

Police Act, 2012 (1955)

Date of Authentication and Publication

2012.6.31(16 Oct. 1955)

Amendments:

1. Some Nepal Laws (Amendment and Rearrangement) Act, 2020 (1964) 2020.11.16 (28 Feb. 1964)
2. Police (First Amendment) Act, 2029 (1972) 2029.6.5 (21 Sep. 1972)
3. Police (Second Amendment) Act, 2031 (1974) 2031.7.5(21 Oct. 1974)
4. Police (Third Amendment) Act, 2035 (1972) 2035.5.21(6 Sep. 1978)
5. Police (Fourth Amendment) Act, 2042 (1985) 2042.4.26 (10 Aug. 1985)
6. Police (Fifth Amendment) Act, 2048 (1991) 2048.8.4 (14 Nov. 1991)
7. Republic Strengthening and Some Nepal Acts Amendment Act, 2066 (2010)¹ 2066.10.7 (21 Jan. 2010)

Act Number 8 of the year 2012 (1955)

An Act Made to Provide for the Formation and Arrangement of Nepal

Police Force and Specification of the Functions and Duties of Police

Personnel

²Whereas, it is expedient to reorganize the police force of the whole of Nepal, and make it a capable instrument for preventing and investigating crime and maintaining law and order;

Now, therefore, His Majesty the King has framed and promulgated this Act.

¹ This Act came into force on 15 Jesta 2065, "Prasati" and the word "Kingdom" has been deleted.

² Amended by Some Nepal Laws (Amendment and Re-arrangement) Act, 2020 (1964).

Chapter-1

Preliminary

1. **Short Title, Extent, and Commencement:** (1) This Act may be called the “Police Act, 2012 (1955)”.
- (2) It shall be applicable throughout Nepal.
- (3) The provisions of Chapters 1, 2, 3 and 6 shall come into force at once, and the provisions of the other Chapters shall come into force in such areas of Nepal on such dates as may be prescribed by the Government of Nepal by a Notification in the Nepal Gazette.³
- 2.⁴ **Definitions:** Unless the subject or the context otherwise requires, in this Act,-
- (a) “Officer” means a police officer of sub-inspector or higher⁵ rank.
- (b)⁶
- (c) “Personnel” means police personnel other than officers.
- (d)⁷ “Zonal superintendent” means the senior superintendent, superintendent or deputy superintendent of police; and this term includes an inspector designated by the Government of Nepal, by a general or a special order, for the purpose of performing any or all the functions of a Zonal Superintendent.
- (e) “Police” means a person appointed or recruited under this Act.

³ A notice on the application of Chapters 4 and 5 throughout Nepal was published on 28 December 1959.

⁴ Amended by the Second Amendment.

⁵ Amended by the Fourth Amendment.

⁶ Deleted by the Fifth Amendment.

⁷ Amended by the fourth Amendment.

- (f) “Police employee” means the officers and personnel of the police force.
- (g) “Subordinate rank” means officers and personnel subordinate to the inspector.
- (h) “Gazetted officer” means an inspector and officers above this rank.
- (i) “Prescribed” or “as prescribed” means prescribed or as prescribed in the rules framed under this Act.

Chapter-2

Formation, Supervision and Control of Police Force

3. **Formation of Police Force:** (1)⁸ There shall be one or more Police Forces for Nepal. The formation of the Police Force and the number of police employees in it shall be as prescribed by the Government of Nepal from time to time.

(2)⁹ The salary and other terms and conditions of service of the officers and personnel of the Police Force shall be as determined by the Government of Nepal from time to time.

- 4.¹⁰ **Power of the Government of Nepal:** The Government of Nepal shall have power to exercise supervision over and control the Police Force, and issue directives to the police; and it shall be the duty of every police employee to comply with the orders and directives of the Government of Nepal.

⁸ Amended by the Fifth Amendment.

⁹ Amended by the Second Amendment.

¹⁰ Amended by the Second Amendment.

5.¹¹ **Inspector-General of Police etc.:** The Inspector-General of Police, the Additional Inspector General of Police,¹² and such¹³ Deputy Inspector-General of Police as deemed appropriate by the Government of Nepal shall be responsible for¹⁴ police administration.

6.¹⁵ **Zonal Superintendent etc.:** (1) The Zonal Police Superintendent shall be responsible for police administration in his or her Zone.

(2)¹⁶ The Government of Nepal may, by a Notification in the Nepal Gazette, appoint Senior Superintendent of Police or Superintendent of Police at Zonal Police Office and Superintendent of Police, Deputy Superintendent of Police or Police Inspector at the District Police Office, as required.

