

Arms and Ammunition Act, 2019 (1962)

Date of Authentication

2019/10/22(Feb. 4, 1963)

Date of Publication

2019/10/23(Feb. 5, 1963)

Amendments:

	Date of Authentication	Date of Publication
1. Judicial Administration Reform Act, 2031 (1974)	2031/4/18 (Aug. 2, 1974)	2031/4/18 (Aug. 2, 1974)
2. Some Nepal Acts (Amendment) Act, 2043 (1986)	2043/7/24 (Nov. 10, 1986)	2043/7/24 (Nov. 10, 1986)
3. Judicial Administration Reform (Fourth Amendment) Act, 2043 (1986)	2043/7/24 (Nov. 10, 1986)	2043/7/24 (Nov. 10, 1986)
4. Arms and Ammunition (First Amendment) Act, 2048 (1991)	2048/7/11 (Oct. 28, 1991)	2048/7/11 (Oct. 28, 1991)
5. Administration of Justice Act, 2048 (1991)	2048/2/16 (May 30, 1991)	2048/2/16 (May 30, 1991)
6. Arms and Ammunition (Second Amendment) Act, 2064 (2007)	2064/9/2 (Dec. 17, 2007)	2064/9/2 (Dec. 17, 2007)
7. Republic Strengthening and Some Nepal Laws Amendment Act, 2066	2066/10/7 (Jan. 21, 2010)	2066/10/7 (Jan. 21, 2010)

Act Number 45 of 2019 (1962)

An Act to consolidate and amend the Nepal laws relating to Arms and Ammunition


Preamble: Whereas, it is expedient to consolidate and amend the existing Nepal Law relating to Arms and Ammunition for maintaining security and law and order in Nepal,

Now, therefore, be it enacted by His Majesty King Mahendra Bir Bickram Shah Dev in accordance with article 93 of the Constitution of Nepal.

1. Short Title, Extent and Commencement : (1) This Act may be called the "Arms and Ammunition Act, 2019 (1962)".

(2) It shall extend all over the Nepal.

Provided that, nothing contained in this Act shall apply to manufacture the arms and ammunition, repair, convert from one shape to another, sell, give for sale, carry, have in possession or keep under control, export from the Nepal to overseas, import from overseas to the Nepal or bring from one district to another within the Nepal and vice versa in accordance with the order of

 This Act came into force from 2065-2-15 (28 May 2008).

Government of Nepal or the order of any Government employee who has given such order in the course of his/her discharging the duty as a Government employee.

(3) It shall come into force on such date as Government of Nepal may, by a notification in the Nepal Gazette, appoint.

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

- (a) "Cannon" includes all kinds of cannon, mortars and its parts, the vehicles to be used for transporting and mounting such cannon and the machinery which manufactures such cannon.
- (b) "Machine Gun" includes brengun, luis gun, station machine carbine, tomson machine carbine and the automatic weapons of similar catagories and its parts, the vehicles to be used for transporting and mounting such machine gun and the machinery which manufactures such machine gun.
- (c) "Arms" includes the rifle gun, pistol, revolver, mining and grenade, their parts and the machinery which manufactures such arms.
- (d) "Ammunition" includes fugsignal fuse (*Dhumika Sanket*), gun powder, cap, the ball of a gun, shells, detonator, cartus, ^②similar types of explosives and other ammunitions.
- [⌘] (e)
- (f) "Licence" means the licence received in relation to arms and ammunition under this Act and the "Licence-holder" means person holding such licence.
- (g) "Prescribed" or As "prescribed" means the prescribed or as prescribed in the Rule or order made under this Act.

^① This Came into force from the date 2020/9/1 (Notification published in the Nepal Gazette on 2020/9/15)

^② Amended by Second Amendment.

[⌘] Deleted by First Amendment.

