or attempts or conspires or is accomplice to be liable to sentence:** (1) A person who abets or orders the commission of any offence referred to in this Chapter shall be liable to the same sentence as is imposable on the principal offender.

(2) Notwithstanding anything contained in sub-section (1), the person who attempts or conspires to commit or is accomplice to the commission of such act shall be liable to half the sentence imposable for that offence.

**216. Reduction of sentence if surrendered:** Where a person committing an offence under this Chapter surrenders before the security personnel at the time of committing the offence or renders assistance

in arresting the other offenders or members of the gang committing that offence, the court may, having regard to the circumstances, reduce the sentence for that person.

**217. Compensation ordered to be paid:** (1) A reasonable compensation shall be ordered to be paid to the victim by the person who is held to have committed or caused the commission of any offence under this Chapter.

(2) The compensation referred to in sub-section (1) shall be paid to the immediate successor to the victim if the victim is already dead.

**218. Statute of limitation:** (1) There shall be no statute of limitation for making a complaint in the case of any offence under this Chapter which has caused the death of any one.

(2) No complaint shall lie after the expiry of two years after the date of commission of any offence under this Chapter other than that set forth in sub-section (1), and after the expiry of six months after the date of release of the concerned person from such offence in the case of any of the offences under Sections 211 and 212.

## **Chapter-18**

### **Sexual Offences**

**219. Prohibition of committing rape:** (1) No one shall commit rape.

(2) Where a man has sexual intercourse with a woman without her consent or with a girl child below eighteen years of age even with her consent, the man shall be considered to commit rape on such woman or girl child.

**Explanation:** For the purposes of this Chapter,-

(a) Consent obtained by way of coercion, undue influence, intimidation, threat, misrepresentation, or kidnapping or taking of hostage shall not be considered to be consent,

(b) Consent obtained at the time of being of unsoundness of mind shall not be considered to be consent,

(c) The penetration of penis into anus or mouth, penetration of penis, to any extent, into anus, mouth or vagina, insertion of any object other than penis into vagina shall also be considered to be rape.

(3) A person who commits rape shall be liable to the sentence of imprisonment as follows, having regard to the circumstances of such sexual intercourse and the age of woman:

(a) Imprisonment for a term of sixteen to twenty years, if she is a girl child below ten years of age,

(b) Imprisonment for a term of fourteen to sixteen years, if she is a girl child who is ten years or above ten years of age but below fourteen years of age,

- (c) Imprisonment for a term of twelve to fourteen years, if she is a girl child who is fourteen or above fourteen years of age but below sixteen years of age,
- (d) Imprisonment for a term of ten to twelve years, if the woman is sixteen or above sixteen years of age but below eighteen years of age,
- (e) Imprisonment for a term of seven to ten years, if the woman is eighteen or above eighteen years of age.

(4) Notwithstanding anything contained in sub-section (3), if the husband commits rape on his wife during the existence of marital relationship between them, he shall be liable to a sentence of imprisonment for a term not exceeding five years.

Provided that the following situation shall not be considered as the existence of marital relationship:

- (a) A case of partition has been instituted upon making separation of board and bread,
- (b) The wife has lived separate upon taking her partition share from the husband,
- (c) A case of divorce from the husband has been instituted.

(5) In the case of the situation referred to in sub-section (4), the court may, if it is necessary to do so upon a petition by the victim, order the husband to do the following:

- (a) To allow the wife to reside in the same house where she has resided, to provide her with food

and clothes, not to hurt her and to behave her politely and decently,

- (b) To get the wife to have required medical treatment or provide reasonable amount for her treatment,
- (c) To arrange a separate residence for the husband if it is not appropriate for them to reside in the same place together and make necessary arrangement for the maintenance of the wife while so residing separately,
- (d) To refraining from doing act causing suffering or annoyance, in any manner, to the wife and do, or cause to be done, necessary and appropriate act for the interest and security of the wife.

(6) Notwithstanding anything contained in sub-section (1), a man who commits rape in spite of knowing that he has human immune deficiency virus (HIV positive) or a sexually transmitted disease shall be liable to the following additional sentence, in addition to the sentence set forth in sub-section (3):

- (a) The sentence referred to in Section 105 in the event of the commission of rape in spite of knowing that he has human immune deficiency virus (HIV positive),
- (b) A sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees in the event of the

commission of rape in spite of knowing that he has any other sexually transmitted disease.

(7) A man who commits rape on a woman in a gang or on a woman having pregnancy of more than six months or on a woman who is infirm or disabled or suffering from physical or mental illness, or commits rape showing arms shall be liable to an additional sentence of imprisonment for a term not exceeding five years, in addition to the sentence set forth in sub-section (3).

(8) A person who commits rape on a woman within the prohibited degree of relationship by consanguinity or affinity shall be liable to the sentence referred to in this Chapter, in addition to the sentence imposable for incest if he is liable to such sentence for incest.

**220. Prohibition of incest:** (1) No person shall have sexual intercourse with another person knowingly that such person is one falling within the prohibited degree of relationship by consanguinity or affinity for marriage according to the usage, custom or tradition being practiced in his or her caste or lineage.

(2) A person who commits the offence referred to in sub-section (1) in the following relationship shall be liable to the following sentence:

(a) A sentence of imprisonment for life in the case of sexual intercourse between the natural mother and her natural son or between the natural father and his natural daughter,

- (b) A sentence of imprisonment for a term of four years to ten years and a fine of forty thousand rupees to one hundred thousand rupees in the case of sexual intercourse between the step-mother and her step-son, between the step father and his step daughter, between the full blood elder sister and brother, between full blood elder brother and sister, between father-in-law and daughter-in-law within the same branch, between grand-father and grand-daughter or great-grand-daughter within the same branch, between elder brother-in-law and sister-in-law within the same branch or between younger brother-in-law and sister-in-law within the same branch,
- (c) A sentence of imprisonment for a term of three to six years and a fine of thirty thousand to sixty thousand rupees in the case of sexual intercourse between grand-mother and her grand-son or great-grand-son within the three generations of the same branch, between father's elder brother or uncle and niece within the same branch, between nephew and great mother (wife of own father's brother) or aunty within the same branch, between father-in-law and brother's daughter-in-law within the same branch, between uterine maternal uncle and niece or nephew and maternal aunty, between mother's elder sister or younger

sister and nephew or between mother-in-law (one's wife side) and son-in-law,

- (d) A sentence of imprisonment for a term of one year to three years and a fine of ten thousand to thirty thousand rupees, having regard to, *inter alia*, the branch, relationship and generation, in the case of sexual intercourse between persons in other relationship within seven generations of one's own clan except that referred to in clause (a), (b) or (c).

**221. Prohibition of sexual intercourse with detainee:** (1) No government employee shall have sexual intercourse with a person held in prison or detention or facilitate or create circumstances for the commission by another person of sexual intercourse with such person.

(2) A person who commits, or causes to be committed, sexual intercourse referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years, and if such sexual intercourse is an offence under this Act or other law also, the sentence referred to in this Section shall be added to the sentence under such law.