(3)¹⁷

7. **Appointment Letter:** (1) Every police employee of the rank of Inspector or any rank below it shall obtain a letter of appointment at the time of his or her appointment in the form specified in the Schedule. The employee specified by the Government of Nepal by a general or special order shall affix his or her signature to such an appointment letter.

(2) The letter of appointment shall be void or invalid on the termination of the service of the employee mentioned therein, and the letter of appointment shall be handed over to the employee empowered to receive it.

¹¹ Amended by the Second Amendment.

¹² Inserted by the Fourth Amendment.

¹³ Deleted by the Fourth Amendment.

¹⁴ Deleted by the Fourth Amendment.

¹⁵ Amended by the Second Amendment.

¹⁶ Inserted by the Fourth Amendment.

¹⁷ Deleted by the Fifth Amendment.

(3) In case any police employee is suspended and consequently ceases to perform to his or her office, the letter of appointment issued to him or her pursuant to Sub-section (1) shall remain invalid during the period of such suspension. Provided that, regardless of such suspension, the control of his or her superior officers over him or her shall continue as if he or she were not suspended, and he or she shall remain under discipline as usual and shall be liable to the usual punishment.

- 8.¹⁸ **Control over the Police:** District level police employees shall remain under the control and direction of the Chief District Officer in regard to matters concerning law and order and administration thereof. It shall be the duty of the police employees to comply with the orders and directives issued in that connection by the Chief District Officer. It shall be the duty of the district level police employees to assist the Chief District Officer in the other functions as required to be performed by him or her pursuant to laws.

Chapter-3

Control and Discipline of the Police Force

- 9.¹⁹ **Appointment, promotion, dismissal and other departmental punishment of police employees:** (1) The appointment and promotion of gazetted police officers shall be made by the Government of Nepal, and that of other police employees of subordinate ranks shall be made by the Inspector General of Police, Additional Inspector General of Police, Deputy Inspector General of Police²⁰ or Zonal Superintendent as prescribed.

¹⁸ Amended by the Fifth Amendment.

¹⁹ Amended by the Second Amendment.

²⁰ Amended by the Fourth Amendment.

(2) The police employees shall hold their office during the pleasure of the Government of Nepal.

(3) The Government of Nepal may dismiss, remove, demote in rank or salary, or otherwise punish Gazetted Police Officers, and the Inspector General of Police, Additional Inspector General of Police, Deputy Inspector General of Police²¹ or Zonal Superintendent may dismiss, demote in rank or salary or otherwise punish the officers and personnel of subordinate ranks, as prescribed.

(4) In case any employee of subordinate rank shows carelessness or negligence in the discharge of his or her duties or does something to avoid the discharge of any duty, thereby providing himself or herself incapable of fulfilling such a duty or commits a breach of discipline or otherwise behaves improperly, the prescribed officer may dismiss him or her, remove him or her from force, demote him or her in rank or salary, or if he or she so deems necessary, award the following punishment as prescribed:

- (a) Imposition of a fine of not more than one month's salary.
- (b) Keeping him or her in detention at the quarters for a period of Fifteen days, with or without subjecting him or her to parade, additional guard duty, or fatigue or any other duty, as punishment.

Provided that, the punishment prescribed in this Clause may not be awarded to any officer.

- (c) Removing him or her from any post of important responsibility or withdrawing payment of special salary and allowances being paid to him or her.

²¹ Amended by the Fourth Amendment.

10.²² **Saving from arbitrary dismissal, etc.:** (1) In case any police employee is to be dismissed, removed from the force or demoted in rank or salary, he or she shall be given an opportunity to explain why he or she should not be so punished, as well as a reasonable time-limit for doing so, except in the following circumstance:

- (a) In case he or she is sentenced to imprisonment after being convicted by the court of a criminal offence involving moral turpitude,
- (b) In case he or she is sentenced to imprisonment after being convicted of an offense punishable under this Act, or
- (c) In case the punishing authority prepares a memorandum explaining the reason why it is not proper to provide an opportunity to the police employee to submit an explanation.

(2) Only the officer empowered to appoint any police employee may dismiss him or her or remove him or her from the force or demote him or her in rank or salary.

10A.²³ **Not to bar institution of case:** The institution of a case under this Act or the other Nepal laws in force shall not be deemed to be barred merely by the reason that a departmental action or punishment has been taken or imposed pursuant to Section 9.