3. **Prohibition to manufacture cannon, machine gun and arms and ammunition to have in one's possession^② or put or cause to in another place or order to put, convert from one shape to another and sell without licence** : (1) No one shall manufacture, repair, have in his/her possession ^② or put or cause to in another place or order to put, convert from one shape to another or sell or even offer for sale the cannon or machine gun.
- (2) No person shall manufacture, repair, have in his/her possession, ^② or put or cause to in another place or order to put, convert from one shape to another or sell or even offer for sale or have in his/her possession for sale the arms or ammunition without a licence or contrary to the terms and conditions as specified in the licence.
- Provided that, anything contained in Sub-section (2) shall not bar any person who has lawfully possessed the arms or ammunition for his/her own private use from selling the arms or ammunition to any other person who is not prohibited by the existing law from having in his/her possession such arms or ammunition. He/she shall furnish a prior notice to the Chief District Officer alongwith the name of the buyer, his/her address and the details of the sale while selling such arms or ammunition.
4. **Prohibition to bring into or take out** : (1) No one shall bring into Nepal from abroad or take out of the Nepal to abroad or bring into or take out from one district to another of Nepal the cannon or machine gun.
- (2) No one shall bring into the Nepal from abroad or take out of the Nepal to abroad or bring into or take out from one district to another of the Nepal the arms and ammunition without a licence or contrary to the terms and conditions as specified in the licence.
5. **Prohibition to carry arms without a licence** : (1) No person shall carry arms without a licence or contrary to the terms and conditions as specified in the licence.

② Amended by Second Amendment.

(2) Assistant Sub-Inspector or the police officer above the rank of Assistant Sub Inspector or the Chief District Officer or the person assigned by him/her may arrest without warrant any person carrying arms without a licence or against this Act and seize the arms from his/her possession. The police officer or the person assigned by the Chief District Officer arresting such person or seizing the arms shall produce the arrested person and the arms so seized before the Chief District Officer within Twenty Four hours with the exclusion of the period of journey.

+5a. Prohibition to carry arms during the election period : (1) Notwithstanding anything contained in other provisions of this Act, no one except the Government employee related to security shall carry even the licenced arms in the constituency during the period commencing from the date of the filing of the nomination paper [•] in the election conducted by the Election Commission as per prevailing law until the Seventh day of the announcement of the result of the election.

(2) In case, anybody carries the arms in contravention of Sub-section (1) action shall be taken against him/her under Section 5 as if he/she has carried the arms without a licence.

6. Arrest upon of persons suspected of bringing into or taking out the arms and ammunition : (1) In case, the Assistant Sub-Inspector or the police office above the rank of Assistant Sub-Inspector is on a suspicion that any person is, with or without a licence, with the intention of committing any illegal act, taking out of Nepal to abroad or bringing into Nepal from abroad or bringing into or taking out from one district to another district of Nepal, the arms and ammunition he/she may detain and conduct search of such person's body and the vehicle, luggage, porters and the boxes suspected containing and carrying such materials and, if such materials are found, arrest him/her without an warrant and also seize such arms and ammunition.

⁺ Inserted by Some Nepal Acts (Amendment) Act, 2043

[•] Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066

(2) The person arrested and the arms and ammunition seized under this Section shall be produced before the Chief District Officer within Twenty Four hours with the exclusion of the period of journey.

7. **The office or post conducting the search** : Government of Nepal may, if it deems necessary, establish the posts to conduct search of arms and ammunition in between the boundary of Nepalese territory and the foreign territory and the person authorized by Government of Nepal may conduct search of the boxes and luggages used in carrying the materials upon detaining the vehicles plying to and from and the porters or the animals in that place.
8. **Prohibition to keep the arms and ammunition at a particular fixed place:** Government of Nepal may, by Notification in the Nepal Gazette, prohibit any person from keeping the specified arms and ammunition of any sort at the specified place.
9. **Hand over of arms and ammunition to the police post** : (1) Upon expiry of the term of licence of any person to keep the arms and ammunition or the licence has been cancelled or upon publication of a notice under Section 8 or it has been illegal to keep such arms and ammunition due to any other reason, he/she shall immediately hand over such arms and ammunition to the local police office and the police office also shall take action according to the prevailing law after taking over such arms and ammunition.

(2) After hand over of the arms and ammunition pursuant to Sub-section (1), such person may again acquire the following right even before the expiry of the period, as prescribed in the Rule frame under this Act:-

- (a) One may take back the arms and ammunition if it becomes legal to keep in his/her possession the arms and ammunition so handed over.
- (b) One may sell or cause to sell the arms and ammunition so handed over to a person who is legally authorized to keep such arms and ammunition or take the profit derived from such sale.

Provided that, nothing contained in this Section shall be deemed to have authorized to take back or sell any arms or ammunition seized pursuant to Section 16.