**222. Prohibition of sexual intercourse with person in one's own protection or security:** (1) No person shall have, or aid another person to have, sexual intercourse with any person in his or her protection, security or custody, and no office-bearer or employee of any organization providing treatment or rehabilitation services to persons of unsound mind or suffering from physical or mental illness

shall have sexual intercourse with any person held in such organization.

(2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding three years, and if such sexual intercourse is an offence under this Act or other law also, the sentence referred to in this Section shall be added to the sentence under such law.

**223. Prohibition of sexual intercourse with person in office or receiving professional service:** (1) No employee serving in a government office or private office or person providing any professional service or commercial work shall have, or aid another person to have, sexual intercourse with a person serving in such office or a person making contact or being in contact for such service or work, while performing functions of such office or providing such service or at the place where such service is provided.

(2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding four years and a fine not exceeding forty thousand rupees, and if such sexual intercourse is an offence under this Act or other law also, the sentence referred to in this Section shall be added to the sentence under such law.

**224. Prohibition of sexual harassment:** (1) No person shall commit, or caused to be committed, sexual harassment to another person.

(2) A person shall be considered to commit sexual harassment if the person holds or touches or attempts to touch any sensitive organ of, or opens or attempts to open undergarments of, or

obstructs or hinders in any way the wearing or removing of undergarments of, or takes to any lonely place in an unusual manner, or gets his or her sexual organ to be touched or held by, or uses vulgar or similar other words, spoken or written or by gesture or by way of electronic medium, or shows any pornography to, or teases or annoys with sexual motive, or behaves in an unusual, undesirable or indecent manner with, a person who is not his wife or her husband, without her or his consent, with the motive of having sexual intercourse with her or him.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

**225. Prohibition of child sexual abuse:** (1) No person shall commit, or cause to be committed, child sexual abuse.

(2) A person shall be considered to commit child sexual abuse if the person takes to any lonely place in an unusual manner, or holds or touches any sexual organ of, gets his or her sexual organ to be touched or held by, or makes any form of unusual sexual behavior with, a child, with the motive of having sexual intercourse with the child.

(3) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

**226. Prohibition of unnatural sexual intercourse:** (1) No person shall have, or cause to be had, unnatural sexual intercourse with another person without his or her consent.

**Explanation:** For the purposes of this sub-section, consent given by a child shall not be considered to be consent.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

(3) A person who commits the offence referred to in sub-section (1) against a child shall be liable to the sentence under Section 219.

**227. Prohibition of bestiality:** (1) No person shall have, or cause to be had, sexual intercourse with an animal.

(2) A person who commits the offence referred to in sub-section (4) shall be liable to a sentence of imprisonment for a term not exceeding two years and a fine not exceeding twenty thousand rupees, if the person has committed, or caused to be committed, sexual intercourse with a cow, and to a sentence of imprisonment for a term not exceeding one year and a fine not exceeding ten thousand rupees, in the case of sexual intercourse with any other animal.

**228. Compensation ordered to be paid:** A reasonable compensation shall be ordered to be paid to the victim of any offence referred to in this Chapter other than the offences under Sections 220 and 226.

**229. Statute of limitation:** (1) There shall be no statute of limitation for making a complaint in relation to the case of any offence under Section 220.

(2) No complaint shall lie after the expiry of one year from the date of commission of any of the offences under Sections 219, 221, 222, 223, 224 and 225 and sub-section (3) of Section 226, and after the expiry of three months from the date of knowledge of commission of any of the other offences under this Chapter.

Provided that where the offence is committed against a person held in detention, taken into control, kidnapped or taken hostage, no complaint shall lie after the expiry of three months from the date of release from such detention, control, kidnapping or hostage-taking.

## **Chapter-19**

### **Offence Relating to Medical Treatment**

- 230. Prohibition of conducting medical treatment by person who has not obtained licence:** (1) No person, other than a person who has, upon having acquired the specified educational qualification in medicines, obtained from the lawful competent authority a licence for medical treatment, shall provide medical services to, carry out surgery on any organ of human body of, administer or prescribe any kind of drug to, or otherwise conduct medical treatment of, any person.
- (2) Notwithstanding anything contained in sub-section (1), nothing shall bar a person who has gained knowledge on medical treatment from a long experience from administering, with due care, such drug of general nature to a patient suffering from a minor disease as not causing any specific adverse impact on any human organ of such patient, or conducting medical treatment by conducting operation of a minor wound, **ecthyma**.
- (3) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.
- (4) The offender shall be liable to the sentence of imprisonment for life where any act of providing medical service, conducting surgery or administering drug in contravention of sub-section (1) causes the death of any person, and to a sentence of

imprisonment for a term not exceeding fifteen years where such act causes grievous hurt.

**231. Prohibition of conducting medical treatment maliciously:** (1) No person shall, with the intention of causing death of, or grievous hurt to, another person, carry out his or her treatment, conduct one type of medical treatment of him or her instead of another type of treatment as required, or administer, or prescribe for administration of, any drug to him or her knowingly or having reason to believe that the administration or prescription of such drug may cause death of, or grievous hurt, to him or her or conduct surgery on one organ of human body of him or her instead of another organ as required or make such organ dysfunctional or separate such organ from the human body, or cause the commission of any of such acts.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to the following sentence:

- (a) The same sentence as imposable for murder, in the case of causing the death of any person,
- (a) The same sentence as imposable for grievous hurt, in the case of causing grievous heart to any person.

**232. Prohibition of conducting medical treatment by recklessness or negligence:** (1) No person authorized under law to conduct medical treatment shall, in conducting medical treatment of any one, conduct such treatment, administer any drug or prescribe for the administration of drug to him or her in a reckless or negligent manner, without taking adequate care or precaution.

(2) Where any act referred to in sub-section (1) causes death of or grievous hurt to any one, the offender shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees if the death or grievous hurt has been caused from a reckless act and to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees if the death or grievous hurt has been caused from a negligent act.

**233. Prohibition of carrying out experiment on human body without consent:** (1) No person authorized under law to conduct medical treatment shall, in carrying out an experiment of any method relating to medical treatment, surgery or drug on the human body, carry out such experiment, without obtaining consent of the concerned person, and, in the case of a child or person of unsound mind, without obtaining consent of his or her father, mother or guardian, and without giving information thereof to such person, father, mother or guardian.

(2) Any experiment referred to in sub-section (1) shall be carried out carefully, having regard to, *inter alia*, the possible effects of such method, surgery or drug on human body.

(3) No person shall carry out physical examination of or alter any organ of any one, or cause the commission of such act, with intention to get any undue economic benefit or to breach the privacy of a woman or with any other intention.

(4) A person who carries out, or causes to be carried out, any experiment in contravention of sub-section (1), (2) or (3) shall be

liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

(5) The offender shall be liable to the same sentence as imposable for murder if the offence referred to in sub-section (1), (2) or (3) causes the death of any one and to the same sentence as imposable for grievous hurt if such offence causes grievous hurt to any one.

**234. Prohibition of selling dangerous drug:** (1) No person authorized to sell medicines as per law shall, without prescription of the person authorized under law to carry out treatment as per law, sell or distribute any narcotic, toxic or dangerous drug that may cause serious impact on human body.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.