11.²⁴ **Procedure for departmental action and punishment, and appeal:**

(1) While ordering the dismissal of any police employee or his or her demotion in rank or salary, the officer empowered to award departmental

²² Amended by the Second Amendment.

²³ Inserted by the Second Amendment.

²⁴ Amended by the Second Amendment.

punishment under Section 9 shall prepare a memorandum explaining the basis of such order, the charges, the findings of the investigations conducted in respect thereto, the explanations offered by such police employee, additional information, if any, obtained on the basis of such explanations, and his or her own findings. In case no opportunity has been given to the police employee to explain his or her case, the officer shall, in such a memorandum, also explain why he or she has not deemed it necessary to provide such opportunity, and shall sign the memorandum and attach it to the case file.

(2) An appeal may be filed with the prescribed officer against any order of departmental punishment made under Section 9.

Provided that, no appeal filed against the punishment awarded under Clause (b) of Sub-section (4) of Section 9 shall be entertained.

11A.²⁵ Power to take departmental action and impose punishment: The power to take departmental action and impose punishment according to this Act or the Rules framed hereunder shall vest in the authority prescribed in the Rules, if any, so prescribed and, failing such prescription, in the committee formed by the Government of Nepal by a Notification in the Nepal Gazette.

Chapter-4

Powers and Duties of Police Employees

12. Police employees to remain on constant duty: For the purposes of this Act, every police employee shall be deemed to be on constant duty, and a police employee may be deputed at any time to any part of the country.

²⁵ Amended by the Fifth Amendment.

13. **Authority exercisable by police employees:** No police employee shall exercise higher power or authority than is vested in or delegated to him or her under this Act or any other prevailing Act.
14. **Powers of senior employees:** The powers vested in any police employee under this Act or the Rules framed under this Act may be exercised by any police employee who is senior to him or her in rank.
- 15.²⁶ **Duties of police employees:** (1) The duties of every police employee shall be as follows:
- (a) To obey the orders issued by the competent authority according to the law; and promptly execute and serve warrants issued by such authority.
 - (b) To collect information regarding activities which are likely to affect law and order, and submit the same to higher authorities.
 - (c)²⁷ To prevent crimes, and protect people from unnecessary harassments.
 - (d) To trace out criminals and cause them to be punished according to the law.
 - (e) To arrest persons who must be arrested according to the law, and for whose arrest there exist adequate grounds.
 - (f) To discharge duties which must be discharged according to the laws in force.

²⁶ Amended by the Second Amendment.

²⁷ Amended by the Fifth Amendment.

- (g) To provide assistance to the best of his or her capacity to any person lying disabled or helpless on the road, and take charge of lunatics and persons who are dangerously intoxicated and cannot look after themselves.
- (h) To take necessary action immediately in case any arrested or detained person sustains injuries or falls ill, and take proper care of him or her while guarding him or her or shifting him or her elsewhere.
- (i) To make necessary arrangements for relations and accommodation for persons who are arrested or are under detention.
- (j) To refrain from indulging in indecent behaviour and undue harassment to any person while conducting a search.
- (k) To behave the public decently, and treat women and children with full respect and due politeness.
- (l) To make all possible efforts for safety against loss or damage by fire.
- (m) To make every possible effort to save people from accidents or dangers.

(2) For the purpose of fulfilling any of the objectives mentioned in Clause (a) through (e), any police officer of at least the rank of sub-inspector may enter and inspect without warrant any liquor-stall, hotel, lodge or restaurant selling or serving narcotics or liquor, gambling den, any other place where bad characters and miscreants generally assemble.

(3) In case any police officer enters into or inspects any place without warrant pursuant to Sub-section (2), such police officer shall, as soon as possible, inform the Chief District Officer in writing about the same, along with the reasons for doing so.

16.²⁸ **Power of Chief District Officer to Issue warrant, etc.:** Any police officer may submit reports to the Chief District Officer requesting the issue of a suitable warrant according to the law, or of a search warrant, or summons or any other notice, or prescribe time-limits in the name of any person who has committed any crime, or is about to commit any crime, after sending such information to the Chief District Officer as he or she has obtained while discharging his or her duties, and the Chief District Officer may issue such a warrant, summons or notice, or prescribe such a time-limit, unless the prevailing law explicitly provides for any officer or authority empowered to do so.

In case there is a legal provision that any office or court is to issue such a warrant, search warrant, summons or other notice or time limit, the police officer shall submit such a report directly to such an office or court.