(3) The arms or ammunition deposited without being returned within the stipulated period pursuant to Sub-section (2) shall be the property of Government of Nepal.

(4) Without prejudice to the generality of the foregoing sections, Government of Nepal may frame Rules in the following matters:-

- (a) Under what conditions and situation the licenceholder has to hand over the arms or ammunitions, and
- (b) After the elapse of how much period the arms or ammunition shall be seized under Sub-section (3).

10. The procedure of acquiring or renewing the licence : (1) Any person shall, for acquiring the licence under this Act, submit an application in the prescribed form and pay the prescribed fee to the Chief District Officer.

(2) After the submission of application by anybody under Sub-section (1), if the Chief District Officer deems it fit to issue the licence with the conditions as written in the application after scrutinizing it as specified he/she may issue a licence in the prescribed form to the applicant with the terms and conditions as prescribed.

(3) The term of each licence issued under Sub-section (2) and the process of renewing it, the place and the fee to be paid while so renewing shall be as prescribed.

11. The power to cancel or suspend the licence : (1) For the sake of public peace and security, the Chief District Officer may, if he/she deems fit, after having given the reasoned decision, cancel or suspend all or some licences in all the places or any part thereof within his/her jurisdiction.

(2) The Chief District Officer may cancel or suspend the licence in case any licence-holder is found guilty pursuant to this Act or the Rules framed thereunder.

(3) Government of Nepal may, by a Notification in the Nepal Gazette, cancel or suspend all or some licences throughout Nepal or any part thereof.

12. **Power of the Chief District Officer to search, seize** : If any Chief District Officer is on reliable suspicion that any person having domicile within his/her jurisdiction has in his/her possession any arms or ammunition without a licence or for illegal purpose, or the Chief District Officer is in the belief that it is not proper to let keep such arms or ammunition in his/her possession for the sake of public peace he/she may, after having given a reasoned decision and on the basis of such reason, seize any sort of arms or ammunition whether licenced or not and conduct or cause to conduct search of the house and land of any person or of other place suspected.

The Chief District Officer in order to conduct or cause to conduct such search should perform or cause to perform such search by keeping the employee of any other office as witness.

13. **Power of Government of Nepal to withhold** : Government of Nepal may, if it deems fit for the sake of public safety, give an order to withhold the arms or ammunition after having them seized anytime although anybody has a licence to have in his/her possession the arms or ammunition.
14. **Power of Government of Nepal to apply** : Government of Nepal may, by a Notification in the Nepal Gazette from time to time, cause not to apply all or some of the provisions of this Act or cause to apply with amendment as specified in the same Notification in relation to any person or persons or in any particular area or with respect to the arms or ammunition of any particular sort.
15. **Power of taking the list of arms or ammunition** : Government of Nepal may, by a Notification from time to time, give direction to the person having in his/her possession any arms or ammunition in any place as specified in the same Notification throughout Nepal to submit the list thereof to the prescribed authority.

After the publication of such Notification the concerned persons having in their possession such arms or ammunition shall submit the list as required by

the prescribed authority and in case he/she wants to have a look at the arms or ammunition itself they shall show it.

16. **Power of seizing the arms or ammunition materials** : If any person is found guilty of committing the offence punishable under this Act the Chief District Officer finding such guilt may seize from him all or any arms or its ammunition related to the offence or the transportation, animal, box or baggage used in this connection and cause to belong to Government of Nepal.
17. **Arms related to army to be seized if the report is not submitted** : If any person has imported with licence the government bore (related to army) rifle, pistol, revolver and any such arms he/she shall submit its proof and also the bill of the company to the prescribed authority within the stipulated period. Government of Nepal may, except on reasonable grounds, seize such arms without compensation in default of submission of the arms within the stipulated period.
18. **Notice to be served in relation to the offence** : Each person knowing the facts about the commission of an offence punishable under this Act shall furnish information about it to the office of the Chief District Officer or to the police office within the reasonable time.
19. **Limitation of notice and legal proceedings** : For the commission of any act under this Act no any other legal proceedings except bringing a suit shall be taken against any person without existence of the following conditions:-
 - (a) A written notice along with the intention and reason of taking the legal proceedings has been served to the concerned person at least before one month, and
 - (b) Such legal proceedings have been taken within three months of the occurrence of reason to take the legal proceedings.
20. **Penalty** : (1) In case a person committing any of the following offences shall be punished with imprisonment ^②from Three Years upto Seven Years or with

② Amended by Second Amendment.

fine from Sixty Thousand Rupees upto One Hundred Forty Thousand Rupees or with both:-

- (a) To manufacture or repair, ^②or put or cause to in another place or order to put the cannon or machine gun, have in his/her possession, convert from one shape to another, sell or give or take for sale contrary to Sub-section (1) of section 3, or
- (b) To bring into or take out the cannon or machine gun of any kind contrary to Sub-section (1) of section 4.