**235. Prohibition of adulteration of drugs or sale of adulterated drugs:**  
(1) No person shall knowingly adulterate any drug in such a manner as to void or lessen or change the efficacy of such drug or make it noxious or sell such adulterated drug or any other thing saying that it is a drug or issue such drug or thing to any one for treatment or administer, or cause to be administered, such drug to any one.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to the following sentence:

- (a) The same sentence as imposable for murder, in the case of death caused from the consumption of such drug,
- (b) The same sentence as imposable for attempted murder, in the case of danger or likelihood of danger to cause death caused from the consumption of such drug,
- (c) A sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees, in the case of any grievous hurt or deterioration or deprivation of power of any organ of the body caused from the consumption of such drug,
- (d) A sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees in cases other than that referred to in clause (a), (b), or (c).

**236. Prohibition of selling, distributing date-expired drugs or without taking precaution:** (1) No person shall sell any drug required to be used within a certain time period after the expiry of such date or sell, distribute any drug without taking any specific precaution if such precaution must be taken in the sale or distribution of such drug.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year and a fine not exceeding ten thousand rupees.

**237. Prohibition of selling, distributing of drug as a different drug:**

(1) No person authorized to sell or distribute any drug under law shall, while so selling or distributing the drug, sell or distribute a drug of one type as a drug of another type knowingly or having reasonable reason to know that such drug is materially a different type of drug.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.

**238. Prohibition of giving false report:** (1) No person licensed under law to conduct a pathological test of human blood, urine, sputum etc. shall give a fake or false report while conducting such test or give a report stating the facts different than that found from the test.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

(3) Where the consumption of any drug prescribed to, conduction of a surgery on, or treatment of, a person on the basis of the report referred to in sub-section (1) causes the death of or any grievous hurt to such person, the person giving such report shall be deemed to be the offender.

(4) A person who commits, or causes to be committed, the offence referred to in sub-section (3) shall be liable to the same sentence as imposable for murder, in the case of causing death of,

and to the same sentence as imposable for grievous hurt, in the case of causing grievous heart to, any person.

- 239. Compensation to be paid:** (1) Where the death of, or grievous hurt to, or other harm, injury or damage to, any person is caused from the commission of any offence referred to in this Chapter, reasonable compensation shall be ordered to be paid by the offender to the concerned victim and to his or her successor if the victim is dead.
- 240. Statute of limitation:** (1) There shall be no statute of limitation for filing a complaint if death is caused from any of the acts referred to in sub-section (4) of Section 230, Section 231, Section 232, sub-section (4) of Section 233, Section 235, and sub-section (4) of Section 238.
- (2) No complaint shall lie after one year from the date of knowledge of commission of the offence under sub-section (1) of Section 230, and after six months from the date of commission of any of the other offences under this Chapter.

## **Chapter-20**

### **Offences Relating to Theft and Robbery**

**241. Prohibition of theft:** (1) No person shall commit, or cause to be committed, theft.

(2) For the purposes of sub-section (1), a person who dishonestly takes any property under the ownership, possession, control or custody of another person out of such ownership, possession, control or custody or moves such property without that other person's consent, with the intention of owning, using or enjoying it, shall be considered to commit theft.

**Explanation:** For the purposes of this Section,-

- (a) The term "consent" means the consent given in writing or orally or expressed by conduct.
- (b) Consent by a child who has not attained eighteen years of age or a person of unsound mind shall not be considered to be consent.

**242. Punishment for theft:** (1) A person who commits, or causes to be committed, theft in any of the following circumstances shall be liable to a sentence of imprisonment from a term of two to seven years and a fine of twenty thousand to seventy thousand rupees:

- (a) In the case of theft of any government or public property or property of any religious place or temple,
- (b) In the case of theft of any property, upon administering liquor or narcotics to, or otherwise making unconscious, any person,

- (c) In the case of theft of any property, upon taking advantage of earthquake, fire, flood, riot or similar other situation of crisis or any accident,
  - (d) In the case of theft of any property of the office or person whose service one is engaged in,
  - (e) In the case of theft on a vehicle used for the conveyance of human persons or goods.
- (2) A person who commits, or causes to be committed, theft in any circumstance other than that referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

**243. Prohibition of burglary (*Nakabajani*):** (1) No person shall commit, or cause to be committed, burglary.

(2) For the purposes of sub-section (1), a person shall be considered to commit burglary if he or she commits theft in a house by entering into the house by breaking its main gate or by using any passage, place, method or means other than the main gate, or after committing theft, he or she quits, or attempts to quit, by breaking its main gate or by using any passage, place, method or means other than the main gate.

(3) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term of three to five years and a fine of thirty thousand to fifty thousand rupees.

**244. Prohibition of robbery:** (1) No person shall commit, or cause to be committed, robbery.

(2) A person shall be deemed to commit robbery if he or she:

- (a) causes or attempts to cause to any person death or hurt or restraint or obstruction or fear or intimidation of instant death or of instant hurt, in order to the committing of theft or in committing the theft or in carrying away property obtained by the theft or to the escaping of arrest after the commission of the theft or commits theft carrying a deadly weapon,
- (b) obtains any money or economic benefit through criminal extortion by putting any person in fear of instant death or of instant or of instant restraint,
- (c) commits theft by waiting near or on way, road, lonely place or forest or show of fear or intimidation , using or threatening to use a deadly weapon,
- (d) commits theft in a group of three or more persons.

(3) A person who commits the offence referred to in sub-section (1) shall be liable to the following sentence:

- (a) A sentence of imprisonment for a term of seven to fourteen years and a fine of seventy thousand to one hundred forty thousand rupees, in the case of the offence referred to in clause (a) or (b) of sub-section (2),
- (b) A sentence of imprisonment for a term of five to ten years and a fine of fifty thousand to one hundred

thousand rupees, in the case of the offence referred to in clause (c) or (d) of sub-section (2).

**245. Prohibition of movement carrying tools to be used in commission of theft:** (1) No person shall, with the intention of committing theft or robbery, move around or enter into or attempt to enter into the house of any person carrying instruments such as any tool, object, arms, duplicate key, gloves and ladder that may be used in the commission of theft or robbery.

(2) A person who so moves, enters into or attempts to enter into as referred to in sub-section (1) shall, unless otherwise proved, be considered to have moved, entered into or attempted to enter into, with the intention of committing theft,

(3) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**246. Prohibition of pickpocketing:** (1) No person shall commit, or cause to be committed, pickpocketing.

(2) For the purposes of sub-section (1), a person who steals cash or property from the pocket of another person who is walking on foot, traveling on a vehicle or staying in a public place or from his or her accompanying purse, bag or means of any other kind, with or without notice of such other person, shall be considered to commit pickpocketing.

Provided that where a person pick-pockets a cash amount of more than ten thousand rupees or property valued at more than ten

thousand rupees, the person shall be considered to commit the offence referred to in Section 241.

