

Crime against State and Punishment Act, 2046 (1989)

Date of Authentication and Publication

2046.6.11 (27 Sept. 1989)

Amendments:

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| 1. Administration of Justice Act, 2048 (1991) | 2048.6.11 (27 Sept. 1991) |
| 2. Penalty Related Some Nepal Acts
Amendment Act, 2055 (1999) | 2056.1.16 (29 April 1999) |
| 3. Republic Strengthening and Some Nepal
Laws Amendment Act, 2066 (2010) ¹ | 2066.10.7 (21 Jan. 2010) |

Act Number 12 of the Year 2046 (1989)

An Act to make for the provision of Crime against State and Punishment

Preamble: Whereas, it is expedient to make provision relating to Crime Against State and Punishment, to keep intact the sovereignty, integrity and national unity of Nepal, to maintain harmony between various classes, casts (*Jati*), *Dharma* (religion) and communities, to maintain law and order and to maintain friendly relations with foreign countries,

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

¹ This Act come into force from 15 *Jestha* 2066 and "*Prasasti*" and the word "Kingdom" has been deleted.

1. **Short title and commencement:**

1.1 This Act may be called as “Crime against State and Punishment Act, 2046 (1989)”.

1.2 This Act shall come into force throughout Nepal and it shall be applicable to all Nepalese Citizens wherever they reside.

1.3 This Act shall come into force immediately.

2.²

3. **Subversion (*Rastra Viplaw*):**

3.1 If someone causes or attempts to cause any disorder with an intention to jeopardize sovereignty, integrity or national unity of Nepal, he/she shall be liable for life imprisonment.

3.2 If someone causes or attempts to cause any disorder with an intention to overthrow the Government of Nepal by exhibiting or using criminal force, he/she shall be liable for life imprisonment or an imprisonment upto Ten years.

3.3 If someone causes or attempts to cause a conspiracy to jeopardize the sovereignty, integrity or national unity of Nepal with the help of a foreign state or organised force, he/she shall be liable for life imprisonment or an imprisonment upto Ten years.

3.4 If someone causes conspiracy of a crime as referred to in Sub-sections 3.1 or 3.2 or gathers people, arms and ammunitions with such intention or incites, he/she shall be liable for an imprisonment upto Ten years.

² Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

4. **Treason (*Rajdroha*):**

4.1³

4.2 If someone causes or attempts to cause or incites to create hatred, enmity (*dwesh*) or contempt to any class, caste, religion, region or other similar acts to jeopardize the independence and sovereignty and integrity of independent and indivisible Nepal, he/she shall be liable for an imprisonment upto Three years or a fine upto Three Thousand Rupees or the both.

4.3 If someone causes or attempts to cause an act to create hatred, enmity (*dwesh*) or contempt of the functions and activities of the Government of Nepal in writing or orally or through shape or sign or by any other means mentioning baseless or uncertified (unauthentic) details, he/she shall be liable for an imprisonment upto Two years or a fine upto Two Thousand Rupees or the both.

Provided that, it shall not be deemed to be an offence under this Sub-section if anyone criticises the Government of Nepal.

5. **Revolt against friendly states:** If someone causes or attempts to cause or incites to revolt against any friendly state by using arms from the territory of Nepal, he/she shall be liable for an imprisonment upto Seven years or a fine upto Five Thousand Rupees or the both.

6. **Confiscation:** All the arms, ammunitions or goods accumulated or used to commit an offence under this Act shall be confiscated.

7. **Adjudicating Authority:** The District Court⁴ shall have the power to proceed and settle the cases under this Act.

8. **Transfer of cases:** The cases filed to the various Courts or Authority under Treason (offences and punishment) Act, 2019 which are still pending

³ Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

⁴ Amended by Administration of Justice Act, 2048.

shall be transferred to the concerned District Court⁵ after the commencement of this Act.

9. **Repeal:** The Treason (Offences and Punishment) Act, 2019 is, hereby, repealed.

⁵ Amended by Administration of Justice Act, 2048.