17. **Power of police employees to arrest without warrant:** (1) A police employee may arrest the following persons without warrant at any public place:

- (a) One who is known to have committed or attempt to commit any crime which is punishable by law with imprisonment for a term of Three years or more than Three years.
- (b) A criminal who is declared absconding and is therefore required to be arrested.

²⁸ Amended by the Second Amendment.

- (c) A person who moves in a suspicious manner at a time when a curfew is in force.
- (d) A person who carries arms and ammunitions at night without proper reason or tools for burglary at night.
- (e) A person who escapes or attempts to escape from the place where he or she is detained according to law.
- (f) A person who is reasonably suspected to have absconded upon deserting to Nepal army or police force.
- (g) A person who is reasonably suspected to have committed any of the crimes mentioned in Chapter-6 of this Act.

(2) Any person who is arrested under Sub-section (1) shall be produced before a court as early as possible within Twenty Four hours, excluding a reasonable period of time required for the journey.

(3) In case any police employee sees any movable, immovable public property being damaged in his or her presence, he or she may prevent such damage at his or her own initiative.

18. Arrangements of motor vehicles or passengers on public thoroughfares, etc.: The police employee shall have the following duties:

- (a) To regulate and control traffic on public roads, prevent²⁹ obstructions to traffic and ensure compliance with this Act or the rules framed and the orders issued under the laws in force for observance by the people on public roads or adjoining areas.

²⁹ Deleted by the Fifth Amendment.

- (b) To maintain peace in public roads, public baths, and places where clothes are washed, river banks, airports, railway stations, fairs, temples, places of worship of the surrounding areas at the time of worship and other public places.
- (c) To maintain peace on/at public roads, public baths, and places where clothes are washed, river banks, airports, railway stations, prevent overcrowding at such places and on public ferries, and preventing violations of³⁰ the Rules framed and orders framed and issued under this Act and other prevailing Act for observance³¹ by the general public at such places and ferries.

19.³² **Arrangements for public assemblies and processions:** (1) With the objective of ensuring that the process of holding assemblies or taking out processions at public paths, roads or thoroughfares do not cause inconvenience to the general public or disturb peace, the Chief District Officer, or the police officer authorized by him or her for the purpose, may prescribe roads and time for holding such assemblies or taking out processions.

(2) In case any act is done in contravention of Sub-section (1), the Chief District Officer or the police officer authorized by him or her for the purpose, may stop or disperse such assemblies or processions.

20. Police to take charge of unclaimed property: It shall be the duty of every police employee to take charge of unclaimed property and to make and submit an inventory of such property to the Chief District Officer.

21. Chief District Officer to impound property and issue Notification:

(1) The Chief District Officer may impound such property and issue a

³⁰ Deleted by the Fifth Amendment.

³¹ Amended by the Second Amendment.

³² Amended by the Fifth Amendment.

Notification directing the claimant to appear, with evidence of his or her claim, within Six months, giving particulars of such impounded property.

(2) In case a person who has a rightful claim to such property is not traced or is absent, and in case such property is liable to be damaged or to perish due to natural factors, or the Chief District Officer³³ is of the opinion that the auction thereof may be profitable to the owner of such property, or in case³⁴ the value of such property is below Ten Rupees, the Chief District Officer may, at any time, order the auction sale of such a property and³⁵ credit to the deposit of the proceeds of the auction sale.

22. Property to devolve on Government of Nepal where no one claims

it: (1) In case no claimant to such property appears within the prescribed time-limit of Six months, and in case no auction sale of the property has taken place under Sub-section (2) of Section 21, it shall be auctioned or sold according to the order of the Chief District Officer.

(2) The proceeds of the auction sale of property under Sub-section (1) and of the auction sale of unclaimed property under Sub-section (2) of Section 21 shall devolve on the Government of Nepal after the expiry of Six months.

22A.³⁶ In relation to unclaimed dead bodies: In case any unclaimed dead body is found, the police shall take it in its possession, and identify it. In case it is provided that the person had died a natural death, a note shall be prepared accordingly and the dead body shall be handed over to his or her relative for the purpose of performing the last rites. In case no relative is traced, or in case he or she refuses to take possession of the dead body, the

³³ Deleted by the Second Amendment.

³⁴ Deleted by the Second Amendment.

³⁵ Deleted by the Second Amendment.

³⁶ Inserted by the Third Amendment.

police shall hand it over to the institute of medical sciences, where it has been established, if it requires the body for the purpose of study. In case no such institute has been established at that place, or in case it does not need the dead body, the police shall have it cremated through the local Village Development Committee or Municipality³⁷ or a social organization.