(3) A person who commits the offence referred to in sub-section (1) shall be liable to the following sentence:

- (a) A sentence of imprisonment for a term not exceeding one month or a fine equal to the claimed amount or both the sentences, in the case of the commission of pickpocketing for the first time,
- (b) A sentence of imprisonment for a term not exceeding two months or a fine equal to the claimed amount or both the sentences, for each instance from the second time onwards.

**247. Claimed amount to be recovered:** The claimed amount, if any, involved in the offence referred to in this Chapter shall be forfeited from the offender of such offence and paid to the owner of that property. If the offender has already spent the property formed of the claimed amount, property equal to the value of claimed amount shall be ordered to be paid to the owner.

**248. Statute of limitation:** No complaint shall lie after the expiry of three months from the date of commission of the offence in the case of any of the offences under Sections 245 and 246 and after six months from the date of knowledge of commission of the offence in the case of any of the other offences under this Chapter.

## **Chapter-21**

### **Offences Relating to Cheating, Criminal Breach of Trust and Extortion**

**249. Prohibition of cheating:** (1) No person shall commit, or cause to be committed, cheating.

(2) For the purposes of sub-section (1), a person who dishonestly causes any kind of loss, damage or injury to another person whom he or she makes believe in some matter or to any other person or obtains any benefit for him or her or any one else by omitting to do as per such belief or by inducement, fraudulent, dishonest or otherwise deceptive act or preventing such other person from doing any act shall be considered to commit cheating.

**Explanation:** Where the victim of cheating has got a deed executed by the cheater, the deed shall apply to that matter.

(3) A person who commits the offence referred to in sub-section (1) shall be liable to the following sentence:

(a) A sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees, in the case of cheating the Government of Nepal or any body under full or majority ownership or control of the Government of Nepal, except in cases of corruption,

(b) A sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees, in the case of cheating by lying one's name, designation, title, qualification,

(c) A sentence of imprisonment for a term not exceeding seven years and a fine not exceeding seventy thousand rupees in the cases of any kind of cheating other than that referred to in clause (a) or (b).

(4) A sentence of imprisonment for a term not exceeding one year, in addition to the sentence set forth in sub-section (3), shall be imposed in the case of cheating a child, person of unsound mind, helpless, illiterate or person above seventy-five years of age.

**250. Prohibition of causing difference in bid or contract:** (1) No person who has undertaken the responsibility of carrying out any construction related work or other work or other person who acts on his or her behalf shall, with dishonest intent, carry out, or cause to be carried out, the construction or other work, by not using the materials of the specified standards or quality or by altering the quantity of the materials to be used or otherwise using materials not conforming to the specified quality.

(2) A person who commits the offence referred to in sub-section (3) shall be liable to a sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees.

(3) No person who has undertaken the responsibility of supplying any materials, goods or services or other person who acts on his or her behalf shall, with dishonest intent, supply materials, goods or services falling short of the quality or quantity or otherwise provide materials, goods or services not conforming to the specified quality.

(4) A person who commits, or causes to be committed, the offence referred to in sub-section (3) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

**251. Prohibition of criminal misappropriation of property:** (1) No person shall make, or cause to be made, criminal misappropriation of property.

(2) For the purposes of sub-section (1), a person who does any of the following acts shall be considered to commit criminal misappropriation of property:

(a) To dishonestly possess and use, cause loss and damage to or misappropriate a property belonging to another person or rent, sell or dispose it without consent of that other person.

Provided that if the real owner of an adjoining land uses the property belonging to another person, by mistakenly making normal encroachment of the boundary, he or she shall not be considered to commit the offence referred to in this clause.

(b) To dishonestly appropriate or otherwise convert any property not in the possession of any other person to his or her own use, knowing or having the means of discovering the owner of such property, or without returning such property to such owner within a reasonable time, or without giving notice to the owner to

claim the property or without waiting the owner of such property until a reasonable time.

Provided that where the finder in good faith appropriates a property to his or her own use when the owner of the property is not discovered despite reasonable efforts or the owner does not claim the property within a reasonable time after the giving of notice, he or she shall not be considered to commit the offence referred to in this Section.

(3) A person who commits, or causes to be committed, the offence referred to in sub section (1) shall be liable to the following sentence:

- (a) A sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences, in the case of criminal misappropriation of property which was in the possession of a deceased person at the time of that person's demise and has not since been in the possession of his or her legal successor, or criminal misappropriation of property belonging to a child, a person of unsound mind due to mental or physical illness, or a person above seventy-five years of age,
- (b) A sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences, in the case of criminal misappropriation of property in cases other than that set forth in clause (a).

(4) If any property subjected to criminal misappropriation under this Section is in a returnable condition, the person who so misappropriates shall return the property to the concerned owner or to his or her immediate successor if the owner is dead.

**252. Prohibition of criminal breach of trust:** (1) No person shall commit, or cause to be committed, criminal breach of trust.

(2) For the purposes of sub-section (1), a person who does any of the following acts shall be considered to commit, or cause the commission of, criminal breach of trust:

- (a) To dishonestly appropriate or otherwise convert to his or her own use other's property which is under his or her custody or protection or to dishonestly appropriate such property in his or her own use, or allow such property to be used by, or dispose, or cause the disposal, of such property to, another person, in violation of any contract, deed of conditions or law concerning the use of such property,
- (b) To cause any loss, damage or injury by a person, who is entrusted with responsibility or has lawful duty of doing any work or transaction of another person or who acts as an agent of another in relation to any work or transaction, to that other person by doing any act in violation of his or her duty with the intention of causing benefit to himself or herself or any one else.

(3) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to the following sentence:

- (a) A sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees, in the case of the commission of criminal breach of trust by a person in the capacity of manager, director, employee or agent of any organization or by a person entrusted with the responsibility of carrying a property from one place to another or keeping it safely in a warehouse or any other place or with a legal duty to do so,
- (b) A sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences, in the case of the commission of criminal breach of trust by any person other than that set forth in clause (a).

**253. Prohibition of extortion:** (1) No person shall commit, or cause to be committed, extortion.

(2) For the purposes of sub-section (1), a person who puts any person in fear or terror of any injury to that person or to any other person and dishonestly takes any benefit from that person for himself or herself or any other person or induces that person to do, or prevents that person from doing, any act with the intention of taking such benefit shall be considered to commit extortion.

(3) A person who commits the offence referred to in subsection (1) shall be liable to the following sentence:

- (a) A sentence of imprisonment for a term not exceeding seven years and a fine not exceeding seventy thousand rupees, in the case of putting a person in fear or terror of death, grievous hurt or serious injury, with the intention of committing extortion,
- (b) A sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees, in the case of commission of extortion by showing fear or terror with the intention of causing any damage to any other person's business or making a false accusation in respect of such person's character,
- (c) A sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences, in the case of the commission of extortion in cases other than that set forth in clause (a) or (b).

- 254. Compensation:** Where any injury or damage is caused to any person from the commission of the offence referred to in this Chapter, the claimed amount, if set out, and a reasonable compensation, if the claimed amount is not set out, shall be ordered to be paid by the offender to the victim.
- 255. Statute of limitation:** No complaint shall lie after the expiry of one year from the date of knowledge of commission of any offence under this Chapter.