(2) In case, a person committing any of the following offences shall be punished with imprisonment ^②from Three Years upto Five Years or with fine from Sixty Thousand Rupees upto One Hundred Thousand Rupees, or with both:-

- (a) To manufacture or repair, ^②or put or cause to in another place or order to put arms, have in his/her possession, convert from one shape to another, sell or give or take for sale contrary to Sub-section (2) of Section 3, or
- (b) To bring into or take out the arms contrary to Sub-section (2) of Section 4, or
- (c) To carry arms contrary to Section 5, or
- (d) To keep in his/her possession or control the arms of any kind contrary to Section 8, or
- (e) Not to surrender the arms pursuant to Section 9.

(3) In a case, a person committing any of the following offences shall be punished with imprisonment ^②from One Year upto Three Years or with fine from Twenty Thousand Rupees upto Sixty Thousand Rupees, or with both:-

- (a) To manufacture or repair ammunition, ^②or put or cause to in another place or order to put convert from one shape to

^② Amended by Second Amendment.

another, sell or give or take for sale contrary to Sub-section (2) of Section 3, or

- (b) To bring into or take out ammunition contrary to Sub-section (2) of Section 4, or
- (c) To keep in his/her possession or control ammunition contrary to Section 8, or
- (d) Not to surrender ammunition in accordance with Section 9.

21. Punishment if the arms or ammunition is knowingly given to or bought from the unauthorised person : (1) In a case, a person committing the following offences shall be punished with imprisonment ^②from One Year upto Three Years or with fine from Twenty Thousand Rupees upto Sixty Thousand Rupees, or with both:-

- (a) Buying the arms from the person unauthorised to sell pursuant to Sub-section (2) of Section 3, or
- (b) Transferring knowingly to the person unauthorised to keep or buy the arms.

(2) In a case, a person committing the following offences shall be punished with imprisonment ^②from Six Months upto One Year or with fine from Ten Thousand Rupees upto Twenty Thousand Rupees, or with both:-

- (a) Buying ammunition from the person unauthorised person to sell the same pursuant to Sub-section (2) of Section 3, or
- (b) Transferring knowingly to the person unauthorised to keep or buy the ammunition.

22. Punishment for violating the condition of the licence : In a case, anyone violating the condition of the licence or performing the function against the

^② Amended by Second Amendment.

Rule shall be punished with imprisonment upto Three months, or with fine upto ^①Seven Hundred and Fifty Rupees, or with both.

23. Other penalties: (1) In a case, a person who knows the offence committed under Section 18 does not inform the Chief District Officer or the Police Office shall be punished with imprisonment upto One month, or with fine upto ^①Two Hundred and Fifty Rupees, or with both.

(2) (a) A person, directed to submit the list inventory of the arms to the prescribed authority under Section 15 or to show those materials, does not submit the list inventory as directed or show shall be punished with imprisonment upto One month, or with fine upto ^①Two Hundred and Fifty Rupees, or with both.

(b) A person directed to submit the list inventory of ammunition to the prescribed authority under Section 15 or to show those materials does not submit the list inventory as directed or show shall be punishable with imprisonment upto Twenty days, or with fine upto ^①One Hundred and Seventy Five Rupees.

(3) In a case, a person acting in contravention of this Act or the Rule framed thereunder shall be liable to the punishment as prescribed if there be such provision and if not he/she shall be punished with imprisonment upto One month, or with fine upto Fifty Rupees, or with both.

24. Jurisdiction to hear the case : (1) The Chief District Officer shall have the original jurisdiction to hear and decide the case relating to the offence punishable under this Act.

(2) An appeal against the final order or decision made by the Chief District Officer pursuant to Sub-section (1) shall lie before the [?]Court of Appeal as per prevailing law.