Provided that, in case the person whose dead body is found has died as a result of an accident or by committing suicide or in any other suspicious circumstances, the body shall be handed over to such an institute or cremated, only after completing investigations, including autopsy, according to the laws in force.

23. Duty of police employees to maintain diaries: (1) It shall be the duty of the empowered employee of every police station to maintain a diary according to the form prescribed by the Government of Nepal and indicate therein all complaints and charges, the names of the arrested persons, the names of the complaints, the offences for which the persons were arrested, the arms or properties recovered from them or from other resources, as well as the names of the witnesses summoned and inquired.

(2) The Chief District Officer may procure the diary and examine it.

24. ³⁸

25. ³⁹

26. ⁴⁰

³⁷ Amended by the Fifth Amendment.
³⁸ Deleted by the Second Amendment.
³⁹ Deleted by the Fifth Amendment.
⁴⁰ Deleted by the Fifth Amendment.

Chapter-5

Special arrangements for maintaining public peace and security

27. **Police reinforcement on application by any person:** (1) In the event of an application by any person, the Zonal Superintendent may depute additional police employees for the purpose of maintaining law and order or enforcing the provisions of this Act or other Acts in respect of specific crimes, or for the purpose of discharging others police duties in any place or area.

(2) The applicant shall bear the expenses for such additional police employees. Provided that, such additional police employees shall act under the orders of the Zonal Superintendent, and remain on such duty for such period as he or she may deem proper.

(3) If the person who has filed application for additional police force makes a written request to withdraw such police personnel before the Zonal Superintendent of Police, her or she, within One month so deploys after such application, the applicant shall not be liable to bear the expenses after the expiry of such a period.

28.⁴¹ **Dispatch of police reinforcements in the neighborhood of railways or other installations:** (1) In case the Government of Nepal is satisfied that the conduct or possible conduct of persons posted in or moving by or around any airport, railway line, canal or any other public utility or factory, commercial establishment, entertainment and transport facility, which is in the process of construction or operation, necessities the deployment of police reinforcements there, it may dispatch additional police in such

⁴¹ Amended by the Second Amendment.

number as it may deem appropriate, to remain on duty at such a place for such a period as it deems necessary.

(2) In case police reinforcements are dispatched pursuant to subsection (1), the Government of Nepal may direct the expenses involved in such deployment to be realized from the utility, service, factory or installation to which the police reinforcements are dispatched, and such expenses shall be borne by such service, factory or installation.

(3) The Government of Nepal may delegate the powers vested in it under this Section to the Inspector General of Police, Additional Inspector General of Police and Deputy Inspector General of Police⁴² or Chief District Officer or Zonal Superintendent, by a notification in the Nepal Gazette.

29. Additional police reinforcement to be deputed in the event of

threat to public peace: (1) In case there prevails an in tranquil or dangerous situation in any area or in case the Government of Nepal feels⁴³ that it is necessary to depute additional police employees by the reason of the conduct of the inhabitants or a group of inhabitants in that place, the Government of Nepal may, by a Notification in the Nepal Gazette, prescribe the following matters:

- (a) The place where the additional police employees are to be posted,⁴⁴and
- (b) The period for which the additional police employees are to be posted.

(2) The decision made by the Government of Nepal under subsection (1) shall be final.

⁴² Amended by the Fourth Amendment.

⁴³ Amended by the Second Amendment.

⁴⁴ Amended by the Second Amendment.

(3) Subject to Sub-section (5) of this Section, the expenses for such additional police employees shall be borne in particular by the inhabitants of the area specified in the notification.

(4) Persons who are liable to pay expenses under Sub-section (5) other than those who are not so required and the amount payable by them shall be as determined by⁴⁵ the Chief District Officer, duly taking the status of the inhabitants into consideration.

(5) The Government of Nepal may, by a notification in the Nepal Gazette, grant exemption from payment of such expenses in the case of any group of such inhabitants or part thereof.

Explanation: For the purposes of this Section, the term "inhabitant" includes those persons, who although not residing in such area, possess or utilize land or immovable property either personally or through their agents or servants or the landowners who collect rents or cultivate lands personally or through agents, servants or tenants.

30. **⁴⁶Compensation to victims for loss or damage resulting from improper conduct of inhabitants:** (1) In case any person residing in the area which is notified under Section 29 dies or sustains serious injury or loss or damage to his or her property⁴⁷ by the reason of an improper conduct⁴⁸ of the inhabitants or a Section⁴⁹ or class of persons residing in the same area, he or she may submit an application to the Chief District Officer of such area complaining against such loss or damage and claiming compensation therefor, within One month or within the time limit if so

⁴⁵ Deleted by the Second Amendment.