## **Chapter-22**

### **Offences Relating to Currency**

**256. Prohibition of counterfeiting currency:** (1) No person shall counterfeit, or attempt to counterfeit, any currency.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term of five to ten years and a fine of fifty thousand to one hundred thousand rupees, having regard to the quantity and value of the currency counterfeited.

**Explanation:** For the purpose of this Chapter,-

(a) "currency" means any kind of currency note, postal order, postal note, money order, cheque, draft, traveler's cheque, letter of credit, letter of exchange, bond and credit card, and this term also includes such other similar kind of monetary instrument as specified by the Bank, as required, by publishing and circulating a public notice.

(b) "counterfeit currency" means a currency which is so forged in an unauthorized manner or counterfeit as resembling or having reason to believe it to be a currency issued by the Government of Nepal or Nepal Rastra Bank or foreign government or competent foreign body.

**257. Prohibition of using counterfeit currency:** (1) No person shall, with the intention of using as genuine, purchase, sell, export, import,

transact, or use as genuine, any counterfeit currency or attempt to do such act or possess such currency.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding seven years and a fine not exceeding seventy thousand rupees.

**258. Prohibition of making, possessing or repairing instruments for counterfeiting currency:** (1) No person shall make, repair, purchase, sell, give, take, export, import or possess any instrument or other material knowing that or having a reasonable reason to believe that it is intended to be used in or for forging or counterfeiting currency.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding seven years and a fine not exceeding seventy thousand rupees.

**259. Prohibition of making currency contrary to standards:** (1) No authority or person entrusted by the law in force to make currency shall knowingly make currency in contravention of the standards specified by law, make currency in violation of the terms and restrictions applicable to the making of currency, make currency in excess of the quantity specified or do any act with the intention of making currency with such deviation or cause benefit to himself or herself or any other person from such act or facilitate such act.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding seven years and a fine not exceeding seventy thousand rupees.

**260. Prohibition of taking outside currency making instruments:** (1) No person shall, except with the order of the competent authority under law, take any currency making machinery, equipment or other instrument out of the place where currency is made.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

**261. Prohibition of diminishing weight or altering form of currency:** (1) No person shall diminish the weight of metallic currency or alter the composition of metallic element or export, import or possess currency, by causing the currency of one type to appear like the currency of another type, with the intention of using it as genuine or knowing that it may be used as genuine.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

**262. Prohibition of bringing prohibited currency into use:** (1) No person shall bring into use, exchange or possess a currency in use but circulation of which has been banned by order of the competent authority under law, in violation of such order.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences, and the currency so brought into use, exchanged or possessed shall also be forfeited.

**263. Prohibition of burning, tearing, melting bank notes or coins or writing on bank notes:** (1) No person shall, except with the order of the competent authority, burn a coin or bank note tendered as currency or so melt or tear it that it is incapable of being used.

(2) No person shall write on or cross off bank notes.

(3) A person who commits, or causes to be committed, the offence referred to in sub-section (1) or (2) shall be liable to a sentence of imprisonment for a term not exceeding three months and a fine not exceeding five thousand rupees.

**264. Prohibition of misusing torn bank notes:** (1) No person who is entrusted by order of the competent authority under law with a duty of burning or disposing off the torn notes held to be burnt or disposed of because such bank notes tendered as currency are worn and torn or letters, signs or sizes are unrecognizable or such notes cannot be brought into use for any other reason shall bring into use such bank notes or refrain from burning or disposing of such notes or give them to another person dishonestly intending to obtain any kind of benefit therefrom.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of

imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

265. **Forfeiture:** The currency, machine, equipment or tools used in, and materials related to, the commission of any offence under this Chapter shall be forfeited
266. **Statute of limitation:** No complaint shall lie after the expiry of one year from the date of knowledge of commission of any offence under this Chapter.

## **Chapter-23**

### **Offences Relating to Stamps**

#### **267. Prohibition of counterfeiting stamps or using counterfeit stamps:**

(1) No person shall, with the intention of using as genuine, counterfeit, attempt to counterfeit a stamp, purchase, sell, exchange, export or import a counterfeit stamp, or use or attempt to use as genuine, or possess, such stamp.

**Explanation:** For the purposes of this Chapter,-

(a) "stamp" means a postal stamp or other revenue stamp to be affixed to a document, and this term also includes the sign of a stamp affixed to or printed on an envelope, post letter or any other object or a sticker to be used for the purpose of stamp.

(b) "counterfeit stamp" means a forged stamp made in an unauthorized manner so that it resembles a stamp referred to in clause (a), and this term also includes a stamp that has once been used.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

#### **268. Prohibition of purchasing, selling, repairing instruments for counterfeiting stamps:** (1) No person shall make, repair, purchase, sell, exchange, possess any machinery or other instrument knowing or having reasonable ground to believe that it is intended to be used for the purpose of counterfeiting any stamp.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees.

- 269. Prohibition of re-using stamp used before:** (1) No person, knowing that any stamp is a stamp already used before, shall re-use as genuine such stamp or erase, efface or remove any seal or mark put or impressed upon any stamp with the intention of using it as genuine or attempt to do so.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

- 270. Prohibition of removing from public document stamp used for it:** (1) No person shall remove, or attempt to remove, from a public document a stamp which has been used for it.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding five thousand rupees or both the sentences.

- 271. Forfeiture:** Any stamp, tool, instrument or other material related to the commission of any offence referred to in this Chapter shall be forfeited.

- 272. Statute of limitation:** No complaint shall lie after the expiry of one year from the date of knowledge of commission of any offence under this Chapter.

## **Chapter-24**

### **Offences Relating to Weights and Measures**

**273. Prohibition of making or using false instrument for weighing and measuring:** (1) No person shall make, or cause to be made, any instrument for weighing, measuring or determining quality standards in a manner that it does not conform to the specified standards or knowingly use as genuine any instrument so made for weighing, measuring or determining quality standards or possess or sell such instrument which is intended to be so used or make false seal or mark to be affixed to such instrument or tamper the seal or mark affixed to the instrument for weighing, measuring or determining quality standards or manipulate, with the help of any other instrument, the weighing, measuring or quality determining ability of such instrument or affix a false seal or mark to such instrument or, by way of any other means, make any weight or measure different from the prevalent one.

**Explanation:** For the purposes of this Section, the term "instrument for weighing, measuring or determining quality standards" means an instrument in use under the law to measure or determine the unit, quality or quantity of any good or service or purity or standards of such good or service or unit of any thing.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

(3) Any instrument made or brought into use under subsection (1) and tool for making or repairing such instrument shall also be forfeited.

**274. Prohibition of fraudulent use of instrument for weighing, measuring or determining quality standards:** (1) In using the instrument for weighing, measuring or determining quality standards in the course of any business, transaction or trade, no person shall fraudulently use such instrument in a manner to be different from the weight, measure or standard specified for use or, with the help of any other instrument or means, cause adverse effect to the weighing, measuring or quality determination by such instrument as per the prevailing weights and measures.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

**275. Statute of limitation:** No complaint shall lie in relation to any offence under this Chapter after the expiry of three months from the date of knowledge of commission of such offence.