① Amended by First Amendment.

① Amended by First Amendment.

? Amended by Administration of Justice Act, 2048.

***24A. Proceeding conducted keeping in Custody:** Notwithstanding anything contained elsewhere in the prevailing law, the accused of the case pursuant to this Act, shall be kept in to the custody on the basis of the evidence available then.

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* Inserted by Second Amendment

25. **Award to be given to the informer** : The person informing about any act done or occurred against this Act shall be awarded One Fourth of the fine paid by the offender in the case initiated as per his/her information in case he/she happened to be a Government employee and Two Fourth of it in case he/she happened to be a person other than the Government employee.

26. **Power of Government of Nepal to frame Rules** : (1) Government of Nepal may frame Rules in order to implement the objective of this Act.

(2) Without prejudice to the generality of the power as mentioned in Sub-section (1) particularly all or some of the matters as noted below may be provided in those Rules :-

- (a) To fix the types and the number of the arms to which the licence is to be issued,
- (b) To fix the format of the licence and the terms and conditions for issuing the licence in relation to the arms or ammunition,
- (c) To fix the validity period of such licence,
- (d) To fix the licence fee,
- (e) Each licence-holder shall keep the details or record of the works done in accordance with the licence in the manner as prescribed, and to direct to show such details or record if the Government employee wants to check.
- (f) The Chief District Officer to authorise any Government employee to enter into a place and inspect or check the accounts where the arms or ammunition are manufactured or sold,
- (g) To direct the person manufacturing or selling the material under licence to show to the person authorised by Government of Nepal the arms or ammunition possessed by him/her or under his/her control,
- (h) The person having the arms or ammunition in his/her possession to give the statement of accounts and

inventories to the person authorised by Government of Nepal for inspection,

- (i) To manage for the renewal of licence,
- (j) To manage to let the shop and the factory of the arms or ammunition to be established within Nepal,
- (k) To issue licence for abroad,
- (l) To fix what sort of gun, rifle, pistol and revolver is to be classified as the Government bore.

27. **Repeal** : The following Nepal laws have been repealed :-

- (a) The Arms or Ammunition Act brought into force according to the *Khadga Nisana* (the then law) which received assent on *Vickram Era* 1965 Monday, Falgun 25 and the amendments made from time to time.
- (b) No. 99 of *Amini Jawata*,
- (c) Section 4 of the *Madesh Goshwara Act, 2022 (1965)*
- (d) Section 58 of *Amini Sawal*,
- (e) The words "the I.G.P. shall issue licence to let import the arms or ammunition from abroad and to the person who buys them within the country including the function of issuing permit for hunting and also the function of issuing permit to keep the arms in the house" of the heading of Section 4 of the Kathmandu Valley Commissioner Magistrate *Sawal* and Clause (a) and Clause (b),
- (f) Sections 109 and 111 of the Central Police *Goshwara Sawal*,
- (g) Section 61 of the *Madesh Police Inspector Sawal*,
- (h) The order made in the name of Ne.Pu.Da. Ja of 2002/11/4 (Feb. 15, 1945),
- (i) The additional *sawal* of 2003/12/13 in the name of Inspector according to acceptance of the report of 2003/11/7 (Feb. 18, 1946),
- (j) All other *sawal sanad* in relation to the arms or ammunition.

Note:- 1. The words transformed by the Local Administration Act, 2022 (1965) :-
"Instead of "*Bada Hakim*" or "Magistrate" the word "Commissioner"

2. The words transformed by the Police (First Amendment) Act, 2029 (1972) :-
Instead of "Assistant Sub-Inspector" the words "*Sahayek Nirikshayaka*".
3. The words transformed by the Nepal Law (Amendment) Act, 2024 (1967) :-
 - (a) "*Prahari*" for "Police"
 - (b) "*Adhikrit*" for "Officer"
 - (c) "*Rajpatra*" for "Gazette"
 - (d) "*Pratibedan*" for "Report"
 - (e) "*Punarabedan*" for "Appeal"
4. The words transformed by the Arms or Ammunition (First Amendment) Act, 2048 (1991) :-
"Chief District Officer" for "Local Commissioner" or "Commissioner".
5. The words "His Majesty's Government of Nepal" has been substituted by "Government of Nepal" by Some Nepal Laws Amendment Act, 2063.