⁴⁶ Amended by the Second Amendment.

⁴⁷ Amended by the Second Amendment.

⁴⁸ Amended by the Second Amendment.

⁴⁹ Amended by the Second Amendment.

specified to be less than One month from the date of sustaining such damage or loss.

(2) The Chief District Officer may, with the approval⁵⁰ of the Government of Nepal, institute necessary inquiry in the area as referred to in Section 29, irrespective of whether additional police employees have been posted therein or not, and take action as follows in such an area:

- (a) To publish the names of persons who have been victims⁵¹ from such improper conduct⁵² or as a result of such conduct,
- (b) To determine the amount of compensation⁵³ payable to such persons, and the methods of distributing it.
- (c) To determine the figure of compensation⁵⁴ to be paid by specified persons from among the inhabitants of such area, other than those who are not liable to pay for damages under Sub-section (3) of this Section, and the applicant himself or herself.⁵⁵

Provided that, the Chief District Officer shall not publish names and determine the figure of compensation under this Sub-section unless he or she is satisfied that the loss or damage as mentioned above was resulted from disturbance or unlawful assembly in

⁵⁰ Amended by the Second Amendment.

⁵¹ Amended by the Second Amendment.

⁵² Amended by the Second Amendment.

⁵³ Amended by the Second Amendment.

⁵⁴ Amended by the Second Amendment.

⁵⁵ Amended by the Second Amendment.

such area and that the victim⁵⁶ is not responsible for such incident.

(3) It shall be lawful for the Government of Nepal to issue an order exempting any person or section⁵⁷ of persons from among such inhabitants from payment of some portion of such compensation.

(4) The names of persons published, the figure of compensation fixed⁵⁸ or the orders issued by the Chief District Officer under Sub-section (2) may reviewed by the Government of Nepal or the authority prescribed by it. In the other circumstances, the decision shall be final.

(5) No civil suit may be filed with respect to loss for which compensation is already paid under this Section.

Explanation: The term "inhabitant" in this Section means the same as indicated in the preceding Section.

31. ⁵⁹

32. **Realization of amounts payable according to forgoing provisions:**

(1) The Chief District Officer shall realize the amount payable under the provisions of this Chapter in accordance with the prevailing law relating to the recovery of fines.

(2) The entire amount paid⁶⁰ or recovered under Sub-section (3) shall be paid to the person who is entitled to be paid thereunder.

⁵⁶ Amended by the Second Amendment.

⁵⁷ Amended by the Second Amendment.

⁵⁸ Amended by the Second Amendment.

⁵⁹ Deleted by the Fifth Amendment.

⁶⁰ Deleted by the Third Amendment.

Chapter-6

Offences and Punishment

33. ⁶¹

33A. ⁶² **Serious crimes**: A police employee shall be imprisonment for life or for a term not exceeding Fourteen years or punished with a fine not exceeding the total amount of his or her Three years salary or with both, if he or she commits any of the following offences:

- (a) In case he or she is engaged in, or instigates, an armed rebellion in the police force or participates in such rebellion or foments excitement or conspires, or attempts to do so, with the intent of being engaged in or instigating such rebellion,
- (b) In case he or she makes no effort to forestall a rebellion as far as possible when he or she is present at the site thereof or distracts, or attempts to distract, any person from his or her patriotism, loyalty to the nation,.....⁶³ or his or her duties, at such time.
- (c) In case he or she fails to send reports or information immediately to his or her senior officers with *malafide* intention even though he or she is aware or has reason to believe that somebody intends to or is conspiring or attempting to engage in a mutiny.
- (d) ⁶⁴
- (e) In case he or she helps the attackers by surrendering the police station, post, patrol, etc. and the arms and ammunition and other

⁶¹ Amended by the Second Amendment.

⁶² Amended by the Third Amendment.

⁶³ Deleted by the Republic Strengthening and Some Nepal Acts Amendment Act, 2066 (2010.).

⁶⁴ Deleted by the Fifth Amendment.

governmental properties and documents in his or her possession or custody,

- (f) In case he or she willfully spreads panic or sends false alarm among the police force personnel or the public with the intent to demoralize or terrorize them at the time of attack or confrontation, or when there is a possibility thereof.