## **Chapter-25**

### **Offences Relating to Documents**

**276. Prohibition of forgery:** (1) No person shall commit, or cause to be committed, forgery.

(2) For the purposes of sub-section (1), a person who makes a false document or false electronic record or a part or portion of a document or electronic record, with intent to cause any harm, injury or damage to the public or to any person or to render any benefit to the person himself or herself or to any person shall be considered to commit forgery.

**Explanation:** For the purposes of this Section,-

- (a) "document" means signature, thumb impression, seal affixed on any document and the figure, word, date or any other content set forth in any document.
- (b) "making a false document" means any of the following acts:
  - (1) to dishonestly prepare a document or part of a document, make or transmit an electronic record, archive digitals in an electronic record, with the intention of causing it to be believed that such document was made, written, signed or sealed by the person or authority who has not actually made, written, signed or sealed the document,

- (2) to, without lawful authority or dishonestly, add or delete any content to or from, strike out, change or otherwise alter or make unclear any content of a document or electronic record,
- (3) to cause any person to make, sign, seal, or alter any content of, a document knowing that such person by reason of being of unsound mind due to mental illness or intoxication of liquors or narcotics or by reason of deception practiced on him or her cannot know the meaning of any contents set down in the document,
- (4) to prepare or use any envelope, paper signed and delivered or any seal delivered for a work or purpose other than that for which such envelope, paper or seal was signed, and delivered.

(3) A person who commits the offence referred to in sub-section (1) shall be liable to the following sentence:

- (a) A sentence of imprisonment for a term not exceeding ten years and a fine not exceeding one hundred thousand rupees, in the case of forgery of a document authenticated by the President,
- (b) A sentence of imprisonment for a term not exceeding eight years and a fine not exceeding

eighty thousand rupees, in the case of forgery of a judgment or order of a court,

- (c) A sentence of imprisonment for a term not exceeding seven years and a fine not exceeding seventy thousand rupees, in the case of forgery of a government or public document other than that referred to in clauses (a) and (b),
- (d) A sentence of imprisonment for a term not exceeding five years and a fine not exceeding fifty thousand rupees, in the case of forgery of a document other than that referred to in clauses (a), (b) and (c).

(4) A person who has already disposed of property which he or she has obtained by committing forgery shall be liable to an additional fine equal to the claimed amount, in addition to the sentence referred in sub-section (3).

(5) Where a person obtains any property by committing forgery, the person shall return such property to the concerned owner; and in the event that such property has already been disposed of, the claimed amount of such property shall be caused to be recovered to the owner from any other property of the offender.

#### **277. Prohibition of possessing or using as genuine a forged document:**

(1) No person shall, knowingly or having a reasonable reason to believe that a document is a forged one, possess such document, with intent to dishonestly use such document as genuine.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

(3) A person who uses as genuine any document which he or she knows or has a reasonable reason to believe to be a forged document shall be liable to the sentence in the same manner as if he or she had forged such document.

**278. Prohibition of making instrument for making forged document:**

(1) No person shall make, repair, purchase, exchange or possess any seal or other instrument for making a forged document, with the intention of using it in establishing or making a forged document, or knowingly or having a reasonable reason to believe that it may be used in such act.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding four years and a fine not exceeding forty thousand rupees.

**279. Prohibition of committing fraud:** (1) No person shall commit, or cause to be committed, fraud.

(2) For the purposes of sub-section (1), a person who, with intent to disentitle any one, expire the statute of limitation or appointed date for presence of, or cause, in any manner, loss, damage, injury or benefit to, any one, knowingly does an act stating that any thing has happened or been done which has not happened or been done in fact or makes or signs a document containing a false

date, figure or content or causes another person to sign such document or showing that he or she has entitlement in any thing in which he or she has no such entitlement in fact, which does not constitute the offence of forgery, shall be considered to commit the offence of fraud.

(3) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

(4) A person who has already disposed of property which he or she has obtained by committing fraud shall be liable to an additional fine equal to the claimed amount, in addition to the sentence referred in sub-section (3).

(5) Where a person obtains any property by committing fraud, the person shall return such property to the concerned owner; and in the event that such property has already been disposed of, the claimed amount of such property shall be caused to be recovered to the owner from any other property of the offender.

**280. Prohibition of using as genuine a fraudulent document:** (1) No person shall, knowingly or having a reason to believe that a document is a fraudulent one, use such document as genuine.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to the sentence in the same manner as if he or she had committed fraud.

**281. Liable to punishment as accomplice:** A person who becomes a witness to, or writes, a document knowing that the document is a

forged one shall be considered as an accomplice of the offence of forgery.

(2) An accomplice referred to in sub-section (1) shall be liable to half the sentence set forth in sub-section (3) of Section 273.

- 282. Compensation ordered to be paid:** Where any loss or damage is caused to any person from the commission of any offence referred to in this Chapter, a reasonable compensation shall be ordered to be paid by the offender to such person who has suffered such loss or damage.
- 283. Statute of limitation:** No complaint shall lie, in relation to the offence of forgery of a public document after the expiry of two years from the date of knowledge of commission of such offence, and in relation to any of the other offences under this Chapter, after the expiry of six months from the date of knowledge of commission of such offence.

## **Chapter-26**

### **Offences Relating to Criminal Trespass and Criminal Mischief**

**284. Prohibition of committing criminal trespass:** (1) No person shall commit, or cause to be committed, criminal trespass into the property of another person.

(2) For the purposes of sub-section (1), a person who, with intent to do the following act, enters, in an unauthorized manner, and whether doing manhandling or not, into a property owned or possessed by another person without obtaining such other person's permission or enters into such property with such permission but remains in, or continues to occupy or use, that property with intent thereby to do any of such acts shall be considered to commit criminal trespass:

- (a) Committing any offence, or
- (b) Intimidating, insulting or annoying the owner or possessor of the property.

(3) A person commits the offence referred to in sub-section (1) shall be liable to the following sentence:

- (a) In the case of a person who commits criminal trespass for the purpose referred to in clause (a) of sub-section (2), a sentence equal to the sentence imposable for attempt to such offence,
- (b) In the case of criminal trespass into a government office or human dwelling house for the purpose referred to in clause (b) of sub-section (2), a sentence of imprisonment for a term not exceeding six months or a

fine not exceeding five thousand rupees or both the sentences.

**Explanation:** For the purposes of this Section,-

- (1) A place of temporary residence shall also be considered to be a house.
- (2) Entry into, or use of, a way, passage, water collection center, irrigation canal, graveyard, temple that have been in public use for time immemorial shall not be considered to be criminal trespass.

**285. Prohibition of committing criminal mischief:** (1) No person shall commit, or cause to be committed, criminal mischief.

(2) For the purposes of sub-section (1), a person who does any of the following acts shall be considered to commit criminal mischief:

- (a) Destroying, or doing such act as to diminish the value, importance or utility of, any government, public or private property, with the intention of causing any harm, loss or damage to the Government of Nepal, State Government or Local Level, any body corporate under full or majority ownership or control of the Government of Nepal, State Government or Local Level or public or any person, or knowing or having a reasonable reason to believe that such damage is likely to be caused, or causing such damage by a negligent or reckless act,

- (b) Causing loss, damage or wrongful injury to, or doing any act that causes injury to, or knowingly causing any kind of obstruction, loss, damage or wrongful injury to the utility of, any public or private sewerage, water canal, drinking water pond, road, bridge or any means of communications or transportation and the like,
- (c) Destroying, removing, erasing or tampering any mark or sign fixed for public convenience, except for any act done in pursuance of an order of the competent authority, by spreading rumors or using any means of deception,
- (e) Concealing, or dishonestly causing delay in the delivery of, any correspondence, notice, parcel or other object of another person.
- (3) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to the following sentence:
- (a) The sentence of imprisonment for life and a fine equal to the claimed amount, in the case of setting fire to, or using explosives, in any national park or reserve or protected zone, with the objective of destroying the existence of species of any wildlife or flora or fauna protected by the Government of Nepal or protected pursuant to law, any historical or archeological monument or statue included in the world heritage list, any site or museum in which objects of historical or archeological importance are kept, or any achieve where

historical documents are kept, any military or para-military house or place in which arms and ammunition of the army or police are stored, security press, mint, factory, Nepal Rastra Bank's warehouse for bank note printing or storing,

- (b) A sentence of imprisonment for a term of five to twelve years and a fine equal to the claimed amount, in the case of criminal mischief committed by setting fire to, or using explosives in, any historical, archeological or religious monument or statue other than that referred to in clause (a), any building containing documents of public or governmental importance, any court containing money (*Tahabil*), any constitutional body, any office of the Government of Nepal, State Government or Local Level or body under full or majority ownership or control of the Government of Nepal, State Government, or Local Level, or any office of foreign diplomatic mission or international or inter-governmental organization,
- (c) A sentence of imprisonment for a term not exceeding four years and a fine not exceeding forty thousand rupees, in the case of criminal mischief committed by doing any act other than that referred to in clause (a) or (b), thereby causing injury to any public property,
- (d) A sentence of imprisonment for a term of two to five years and a fine of twenty thousand to fifty thousand rupees, in the case of criminal mischief committed by

setting fire to or using explosives in any house, office or property of any person,

(e) A sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees in the case of criminal mischief committed by doing any act other than that referred to in clause (a), (b), (c) or (d), thereby causing any loss, damage to any person.

(4) Where any loss, damage is caused to any person by reason of the commission of the offence referred to in this Section, a compensation equal to the claimed amount of such loss or damage so caused shall be ordered to be paid by the offender to the victim of the offence.

**286. Prohibition of committing larceny (looting):** (1) No person shall commit, or cause to be committed, larceny.

(2) For the purposes of sub-section (1), a person who does any act, other than an act that constitutes theft or cheating, by which he or she otherwise snatches, whether forcibly or not, takes, whether by manhandling or fighting or giving threat thereof, or causes loss, damage to any property which he or she has no right in or which is under ownership, custody or control of another person, with the intention of snatching, taking, or causing loss, damage to, such property shall be considered to commit larceny.

(3) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three months or a fine not exceeding twenty-five

percent of the claimed amount subjected to larceny or both the sentences, and the claimed amount subjected to larceny shall be ordered to be paid by the offender to the victim.

**287. Prohibition of acquiring property obtained by committing offence:** (1) No person shall acquire, hold, purchase or sell any property knowing or having a reasonable reason to believe that such property has been obtained by committing an offence.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding five years or a fine not exceeding fifty thousand rupees or both the sentences.

(3) The property acquired, held, purchased or sold as set forth in sub-section (1) shall be returned to the owner of such property.

**288. Statute of limitation:** A complaint in relation to an offence under Section 284 or 285 shall not be entertained after the expiry of six months from the date of commission of such offence, in relation to the offence under Section 286, after the expiry of three months from the date of commission of such offence, and in relation to any of other offences under this Chapter, after the expiry of three months from the date of having knowledge of the commission of such offence.

## **Chapter-27**

### **Offences Relating to Animals and Birds**

**289. Prohibition of killing or beating cows or oxen:** (1) No person shall do, or cause to be done, any act with the intention of killing, or causing hurt to, any cow or ox.

(2) Where any act referred to in sub-section (1) causes the death of any cow or ox, the offender of such offence shall be liable to a sentence of imprisonment for a term not exceeding three years.

(3) A person shall be liable to a sentence of imprisonment for a term not exceeding six months, if he or she causes grievous hurt to a cow or ox, and to a sentence of a fine not exceeding fifty thousand rupees if other hurt is caused.

(4) Notwithstanding anything contained in sub-section (1), if a person does any act necessary to protect from any injury likely to be caused by any cow or ox to the body or life of the person or another person and such act causes the death of, or any harm to, such cow or ox, the person shall not be considered to commit any offence under this Section.

**290. Prohibition of cruel treatment to animals and birds:** (1) No person shall subject any animal or bird to torture by beating or hitting it, or by causing it to carry a load beyond its capacity or by causing it to walk or run beyond its ability or by engaging it in work if it is unable to work because of illness, wound or *Khatira*, or any other cause, or by feeding it harmful substance or in any other manner whatsoever or leave publicly any animal or bird which he or

she has grown up because of its being ill or aged or otherwise treat it cruelly or mercilessly.

Provided that nothing shall bar the using of minimum force in order to make any animal or bird do any work or carry a load according to its physical capacity or make it run, with the objective to teach or train it to do any work or make it efficient on its work.

(2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding three months or a fine not exceeding five thousand rupees or both the sentences.

**291. Prohibition of killing animals or birds in public places:** (1) Except as otherwise provided in this Act, no person shall kill any animal or bird in any public place other than a religious place where there is a tradition to offer sacrifice of an animal or bird.

Provided that nothing shall bar the killing of any animal or bird in a fair, feast, exhibition or event or place where there is a tradition of slaughtering animals or birds being practiced from time immemorial.

**Explanation:** For the purposes of this Section, the term “public place” means a way, road, bridge, meadow or place for movement of human beings.

(2) In making sacrifice of an animal or bird under subsection (1), no sacrifice of such animal or bird shall be executed in any public place or religious place other than a religious place where the sacrifice of animals or birds has been in practice from time immemorial.

(3) In making sacrifice of an animal or bird under sub-section (1), any alternative measure, if any available, to such sacrificing shall be adopted.

(4) Where it is necessary to make sacrifice of an animal or bird being it not possible to adopt the measure under sub-section (3), such sacrifice shall be made at such place and in accordance with such method as determined by the manager of the concerned religious place.

(5) A person who commits, or causes to be committed, the offence referred to in this Section shall be liable to a sentence of imprisonment for a term not exceeding one month or a fine not exceeding five thousand rupees or both the sentences.

**292. Statute of limitation:** No complaint shall lie in relation to any of the offences under Section 290, after the expiry of three months from the date of commission of such offence, and in relation to any of the other offences under this Chapter, after the expiry of three months from the date of knowledge of commission of such act.