33B.⁶⁵ Others serious crimes: A police employee shall be punished with imprisonment for a term of Ten years or to a fine not exceeding the total amount of his or her Two years' salary or with both if he or she commits any of the following crimes:

- (a) In case he or she takes or instigates any action by way of written or spoken words, images and symbols or otherwise in such a manner as to foment hatred, malice or contempt towards the Government of Nepal or to prejudice the acts of the Government of Nepal and the sovereignty or territorial integrity and identity ofNepal, or attempts to do so,
- (b) In case he or she indulges in or prepares to indulge in depredations within the territory of any friendly nation the Government of Nepal or extends any support or information to any person doing so or contacts such person with the intention of doing so,
- (c) In case he or she runs away in a cowardly manner when confronted by dacoits, smugglers, miscreants or hooligans, following their raid on the station, post, guard-post, patrol, team or any other installation or office to which he or she has been assigned or which he or she is in charge of, or is required to defined or when he or she apprehends such confrontation,

⁶⁵ Inserted by the Third Amendment.

- (d) In case he or she sells arms and ammunitions that belongs to the government or any other person and are under his or her custody.
- (e) In case he or she leaves his or her station, post, guard-post, patrol, picket, team, installation or office for the purpose of looting,
- (f) In case he or she makes a criminal use of force against any employee or attempts or threatens to do so, knowingly or having reason to believe that such employee is of a higher rank, irrespective of whether or not the latter is on duty,
- (g) In case he or she fails to surrender promptly the letter of appointment and arms and ammunitions, equipment, tools, materials, cash, in-kind goods belonging to the government or any other person, which were under his or her custody while he or she was in office or to submit satisfactory particulars thereof, on receipt of order from a superior officer or on termination of his or her service,
- (h) In case he or she burgles a house or any other place with the intent to loot, or loots property in any manner, or causes loss or damage thereto,
- (i) In case he or she shows cowardice while discharging his or her duties.

34.⁶⁶ **Other crimes:** A police employee shall be punished with imprisonment for a term not exceeding Five years or a fine not exceeding the total amount of one year's salary if he or she commits any of the following offences:

- (a) In case he or she willfully or carelessly damages, destroys, loses or misuses the equipment, tools, materials, belts, uniforms and equipment, medals, cash, stores, fuel etc that belong to the

⁶⁶ Inserted by the Third Amendment.

government or any other person and were in his or her charge, or takes or hands over the same for his or her personal use or for the use of others.

- (b) In case he or she assaults, insults or criminally uses force against any person who brings rations and other essential supplies to the camp or uses force against him or her at any place.
- (c) In case he or she disobeys the orders issued lawfully by a superior police officer,
- (d) In case he or she deserts the police force,
- (e) In case he or she falls asleep at the place where he or she is posted as a sentry or leaves it before the routine change of guard,
- (f) In case he or she deserts his or her guard-post, picket, team or patrol before the routine change of guard or without permission,
- (g) In case he or she resigns or ceases to discharge the duties of his or her post without the permission of the officer empowered to appoint him or her,
- (h) In case he or she beats up a sentry or uses force against him or her or attempts to do so,
- (i) In case he or she refuses to accept the prisoner or any other individual duly handed over to him or her while he or she was in command of the guard-post, picket or patrol or in case he or she releases any prisoner or individual under his or her custody, without duly obtaining authority to do so, or carelessly lets such prisoner or individual escape,

- (j) In case he or she leaves the place or arrest or detention before the detainee has been released by the person empowered to release such person,
- (k) In case he or she feigns sickness or physical weakness or creates the impression of being sick or weak,
- (l) In case he or she willfully submits a false statement or report regarding the number or condition of persons under command or custody or of the money, arms and ammunition, outfit, equipment or other materials belonging to such persons or to the Government of Nepal, police or any other person joining the police force, or fails or refuses to prepare or send such statement or report willfully or with *malafide* intention or with recklessness,
- (m) In case he or she participates in or addresses, raises slogans, or delivers speeches at meetings, processions or demonstrations organized with a political motive,
- (n) In case he or she unjustly harasses any person through arrogance or intimidation or causes loss or damage to the property of any person.

34A. ⁶⁷

35. Right to institute case under other Act not to be prejudiced: No provision of this Act shall be deemed to have prejudiced the right to institute a case under any other Act against any person who commits any offense punishable under this Act or have such person punished under other Act or make him or her liable to punishment in addition to that set forth in this Act or with higher penalties. Provided that, no person shall be punished twice for the same crime.

⁶⁷ Repealed by the Third Amendment.