## **Part-3**

### **Offences against Individual Privacy and Prestige**

#### **Chapter-1**

##### **Offences against Privacy**

###### **293. Prohibition of listening to or recording other's conversation:** (1)

No person shall, by using a mechanical device, listen to, or record, any conversation held between two or more persons, without permission of the competent authority or consent of such persons holding conversation.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.

Provided that this Section shall not apply to any speech or statement made publicly.

###### **294. Prohibition of divulging confidential matter:** (1) No person shall divulge another person's confidential matter, which he or she comes to know from such person in the course of his or her professional work, except where such divulgence is compelled by law or permitted by such person.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**295. Prohibition of taking or disfiguring photograph of any person without his or her consent:** (1) No person shall, without consent of another person, take a photograph of that other person or make another photograph by mixing other's photograph with the photograph of that other person.

Provided that a person who, while taking a photograph of any public place, happens to take also a photograph of any person remaining in such place shall not be considered to commit the offence under this Section.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

(3) No person shall make a disfigured photograph by mixing some part of one's photograph with another part of other's photograph or in any other manner or publish such disfigured photograph.

(4) A person who commits, or causes to be committed, the offence referred to in sub-section (3) shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.

**296. Prohibition of giving or selling one's photograph to another without consent:** (1) No person shall give or sell one's photograph without his or her consent to another person, or publish, publicize, purchase or sell such photograph, with the intention of annoying, disturbing or troubling him or her or taking any undue benefit from

him or her or taking benefit by making commercial use of such photograph.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

**297. Prohibition of opening letters or tapping telephone conversation:**

(1) No person shall open a person's letter or tap or record a person's telephone conversation by using any mechanical device, without permission of the competent authority or the concerned person.

(2) A person who commits, or causes to be committed, an offence under sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.

**298. Prohibition of breaching privacy through electronic means:** (1)

No person shall obtain, in an unauthorized manner, a notice, information and correspondence lying in or to be transmitted from any electronic means or breach privacy thereof, or transfer, or cause to be transferred, the same to another person in an unauthorized manner.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.

**299. Prohibition of deceitfully making telephone calls or transmitting messages:** (1) No person shall deceitfully make, or cause to be made,

any telephone call or transmit any message, whether giving his or her identity or not, with the intention of avoiding, deceiving, annoying or troubling another person.

(2) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.

**300. Prohibition of writing letters with dishonest intention of causing annoyance:** (1) No person shall, with the dishonest intention of causing fear, terror or pain to, or annoying, insulting or defaming another person, threat, annoy, tease that other person by writing or causing to be written any letter, pamphlet or document of any other type or through electronic means or otherwise behave such person improperly.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**301. Prohibition search other's body:** (1) No person, except the competent authority, or with the order of the competent authority, or a person deputed for security purpose, with the permission of the competent authority, shall search, or cause to be searched, another person's body, vehicle or personal belongings without consent of that other person.

(2) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of

imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

- 302. Prohibition of unauthorized entry into other's residence:** (1) No person, except the competent authority or with the order of such authority under law, shall authoritatively enter into another person's house, breach the privacy of the house owner or his or her family or search, or cause to be searched, such house, without the consent of the concerned house owner.

**Explanation:** For the purposes of this Section, the term "house" means a house, residence, housing, room where a person is dwelling, and this term also includes a hotel room, camp and tent where such person is staying to spend a night.

(2) A person who commits the offence referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

- 303. Compensation to be paid:** Where a person derives any benefit or causes any kind of damage, loss, annoyance or injury to another person by committing the offence referred to in this Chapter, a compensation for such damage, loss, annoyance or injury shall also be ordered to be paid by the offender to the victim.
- 304. Statute of limitation:** No complaint shall lie after the expiry of three months from the date of commission of any offence under this Chapter.

## **Chapter-2**

### **Offence Relating to Defamation**

**305. Prohibition of committing slander:** (1) No person shall slander another person.

(2) For the purposes of sub-section (1), a person who uses degrading words, spoken or said, with the intention of lowering the reputation of another person shall be deemed to commit slander.

(3) A person who commits, or causes to be committed, the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees or both the sentences.

**306. Prohibition of committing libel:** (1) No person shall defame another person.

(2) For the purposes of sub-section (1), a person who commits any of the following acts shall be deemed to commit defamation:

(a) By words in writing, by conduct or by signs or by visible representation or by publicity or by other means, damaging the character of another person by making imputation that, directly or indirectly, in the estimation of others, lowers the personal or moral character, conduct or reputation of that other person, or making imputation that causes it to be believed that the body of that other person is in a state generally considered as disgraceful or disseminating or publishing such imputation, with the intention of harming, or knowing,

or having a reasonable reason to believe that, such imputation will harm, the reputation of that other person, or knowingly selling or distribution any thing which is used as a means of libeling any one,

- (b) Making any imputation against a deceased person if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his or her family or other near relatives,
- (c) Making or expressing an imputation in the form of an alternative or ironically.

(3) Notwithstanding anything contained elsewhere in subsection (2), none of the following acts shall be considered to be libel:

- (a) Publishing or broadcasting any thing which is true concerning any person, along with the evidence and basis, for public good,
- (b) Publishing in good faith and decently any thing respecting the conduct of any public servant in the discharge of his or her public functions or respecting his or her character only so far as his or her character appears in that conduct,
- (c) Expressing in good faith any opinion respecting the conduct of public office or position of any person and respecting his or her character only so far as his or her character appears in that conduct,
- (d) Expressing in good faith and decently any opinion respecting the merits of any performance which its

author has submitted to the public for opinion or respecting the character of the author only so far as his or her character appears in such performance,

- (e) Passing in good faith any censure on the conduct of a person who has over another person any authority, either conferred by law or arising out of a contract made with that other person in matters to which such authority relates.
- (f) Investigating into any offence in accordance with law or preferring accusation against him or her on that basis in accordance with law,
- (g) Cautioning a person against other person, for his or her benefit or for the benefit of a person having his or her interest or for the benefit of the public.

**307. Punishment for libel:** (1) A person who commits, or causes to be committed, libel shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both the sentences.

Provided that if libel is committed or, caused to be committed, by means of electronic or other means of mass communication, there shall be imposed an additional sentence of imprisonment for a term not exceeding one year or a fine not exceeding ten thousand rupees in addition to such punishment.

(2) If a person is convicted of libeling another person or causing such libel, a reasonable compensation to be set having regard to, *inter alia*, the gravity of the offence, effect caused to the

reputation of such person and the commission of libel by means of electronic or other means of mass communication, shall be ordered to be paid by the offender to the libeled person, and litigation costs shall also be ordered to be paid by the offender to the libeled person.

- (3) If a person is convicted of libeling a deceased under this Chapter, such compensation and litigation costs shall be ordered to be paid by the offender to the near successor to the deceased whose feeling was hurt.
- 308. Statute of limitation:** No complaint shall lie after the expiry of three months from the date of knowledge of commission of any offence under this Chapter.