36.⁶⁸ **Establishment of Police Special Courts:** (1) For the purpose of disposing of cases relating to crimes punishable under this Chapter, there shall be formed Police Special Courts of the following levels in relation to police employees of ranks mentioned below:

- (a) In relation to police employees of ranks ranging from police constable to assistant police sub-inspector, District Police Special Court,
- (b) In relation to police employees of ranks ranging from deputy police sub-inspector to deputy police superintendent, Regional Police Special Court,
- (c) In relation to police officers of ranks ranging from police superintendent to above, Central Police Special Court.

(2)⁶⁹ The Home Ministry, the Government of Nepal shall form the District Police Special Court, Regional Police Special Court and Central Police Special Court under Sub-section (1), according to the need. In each such court, there shall be three members, including one police officer, under the chairpersonship of an officer of the judicial service. In case the person who is being subjected to action is a police officer, the special court shall have no officer whose rank is lower than that of the concerned person.

36A.⁷⁰ **power to constitute a separate police special court:** Notwithstanding anything contained in Section 36, in case a deputy superintendent of police or officer of higher rank and a police employee of lower rank commit any offense punishable under this Chapter in an organized manner, the Government of Nepal may, by a Notification in the Nepal Gazette,

⁶⁸ Amended by the Third Amendment.

⁶⁹ Amended by the Fifth Amendment.

⁷⁰ Inserted by the Third Amendment.

constitute a separate Police Special Court with original jurisdiction in respect of the cases filed against them.

36B.⁷¹ **Appeal:** (1) A person who is not satisfied with a decision made by the police special court under Section 36 on a case relating to a crime punishable under this Chapter may file an appeal with the Police Special Court that is one level above it, within Thirty Five days.

(2) An appeal may be filed with the Government of Nepal against a decision made by the Central Special Police Court as referred to in Sub-section (2) of Section 36⁷² or by the police special court as referred to in Section 36A.

36C.⁷³ **Procedure of police special court:** (1) The Police Special Court formed under this Act shall determine its rules of procedures on its own.

(2) A case has to be filed within One year of the commission of any offense punishable under this Chapter.

37. Immunity of police employee for acts committed in good faith while discharging duties: The Chief District Officer or any police employee shall not be liable to any punishment or payment of compensation for any action taken by him or her in good faith while discharging his or her duties under this Act or other laws in force or exercising powers thereunder or carrying out decrees, orders or warrants issued by a court.

38. Limitation for institution of case: No case may be instituted against the Chief District Officer or any police employee in respect of any action taken by him or her under this Act or the rules or regulations framed hereunder or

⁷¹ Inserted by the Third Amendment.

⁷² Deleted by the Fifth Amendment.

⁷³ Inserted by the Third Amendment.

thinking that he or she was doing so in the exercise of the powers conferred by the Act, rules or regulations or in respect of any act done with the intention of taking such action unless:

- (a) One month has elapsed after the submission or dispatch by registered post of a written notice to the Chief District Officer or the police employee, explaining the reasons for filing the case and mentioning the name and address of the defendant and his or her attorney, if any, and a copy of such notice is submitted to the Government of Nepal,
- (b) The case is filed within Eight months of the occurrence of the cause of action.

39. Power to frame rules and issue orders: (1) The Government of Nepal may frame rules for implementing the objectives of this Act.

(2) Without prejudice to the generality of the power conferred by Sub-section (1), the Government of Nepal may frame rules to provide for the following matters:

- (a) Formation and classification of the police force.
- (b) Inspection of the police force.
- (c) Determining categories and numbers of arms, uniform and other necessary equipment to be provided to the police force.
- (d) Prescribing location of camps for officers and personnel of the police force.
- (e) Establishment, management and administration of the police force, in connection with its role as an instrument,

- (f) Allocation, deployment, activities and locations of the police force.
- (g) Specification of the duties of police employees of all ranks and grades, as well as the methods and conditions for exercising their powers and fulfilling their duties.
- (h) Arrangements for the police to detect and to report them to the appropriate authority.
- (i) Arrangements for making the police generally competent, and checking the misuse and negligence of their duties by the police.

(3) Subject to the rules and orders issued by the Government of Nepal, the Inspector General of Police may issue orders in connections with matters mentioned in Sub-section (2).

Schedule

..... has been appointed as an employee of the police force under the Police Act, 2012 (1955), and he or she shall be entitled to the powers, duties and facilities of the police employee.

Competent person issuing certificate

NEPAL LAW COMMISSION